



Rural Counties' Environmental Services Joint Powers Authority Board of Directors' Meeting Agenda

801 12th Street – 2nd Floor Conference Room
Sacramento, CA 95814
(916) 447-4806

Thursday, May 18, 2006 9:30 a.m. – 12:00 p.m.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self Introductions, and Determination of Quorum

II. Approval of minutes from the meeting of March 16, 2006 – Bob Pickard, Chair (pp 1-4)

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentation Items

- A. Buy Recycled Presentation – Kimya Lambert, Waste Prevention & Market Development, CIWMB (15 minutes)
- B. Recycle Market Development Zone Presentation – Corky Mau, Supervisor, Waste Prevention and Market Development Branch, CIWMB (15 minutes)
- C. Farm and Ranch Grant – Carla Repucci, Farm and Ranch Grant Coordinator, CIWMB (15 minutes)
- D. Siskiyou County Presentation: "Waste to Wildlife" – Randy Akana, General Services Manager (15 minutes)

VI. Legislative Update

Status of 2005-06 Solid Waste Legislation – Mary Pitto, Program Manager, Paul Smith, RCRC Director of Legislative Affairs, and Nick Konovaloff, RCRC Legislative Analyst (pp 5-56; 10 minutes)

VII. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. Report from the CIWMB – Kyle Pogue, Integrated Waste Management Specialist, Office of Local Assistance, CIWMB (10 minutes)
- B. U- Waste Update – Alan Abbs, ESJPA Solid Waste Specialist (pp 57-60; 5 minutes)
- C. Used Oil/Household Hazardous Waste Conference – Larry Sweetser, ESJPA Consultant (5 minutes)
- D. Significant Changes for SW Facilities/AB1497 – Alan Abbs and Larry Sweetser (pp 61-70: 5 minutes)
- E. Other Regulatory Issues of Interest or Concern – Alan Abbs, ESJPA Solid Waste Specialist (pp 71-100; 5 minutes)

VIII. ESJPA Program Updates

Discussion and possible action related to the following:

- A. Report from the Department of Conservation, Division of Recycling – Karla Miller, Recycling Specialist (5 minutes)
- B. Grant Program Update – Stacey Miner, Program Administrator (5 minutes)
- C. Regional Application for DOR's FY 2006/07 Competitive Grant – Mary Pitto (5 minutes)
- D. CIWMB HD-15 Grant – Stacey Miner (5 minutes)

IX. Agenda Suggestions for Next ESJPA Board Meeting Scheduled for August 17, 2006

X. Member County Concerns / Comments

12:00 Lunch

XI. Presentation by Terry the Trashman - Sierra County

XII. Adjournment

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item.

The final agenda for this meeting of the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority will be duly posted at its offices: 801 12th Street, Suite 500, Sacramento, California at least 72 hours prior to the meeting.



Minutes of the Rural Counties' Environmental Services Joint Powers Authority Board of Directors' Meeting

801 12th Street - 2nd Floor Conference Room

Sacramento, CA 95814

(916) 447-4806

Thursday, March 16, 2006

MEMBERS REPRESENTED

Jim McHargue, Program Manager
 Larry Peterson, Director of Public Works
 Bill Mannel, Solid Waste Manager
 Cynthia Knapp, Program Coordinator
 Ted Ward, Analyst/Planner, DNSWMA
 Helen Baumann, Supervisor
 Jon Souza, Public Information Officer
 Tom Varga, Assistant Director of Public Works
 Donna Tackett, Deputy Director of Public Works
 Tom Valentino, Director, LRSWMA
 Bob Pickard, Supervisor
 Steve Engfer, Solid Waste and Recycling Manager
 Evan Nikirk, Director of Public Works
 Tracy Harper, Recycling Coordinator
 Robert Meacher, Supervisor
 Tom Hunter, Director of Public Works
 Randy Akana, General Services Manager
 John Kovach, Solid Waste Fiscal Technician
 Alan Abbs, Solid Waste Director
 Barbara Rapinac, Solid Waste Technician
 Mark Rappaport, Solid Waste Director

Amador County
 Amador County
 Butte County
 Calaveras County
 Del Norte County
 El Dorado County
 El Dorado County
 Glenn County
 Imperial County
 Lassen County
 Mariposa County
 Mariposa County
 Mono County
 Nevada County
 Plumas County
 Plumas County
 Siskiyou County
 Siskiyou County
 Tehama County
 Trinity County
 Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
 Stacey Miner, ESJPA Program Administrator
 Staci Heaton, Regulatory Affairs Director
 Paul Smith, Legislative Affairs Director
 Nick Knovaloff, Legislative Analyst
 Alan Abbs, Consultant to ESJPA
 Larry Sweetser, Consultant to ESJPA

RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 Solid Waste Specialist
 Sweetser and Associates

OTHERS IN ATTENDANCE:

Calvin Jones, Operations Superintendent
Karl Palmer, Branch Manager
Kyle Pogue, IWM Supervisor
Jero C. Salva, Jr.,

Mariposa County Solid Waste
DTSC
CIWMB
Consultant to Trinity County

MEMBERS NOT REPRESENTED

Alpine County	Colusa County	Inyo County
Madera County	Modoc County	Sierra County

I. Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 9:47 p.m. by Bob Pickard, ESJPA Chair. Roll call was taken, self-introductions were made and a quorum was established.

II. Introduction of New California Integrated Waste Management Board Members

Mary Pitto announced the newly appointed Board members, Margo Reid-Brown (who was elected Chair), Pat Wiggins, and Jeffrey Danzinger, and gave a brief background on each.

III. Review and approval of minutes of the meeting of December 15, 2005

The Chair called for a motion to approve the minutes of the October 20, 2005 meeting. The motion was made by Tom Varga, seconded by Mark Rappaport. The counties of Mono, Lassen, and Del Norte abstained. Motion carried.

IV. Public Comment

None

V. Legislative Update

Status of 2005-06 Solid Waste Legislation – Mary Pitto, Paul Smith, and Nick Konovaloff. Mary discussed the status of certain 2005-06 Solid Waste Legislation. The ESJPA voted to recommend to the RCRC Board to support AB 2271 (Koeretz) dealing with household batteries, AB 3001 (Pavley) dealing with e-waste fees, and SB 1305 (Figueroa) dealing with sharps. The ESJPA also voted to oppose SB 1778 (Alarcon) regarding with alternative daily cover. Tedd Ward made the motion with the provision that some funding be available to local governments for the costs. Larry Peterson seconded the motion. Lassen County opposed. Motion carried.

VI. Presentation Items:

Universal Waste Management Update – Karl Palmer, Branch Manager, Hazardous Waste Management, DTSC. Karl Palmer spoke to the members as to the status of u-waste disposal implementation and was available to answer questions. Discussions followed.

VII. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. Report from the Kyle Pogue, Integrated Waste Management Specialist, Office of Local Assistance, CIWMB.

With new members of the Waste Board, changes to the committees have been made. For the Sustainability and Market Development Committee, the Chair is Peterson with Peace and Wiggins. Brown is the Chair for the Special Waste Committee with Mule and Peterson. Permitting and Enforcement has Mule as Chair with Peace and Wiggins.

Kyle reported that the Mariposa compost facility grand opening was very well run and was a nice event. Waste Board members Mule and Brown attended.

The 2004 Annual Reports are due for Mariposa, Mono, Glenn, Trinity, and Tuolumne counties. Time extension requests will have 120 days to review and will be agendized in large groups beginning in September.

There is Emerging Technology Forum scheduled for April 17 and 18. Additionally, DTSC has scheduled a workshop on Treated Wood Waste on April 26.

E-Waste update: The permanent regulations were published for comments on March 13th. Comments are due May 8th and the public hearing is scheduled for May 9th, 2006.

The HD-15 grant will be due May 15th, 2006. There will be two components – one for city/county coordination grants and one for competitive grants.

- B. Other Regulatory Issues of Interest or Concern – None reported

VIII. ESJPA Program Updates

Grant Program Update: Stacey Miner discussed the status of the various open grants and announced a regional UOG 8th cycle grant that is being prepared with seven counties participating. She also discussed the upcoming HD 15 grant. Every jurisdiction can apply for a \$7,000 grant for county-wide coordination. The infrastructure grants are competitive. She explained that HD 14 recipients are not excluded, but would not probably lose a few points on the competitive portion of the application. Stacey recommended each county apply on their own and consider pooling the money for any regional projects down the line.

IX. Business Matters

Discussion and possible action related to the following:

Adoption of Resolution # 06-01 Authorizing the Submittal of Regional Applications to The California Integrated Waste Management Board for All Available Used Oil And Household Hazardous Waste Grants for Five (5) Years.

The Chair called for a motion to approve the Resolution. The motion was made by Larry Peterson, seconded by Evan Nikirk, and carried unanimously.

X. Agenda Suggestions for Next ESJPA Board Meeting Scheduled for May 18, 2006

Siskiyou County agreed to give a presentation. Calaveras County volunteered for the August meeting. Mariposa will give an update on the compost facility in the future.

XI. Member County Concerns / Comments

None

XII. Adjournment 1:40 p.m.

Respectfully submitted,

Stacey Miner, Program Administrator
Rural Counties' Environmental Services Joint Powers Authority

Summary Listing of Solid Waste Related Bills
of Interest to ESJPA

May 2006

To obtain a copy of the actual bill language, go to: <http://www.leginfo.ca.gov/bilinfo.html>

May 5, 2006

ESJPA LEGISLATIVE SUMMARY REPORT

CA AB 1341 **AUTHOR:** Assembly Environmental Safety and Toxic Materials Committee
TITLE: Pollution Control Financing Authority: Grants and Loans
LAST AMEND: 08/22/2005
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Relates to authorization of the Pollution Control Financing Authority to provide grants and loans to cities and counties to assist in the development of programs to reduce pollution hazards and the degradation of the environment, or to promote infill development to revitalize communities. Requires an annual report to the Legislature regarding the grant and loan program. Extends operation of these provisions. Extends operation of the provisions. Increases the amount of the grants and loans.
STATUS:
03/02/2006 Withdrawn from SENATE Committee on RULES.
03/02/2006 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch	Mary	CUPA ESJPA

CA AB 1688 **AUTHOR:** Niello (R)
TITLE: Illegal Dumping: Enforcement Officers
LAST AMEND: 01/04/2006
LOCATION: Senate Public Safety Committee
SUMMARY:
Adds to the list of persons who are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment illegal dumping officers, whose primary duty is the enforcement of illegal dumping laws.

STATUS:
01/26/2006 To SENATE Committee on PUBLIC SAFETY.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Paul	Support	ESJPA

CA AB 1992 **AUTHOR:** Canciamilla (D)
TITLE: Solid Waste: Dumping
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Provides that the placing of solid waste on private property, without the owner's consent is a misdemeanor.

STATUS:
05/04/2006 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u>			
ESJPA			

CA AB 2118 **AUTHOR:** Matthews (D)
TITLE: Solid Waste
LAST AMEND: 05/03/2006

LOCATION: Assembly Utilities and Commerce Committee

SUMMARY:

Defines the terms composting operation and composting facility for purposes of the Integrated Waste Management Act. Provides that it is not to be interpreted as authorizing the State Integrated Waste Management Board or enforcement agencies to establish or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies. Provides that the intent of the bill is to develop a definition for conversion technology.

STATUS:

05/03/2006 From ASSEMBLY Committee on UTILITIES AND COMMERCE with author's amendments.

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND COMMERCE.

Analyst
Nick

Lobbyist
Paul

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 2127

AUTHOR: Tran (R)

TITLE: Hazardous Waste: Alkaline Batteries

LAST AMEND: 05/03/2006

LOCATION: Assembly Appropriations Committee

SUMMARY:

Requires the state Integrated Waste Management Board and the state Water Resources Control Board to undertake a study and submit a report to the Legislature regarding whether there are any any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts.

STATUS:

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Analyst
Nick

Lobbyist
Paul

Position
Pending

Staff
Mary

Subject
ESJPA

CA AB 2206

AUTHOR: Montanez (D)

TITLE: Recycling: Multifamily Dwellings.

LAST AMEND: 03/27/2006

FILE: 110

LOCATION: Assembly Third Reading File

SUMMARY:

Requires local jurisdictions to report on the progress made in the diversion and recycling of waste material at multifamily dwellings in their annual report to add an additional factor related to diversion and recycling of solid waste from multifamily dwellings that the Integrated Waste Management Board would be required to consider in determining the appropriateness of imposing penalties on a local jurisdiction. Requires the board to make available model ordinances for solid waste reduction.

STATUS:

05/01/2006 In ASSEMBLY. Read second time. To third reading.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending	Mary	ESJPA

CA AB 2211 **AUTHOR:** Karnette (D)
TITLE: Solid Waste Disposal Site Cleanup
LAST AMEND: 03/29/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Includes, as eligible for emergency action funding, solid waste facilities and sites involving soled waste handling. Authorizes the expending of funds for cleanup of a public site. Specifies, for purposes of expending funds to abate illegal disposal sites, that activities to remove or abate solid waste disposed into a municipal storm sewer system are eligible to receive partial grants, if the grant is used for solid waste cleanup, abatement, or any other activity that mitigates the impact of solid waste.

STATUS:

05/03/2006 In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u>			
ESJPA			

CA AB 2271 **AUTHOR:** Koretz (D)
TITLE: Household Batteries: Recycling
LAST AMEND: 04/04/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Enacts the Household Battery Recycling Act. Requires a distributor of household batteries to pay the refund value to an unspecified department for every battery sold or offered for sale in the state, by the distributor. Provides all amounts paid as refund values be deposited in the Battery Recycling Fund. Requires the department to certify battery collectors, develop a public education program regarding the diversion of such batteries. Requires a recycler and distributor to submit monthly reports.

STATUS:

04/25/2006 From ASSEMBLY Committee on ENVIRONMENTAL
SAFETY AND TOXIC MATERIALS: Do pass to Committee
on APPROPRIATIONS.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	APR06	Paul	Watch
	MAR06		
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		

CA AB 2296 **AUTHOR:** Montanez (D)
TITLE: Solid Waste: Landfill: Closure: Corrective Action
LAST AMEND: 05/03/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires a person owning or operating a solid waste facility to submit a plan for correction action plan for the closure of the facility to the Integrated Waste Management Board, a regional water board and the local enforcement

agency. Requires the person to submit evidence of financial ability to provide for closure, postclosure maintenance, and corrective action. Requires the adoption of regulations regarding the cost estimates of the state if the state resumes responsibility for those activities.

STATUS:

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u>			
ESJPA			

CA AB 2310 **AUTHOR:** Torrico (D)
TITLE: Fireworks Regulations: Local Law Enforcement
LAST AMEND: 05/03/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to the sale, possession, use, and transportation of fireworks. Provides that the penalty for violations that involve only person use of fireworks is an information. Provides a specified penalty in addition to any other penalty to any person unlawfully possessing dangerous fireworks or safe and sane fireworks. Provides a fee to reimburse the local jurisdiction for any disposal and administrative expenses. Authorizes the Fire Marshal to charge for disposing of seized fireworks.

STATUS:

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Paul	Watch	ESJPA

CA AB 2394 **AUTHOR:** Aghazarian (R)
TITLE: Violations: Air Pollution: Water Quality
LAST AMEND: 03/27/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to minor violations of air pollution and water quality provisions. Requires a representative of the Air Resources Board or air pollution control and air quality management districts who, in the course of conducting an inspection, detects a minor violation, to issue a notice to comply, to the board and the management districts. Prescribes related requirement and procedures. Makes a false statement in compliance submitted under those procedures a crime.

STATUS:

04/24/2006 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA AB 2843 **AUTHOR:** Saldana (D)
TITLE: Air Pollution
LAST AMEND: 04/25/2006
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/10/2006 9:00 am

SUMMARY:

Relates to programs of air quality management or air pollution control districts with specified populations, to fund the purchase of reduced-emissions schoolbuses and diesel mitigation programs in the communities with the most significant exposure to air contaminants. Deletes the requirement that these provisions are repealed.

STATUS:

04/25/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA AB 2845

AUTHOR: Bogh (R)
TITLE: Beverage Containers: Recycle and Litter Cleanup Grants
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Relates to the Beverage Container Recycling Fund. Appropriates funds to the department to pay refund values, processing payments, and for other purposes, including permitting the department to provide payments to cities and counties for container recycling and litter cleanup activities. Increases the amount the department is authorized to expend.

STATUS:

03/13/2006 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Analyst</u>	<u>BOARD PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	MAR06	Paul	Watch
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		

CA AB 2901

AUTHOR: Wolk (D)
TITLE: Mercury Monitoring and Remediation
LAST AMEND: 05/03/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Enacts the Mercury Monitoring and Remediation Act. Establishes the Mercury Monitoring and Remediation Fund to be administered by the State Water Resources Control Board. Authorizes the state board to expend money in the fund, upon appropriation by the Legislature, for unspecified purposes.

STATUS:

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u>			
ESJPA			

CA AB 3001

AUTHOR: Pavley (D)
TITLE: Electronic Waste: Personal Computers
LAST AMEND: 04/17/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to electronic waste. Provides that a covered electronic device also includes a personal computer. Requires a retailer to collect of fee from the consumer at the time of the retail sale of the personal computer.

STATUS:

05/03/2006

In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.Analyst
NickBOARD.PACKET
APR06Lobbyist
PaulPosition
PendingStaff
MarySubject
ESJPA

CA AB 3056

AUTHOR:

Assembly Natural Resources Committee

TITLE:

Beverage Container: Quality Incentive Payments: Refund

LAST AMEND:

04/18/2006

COMMITTEE:

Assembly Appropriations Committee

HEARING:

05/10/2006 9:00 am

SUMMARY:

Relates to the Department of Conservation. Authorizes the department, after setting aside money required for specified other expenditures, to expend those moneys to pay a beverage container refund value in an amount greater than the specified refund amount until a specified date.

STATUS:

04/24/2006

From ASSEMBLY Committee on NATURAL RESOURCES:
Do pass to Committee on APPROPRIATIONS.Lobbyist
PaulPosition
WatchStaff
MarySubject
ESJPA

CA SB 109

AUTHOR:

Ortiz (D)

TITLE:

Air Pollution: Minor Violations: Stationary Sources

LAST AMEND:

06/14/2005

FILE:

78

LOCATION:

Assembly Unfinished Business - Reconsideration

SUMMARY:

Extends the requirement that the State Air Resources Board and each air pollution control district adopt a regulation or a rule that classifies certain violations as minor. Allows a criminal prosecution of any of certain offenses, despite the recovery of civil penalties for the same offenses. Allows a civil action for any of certain offenses to proceed, despite the filing of a criminal complaint for the same offenses.

STATUS:

09/07/2005

In ASSEMBLY. Read third time. Failed to pass
ASSEMBLY.

09/07/2005

In ASSEMBLY. Motion to reconsider.

Lobbyist
PaulPosition
WatchStaff
MarySubject
ESJPA

CA SB 151

AUTHOR:

Soto (D)

TITLE:

Public Health: Illegal Dumping

LAST AMEND:

03/27/2006

LOCATION:

Assembly Public Safety Committee

SUMMARY:

Provides that any vehicle used to illegally dump harmful substances may be impounded. Makes the illegal dumping of waste on public or private property a misdemeanor. Provides that any vehicle used to illegally dump waste on public or private property may be impounded. Makes it a misdemeanor to litter on public or private property and subjects any vehicle used to

impoundment. Increases the mandatory fines for unlawful disposal of a carcass of a dead animal and provides for impoundment of any related vehicle.

STATUS:

03/27/2006 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.

03/27/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA SB 369

AUTHOR: Simitian (D)
TITLE: Solid Waster: Tire Recycling
LAST AMEND: 01/19/2006
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Relates to existing law that authorizes the Integrated Waste Management Board to implement a program to award grants to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete. Provides for recommencement of the grant program. Provides for a new inoperative and repeal date.

STATUS:

02/16/2006 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Support	Mary	ESJPA

CA SB 420

AUTHOR: Simitian (D)
TITLE: Public Contracts: Procurements: Recycled Products
LAST AMEND: 01/04/2006
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Makes a technical, nonsubstantive change to correct an erroneous reference to a state agency in the local public entity provisions regarding the procurement of recycled products.

STATUS:

02/16/2006 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Y	Paul	Watch	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	Sept.Brd.Mtg		

CA SB 655

AUTHOR: Ortiz (D)
TITLE: Asbestos
LAST AMEND: 09/02/2005
FILE: A-40
LOCATION: Assembly Inactive File
SUMMARY:

Requires the Environmental Protection Agency to convene the Naturally Occurring Asbestos Task Force to recommend best management practices. Requires a city or county issuing an activity permit which may result in soil disturbance to provide the applicant with a one-page summary of measures that may be taken to mitigate exposure. Requires disclosure of real property located in an asbestos hazard zone. Provides for real estate sales disclosure.

Conditions the limitation on liability for disclosure.

STATUS:

01/19/2006 In ASSEMBLY. Reconsideration granted.
01/19/2006 In ASSEMBLY. To Inactive File.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
March	Paul	Oppose	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
CUPA	Sept.Brd.Mtg		
ESJPA			

CA SB 729

AUTHOR: Simitian (D)
TITLE: Water Quality
LAST AMEND: 01/19/2006
LOCATION: ASSEMBLY

SUMMARY:

Relates to the Water Resources Control Board and regional boards. Requires the state board to hold regular meetings, to implement a public information program on water quality matters, to prepare its budget in a certain manner, to establish a water quality coordinating committee, to prepare certain guidelines reflecting prioritization of the cleanup of certain state waters. Relates to the membership of regional boards and abatement of water pollution and nuisance.

STATUS:

01/26/2006 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

<u>Analyst</u>	<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	Y	Kathy	Watch
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	Sept.Brd.Mtg		

CA SB 757

AUTHOR: Kehoe (D)
TITLE: Oil Conservation, Efficiency and Alternative Fuels Act
LAST AMEND: 02/27/2006
LOCATION: Assembly Transportation Committee

SUMMARY:

Enacts the Oil Conservation, Efficiency and Alternative Fuels Act. Requires state agencies to take the state's transportation energy goals into account in adopting rules and regulations. Requires a report assessing specified violations of air pollution, water pollution, and hazardous waste regulations by each oil refinery and the disposition of the violations. Requires Cal-EPA to submit an assessment of the transportation energy conservation, efficiency and any alternative fuel policies that are adopted.

STATUS:

02/27/2006 From ASSEMBLY Committee on TRANSPORTATION with author's amendments.

02/27/2006 In ASSEMBLY. Read second time and amended. Referred to Committee on TRANSPORTATION.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA SB 931

AUTHOR: Florez (D)
TITLE: Pollution Control Authority
LAST AMEND: 08/15/2005

LOCATION: Assembly Environmental Safety and Toxic Materials Committee

SUMMARY:

Relates to the Pollution Control Financing Authority. Prohibits any project involving an animal feeding operation from being eligible for financing provided for pollution control until the air quality management district or air pollution control district and the regional water control control board have established processes that comply with specified state and federal air and water laws. Requires an applicant to include certification of all permits and demonstrate environmental benefits of the project.

STATUS:

08/15/2005 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.
08/15/2005 In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA SB 1076 **AUTHOR:** Perata (D)
TITLE: Solid Waste
LOCATION: SENATE
SUMMARY:

Makes a technical, nonsubstantive change in the California Integrated Waste Management Act that requires each county, city, district, or other local government agency that provides solid waste handling services to provide for those services, including, but not limited to, source reduction, recycling, composting activities, and the collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction.

STATUS:

01/31/2006 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch	Mary	ESJPA

CA SB 1305 **AUTHOR:** Figueroa (D)
TITLE: Medical Waste Management Act
LAST AMEND: 05/01/2006
FILE: 31
LOCATION: Senate Third Reading File
SUMMARY:

Amends the Medical Waste Management Act which excludes certain items, such as household waste from the definition of medical waste to exclude home-generated sharps waste from the definition of medical waste. Prohibits a person from knowingly placing home-generated sharps waste in certain types of containers. Provides that such waste shall be transported only in a sharps container, or other approved container. Provides that this waste shall only be managed at specified locations. .

STATUS:

05/01/2006 In SENATE. Read second time and amended. To third reading.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	APR06	Paul	Support

Staff Subject
Mary ESJPA

CA SB 1515 **AUTHOR:** Kehoe (D)
TITLE: Solid Waste: Facilities: Operating Hours
LAST AMEND: 05/01/2006
LOCATION: Senate Appropriations Committee
SUMMARY:
Requires the Integrated Waste Management Board to conduct a study of any environmental benefits, costs, adverse impacts, alternatives, or mitigation measures of expanding the operating hours of solid waste facilities as a means of reducing traffic congestion and enabling collection and transfer vehicle fleet operators to access the facilities during off-peak hours. Requires the board to report its findings to the Legislature.
STATUS:
05/01/2006 From SENATE Committee on APPROPRIATIONS with author's amendments.
05/01/2006 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary

Subject
ESJPA

CA SB 1675 **AUTHOR:** Kehoe (D)
TITLE: Vehicular Air Pollution: Biodiesel Blend Fuels
LAST AMEND: 04/25/2006
COMMITTEE: Senate Appropriations Committee
HEARING: 05/08/2006 2:00 pm
SUMMARY:
Requires all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 2% biodiesel fuel, and commencing January 1, 2010, all diesel fuel offered for sale in the state to contain at least 5% biodiesel fuel. Permits the Air Resources Board to adopt regulations to grant exemptions to those requirements under specified circumstances. Permits the Energy Resources Conservation and Development Commission to suspend those requirements if supplies are inadequate.
STATUS:
04/25/2006 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

CA SB 1778 **AUTHOR:** Alarcon (D)
TITLE: Alternative Daily Cover: Compost
LAST AMEND: 05/01/2006
COMMITTEE: Senate Appropriations Committee
HEARING: 05/08/2006 2:00 pm
SUMMARY:
Requires, if the alternative daily cover is comprised of woody or green material, that material not to be considered as being diverted and to be included in the amount of solid waste that is subject to disposal for purposes of the diversion requirements of the Integrated Waste Management Act of 1989. Requires the Integrated Waste Management Board, with conditions, to

develop a schedule for excluding solid waste that is used as an alternative daily cover and comprised of such materials.

STATUS:

05/01/2006 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
APR06	Paul	Oppose	Mary
<u>Subject</u>			
ESJPA			

CA SB 1797

AUTHOR: Perata (D)
TITLE: Hazardous Waste: Identification
LAST AMEND: 04/18/2006
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Requires the Department of Toxic Substances Control when classifying waste as hazardous, to incorporate its decision into a regulation, if it determines that the classification of hazardous waste is likely to have a broad application beyond the producer who initiated the request, without reference to classifying the waste pursuant to specified criteria. Deletes the requirement that the department's determination that additional criteria are necessary to protect the public health, safety, and environment.

STATUS:

04/24/2006 In SENATE Committee on ENVIRONMENTAL QUALITY:
Not heard.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Pending	Mary
<u>Subject</u>			
ESJPA			

Complete Text of Selected Solid Waste Bills

- AB 2296 (Montanez) Landfill: postclosure maintenance - Watch
- SB 1305 (Figueroa) Medical Waste Management Act: Sharps – Support
- SB 1778 (Alarcon) Solid Waste: alternative daily cover – Oppose

AMENDED IN ASSEMBLY MAY 3, 2006
AMENDED IN ASSEMBLY APRIL 20, 2006
AMENDED IN ASSEMBLY APRIL 6, 2006
AMENDED IN ASSEMBLY MARCH 28, 2006
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2118

Introduced by Assembly Member Matthews

February 17, 2006

An act to amend Section 40116 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as amended, Matthews. Solid waste.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The 1st and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities, except as specified. The act defines terms, including the term "compost."

This bill would define the terms "composting operation" and "composting facility" for purposes of the act.

The bill would provide that it is not to be interpreted as authorizing the board or enforcement agencies to establish standards or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies. The bill would provide that the intent of the bill is to develop a definition for ~~“convergent~~ “conversion technology,” as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is not the intent of the Legislature in enacting this act to
4 modify the existing limitations on the extent of the authority or
5 jurisdiction of the California Integrated Waste Management
6 Board over matters that are within the authority and jurisdiction
7 of other state agencies. Therefore, this act shall not be interpreted
8 to provide the California Integrated Waste Management Board or
9 enforcement agencies that implement in their local jurisdiction
10 the California Integrated Waste Management Act of 1989
11 (Division 30 (commencing with Section 40000) of the Public
12 Resources Code) with any authority or jurisdiction to establish
13 standards or permit terms and conditions over aspects of
14 conversion technology processes that are within the jurisdiction
15 of the State Air Resources Board, air pollution control districts,
16 and air quality management districts, for the prevention of air
17 pollution, or of the State Water Resources Control Board or
18 California regional water quality control boards, for the
19 prevention of water pollution.

20 (b) It is the intent of the Legislature that conversion
21 technology facilities shall be subject to applicable environmental
22 and health laws and regulations of a local government, or the
23 state or federal government.

24 (c) It is the intent of this bill to develop a definition for
25 ~~“convergent~~ “conversion technology” that is consistent with the
26 declarations in subdivisions (a) and (b).

27 SEC. 2. Section 40116 of the Public Resources Code is
28 amended to read:

1 40116. (a) “Compost” means the product resulting from the
2 controlled biological decomposition of organic wastes that are
3 source separated from the municipal solid waste stream, or that
4 are separated at a centralized facility. “Compost” includes
5 vegetable, yard, and wood wastes that are not hazardous waste.

6 (b) “Composting operation” or “composting facility” means an
7 operation or facility, that produces compost, including an entity
8 that produces compost aerobically and nonaerobically and an
9 operation or facility that utilizes anaerobic digestion.

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AMENDED IN ASSEMBLY MAY 3, 2006
AMENDED IN ASSEMBLY MARCH 27, 2006
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2296

Introduced by Assembly Member Montanez

February 22, 2006

An act to amend Sections 43500, 43501, 43502, 43505, 43506, 43509, 43510, 43600, 43601, 43602, 43606, and 43610.1 of, ~~and to add Section 43611 to~~, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2296, as amended, Montanez. Solid waste: landfill: closure, postclosure maintenance, and corrective action.

(1) The California Integrated Waste Management Act of 1989 requires a person owning or operating a solid waste landfill to submit to the California Integrated Waste Management Board (board), the appropriate California regional water quality control board (regional water board), and the local enforcement agency, a closure plan and a postclosure maintenance plan for the solid waste landfill. The act requires that person to also submit to the board evidence of financial ability in an amount, as specified, to provide for closure and postclosure maintenance contained in the closure and postclosure maintenance plans for the landfill.

This bill would require a person owning or operating a solid waste landfill to also submit a plan for corrective action, as the bill would define that term, for the solid waste landfill, to the board, the regional water board, and the local enforcement agency, as specified. The bill

would require the person also to submit to the board evidence of financial ability to provide for closure, postclosure maintenance, and corrective action, as specified. The bill would make related changes regarding the submittal and approval of a corrective action plan, cost estimates for corrective action, and financial assurances.

The bill would make conforming changes.

The bill would require the board to adopt regulations on or before January 1, 2008, that would require closure, postclosure maintenance, and corrective action cost estimates to be based on ~~cost~~ *costs* the state may incur if the state would have to assume responsibility for those activities due to the failure of the owner or operator, as specified. The bill would require the board to adopt other, related regulations.

To the extent the bill would impose new duties on a local enforcement agency with respect to the corrective action plan, the bill would impose a state-mandated local program.

~~The bill would provide that the Legislature intends to enact legislation to require an enforcement agency to provide a public notice and conduct a public hearing when a solid waste facility operator proposes to change the design or operation of an existing permitted facility that would require the operator to obtain a new solid waste facilities permit that is different from the permit that he or she holds.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 43500 of the Public Resources Code is
- 2 amended to read:
- 3 43500. (a) The Legislature hereby finds and declares that the
- 4 long-term protection of air, water, and land from pollution due to
- 5 the disposal of solid waste is best achieved by requiring financial
- 6 assurances of the costs of closure, postclosure maintenance, and
- 7 corrective action of solid waste landfills.

1 (b) (1) As used in this article and Article 4 (commencing with
2 Section 43600) “corrective action” means the required response
3 to all known or reasonably foreseeable releases of pollution to
4 the environment.

5 (2) As used in paragraph (1), the response includes, but is not
6 limited to, the replacement of the final cover at an interval not
7 less frequently than the covers are guaranteed, and the repair of
8 clogged leachate collection lines, based upon an investigation of
9 the frequency of blockages that cannot be cleaned out and field
10 data on the cost of repairing clogged lines.

11 SEC. 2. Section 43501 of the Public Resources Code is
12 amended to read:

13 43501. (a) A person owning or operating a solid waste
14 landfill, as defined in Section 40195.1, shall do both of the
15 following:

16 (1) Upon application to become an operator of a solid waste
17 facility pursuant to Section 44001, certify to the board and the
18 local enforcement agency that all of the following have been
19 accomplished:

20 (A) The owner or operator has prepared an initial estimate of
21 closure, postclosure maintenance, and corrective action costs.

22 (i) The board shall adopt regulations that provide for an
23 increase in the initial closure, postclosure maintenance, and
24 corrective action cost estimates to account for cost overruns due
25 to unforeseeable circumstances, and to provide a reasonable
26 contingency comparable to that which is built into cost estimates
27 for other, similar public works projects.

28 (ii) The board shall adopt regulations on or before January 1,
29 2008, that require closure, postclosure maintenance, and
30 corrective action cost estimates to be based on costs the state may
31 incur if the state would have to assume responsibility for the
32 closure, postclosure maintenance, or corrective action due to the
33 failure of the owner or operator. Cost estimates shall include, but
34 not be limited to, prevailing wages as determined by the Director
35 of Industrial Relations pursuant to the Labor Code, and the
36 replacement and repair costs for longer lived items, including,
37 but not limited to, repair of the environmental control systems.
38 Cost estimates shall be detailed to identify the maintenance costs,
39 repair costs, and replacement costs throughout the postclosure

1 maintenance and corrective action period of the solid waste
2 landfill.

3 (B) The owner or operator has established a trust fund or
4 equivalent financial arrangement acceptable to the board, as
5 specified in Article 4 (commencing with Section 43600).

6 (C) The amounts that the owner or operator will deposit
7 annually in the trust fund or equivalent financial arrangement
8 acceptable to the board will ensure adequate resources for
9 closure, postclosure maintenance, and corrective action.

10 (2) Submit to the regional water board, the local enforcement
11 agency, and the board a plan for the closure of the solid waste
12 landfill, a plan for the postclosure maintenance of the solid waste
13 landfill, and a plan for corrective action for the solid waste
14 landfill.

15 (b) Notwithstanding subparagraph (C) of paragraph (1) of
16 subdivision (a) or any other provision of law, if the owner or
17 operator is a county with a population of 200,000 or less, as
18 determined by the 1990 decennial census, the county shall not be
19 required to make annual deposits in excess of the amount
20 required by the federal act or any other applicable federal law, or
21 by any board-approved formula that meets the requirements of
22 the federal act.

23 (c) If not in conflict with federal law or regulations, a county
24 or city may, with regard to a solid waste landfill owned or
25 operated by the county or city, base its estimate of closure and
26 postclosure maintenance costs on the costs of employing county
27 or city employees or persons under contract with the county or
28 city in performing closure and postclosure maintenance.
29 However, even if, to meet federal requirements, the ~~costs~~ *cost*
30 estimate is based on the most expensive costs of closure and
31 postclosure maintenance performed by a third party, the county
32 or city may, to effect cost savings, employ county or city
33 employees or employ persons under contract to actually perform
34 closure operations or postclosure maintenance operations.

35 SEC. 3. Section 43502 of the Public Resources Code is
36 amended to read:

37 43502. All documentation relating to the preparation of the
38 closure, postclosure maintenance, and corrective action costs
39 shall be retained by the owner or operator and shall be available

1 for inspection by the board or the enforcement agency at
2 reasonable times.

3 SEC. 4. Section 43505 of the Public Resources Code is
4 amended to read:

5 43505. The closure plan, the postclosure maintenance plan,
6 and the corrective action plan may be revised only upon the filing
7 of a written application therefor by the owner or operator, and the
8 approval, or amendment and approval, by the board.

9 SEC. 5. Section 43506 of the Public Resources Code is
10 amended to read:

11 43506. (a) After receiving a complete closure plan,
12 postclosure maintenance plan, and corrective action plan, the
13 regional water board shall approve or disapprove the plans
14 pursuant to the authority and time schedules specified in Division
15 7 (commencing with Section 13000) of the Water Code. The
16 board shall incorporate the action of the regional water board and
17 shall only approve plans that include an acceptable mechanism
18 for providing the necessary funds to implement the plans.

19 (b) In reviewing closure plans, postclosure maintenance plans,
20 and corrective action plans pursuant to this section, the regional
21 water boards shall review and take action on those portions of the
22 plans that are related to the protection of the waters of the state
23 and the board shall review and take action on the remaining
24 portions of the plans.

25 SEC. 6. Section 43509 of the Public Resources Code is
26 amended to read:

27 43509. (a) The board, in consultation with the state water
28 board and in compliance with Section 40055, shall adopt and
29 amend regulations specifying closure plan, postclosure
30 maintenance plan, and corrective action plan adoption procedures
31 and uniform standards to implement Section 43601. Regulations
32 adopted pursuant to this section shall not include standards and
33 requirements contained in regulations adopted by the state water
34 board pursuant to Division 7 (commencing with Section 13000)
35 of the Water Code. The regulations shall also require solid waste
36 landfill owners or operators to calculate, and periodically revise,
37 cost estimates for closure, postclosure maintenance, and
38 corrective action, for as long as the solid waste could have an
39 adverse effect on the quality of the waters of the state, but not

1 less than 30 years after closure unless all wastes are removed in
2 accordance with federal and state law.

3 (b) The board may adopt regulations that authorize the
4 adoption of both preliminary and final closure, postclosure
5 maintenance, and corrective action plans. Regulations for
6 preliminary closure, postclosure maintenance, and corrective
7 action plans may require less specificity and engineering detail
8 than final closure, postclosure maintenance, and corrective action
9 plans, and these regulations shall apply only in those cases in
10 which there is reasonable certainty that the solid waste landfill
11 will not close for at least one year following approval of the
12 plans. Preliminary closure, postclosure maintenance, and
13 corrective action plans shall provide sufficient detail to enable
14 the owner or operator and the board to accurately estimate the
15 costs for closure, postclosure maintenance, and corrective action.

16 (c) If a solid waste landfill owner or operator has submitted a
17 closure plan, postclosure maintenance plan, and corrective action
18 plan that satisfies the requirements of this chapter, and that has
19 been approved by the local enforcement agency, the board, and
20 the appropriate regional water board, the plans shall be deemed
21 to have satisfactorily complied with all state requirements for the
22 adoption of a closure plan, postclosure maintenance plan, and
23 corrective action plan.

24 SEC. 7. Section 43510 of the Public Resources Code is
25 amended to read:

26 43510. The regulations adopted by the board pursuant to this
27 article and Article 4 (commencing with Section 43600) shall not
28 duplicate or conflict with the regulations imposing closure,
29 postclosure maintenance, and corrective action requirements
30 adopted by the state water board, that are found in Chapter 15
31 (commencing with Section 2510) of Division 3 of Title 23 of the
32 California Code of Regulations.

33 SEC. 8. Section 43600 of the Public Resources Code is
34 amended to read:

35 43600. A person owning or operating a solid waste landfill on
36 or after January 1, 1988, shall, with the closure plan, postclosure
37 maintenance plan, and corrective action plan submitted pursuant
38 to Section 43501, submit to the board evidence of financial
39 ability to provide for closure, postclosure maintenance, and
40 corrective action, in an amount that is equal to the estimated cost

1 of closure, a minimum of 30 years of postclosure maintenance,
2 and corrective action, contained in the closure, postclosure
3 maintenance, and corrective action plans submitted. Financial
4 assurance requirements for postclosure maintenance and
5 corrective action shall continue until the waste no longer poses a
6 threat to public health and safety or the environment.

7 SEC. 9. Section 43601 of the Public Resources Code is
8 amended to read:

9 43601. (a) The evidence of financial ability shall be
10 sufficient to meet the closure, postclosure maintenance, and
11 corrective action costs when needed.

12 (b) The owner or operator of a solid waste landfill shall
13 provide evidence of financial ability through the use of any of the
14 mechanisms set forth in Part 258 (commencing with Section
15 258.1) of Title 40 of the Code of Federal Regulations or through
16 the use of any other mechanisms approved by the board.
17 However, the board may adopt regulations that reasonably
18 condition the use of one or more of those mechanisms to ensure
19 adequate protection of public health and safety and the
20 environment, but shall not exclude the use of any mechanism
21 permitted under federal law. In addition, the evidence of financial
22 ability submitted pursuant to Section 43600 shall provide that
23 funds shall be available to the regional water boards upon the
24 issuance of any order under Chapter 5 (commencing with Section
25 13300) of Division 7 of the Water Code to implement closure,
26 postclosure, and corrective action activities.

27 (c) The state water board or the appropriate regional water
28 board shall have access to the financial assurance funds for
29 closure and postclosure activities, and to financial assurance
30 funds for corrective action, as necessary, to address water quality
31 problems, if the owner or operator of the solid waste landfill has
32 failed to implement the required closure and postclosure
33 activities or corrective action activities.

34 (d) The owner or operator may request disbursement for
35 expenditures to conduct closure, postclosure maintenance, or
36 corrective actions from the financial assurance mechanism
37 established for that activity. Requests for disbursement shall be
38 granted by the board only if sufficient funds are remaining in the
39 financial assurance mechanism to cover the remaining approved

1 total costs of closure, postclosure maintenance, or corrective
2 actions, as appropriate.

3 (e) If the evidence of financial ability for closure, postclosure,
4 or corrective action is demonstrated by use of insurance, the
5 board may approve the insurance mechanism if it is in
6 compliance with either paragraph (1) or (2) as follows:

7 (1) The issuer of the insurance policy is either:

8 (A) Licensed by the Department of Insurance to transact the
9 business of insurance in the State of California as an admitted
10 carrier.

11 (B) Eligible to provide insurance as an excess and surplus
12 lines insurer in California through a surplus lines broker currently
13 licensed under the regulations of the Department of Insurance
14 and upon the terms and conditions prescribed by the Department
15 of Insurance.

16 (2) If the insurance carrier is established by a solid waste
17 facility operator to meet the financial assurance obligations of
18 that operator, insurance may be approved by the board that meets
19 all of the following requirements:

20 (A) The insurance mechanism is in full compliance with the
21 requirements for insurance that are specified in subdivision (d) of
22 Section 258.74 of Title 40 of the Code of Federal Regulations.

23 (B) The insurance carrier is an insurer domiciled in the United
24 States and licensed in its state of domicile to write that insurance.

25 (C) The insurance carrier only provides financial assurance to
26 the operator that has established the insurance carrier as a form of
27 self-insurance and does not engage in the business of marketing,
28 brokering, or providing insurance coverage to other parties.

29 (D) The insurance carrier shall maintain a rating of A- or
30 better by A.M. Best, or other equivalent rating by any other
31 agency acceptable to the board.

32 (E) If requested by the board, an independent financial audit
33 report evaluating the assets and liabilities of the insurance carrier
34 and confirming compliance with the statutory and regulatory
35 requirements of the state of domicile and an independent
36 actuarial opinion on the independence and financial soundness of
37 the insurance carrier by an actuary in good standing with the
38 Casualty Actuarial Society or the American Academy of
39 Actuaries regarding the adequacy of the loss reserves maintained

1 by the insurance carrier shall be submitted to the board upon
2 application and annually thereafter.

3 (f) A solid waste ~~facility~~ *landfill* operator using or proposing
4 to use an insurance company to demonstrate financial assurance
5 may be required by the board to pay a fee for the actual and
6 necessary cost of reviewing information submitted by the
7 operator pursuant to paragraph (2) of subdivision (e) up to an
8 amount not to exceed ten thousand dollars (\$10,000), unless a
9 higher amount is mutually agreed to by the operator and the
10 board.

11 (g) The funds collected pursuant to subdivision (f) shall be
12 deposited in the Integrated Waste Management Account and
13 shall be available, upon appropriation by the Legislature, for
14 expenditure by the board to fund the review specified in
15 subdivision (f).

16 SEC. 10. Section 43602 of the Public Resources Code is
17 amended to read:

18 43602. Evidence of financial ability required of an owner or
19 operator of a solid waste landfill shall be adjusted to equal the
20 estimated costs of closure, a minimum of 30 years of postclosure
21 maintenance, and corrective action in the approved plans.
22 Revisions in the plans shall be accompanied by corresponding
23 revisions in cost estimates and financial assurances. Financial
24 assurance requirements for postclosure maintenance and
25 corrective action shall continue until the waste no longer poses a
26 threat to public health and safety or the environment.

27 SEC. 11. Section 43606 of the Public Resources Code is
28 amended to read:

29 43606. (a) Except for financial arrangements approved by
30 the board pursuant to this article, no indemnification, hold
31 harmless, or similar agreement or conveyance is effective to
32 transfer from the owner or operator of a disposal site to any other
33 person any obligations imposed on the owner or operator under
34 this article.

35 (b) Notwithstanding subdivision (a), nothing in this section
36 prohibits an agreement between the owner and the operator
37 regarding their respective obligations for closure, postclosure
38 maintenance, and corrective action of a disposal site, and nothing
39 in this section prohibits a cause of action that an owner or

1 operator has or would have against the other party by reason of
2 that agreement.

3 SEC. 12. Section 43610.1 of the Public Resources Code is
4 amended to read:

5 43610.1. A disposal site owner or operator who meets the
6 requirements of this article and its implementing regulations shall
7 be deemed to have satisfactorily complied with all state
8 requirements for financial ability to provide for closure,
9 postclosure maintenance, and corrective action costs.

10 ~~SEC. 13. Section 43611 is added to the Public Resources~~
11 ~~Code, to read:~~

12 ~~43611. The Legislature intends to enact legislation to require~~
13 ~~an enforcement agency to provide a public notice and conduct a~~
14 ~~public hearing when a solid waste facility operator proposes to~~
15 ~~change the design or operation of an existing permitted facility~~
16 ~~that would require the operator to obtain a new solid waste~~
17 ~~facilities permit that is different from the permit that he or she~~
18 ~~holds.~~

19 SEC. 14.

20 SEC. 13. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of
25 Section 17556 of the Government Code.

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AMENDED IN SENATE MAY 1, 2006
AMENDED IN SENATE MARCH 29, 2006
AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1305

Introduced by Senator Figueroa

February 16, 2006

An act to amend Section 117700 of, and to add Sections 117671 and 118286 to, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as amended, Figueroa. The Medical Waste Management Act.

The existing Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste, as defined. Under existing law, certain items, such as household waste, are specifically excluded from the definition of medical waste.

This bill would also exclude home-generated sharps waste, as defined, from the definition of medical waste.

Existing law permits a registered medical waste generator, if specified conditions are met, to accept home-generated sharps waste to be consolidated with the facility's medical waste stream.

Existing law also permits a household hazardous waste collection facility, if specified conditions are met, to operate a home-generated sharps consolidation point, and permits the department to approve other home-generated sharps consolidation points.

This bill would specifically define home-generated sharps waste.

This bill would, on or after ~~January~~ *September* 1, 2008, prohibit a person from knowingly placing home-generated sharps waste in certain types of containers, provide that home-generated sharps waste shall be transported only in a sharps container, as defined in the act, or other container approved by the department or local enforcement agency, and provide that this waste shall only be managed at specified locations consistent with existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The development of a safe, convenient, and cost-effective*
4 *infrastructure for the collection of millions of home-generated*
5 *sharps, and the public education programs to promote safe*
6 *disposal of these sharps, will require a cooperative effort by the*
7 *State Department of Health Services, the California Integrated*
8 *Waste Management Board, local governments, large employers,*
9 *dispensing pharmacies, as well as health care, solid waste,*
10 *pharmaceutical industries, and manufacturers of sharps.*

11 *(b) Since mail-back programs utilizing containers that have*
12 *been approved by the United States Postal Service offer one of*
13 *the most convenient alternatives for the collection and*
14 *destruction of home-generated sharps, local government and*
15 *private sector stakeholders are encouraged to implement*
16 *mail-back programs and to promote their use prior to September*
17 *1, 2008.*

18 *(c) Local governments, the California Integrated Waste*
19 *Management Board, the State Department of Health Services,*
20 *solid waste service providers, and manufacturers and dispensers*
21 *of sharps are further encouraged to include information on their*
22 *Web sites, and other public materials, that identify locations that*
23 *accept home-generated sharps and provide information about*
24 *available mail-back programs.*

25 *(d) It is the intent of the Legislature that the California*
26 *Integrated Waste Management Board and the State Department*
27 *of Health Services, to the extent resources are available,*
28 *continue to monitor the state's progress in developing the*

1 *infrastructure for the collection of home-generated sharps and*
2 *inform the appropriate policy committees of any need for*
3 *subsequent legislation to achieve the purposes of this Act.*

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 117671 is added to the Health and Safety
6 Code, to read:

7 117671. “Home-generated sharps waste” means hypodermic
8 needles, pen needles, intravenous needles, lancets, and other
9 devices that are used to penetrate the skin for the delivery of
10 medications derived from a household, including a multifamily
11 residence or household.

12 ~~SEC. 2.~~

13 *SEC. 3.* Section 117700 of the Health and Safety Code is
14 amended to read:

15 117700. Medical waste does not include any of the following:

16 (a) Waste generated in food processing or biotechnology that
17 does not contain an infectious agent as defined in Section
18 117675.

19 (b) Waste generated in biotechnology that does not contain
20 human blood or blood products or animal blood or blood
21 products suspected of being contaminated with infectious agents
22 known to be communicable to humans.

23 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
24 or vomitus, unless it contains fluid blood, as provided in
25 subdivision (d) of Section 117635.

26 (d) Waste which is not biohazardous, such as paper towels,
27 paper products, articles containing nonfluid blood, and other
28 medical solid waste products commonly found in the facilities of
29 medical waste generators.

30 (e) Hazardous waste, radioactive waste, or household waste,
31 including, but not limited to, home-generated sharps waste, as
32 defined in Section 117671.

33 (f) Waste generated from normal and legal veterinarian,
34 agricultural, and animal livestock management practices on a
35 farm or ranch.

36 ~~SEC. 3.~~

37 *SEC. 4.* Section 118286 is added to the Health and Safety
38 Code, to read:

1 118286. (a) On or after ~~January~~ *September* 1, 2008, no
2 person shall knowingly place home-generated sharps waste in
3 any of the following containers:

4 (1) Any container used for the collection of solid waste,
5 recyclable materials, or greenwaste.

6 (2) Any container used for the commercial collection of solid
7 waste or recyclable materials from business establishments.

8 (3) Any roll-off container used for the collection of solid
9 waste, construction, and demolition debris, greenwaste, or other
10 recyclable materials.

11 (b) On or after ~~January~~ *September* 1, 2008, home-generated
12 sharps waste shall be transported only in a sharps container, or
13 other containers approved by the enforcement agency, and shall
14 only be managed at any of the following:

15 (1) A household hazardous waste facility pursuant to Section
16 25218.13.

17 (2) A “home-generated sharps consolidation point” as defined
18 in subdivision (b) of Section 117904.

19 (3) A medical waste generator’s facility pursuant to Section
20 118147.

21 (4) A facility through the use of a medical waste mail-back
22 container approved by the department pursuant to subdivision (b)
23 of Section 118245.

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AMENDED IN SENATE MAY 1, 2006
AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1778

Introduced by Senator Alarcon

February 24, 2006

An act to amend Section 41781.3 of, ~~and to add Section 41781.4 to,~~ the Public Resources Code, and to repeal Section 1 of Chapter 978 of the Statutes of 1996, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1778, as amended, Alarcon. Solid waste: alternative daily cover; compost.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element; from landfill disposal or transformation through source reduction, recycling, and composting activities, except as specified. Existing law provides that the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, is diversion and not disposal for purposes of that requirement.

This bill would instead require ~~that~~, if the alternative daily cover is comprised of woody and green material, as the bill would define that term, that material not to be considered as being diverted and to be

included in the amount of solid waste that is subject to disposal for purposes of the diversion requirements of the act, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would require the board to develop a schedule for excluding solid waste that is used as an alternative daily cover and comprised of woody and green material from being included in meeting the diversion requirements of the act. The bill would require the board, on or before January 1, 2010, to adopt or revise regulations that establish conditions for the use of alternative daily cover, as specified. *The bill would prohibit the schedule from commencing prior to the board's adoption or revision of those regulations.*

~~The bill would require the board to establish a market development credit adjustment factor, that would enable a jurisdiction to adjust its diversion rate by adding a diversion point, or a part of a diversion point, to its diversion rate for the purchase of compost. The bill would require the board to establish a schedule to credit a jurisdiction with a diversion rate adjustment based on the number of tons of compost used by a jurisdiction in a reporting year, as specified.~~

The bill also would repeal legislative findings pertaining to diversion, landfill cover materials, and green materials.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Californians create nearly 2,900 pounds, or *nearly* one and
4 one-half tons, of household garbage and industrial waste each
5 and every second, which is a total of 45 million tons of waste per
6 year.

1 (b) Until recently, the only place to put that trash was in local
2 landfills. Today, however, waste and its byproducts are being
3 recycled into more useful products.

4 (c) At the present time, the amount of green materials
5 generated in California is in excess of the quantity that existing
6 markets can absorb. It is thus in the interests of the state to
7 encourage the expansion of markets for green materials.

8 (d) It is the intent of the Legislature that the California
9 Integrated Waste Management Board, and other state agencies,
10 continue their efforts to promote the expansion of compost and
11 other markets.

12 SEC. 2. Section 41781.3 of the Public Resources Code is
13 amended to read:

14 41781.3. (a) (1) The use of solid waste for beneficial reuse
15 in the construction and operation of a solid waste landfill,
16 including the use of alternative daily cover that is not comprised
17 of woody and green material and that reduces or eliminates the
18 amount of solid waste being disposed, for purposes of Section
19 40124, shall constitute diversion through recycling and shall not
20 be considered disposal for the purposes of this division.

21 (2) If the alternative daily cover is comprised of woody and
22 green material, that material shall not be considered as being
23 diverted, as defined in Section 40124, and shall be included in
24 determining the amount of solid waste that is subject to disposal
25 for purposes of this division, in accordance with a schedule
26 adopted pursuant to subdivision (b).

27 (b) The board shall adopt a schedule for excluding solid waste
28 that is used as an alternative daily cover and is comprised of
29 woody and green material from being included in meeting the
30 diversion requirements of this division. *The schedule shall not*
31 *commence prior to adoption or revision of regulations pursuant*
32 *to subdivision (c).*

33 (c) On or before January 1, 2010, the board shall adopt or
34 revise regulations that establish conditions for the use of
35 alternative daily cover that are consistent with this division. In
36 adopting or revising the regulations, the board shall consider, but
37 is not limited to, all of the following criteria:

38 (1) Those conditions established in past policies adopted by
39 the board affecting the use of alternative daily cover.

1 (2) Those conditions necessary to provide for the continued
2 economic development, economic viability, and employment
3 opportunities provided by the composting industry in the state.

4 (3) Those performance standards and limitations on maximum
5 functional thickness necessary to ensure protection of public
6 health and safety consistent with state minimum standards.

7 (d) In adopting regulations pursuant to this section, Section
8 40124, and this division, including, but not limited to, Part 2
9 (commencing with Section 40900), the board shall provide
10 guidance to local enforcement agencies on any conditions and
11 restrictions on the utilization of alternative daily cover so as to
12 ensure proper enforcement of those rules and regulations.

13 (e) For the purposes of this section, “woody and green
14 material” means plant material that is either separated at the point
15 of generation or separated at a centralized facility that employs
16 methods to minimize contamination. Woody and green material
17 includes, but is not limited to, yard trimmings, untreated wood
18 waste, paper products, and natural fiber products. Woody and
19 green material does not include treated wood waste, mixed
20 demolition or mixed construction debris, or manure and plant
21 waste from the food processing industry, alone or blended with
22 soil. Woody and green material may include varying proportions
23 of wood waste from urban and other sources.

24 ~~SEC. 3. Section 41781.4 is added to the Public Resources~~
25 ~~Code, to read:~~

26 ~~41781.4. The board shall adopt regulations to establish a~~
27 ~~market development credit adjustment factor. The market~~
28 ~~development credit shall enable a jurisdiction to adjust its~~
29 ~~diversion rate by adding diversion points, or a part of a diversion~~
30 ~~point, to its diversion rate for the purchase of compost. The board~~
31 ~~shall establish a schedule to credit a jurisdiction with a diversion~~
32 ~~rate adjustment based on the number of tons of compost used by~~
33 ~~a jurisdiction in a reporting year. In developing the schedule, the~~
34 ~~board shall consider, among other things, whether the compost is~~
35 ~~locally produced.~~

36 ~~SEC. 4.~~

37 ~~SEC. 3. Section 1 of Chapter 978 of the Statutes of 1996 is~~
38 ~~repealed.~~

1 ~~SEC. 5.~~

2 *SEC. 4.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of
7 Section 17556 of the Government Code.

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2006 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- SB 1305 (Figueroa) Medical Waste Management Act: Sharps – Support
 - SB 1778 (Alarcon) Solid Waste: alternative daily cover – Oppose

and

Industry Letter on AB 2296 (Montanez) Landfill: post closure maintenance



CHAIR – RICHARD FORSTER, AMADOR COUNTY

FIRST VICE CHAIR – SUE HORNE, NEVADA COUNTY

SECOND VICE CHAIR – DAVID FINIGAN, DEL NORTE COUNTY

PAST CHAIR – CHARLIE WILLARD, TEHAMA COUNTY

PRESIDENT AND CEO – BRENT HARRINGTON

EXECUTIVE VICE PRESIDENT – GREG NORTON

VICE PRESIDENT OF GOVERNMENTAL AFFAIRS – PATRICIA J. MEGASON

VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

March 28, 2006

The Honorable Joe Simitian, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: Senate Bill 1305 (Figueroa) - SUPPORT

Dear Senator Simitian:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support position for Senate Bill 1305 (Figueroa) which would prohibit the disposal of household sharps into the traditional waste collection stream.

RCRC is composed of members of the Boards of Supervisors from each of our 30 member counties. In addition, 22 member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs.

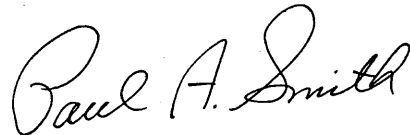
We applaud Senator Figueroa for bringing forth legislation that attempts to remove household needles (sharps) from the traditional waste stream. When routinely dumped into the waste stream, used sharps pose a health and safety danger to residents and employees of solid waste collection companies, solid waste processing and disposal facilities.

In addition to working to secure the passage of SB 1305, RCRC also believes state policymakers need to continue to make monies available for alternative disposal methods for sharps. Household users of sharps must have easily accessible alternatives to dispose sharps when it is no longer legal to dispose into the traditional waste stream. Hopefully, monies will be made available to assist retailers with 'take back' programs or to provide appropriate containers/pick-up for household use or expanding the number of medical facilities that accept household sharps. To this effort, solid waste managers stand ready to work with consumers, manufacturers, retailers and state regulators to eliminate sharps from the traditional waste stream.

The Honorable Joe Simitian
March 28, 2006
Page 2

RCRC respectfully urges your "Aye" vote when the Senate Environmental Quality Committee considers SB 1305.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive, flowing style.

PAUL A. SMITH
Director of Legislative Affairs

cc: The Honorable Liz Figueroa, Member of the State Senate
Members of the Senate Environmental Quality Committee
The Honorable Helen Baumann, Supervisor El Dorado County
Ms. Nicole Wordelman, County of Alameda

*Allied Waste, Inc.
California State Association of Counties
California Refuse Removal Council
Inland Empire Disposal Assn.
Los Angeles County Waste Management Assn.
Norcal Waste Systems, Inc.
Republic Services, Inc.
Regional Council of Rural Counties
Sanitation Districts of Los Angeles County
Solid Waste Association of North America, California Chapters
Solid Waste Assn. of Orange County
Waste Management*

May 5, 2006

The Honorable Kevin Murray, Chair
Senate Appropriations Committee
Room #2206
State Capitol
Sacramento, CA 95814

**Subject: SB 1778 *Alarcon*– Oppose
Alternative Daily Landfill Cover**

The undersigned are an informal coalition of companies and organizations that operate or represent operators of solid waste hauling operations, composting operations, landfills, recycling facilities, and transfer stations in California. SB 1778, as amended, is virtually the same bill as SB 411 (Alarcon) that was held on the Appropriations Suspense File in January 2006. Both bills would place restrictions on the use of green waste materials as alternative daily cover (ADC) at landfills by eliminating the diversion credit currently allowed for green materials used as ADC. We strongly oppose any such action because it would seriously undermine existing valid recycling programs, impose new costs for the California Integrated Waste Management Board and local governments resulting from the requirement to revise AB 939 program goals and substantially impact the infrastructure investments made by many jurisdictions and solid waste companies currently processing green waste materials.

The use of waste materials for ADC constitutes recycling in that the practice saves landfill capacity, conserves natural resources such as clean soils, and returns a waste material to the economic mainstream. Assembly Bill 1647, chaptered in 1996, definitively validated these recycling programs in state law. In a Statement of Intent on August 31, 1996 Assembly Member Cruz Bustamante supported the California Integrated Waste Management Board ADC policies in place at the time as “...environmentally protective because they promote the recycling and reuse of material which would otherwise be land-filled as waste, thus preventing native soil from having to be excavated and used for daily cover.”

ADC provides a necessary outlet for local government diversion programs and a necessary outlet for a waste stream that poses many unique health and safety problems such as odor concerns and fire hazards. Regulations recently developed by the CIWMB governing the functional use of materials for ADC (i.e., the amount to count as diversion as only the amount needed to comply with long established performance criteria for cover at landfills) set specific limits on the maximum functional thickness necessary to ensure protection of the public health, safety and the environment.

Any greenwaste ADC used beyond those limits must be counted as disposal and applicable state fees must be paid. It is our common experience that the CIWMB and the local enforcement agencies (LEAs) effectively monitor and enforce the ADC statute and regulations.

Restricting the use of green materials for ADC would force landfills, in many cases, to import virgin soils for daily cover rather than recycling a green material already available through solid waste hauling operations. Many of our landfills already contain or support composting operations for this purpose. We recognize that composting and in the future conversion technologies can be a valuable market for the diversion of green materials. However, those markets are simply not available in every part of the state today nor are they likely to be available in a sufficient quantity to handle the demands of a growing green materials waste stream. Data recently collected by the California Department of Finance indicates that California's population is projected to pass the 40 million mark in 2012, and to top 50 million by 2036. This is a substantial increase from fewer than 34 million Californians counted in the 2000 Census.

Eliminating green waste as a viable ADC option for waste haulers contractually obligated to achieve 50% diversion for their local government clients and local governments mandated to achieve 50% diversion will require a substantial revision of state and local AB 939 diversion calculations. Even a phase out of green waste ADC diversion will require a dramatic and costly adjustment in the state's solid waste infrastructure as local governments seek alternative recycling programs to replace the over 2.5 million tons of green material currently used as ADC.

We wholeheartedly endorse the CIWMB's policies and programs designed to regulate the use of ADC and support efforts to improve ADC reporting, education and enforcement. We strongly oppose any effort to create an artificial restriction on ADC use that will focus local government diversion efforts on a one size fits all standard rather than one that is based on market demand and health and safety considerations. It would be highly inappropriate to set an arbitrary restriction on local governments' efforts to manage the growing demands of the green waste stream by eliminating the historically effective ADC diversion program.

Without the dependable and cost effective ADC market for green materials, many green materials would simply return to landfills to be buried as refuse. This is particularly true in the Los Angeles region where adequate alternative greenwaste recycling markets simply do not exist. Changing the rules of waste diversion after ten years of investment by jurisdictions and solid waste companies in ADC programs is not acceptable and we would strongly oppose any efforts to do so.

Chuck Helget
Sector Strategies
for Allied Waste Industries
(916) 563-7123

Karen Keene
Legislative Representative
California State Association of Counties
(916) 327-7500

Kelly Astor
General Counsel
CA Refuse Removal Council
Inland Empire Disposal Assn.
Los Angeles County Waste Management Assn.
Solid Waste Assn. of Orange County
(714) 634-8050

Josh & Donna Pane
Pane and Pane Associates Inc.
CA Refuse Removal Council
916-447-8982

Don Gambelin
Vice-President, Environment & Planning
Norcal Waste Systems, Inc.
(415) 875-1194

Marc Aprea
Aprea & Company
For Republic Services, Inc.
(916) 448-3075

Mary Pitto
Regulatory Program Director
Regional Council of Rural Counties
801 12th Street, Suite 600
Sacramento, CA 95814
(916) 447-4806

Sharon N. Green
Legislative & Regulatory Liaison
Sanitation Districts of Los Angeles County
(562) 699-7411, x2503

Yvette Agredano
Legislative Advocate
Solid Waste Association of North America, California Chapters
(916) 446-4656

Kent Stoddard
Vice-President
Waste Management
(916) 448-4675

cc: Senator Richard Alarcon
Members, Senate Appropriations Committee
Miriam Barcellona Ingenito, Consultant



CHAIR – RICHARD FORSTER, AMADOR COUNTY

FIRST VICE CHAIR – SUE HORNE, NEVADA COUNTY

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VICE PRESIDENT OF GOVERNMENTAL AFFAIRS – PATRICIA J. MEGASON

VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

April 12, 2006

The Honorable Richard Alarcon, Member
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

RE: Senate Bill 1778 - OPPOSE

Dear Senator Alarcon:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I regret to inform you we must oppose your Senate Bill 1778 relating to solid waste.

RCRC is composed of members of the boards of supervisors from each of our 30 member counties. In addition, 22 member-counties have formed a joint powers authority to address recycling and solid waste issues for our respective counties. And, in many cases these counties operate or contract for collection services, recycling centers, transfer stations, municipal waste disposal landfills, and household hazardous waste collection programs. Subsequently, legislation that impacts municipal waste facilities is important to our members.

Senate Bill 1778 would place restrictions on the use of green waste materials as ADC at private and municipal landfills. This seriously undermines a county's existing recycling programs and imposes new cost to local governments as it requires local government to revise program goals. For example, under SB 1778 many landfill operators would likely import costly virgin soils rather than use "woody and green" materials. The California Integrated Waste Management Board has already established regulatory standards on the use of all materials as alternative daily cover including prohibitions that consider excessive usage as disposal. The use of alternative daily cover is scrutinized by local enforcement agencies on their mandatory monthly landfill inspections.

Under SB 1778, rural counties will get penalized because we lack funds to spend to create compost facilities for our low volume operations. SB 1778, in addition to proposed regulatory requirements on composting activities, would force rural jurisdictions to landfill green materials. Furthermore, the lack of rural markets for compost is an additional impediment resulting in the "landfilling" of green materials.

If you should have any questions or concerns regarding RCRC's position on Senate Bill 1778, please do not hesitate to contact me.

Sincerely,

PAUL A. SMITH

Director of Legislative Affairs

cc: The Honorable Joe Simitian, Chair of the Senate Environmental Quality Committee
Members of the Senate Environmental Quality Committee

*Allied Waste Services, Inc.
California Refuse Removal Council
Norcal Waste Systems, Inc.
SCS Engineers
Waste Management*

April 19, 2006

Honorable Loni Hancock, Chair
and Members
Assembly Natural Resources Committee
State Capitol, Room 4126
Sacramento, CA 95814

Subject: AB 2296 (Montanez) – Solid Waste Landfill Post-Closure Care – **OPPOSE**

Dear Ms. Hancock:

We are writing to express our respectful opposition to AB 2296 (Montanez) that seeks to impose additional post-closure financial assurance burdens on solid waste landfills operating in California. We are an informal coalition of solid waste industry companies and organizations that provide comprehensive solid waste collection, processing, recycling, and disposal services.

Proponents argue that AB 2296 would protect health and safety and taxpayers' dollars by requiring that future costs of closed private landfills be covered by the landfill operators, not by government. However, the case for how this bill would achieve either goal has not been clearly or convincingly established.

First, AB 2296 does not improve upon existing State and Federal health and safety protections. California already has the safest, most heavily regulated landfills in the U.S.:

- Regulations are the most comprehensive and restrictive of any state in the nation.
- Permitting and siting standards are among the most stringent.
- California's unique CEQA requirements are stringently applied to all new and expanded landfill projects.
- California's hazardous waste regulations divert approximately 5 times more hazardous waste from solid waste landfills than do federal regulations. More so than any other state -- wastes with hazardous constituents, such as Universal Wastes (electronics, cell phones, batteries, fluorescent tubes, etc.), are required to be diverted from solid waste landfill disposal.

The practice of "co-disposal," where hazardous, solid and liquid wastes are all disposed in unlined pits and trenches has been outlawed in California for more than 30 years. Modern California solid waste landfills simply have not been shown to pose the same type of long-term threat and danger as the co-disposal sites. In fact, there are many examples today where closed California landfills are beneficially used as sites for industrial development, shopping centers, hotels, golf courses, concert facilities and recreation areas. The California Integrated Waste

Management Board (CIWMB) recently held two workshops discussing numerous landfill projects that have successfully employed significant beneficial post-closure land uses.

Secondly, the CIWMB already has the authority and ability to comply with the federal regulations extending the owner responsibility. Existing federal regulations establish the framework for extending post-closure care in perpetuity as long as the landfill poses a threat to human health and the environment.

1. Initially establish a 30-year post-closure care period on the date the landfill closes.
2. Provide the state agency with the authority to lengthen (or shorten) that 30-year period based on a finding that such lengthening is necessary to protect human health or the environment [40 CFR 258.61 & 258.72].

This renders AB 2296 unnecessary. Additional redundancies and inconsistencies in the bill language exist, clouding the exact purpose this bill is meant to serve:

- AB 2296 contains language that financial assurance for post-closure care of landfills should include the ability to respond to known or reasonably foreseeable releases” – yet this language is already in the Title 27 regulations adopted by both the CIWMB and State Water Resources Control Board for landfills [27 CCR 20380 & 22221]
- AB 2296 suggests that the final cover of a closed landfill must be replaced at intervals not less than some undefined “guaranteed period”. This language simply does not make sense. Only an unimaginable catastrophic event would require an entire cover to be totally replaced. A final landfill cap typically needs some level of ongoing relatively low-cost maintenance that can typically be incorporated into the ongoing land use of the closed landfill (development, recreation, etc.).
- AB 2296 suggests that financial assurance must be provided for the repair of clogged leachate lines. This type of technical detail is simply not appropriate for legislation. There is no evidence that clogged leachate lines is a significant problem or concern. A clogged leachate line is extremely unlikely – they are required by regulations to be designed not to clog. Once a landfill is closed, the potential for clogging diminishes with capping of the landfill and control of moisture inflow. However, in the unlikely event of a clogged leachate line the proper response may not be to “repair the clogged line”. Alternative mitigation strategies may be much more appropriate.
- AB 2296 suggests that post-closure care and corrective action be maintained for a minimum of 30 years. However, this is already a requirement of existing regulations. Further legislation is not necessary.

Finally, suggesting that this bill will protect taxpayer dollars is misleading. Unnecessarily increasing the cost of landfilling waste will increase the cost of waste management services. The cost of providing unnecessary additional financial assurance on landfills will be passed on to the municipalities and citizens served by the facility.

The CIWMB has been holding a series of workshops over the past two years to evaluate the current landfill post-closure care and financial assurance regulations. To date, the CIWMB has

yet to offer any specific findings or recommendations pursuant to this review. We respectfully suggest that AB 2996 is premature and should await the conclusion of the review currently underway by the CIWMB. Likewise, the US EPA is also reviewing the solid waste landfill post-closure care and financial assurance regulatory framework for solid waste facilities at the federal level. We strongly request that the California legislature not act until there has been a full and complete dialogue on this matter before the state and federal agencies charged with regulating post-closure care at solid waste landfills.

The solid waste industry is not trying to avoid responsibility in this area. We recognize that owners of closed landfill property will be responsible for maintaining and caring for that property as long as such care is needed. In fact, the solid waste industry has taken a leadership position by working with the Environmental Research and Education Foundation (EREF) to develop scientific and engineering procedures for evaluating the ongoing post-closure monitoring and maintenance requirements at a closed landfill. The final results of this project will be available in the near future. We strongly suggest that these new EREF tools be implemented and used to evaluate the need for extended (or shortened) post-closure at solid waste landfills in California. If extended (or shortened) post-closure care is needed, procedures already exist in state and federal law to adjust the post-closure care period and provide the necessary financial assurance.

Instead of enacting AB 2996, a better approach would be for the US EPA and CIWMB to conclude their review of the existing regulatory structure for solid waste landfill post-closure care and financial assurance. The US EPA and CIWMB may conclude that adjustments to existing regulations are warranted. If the agencies determine that statutory authority is unclear, then discussion of legislative changes would be appropriate at that time.

Until such time we remain steadfastly opposed to AB 2996. We strongly urge your NAY vote.

Sincerely,

Chuck Helget, President
Sector Strategies
for Allied Waste Services, Inc.
916-563-7123

Kelly Astor, Esq.
for the California Refuse Removal Council
xxx-xxx-xxxx

Don Gambelin, Vice-President
Environment and Planning
Norcal Waste Systems, Inc.
415-875-1194

Pat Sullivan, Vice-President
SCS Engineers
916-361-1297

S. Kent Stoddard, Vice-President
Waste Management/ West
916-552-5859

Loni Hancock, Chair, Assembly Natural Resources Committee
AB 2296 (Montanez) -- OPPOSE
April 19, 2006

Page 4

Cc: Assemblywoman Cindy Montanez
Members, Assembly Natural Resources Committee
Kyra Ross, Consultant, Assembly Natural Resources Committee
Margo Reid-Brown, Chair, California Integrated Waste Management Board

TEHAMA COUNTY SANITARY LANDFILL AGENCY

19995 Plymire Road • P.O. Box 8549

Red Bluff, CA 96080

Phone: (530) 528-1102

FAX: (530) 528-9304

E-mail: tclp@tco.net



March 3, 2006

Karl Palmer
Chief, Headquarters Branch
Department of Toxic Substances Control
State Regulatory Programs Division
P.O. Box 806
Sacramento, CA 95812

Subject: Curbside Collection of Household Batteries

Dear Mr. Palmer,

In order to comply with Universal Waste regulations, jurisdictions within the Tehama County Sanitary Landfill Agency regional agency are investigating the possibility of a curbside household battery collection program using the existing curbside collection infrastructure. Prior to expending funds to promote the program, and renegotiating existing collection contracts, I would like written clarification from DTSC staff that the proposed program would not be illegal under any existing regulations or proposed future exemptions. Briefly, the program would consist of the following:

- 1) Participating households with residential curbside collection would be provided with brightly-colored Ziploc style plastic bags (4 mil or 6 mil thickness). Bags would be available upon request, or at local retailers, and would be imprinted with information about household battery recycling, contacts, directions, and any other pertinent information.
- 2) Households would place batteries in the Ziploc bag, and then place the sealed bag in their curbside recycling bin. Recycling pickup is bi-weekly, and single stream in nature.
- 3) Single stream recyclables are deposited at the Tehama County/Red Bluff Landfill Material Recovery Facility. Recyclables are sorted manually, using a "positive sort," meaning employees sort recyclables by type, placing different types of materials in different bins or boxes. Containers would be designated specifically for batteries, and employees would look for the brightly colored bags.

The Tehama County/Red Bluff Landfill is a permitted Class 3 landfill, that also has the only permitted Permanent Household Hazardous Waste Facility (CAH 111 000 889) in Tehama County. Tehama County is a rural county with limited retail services, and limited opportunity for residents to drop off batteries anywhere but at the Landfill. Given that Tehama County is 3000 square miles in area, it is reasonable to assume that curbside

collection provides the most reasonable, effective, convenient, and environmentally friendly method to collecting the greatest amount of batteries. Although, public education programs have been enacted, there appears to be little enthusiasm to drive up to 45 miles one way to drop off a household's batteries.

Curbside collection vehicles under contracts in Tehama County are either semi-automatic or automatic, and the ability of residents to place batteries in their recyclable bins also provides interested jurisdictions with a process that minimizes the additional work required by the curbside collection vehicles. A program that requires households to physically place batteries in a bin separate from a recycling bin, would then require vehicle drivers to leave their vehicles, which in turn would erode any current economies in curbside collection services, thereby drastically increasing monthly collection costs for residents.

I understand that DTSC and the CIWMB will be making updates to the Frequently Asked Questions link on their websites, and I ask that future space be devoted to curbside battery collection so that jurisdictions can determine the legality of these types of programs. Additionally, so that jurisdictions within Tehama County can begin to develop programs with their respective haulers, I would appreciate guidance from DTSC staff on the programs as I've proposed above.

In closing, I appreciate the work that DTSC has provided to date on Universal Waste, as well as the willingness you personally have shown to work with the rural counties. If you or your staff have any specific questions about the proposed program in Tehama County, I can be reached at 530-528-1103, or by cell phone at 530-200-2025.

Sincerely,



Alan Abbs
Solid Waste Director

CC: Bill Goodwin, County of Tehama
Susan Price, City of Red Bluff
Steve Kimbrough, City of Coming
Bob Mitchell, City of Tehama
Tim Potanovic, Tehama County Environmental Health



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

March 30, 2006

Mr. Alan Abbs
Director - Solid Waste
Tehama County Sanitary Landfill
19995 Plymire Road
Red Bluff, California 96080

Dear Mr. Abbs:

Thank you for your recent letter to the Department of Toxic Substances Control (DTSC) requesting clarification of the universal waste regulations when applied to curbside pickup of universal waste batteries from households.

Your letter describes the following program:

1. Participating households with residential curbside collection (of recyclable bottles, cans, etc) would be provided with brightly-colored Ziploc style plastic bags (4mil or 6 mil thickness). Bags would be available upon request, or at local retailer, and would be imprinted with information about household battery recycling, contacts, directions, and other pertinent information;
2. Households would place batteries in the Ziploc bag, and then place the sealed bag in their curbside recycling bin. Recycling pickup is biweekly and single stream in nature.
3. Single stream recyclables are deposited at the Tehama County/Red Bluff Landfill Material Recovery Facility. Recyclables are sorted manually, using a "positive sort," meaning employees sort recyclables by type, placing different types of materials in different bins or boxes. Containers would be designated specifically for batteries, and employees would look for the brightly colored bags.

Universal waste regulations (Title 22, California Code of Regulations, Chapter 23) require that universal waste batteries shall be managed in a way that prevents releases of any universal waste or universal waste component into the environment. The method you describe in sections 1, 2, and 3 above indicate that Tehama County Sanitary Landfill Agency has plans to put processes in place to keep the universal waste batteries out of the solid waste landfill and sent for proper recycling or to a recycler or a Class 1 hazardous waste landfill.

Mr. Alan Abbs
March 30, 2006
Page 2

It appears to program staff who have reviewed the proposal that Tehama County's recycling program provides an appropriate model for the collection and management of household universal waste batteries. DTSC supports the development of models which promote the recycling of universal waste and at the same time meet the provision of our universal waste management standards as defined in the regulations.

However, since the Tehama's program is new and current regulations do not explicitly approve or prohibit the activities described, DTSC Office of Legal Counsel is also reviewing your proposal to ensure that there are no conflicts with existing statutes or regulations.

We are happy to work with you to insure that all regulatory requirements are met and that Tehama County's efforts to provide safe and effective recycling opportunities are accomplished.

Please call me or Mary Misemer of my staff if you have any additional questions. Mary can be reached at (916) 323-9618 or at mmisemer@dtsc.ca.gov. Let us know if we can assist you in any way.

Sincerely,



Karl Palmer, Chief
Regulatory and Program Development Branch

cc: Mary Lundeen
Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
1001 "I" Street.
P.O. Box 806
Sacramento, California 95812-0806

Welcome
to the
Permit Implementation Regulations
Informational Presentation

Overview

- Part of Solid Waste Facilities Permit Regulations Development Plan
- Plan Approved by Permitting and Enforcement Committee at November 2004 Committee Meeting
- First of three rulemaking packages to be developed by staff to address various permit-related issues

Informal Phase

- Assembled working team
- Conducted scoping meetings
- Held stakeholder workshops
- Presented updates to P&E Committee
- Created web page for project
<http://www.ciwmb.ca.gov/Rulemaking/PermitImplem/>
- Drafted proposed regulatory language
- Directed by P&E Committee at November 2005 meeting to initiate formal rulemaking

Outreach Efforts

- Distribution of information includes: EAs, industry, and public interest groups
- Notices disseminated for all activities (workshops and comment periods)
- Three public workshops that included:
 - audio broadcasting of all workshops,
 - video-conferencing and evening sessions for scoping workshops, and
 - teleconferencing of workshop on draft regulations
- All information relative to informal rulemaking process posted on Web Page

Purpose of Today's Presentation

- To give interested parties an opportunity to learn about the proposed regulations so they are better prepared to participate in the upcoming 60-day formal comment period
 - Presentation not part of the formal rulemaking process
 - Questions are encouraged to promote greater understanding
 - Comments can be discussed, but staff will not respond formally to comments

Permit Implementation Regulations

Six Concepts

1. Public Noticing and Informational Meeting Requirements
2. Listing Public Notices and/or Meetings
3. Relationship of Solid Waste Facilities Permit to Local Land Use
4. Five-Year Permit Review Noticing
5. Surprise Random Inspections
6. Significant Change and Modified Permit Process

Public Noticing and Informational Meeting Requirements

- Required by AB 1497 to adopt regulations that implement new EA public notice and hearing requirements for permit revisions
- Directed by CIWMB to investigate applying CDI hearing requirements for new CDI permits to other solid waste facilities

Proposed Regulations:

- Implement additional noticing requirements for RFI amendments, modified permits, new and revised permits
- Require noticing for all applications received and informational meetings for new and revised permits

Public Noticing and Informational Meeting Requirements

Purpose of Proposed Regulations

- To comply with AB 1497 requirements that the EA notice and hold a public hearing on an application for a permit revision
- To provide a consistent, transparent and accessible permit process that allows the public to be better informed of proposed new facilities or changes being proposed in the design or operation at existing facilities

Noticing Requirements for RFI Amendments and Modified Permits

- **Currently for RFI Amendments**
 - EA maintains list of pending applications
 - EA mails written notice of an application upon request
 - EA retains written public comments on application

- **Proposed for RFI Amendments & Modified Permits**
 - Operator required to post temporary notice at facility entrance that meets specified content
 - EA required to prepare notice that meets specified content and
 - EA posts on EA's or local jurisdiction's public notice board,
 - EA posts on EA's web site,
 - Operator posts on web site, and/or
 - CIWMB posts on web site

Noticing Requirements for Revised and New Permits

- **Currently for Revised Permits**
 - EA required by AB 1497 to comply with Gov't Code Section 65091, including:
 - EA sending written notice to property owners within 300 feet of site, to newspaper for publishing or posting at three public places

 - **Currently for New Permits**
 - EA required by CDI regulations
 - to comply with Gov't Code Section 65091 for new CDI permits (same requirements as AB 1497 for revised permits)
 - to send notice to governing body of local jurisdiction and State legislators
- No requirement for new permits for other facilities

Noticing Requirements for Revised and New Permits

Proposed for Both Revised and All New Permits

- EA required to comply with Gov't Code Section 65091 (same requirement in CDI regulations and AB 1497 for revised permits)

- EA required to send notice to governing body of local jurisdiction and State legislators (from CDI regulations)

- Specify required content of notice

Hearing Requirements for Revised and New Permits

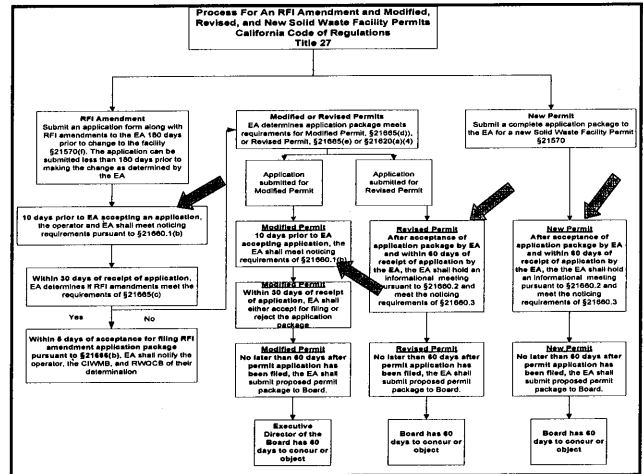
- **Currently for Revised Permits**
 - EA required by AB 1497 to hold public hearing on application for revised permit

 - **Currently for New Permits**
 - EA required by CDI regulations
 - to hold informational public hearing on application for new CDI permit
 - to hold meeting not more than 5 miles from facility on a day and time that will enable attendance by residents
 - Authorized to combine meeting with another public meeting
 - Authorized to substitute a previous public meeting or hearing
 - Authorized to require Operator to pay costs connected with meeting
- No requirement for new permits for other facilities

Hearing Requirements for Revised and New Permits

Proposed for Both Revised and All New Permits

- Define public hearing as informational meeting since meeting is strictly informational and no official decision is made at the meeting
- EA required to hold informational meeting for revised and new permits
- EA required to hold meeting not more than 5 miles from facility on a day and time that will enable attendance by residents (from CDI regulations)
- EA may combine meeting with another public meeting (from CDI regulations)
- EA may substitute a previous public meeting or hearing (from CDI regulations)
- Authorized to require Operator to pay costs connected with meeting



Listing Public Notices and/or Meetings

Currently

- Operators are not required to submit to EA as part of the permit application package a list of all public notices and meetings conducted relative to changes requested in the application

Proposed Regulations:

- Require operators to include this information with the permit application for a new, modified, or revised permit

Purpose of Proposed Regulations

- To strengthen information reported to CIWMB on level of community outreach used in relation to permit actions being considered, which assists CIWMB in determining what additional actions if any might be needed to meet environmental justice objectives
- To be consistent with AB 1497, which requires EJ concerns be considered in development of the regulations

Relationship of SWFP to Local Land Use

Currently

- EAs are required to review a permit application package to determine if it is "complete" and "correct"
- A complete permit application requires inclusion of the land use and/or conditional use permit applicable to facility
- Not clear what EA should be doing relative to reviewing land use/CUP

Proposed Regulations:

- Clarify that correctness review done by EA does not include verifying accuracy of information contained in CUP or other land use entitlement for facility
- Require operator to submit copy of permit application to local planning agency

Relationship of SWFP to Local Land Use

Purpose of Proposed Regulations

- To clarify that EA responsibility is limited to verifying application for completeness in determining whether land use/or CUP was submitted
EAs use this information to better understand the project, in evaluating other application materials, and for writing permit terms and conditions
- To help ensure local planning department is aware that operator has proposed new facility or changes to existing facility
The appropriate agency for verifying if facility would operate consistent with local land use entitlement is entity that granted the entitlement, namely local government

Five-Year Permit Review Noticing

Currently

- EA is required to notify operator and CIWMB that operator needs to apply for five-year permit review for full permit
- CIWMB is required to notify operator and EA of need for five year permit review for registration and standardized permits

Proposed Regulations:

- Require EA, instead of CIWMB, to notice all facility operators of need to apply for five-year review of their permit

Purpose of Proposed Regulations

- To bring consistency to the task and to eliminate confusion among regulators regarding their responsibilities

Surprise Random Inspections

Currently

- EA is authorized to conduct inspections at operations and facilities without prior notice to owner/operator during normal business hours or site's operating hours
- EA required by CDI regulations to conduct all site inspections at CDI facilities unannounced and at irregular intervals to greatest extent possible

Proposed Regulations:

- Require EA to conduct inspections, whenever possible, without prior notice to owner/operator, on randomly selected days, during normal business hours or site's operating hours
- Require EA to include in its Enforcement Program Plan procedure manual for inspection and investigation that inspections and investigations be random and unannounced

Surprise Random Inspections

Purpose of Proposed Regulations

- To strengthen the concept that inspections should be conducted as surprise random inspections when possible
This avoids potential for operator to anticipate arrival of inspector and inspector not observing site as it might normally be operated
- To provide consistency among all types of facilities and operations in requiring random, unannounced inspections
- To strengthen inspection program by allowing EA performance to be evaluated on whether EA is conducting random, unannounced inspections as provided in EPP

Significant Change and Modified Permit Process

- Required by AB 1497 to adopt regulations that define term "**significant change in design or operation of the SWF that is not authorized by the existing SWFP**" which determines when a permit revision is required
- Identified from stakeholders need to develop process that would allow permit modifications for changes less significant

Proposed Regulations:

- Define the term "significant change..." using decision tree for EAs to follow in making determination
- Establish modified permit process

Significant Change and Modified Permit Process

Purpose of Proposed Regulations

- To comply with AB 1497 requirements that CIWMB adopt regulations that define the term "significant change..."
- To provide a consistent analytical process for EA to use in determining if proposed change is significant that allows EA to consider site-specific considerations and circumstances when making a determination
- To allow changes to a permit that are less than significant by creating a modified permit process

Significant Change and Modified Permit Process

Currently

- PRC Section 44004(a) prohibits an operator from making a significant change in the design or operation of a facility not authorized by the permit unless
 - Change approved EA
 - Change conforms with the IWMA, and
 - Terms and conditions are revised
- Significant change is not defined
 - Changes to a permit that may be less than significant still require a permit revision and CIWMB concurrence
 - Changes can be made as amendments to RFI if terms and conditions of permit don't need to change

Significant Change and Modified Permit Process

Proposed Regulations

- Define the term significant change by use of a methodology where the EA determines if a proposed change qualifies as an amendment to the RFI or requires the permit to be modified or revised
- Incorporate existing RFI process and criteria into methodology
- Establish a modified permit process for changes that are less than significant and require Exec Director concurrence

Definition of Significant Change

"Significant Change" means a change in design or operation of a solid waste facility where the EA has determined pursuant to Section 21665 that the change is of such consequence that the solid waste facilities permit needs to include further restrictions, prohibitions, mitigations, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment.

Decision Tree Process Title 27 Section 21665



Operator wants to make a change in the design or operation of the facility that is within the authority of the EA and is not on the "minor change" list.



Application provided to EA

EA reviews application, and answers required questions to determine which approval process to use (RFI amendment, Modified or Revised Permit process)



Decision Tree Process Title 27 Section 21665



1-Consistent with CEQA?
 2-Consistent with Standards?
 3-Consistent with the permit? → Not a significant change
 RFI Amendment



4-Nonmaterial? → Not a significant change
 Modified Permit



5-Include condition to protect public health, safety, environment, consistent with standards? → A significant change
 Revised Permit

Approval Processes

RFI Amendment	→ 30 – day or less process EA review only Permit need not change	Notice: EA Office Posting at site Other options	No EA Meeting
Modified Permit	→ 180 – day process EA and Board review	Notice: EA Office Posting at site Other options	No EA Meeting, Exec Director concurrence
Revised Permit	→ 180 – day process EA and Board review	Notice: 1497 Notice	EA Meeting or Substitute Meeting, CIWMB concurrence

Minor Change and Significant Change Lists

Alternative Lists

- CIWMB directed staff to
 - Work with stakeholders in development of minor change and significant change lists and
 - Insert these lists into the proposed regulations prior to 60-day formal comment period so commenters could consider merit of list concept as well as content of lists.
- Work group of interested stakeholders was formed to generate lists
- Purpose of lists to provide certainty to operators and EAs on what actions are required by EA to address changes to design and operation of a facility
- Listed changes fall outside scope of methodology and from exercise of EA's discretion

Minor Change and Significant Change Lists

Minor Change List

- Changes that could be made by operator in design or operation of facility that would never require EA review and approval

- For a change to qualify, it needs to be
 - Subject to EA authority
 - Consistent with State minimum standards
 - Consistent with the permit
 - Listed on Minor Change List
 - Operator needs to notice EA after change made

Minor Change and Significant Change Lists

Minor Change List

- Alternative 1 – Minor Change List:
 - Changes identified and fully supported by work group – Proposed Regulations, page 6, starting at line 8
- Alternative 2 – Optional Minor Change List:
 - Additional changes that could be added to Minor Change List, Alternative 1
 - Changes identified and supported by 60% of work group – Proposed Regulations, page 6, starting at line 27

Minor Change and Significant Change Lists

Significant Change List

- Changes in design or operation of a facility that are considered to be significant and would always require a permit revision

- For a change to qualify, it needs to be listed on Significant Change List, Alternative 3
 - Changes identified and supported by 60% of work group – Proposed Regulations, page 8, starting at line 14

Example Scenarios

- 1. Increase by 5% the amount solid waste received at the site.
 - Increase in tonnage is on the significant change list so this will require a permit revision process.
- 2. Update reference to a newly revised WDR in the permit issued by the EA.
 - The permit needs to be changed to include the new information, there is no change to design and operation, it is nonmaterial so this will require a modified permit process.
- 3. Add a new ADC type which is not currently on the list of ADCs previously approved by the EA and included in the RFI (the permit issued by the EA does not limit or restrict ADC used)
 - Nothing in the permit is changing, so this would be an RFI amendment process.

Example Scenarios (cont.)

- 4. Change the number of employees that work on a sorting belt at any given time.
 - Would not be in EA's responsibility or authority, so no approval is required.
- 5. Replace the compactor type at the landfill which is identified in the RFI with one that has the same specifications.
 - This is on the "minor change" list so it would not require EA approval.
- 6. A request to store additional recycled paper bales on site, which the EA determines to be an unsafe practice and the EA determines that there should be a limit on total amount and height of the material to avoid public safety issues.
 - The EA will be imposing limits on the activity to protect public safety by including conditions in the permit, thus requiring a permit revision process.

Next Steps

- 60-day Formal Rulemaking Begins April 7, 2006
- Rulemaking package can be accessed on web site
- Individuals on mailing list will receive Notice and link to web site
- Public Hearing to receive comments June 5, 2006 in Cal/EPA Building, Coastal Hearing Room
- Public Comment ends June 6, 2006



Rural Counties' Environmental Services Joint Powers Authority Technical Advisory Group

Steve Engfer, Chair

Bill Mannel, Vice Chair

Fifth Floor Conference Room, 801 12th Street, Sacramento, CA 95814

12:30pm – 4:00pm
Thursday, May 18, 2006

12:30 pm

Presentation by "Terry the Trashman", Sierra County

1:30 pm

1. Review/Revise/Prioritize Agenda Items - Steve Engfer
2. E-Waste Updates - Mary Pitto
3. U-Waste Updates - Larry Sweetser
4. Region 5 Water Board Compost Facilities WDRs - Alan Abbs
5. CIWMB C&D Forum, May 31 - Alan Abbs
6. Emerging Technologies Forum - Steve Engfer/Mark Rapaport
7. Treated Wood Waste Updates - Larry Sweetser
8. Landfill Gas/Climate Change, CIWMB May Mtg - Alan Abbs
9. Discussion Regarding Potential ESJPA Group Purchasing - Stacey Miner/Steve Engfer
10. HHW Programs and CUPA questions - Larry Sweetser
11. Illegal Dumping Task Force - Larry Sweetser
12. Highlights of Apr/May Waste Board meetings - Larry Sweetser
13. Discussion Regarding Formation of ESJPA Goals Ad Hoc Committee - Steve Engfer
14. Any other issues/items of interest or concern
15. Topic suggestions for next Technical Advisory Group meeting

-- adjourn --

San Luis Obispo County Integrated Waste Management Authority

IWMA BOARD MEMBERS

Harry Ovitt - President,
San Luis Obispo County

Rudy Natoli, Vice President,
City of Pismo Beach

Ed Arnold,
City of Arroyo Grande

Becky Pacas,
City of Atascadero

Chuck Ashton,
City of Grover Beach

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San Luis Obispo County

Jerry Lenthall,
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Dave Brooks,
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Bill Worrell, Manager
Carolyn Goodrich, Secretary
Peter Cron, Staff Analyst
Raymond A. Biering, Counsel

870 Osos Street
San Luis Obispo, CA 93401

805/782-8530
FAX 805/782-8529
E-mail: iwma@iwma.com

Recycling, Compost & Haz.
Waste Info. 800/400-0811
School Programs Information
805/782-8424

March 31, 2006

Ms. Maureen Gorsen, Director
Department of Toxic Substances Control
PO Box 806
Sacramento, CA 95812-0806

Subject: Petition

Dear Ms. Gorsen,

Enclosed with this letter is a petition submitted pursuant to Section 11340.6 of the Government Code from CEC Electronic Waste Recycling Incorporated, Cold Canyon Landfill and San Luis Obispo County Integrated Waste Management Authority requesting the adoption of a list of electronic waste which are presumed to be hazardous waste.

In talking to interested parties throughout California representing local government, the waste management industry and the electronics processing sector, it is apparent that there is confusion with regard to which electronic devices must be managed as Universal Waste. The enclosed petition, signed by a representative from local government, the waste management industry and the electronics processing sector, requests that the Department of Substances Control adopt regulations which would clarify this situation.

There are many reasons why there is a need to clarify which electronic devices must be managed as universal waste. Local government needs to know which electronic devices should be included as part of local ordinances. Waste haulers and landfill operators need to know which electronic devices can be legally transported and disposed of. Electronic processors need to know which electronic devices should be disassembled and managed as Universal Waste.

Thank you for your consideration.

Sincerely,



William A. Worrell, P.E.
Manager

**Petition to the Department of Toxic Substances Control to Adopt a List
of Electronic Waste Which are Presumed to Be Hazardous Wastes
March 31, 2006**

Pursuant to Section 11340.6 of the Government Code, the undersigned persons hereby petition the Department of Toxic Substances Control (DTSC) to adopt regulations that set forth a list of electronic waste that are presumed to be hazardous waste subject to handling as universal waste.

Section 11340.6 of the Government Code provides, in part, that "...any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation..."

The undersigned persons (hereinafter referred to as Petitioners) are, or represent private or public entities which are engaged in the business of electronic waste recycling and/or contract for or provide such services on behalf of their constituents or client jurisdictions. As such, the petitioners qualify as "interested person" under any reasonable definition of that term.

Section 11340.6 of the Government Code further provides:

"This petition shall state the following clearly and concisely:

- (a) The substance or nature of the regulation, amendment, or repeal requested.
- (b) The reason for the request.
- (c) Reference to the authority of the state agency to take the action requested.

Substance of the Regulation Requested

Petitioners request the Department of Toxic Substances Control to adopt regulations that set forth a list of electronic waste that are presumed to be hazardous waste subject to handling as universal waste.

Specifically, petitioners request that the Department amend its regulations found in Title 22, Chapter 11, Appendix X, to add a new subdivision (d) to read:

(d) This subdivision sets forth a list of electronic wastes that are presumed to be hazardous wastes subject to management as universal waste pursuant to Chapter 23 unless it is determined that the electronic waste is not a hazardous waste pursuant to the procedures set forth in section 66262.11 . The hazardous characteristics that serve as a basis for listing the common names of electronic wastes are indicated in the list as follows: (X) toxic, (C) corrosive, (I) ignitable, (R) reactive.

Computers (X)
Printers (X)
Radios (X)
VCRs (X)
Cell phones (X)
Cordless phones (X)

Reason for the Request

On January 10, 2006, the Department of Toxic Substances Control announced that it would not extend the temporary disposal exemptions that allowed households and Conditionally Exempt Small Quantity Universal Waste Generators (CESQUWGs) to dispose of some hazardous wastes into the trash. At the October 24, 2005 Public Workshop conducted by DTSC to solicit public input prior to making its decision, the major concern expressed by numerous interested parties, other than the substantial cost that would be imposed on local governments and/or their service providers if the exemption was allowed to expire, was the lack of clarity and regulatory certainty about which electronic devices would be subject to management as universal waste and the inevitable compliance/enforcement questions and issues which would result there from.

The reason for this request is, quite simply, the critical need for regulatory clarity and certainty about what electronic products are subject to management as universal waste. The need for such regulatory clarity and certainty was eloquently stated in the Governor's Environmental Action Agenda, Item #6, Protect California's Environment through Tough Enforcement of Existing Laws, where he stated:

"My Administration will focus on keeping underlying statutes and regulations simple; simple rules are easiest to follow and comply with; unnecessarily complex rules are hard to comply with, hard to enforce, and encourage evasion."

Petitioners submit that adoption of the requested regulatory amendments would greatly simplify compliance with the universal waste requirements.

Section 66273.9 of Chapter 23, Title 22 CCR defines "electronic device" to mean:

"any electronic device including, but not limited to, computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. An electronic device does not include any CRT device as defined in this section, or any major appliance as defined in the Public Resources Code section 42166. The requirements of this chapter only apply to electronic devices as described in section 66273.3(a) (i.e., those wastes that exhibit the characteristic of toxicity)."

The Department, to its credit, has attempted to clarify what particular electronic devices must be managed as universal waste in a Frequently Asked Question document dated February 23, 2006, which it states:

"The Department of Toxic Substances Control (DTSC) has tested many electronic devices including: tube-type and flat panel televisions and computer monitors, laptop computers, computers (CPUs), printers, radios, microwave ovens, VCRs, cell phones, cordless phones, and telephone answering machines. The devices that DTSC tested contained concentrations of metals (lead and copper) high enough to make them hazardous wastes when they are discarded. Unless you are sure they are not hazardous, you should presume these types of devices need to be recycled or disposed of as hazardous waste and that they may not be thrown in the trash."

This guidance is presumably based upon test results of electronic devices tested for characteristics of toxicity contained in a report entitled E-Waste Report, Determination of Regulated Elements in Seven Types of Electronic Products, January 2004. This Department report presents the test results of 28 items in the following 7 categories, computers, printers, VCRs, cell phones, telephones, radios, and microwave ovens. While each of the 28 items was found to exhibit the characteristic of toxicity, these tested items represent a very small sampling of the products in these 7 categories.

Petitioners contend that such guidance is not enforceable and any effort to enforce on that basis would result in it being declared an underground regulation. As a result, businesses managing electronic waste face a Hobson's Choice, if they follow such guidance, they risk the loss of business to competitors that don't, if they ignore such guidance, they risk selective, uneven and potentially arbitrary enforcement action. Likewise, local policy makers, given the substantial cost of full compliance with this new unfunded mandate, will understandably be reluctant to commit funding to anything beyond that which is absolutely required.

Petitioners are well aware DTSC's long held view that it is the responsibility of generators and handlers to know what is hazardous, and not DTSC's responsibility to 'list' those items. Petitioners respectfully disagree and submit that the only way to assure that those electronic devices which truly need to be managed as universal waste are properly handled is for the Department to put into regulations a list of electronic waste which are presumptively hazardous and must be managed as universal waste absent other information. Only then will the Department have met the Standard set by Governor Schwarzenegger for "simple rules, easy to follow and comply with."

Petitioners further note that in communications between some interested parties and DTSC staff, in response to a question about the regulatory basis for the above cited guidance that certain electronic devices should be presumed to be hazardous, staff stated that the fact that lead and copper are included in the list of chemicals under Appendix (a) of Chapter 11, Title 22, which creates a presumption that any waste containing such chemicals, provides such basis. By that logic, however, every device containing a circuit board, battery or even a cord, should be presumed to be hazardous, in which case, the guidance offered is obviously deficient. But that view (every device containing a circuit

board, battery or even a cord would be subject to management as a universal waste) was specifically rejected by DTSC staff at the aforementioned public workshop.

Petitioners further note that the definition of "electronic products" in section 66273.9 specifically excludes "any major appliance as defined in the Public Resources Code section 42166."

Public Resources Code section 42166 reads (emphasis added);


42166. "Major appliance" means any domestic or commercial device, including, but not limited to, a washing machine, clothes dryer, hot water heater, dehumidifier, conventional oven, microwave oven, stove, refrigerator, freezer, air-conditioner, trash compactor and residential furnace."

Petitioners submit that microwave ovens are not subject to management as universal waste.


Petitioners further submit that absent the type of regulatory clarity and certainty that would be afforded by the adoption of regulatory amendments requested herein, the only definitive and reliable information available to generators and handlers about which electronic devices must be handled as universal waste is the list of 24 specific products (excluding microwave ovens) identified in the "E-Waste Report, Determination of Regulated Elements in Seven Types of Electronic Products," January 2004.

Reference to the Authority

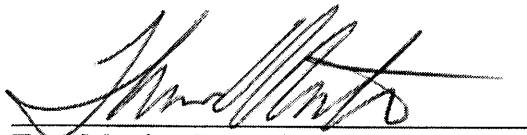
Sections 25117, 25140 and 25141 of the Health and Safety Code provide sufficient authority to adopt the requested amendments to DTSC regulations. These statutes are the basis for the regulations contained in Appendix (a) of Chapter 11, Title 22. These regulations are fundamentally no different than that which is being requested by this petition. Consequently, there should be no question that the Department has the necessary authority to adopt the requested regulations.



William A. Worrell, Manager
San Luis Obispo County IWMA



Charles Tenborg, President
CEC Electronic Waste Recycling Inc.



Tom Martin, General Manager
Cold Canyon Landfill

**California Environmental Protection Agency
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Margo Reid Brown, Chair
Jeffrey Danzinger, Member
Rosalie Mulé, Member
Cheryl Peace, Member
Gary Petersen, Member
Pat Wiggins, Member

Other Meeting

Wednesday, May 31, 2006 9:00 a m

Joe Serna Jr., CalEPA Building
Coastal Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

AGENDA

- The California Integrated Waste Management Board (Board) is hosting a forum on issues surrounding the procurement, reuse and marketability of construction and demolition (C&D) waste, as well as the infrastructure for its diversion.
- The California Integrated Waste Management Board (Board) is hosting a forum on issues surrounding the procurement, reuse and marketability of construction and demolition (C&D) waste, as well as the infrastructure for its diversion.
- This workshop is open to the public. Audience includes Contractors, Local Government, Procurement/Purchasing, RMDZ Administrators, and Waste Haulers
- This workshop is open to the public. Audience includes Contractors, Local Government, Procurement/Purchasing, RMDZ Administrators, and Waste Haulers
- Cost: none
- Cost: none
- Agenda will be available closer to meeting date
- Agenda will be available closer to meeting date

NOTES:

- * This meeting is not intended to be a formal meeting of the Board. It is possible that a quorum of the Board will be present. However, the Board will not be taking action on any matters being discussed at the meeting at the time noticed herein.
- * The official California Integrated Waste Management Board agendas are available via the Internet at www.ciwmb.ca.gov/agendas/.
- * Any information mailed with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the Board.
- * To request special accommodations for those persons with disabilities, verify if an item will be heard, or would like copies of agenda items, please contact the Board's Administrative Assistant at (916) 341-6550 or brdmeet@ciwmb.ca.gov.

MSW Management

The Journal for Municipal Solid Waste Professionals

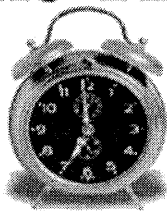
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Feature

The Time Has Come for Conversion Technologies



For as long as civilizations have generated solid wastes, the accepted disposal method has primarily been landfilling. This has continued despite great advancements in technology, as well as environmental impacts to our air and water created by many landfills used for municipal solid waste.

By Dan Predpall

During the 1980s and 1990s, nearly 100 mass-burn incinerators were built in the U.S., providing a new method for processing MSW and producing electricity. However, air toxics emissions became a basis for public opposition to existing and new facilities. Advancements in air-emission control technologies resulted in greatly reduced emissions, to the point that air toxics emissions are generally below detection limits. This has not satisfied the many environmental groups that have opposed these technologies over the past 20 years. As a result, building additional facilities to handle growing volumes of MSW will be very difficult, if not impossible in most urban areas.

In Europe and Japan, new processes for treating MSW, called "conversion technologies," are being widely implemented. Many of these facilities are in operation, and others are under construction. Conversion technologies use advanced thermal, biological, or chemical processes to convert the carbon-based portion of the MSW stream into useful products, including electricity, renewable or "green" fuels, or chemicals.

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Conversion Technologies 101

Conversion technologies (CTs) include a wide range of processes that can be categorized into thermal, biological, and chemical technologies (some approaches involve combinations of these). Thermal CTs are well developed overseas, and include gasification, pyrolysis, and subsets of these, such as plasma gasification and processes that combine gasification and pyrolysis.

Pyrolysis is the thermal degradation of organic materials, using an indirect source of heat at 750-1,650 degrees F in the absence of oxygen, to produce a synthetic gas, leaving behind a carbon char.

Gasification is the thermal conversion of organic materials, using direct heat at 1,400-2,500 degrees F with a limited supply of oxygen, producing a syngas.

Biological CTs are best exemplified by anaerobic digestion (AD). In AD, biodegradable material is converted by a series of bacteria groups into methane and CO₂. This "biogas" is a medium-Btu gas containing 50 to 70% methane.

An example of chemical CTs is ethanol production, which consists of a series of chemical reactions starting with hydrolysis of the organic feedstock to sugars, followed by fermentation of the sugars to dilute ethanol, with a finishing step to produce fuel-grade ethanol. The hydrolysis step with MSW is still under development.

CTs typically have four components: a pre-processing system, a conversion unit, a post-processing system for product synthetic gas (or biogas) clean-up, and a back end for producing a marketable product.

Figure 1 shows a block diagram of a typical conversion facility.

Pre-processing typically includes sizing, separation and drying to provide a feedstock quality suitable for the conversion unit, and to remove recyclables.



The conversion unit may generate small quantities of byproduct that can be sold, and small quantities of solid or liquid wastes. The syngas or biogas typically will undergo a cleaning process prior to use for electricity generation or green fuel production.

CTs include of a number of technologies that have been used with other types of feedstocks for decades, such as anaerobic digestion, gasification and pyrolysis. Also, there are many

Subscribe

emerging technologies under various stages of development, including plasma gasification, thermal depolymerization, and hybrid systems that make ethanol via gasification, followed by either biological systems or chemical systems.

Why The Interest In CTs?

More counties and cities in the US are considering CTs as a solution to their MSW disposal problems. The most important drivers appear to be the increased cost of landfilling, and the lack of landfill capacity (these issues are, of course, related). For example, the first entities to seriously evaluate conversion technologies were capacity constrained, including the US Virgin Islands, Puerto Rico, and Hawaii. Soon after, several counties and cities in California began looking at CTs as a way to comply efficiently with increasing requirements for landfill diversion.

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The cost of landfilling varies with location; however, typical costs in large metro areas are in the range of \$15-\$30 per ton. At these costs, CTs will not be able to compete. However, as these metro areas fill their remaining landfills and look to rail-hauling MSW to distant locations, landfill costs will rise rapidly, into a higher range of \$50-\$75 in the near term, and, likely greater than \$100 by the year 2010. It is anticipated that MSW management using CTs will compete successfully with landfilling on a cost basis at these levels.

Other drivers include the strong desire to manage MSW locally, under control of local agencies, and increasing landfill diversion to prolong landfill capacity.

Drivers that are expected in the near future include the desire to maximize the value of MSW residuals (material going to the landfill after source separation and recycling), recognition that CTs are a source of much-needed renewable energy, and the public's desire to manage MSW in a more environmentally sustainable way. Once these drivers become more important, CT development will be rapid.

The Benefits of CTs

The benefits offered by CTs have not been publicized well. The benefits of CTs will be brought into public awareness as entities such as the city of Los Angeles and the county of Los Angeles continue to pursue development of CTs as a way to manage disposal of their residual MSW streams.

The key benefits of CTs are:

Increased Recycling. This benefit is not well recognized. The CTs under development today are being designed to process residuals from materials recovery facilities (MRFs) or trash

(residuals after source separation).

These residuals still contain considerable amounts of recyclable materials that can be recovered in pre-processing. In addition, materials produced by the conversion units, such as slag and bottom ash, can be recycled. Some question why the operator would want to remove the recyclables from the input stream. The answer is simple: The facility will earn greater revenues by recycling additional metals, glass, and paper than it will by processing this material in the conversion unit, typically with a loss in overall efficiency. Further, "unrecyclable" plastics that would otherwise go to a landfill are excellent feedstocks for CTs.

Generation Of Renewable Energy. Processing MSW residuals to generate energy or green fuels qualifies in most states as a source of renewable energy. In addition, processing MSW to energy qualifies as a renewable energy under Renewable Portfolio Standards and can be used to create renewable energy credits in some states. If about one-third of the residential MSW collected annually in the city of Los Angeles were processed by CTs, about 50 MW of renewable energy could be produced.

Reduced Landfill Impacts. The byproducts created by CTs are typically very small in quantity, and inert. Therefore, the material that cannot be recycled in a CT and must be sent to a landfill will not result in impacts to the environment. The situation is quite different when MSW (or MSW residuals) are landfilled. Even modern landfills impact the environment via release of methane (a greenhouse gas) not captured by landfill gas collection, air emissions from equipment operating the landfill, and leakage through failures of landfill liners.

Offsets To Fossil Fuel Usage. CTs can generate electricity or green fuels by processing MSW. This in turn reduces the amount of fossil fuels needed to supply the energy requirement of a region. Energy savings result when the entire life cycle of the MSW collection and processing system is evaluated, and all of the energy usage and energy production and recycling benefits are considered.

The energy savings can be significant. For example, according to the California Integrated Waste Management Board's (CIWMB) CT report to the legislature, energy savings in the Los Angeles region could be equivalent to a 150 MW power plant (this assumes treating about one-third of the total residential MSW collected annually in the City of Los Angeles).

Lower Air Emissions. The use of CTs can result in reductions in emissions of NO_x, SO_x, and particulates. For example, NO_x emissions, which are precursors of smog, acid deposition, and

reduced visibility, are primarily the result of fuel combustion processes. Through the use of CTs, NOx emissions can be avoided by displacing combustion activities and electricity production and increasing the recycling of materials.

Using similar data and assumptions as noted above, the NOx emissions avoided by building CTs in Los Angeles would be equivalent to those emitted from a 1,000-MW, gas-fired power plant.

Reduced Carbon Emissions. Carbon emissions contribute to the greenhouse effect, and, therefore, can lead to climate change. Carbon emissions result from the combustion of fossil fuels and the degradation of organics. Methane emissions from landfills represent a significant source of carbon emissions, since methane has a global warming potential about 21 times that of CO₂. The use of CTs can create offsets for carbon emissions through increased recycling, diversion of organics from landfills, and displacement of fossil fuels.

Based upon data in the CIWMB report to the legislature, processing about one-third of the residential MSW collected annually in Los Angeles would reduce carbon emissions by about 1,000,000 metric tons per year.

The overall benefit of CTs is that of increased environmental sustainability. In general, environmental sustainability involves a number of issues, including:

- Reliance on renewable energy
- Improving environmental quality
- Reducing waste
- Conserving natural resources
- Responsible consumption
- Long-term focus

Therefore, the use of CTs closely complies with the goals of environmental sustainability.

As the general public begins to realize the significant environmental advantages of CTs, the development of more CT facilities is expected.

Challenges in The US

Unfortunately, there remain a number of barriers to CT development in the US. The key barriers include:

No CTs Previously Operating. As of July 2005, there were no commercial-scale CTs operating in the US, using MSW as a feedstock. While a number of projects are in the development

stage, many of these projects will not go forward due to development risks that apply to any new venture. Some counties and cities are risk averse, in the sense that they don't want to be the first on the block with a CT; they would rather wait until a few of these systems are operating.

Financing Hurdles. As with any new venture, financing can be difficult. Adding to the problem is that most of the suppliers of CTs have limited resources. The larger corporations don't appear to be involved in this business as yet; they will arrive, however, once the momentum of this fledgling industry increases.

Opposition. As more CT projects are being proposed, opposition from specific groups is growing. One is the global environmental organization that opposes mass-burn incineration. This group has typically opposed CT implementation on the grounds that CTs are actually "incinerators in disguise". This is untrue; in fact, there are many significant technological differences between CTs and mass-burn incinerators. Another opposition group is the recycling industry. This industry sees CTs as a threat to its business because it claims that CTs will process all MSW, including recyclables. As mentioned above, this is unlikely because, A.) projects under development are using MSW residuals, and B.) the value of residuals as a recycled material is higher than its value for CT processing.

What is Needed?

In addition to overcoming the barriers mentioned above, two issues that are expected to be important are education and the place for CTs in the MSW management hierarchy.

Because all of the operating experience with CTs is overseas, detailed data and information about operating CTs is difficult to find in the US.

Agency personnel, environmental groups and the public need to be educated about CT design, operation and environmental impacts. Each project developer, whether public or private, must undertake a comprehensive public outreach program before trying to site or permit a CT facility. Otherwise, the agencies and the public likely will reject the project.

The first phase of the public outreach program must address education regarding CT systems. The second phase can then address siting and permitting. It is anticipated that the most controversial issues will include air emissions and local community impacts.

While project opponents will attack CTs by comparing their air

emission profiles to incinerators, there are many design differences that will result in CT emissions below even the best-performing waste-to-energy facilities. Local community impacts will be important; advantages of CTs include the smaller profile and the ability to be sited within urban areas, where the MSW is generated.

In the 1990s, the USEPA published a solid waste management hierarchy of options that was meant to be a set of default guidelines. The hierarchy is:

1. Source reduction
2. Re-use, recycling, composting
3. Waste-to-energy
4. Landfill with energy recovery

With CTs now as an available option, and more analyses of life-cycle impacts of solid waste management, this hierarchy may no longer represent an order of options that will result in the lowest environmental impacts, or do the best to achieve a sustainable MSW management solution.

A new MSW management hierarchy might be arranged as follows:

1. Source reduction
2. Re-use, recycling, composting
3. Conversion (using CTs)
4. Waste-to-energy
5. Landfill with energy recovery

However, a problem with establishing such a hierarchy is that a total MSW management solution often must combine methods to be environmentally sound and cost effective. For example, as mentioned above, CTs increase recycling and efficiently convert the remaining MSW residuals to energy, green fuels, or chemicals.

Conclusion

It's time for CTs to take their place in the MSW hierarchy, particularly if the goal is a sustainable MSW management approach that minimizes environmental burdens and seeks a cost-effective solution.

A sustainable approach to MSW management will involve the following issues:

- Consider the entire MSW management system, not just individual components
- Use a range of management options that maximize the

- value of MSW and minimize disposal in a landfill
- Balance environmental impacts, social issues, and costs (should the least-cost option always be selected?)

When the life-cycle impacts of all MSW management options are considered, CTs rank high because of the advantages discussed above.

The time may be approaching when CTs become a common element in an overall waste management solution for cities or counties that will experience higher disposal costs or disposal capacity constraints in the next several years.

A number of cities and counties are actively considering conversion technologies as a tool in solid waste management. For example, Riverside County, CA, has selected a biological CT to process waste now destined for landfilling.

The city of Los Angeles is studying CTs, recently releasing its 20-year plan for solid waste management, called RENEW LA, which calls for the development of several CTs.

The Los Angeles Bureau of Sanitation just released a detailed assessment of conversion technologies, which can be found at www.lacity.org/san/alternative-technologies.htm.

Dan Predpall, PE, is v.p. of Power Business Line for URS Corp. in Santa Barbara

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Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

April 17, 2006

To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to solicit input on the development of draft regulations for:

Management of Treated Wood Waste (TWW)

The workshop will be held at the following time and place:

Date: April 26, 2006
Time: 9:00 AM – 12:30 PM
Location: Cal/EPA Building
Byron Sher Auditorium, 2nd Floor
1001 "I" Street
Sacramento, California 95814

Note: Visitors must check in with security upon entering the Cal/EPA building.

DTSC representatives will summarize the proposed regulatory language, discuss regulatory issues related to this rulemaking, and offer alternatives. After introductions and a short presentation, DTSC will solicit comments and suggestions from workshop attendees.

The purpose of this workshop is to develop regulatory language regarding the alternative management standards for treated wood wastes. Information and comments received will be used to develop draft regulatory language that will be presented for comments during a public notice. DTSC will, therefore, not prepare written responses to comments submitted during or in response to this workshop.

Background

Existing requirements for the management of non-RCRA hazardous treated wood waste are found in Health and Safety Code (HSC) section 25150.7(e). These requirements provide streamlined handling standards for treated wood waste. Subject to a sunset date of January 1, 2007, HSC section 25150.7 conditionally exempts generators, transporters, and other entities

managing treated wood waste from the requirements of the hazardous waste control law. The conditions for the exemption are:

- Manage treated wood waste so as to prevent scavenging.
- Do not dispose of treated wood waste outside of a hazardous waste or composite lined nonhazardous waste landfill as described in section 25150.7(d).
- Burn, recycle, reclaim, or reused treated wood waste only in compliance with the general hazardous waste laws.
- Do not store treated wood waste for more than 90 days.
- Protect stored treated wood wastes from run-on and run-off.
- Store treated wood waste on an impervious surface.
- Do not mix treated wood waste with other wood wastes.
- Comply with OSHA regulations for hazardous wastes.

Treated wood waste is generated by numerous entities throughout California including construction firms, homeowners, utilities, and farmers.

HSC section 25150.7(g) mandates DTSC to adopt, by January 1, 2007, management standards for non-RCRA TWW as an alternative to California hazardous waste law. Section 25150.7(g)(2) further instructs,

“The regulations adopted pursuant to this subdivision shall, at a minimum, ensure all of the following:

(A) Treated wood waste is properly stored, treated, transported, tracked, disposed of, and otherwise managed so as to prevent, to the extent practical, releases of hazardous constituents to the environment, prevent scavenging, and prevent harmful exposure of people, including workers and children, aquatic life, and animals to hazardous chemical constituents of the treated wood waste.

(B) Treated wood waste is not reused, with or without treatment, except for a purpose that is consistent with the approved use of the preservative with which the wood has been treated. For purposes of this subparagraph, "approved uses" means a use approved at the time the treated wood waste is reused.

(C) Treated wood waste is managed in accordance with all applicable laws.

(D) Any size reduction of treated wood waste is conducted in a manner that prevents the uncontrolled release of hazardous constituents to the environment, and that conforms to applicable worker health and safety requirements.

(E) All sawdust and other particles generated during size reduction are captured and managed as treated wood waste.

(F) All employees involved in the acceptance, storage, transport, and other management of treated wood waste are trained in the safe and legal management of treated wood waste, including, but not limited to, procedures for identifying and segregating treated wood waste.”

Additional Workshop Information

To ensure that all identified issues are discussed and that all unanticipated issues are given an opportunity for discussion, DTSC proposes that the workshop discussions be scheduled in

accordance with the attached draft agenda.

***Please note that while all effort will be made to adhere to the schedule, discussions will be conducted in an open forum format. Because many discussion issues are interrelated, topics may be introduced out of order. Attendees should be available for the duration of the workshop to insure their inclusion in topics of interest.

If you are unable to attend, the workshop may be monitored live via audio webcast. The broadcast link will be available on the Cal/EPA website at <http://www.calepa.ca.gov/broadcast/>. Questions and comments may be submitted in real time by sending an e-mail to enieto@dtsc.ca.gov. DTSC staff will monitor e-mails and, as time allows, read them aloud. All questions and comments submitted via e-mail will be considered in the development of Management of Treated Wood Waste regulations.

Additional information regarding TWW and this rulemaking, including comments from the prior workshop, is available on the DTSC website found at http://www.dtsc.ca.gov/HazardousWaste/treated_wood_waste.cfm. Draft regulatory language will also be available on the DTSC website prior to the workshop. DTSC strongly recommends that interested parties subscribe to an email list (listserv) in order to receive notices and information by email. Subscription may be made at <http://www.calepa.ca.gov/Listservs/dtsc/>.

Travel information is available at <http://www.calepa.ca.gov/EPAldg/Location.htm>. To request special accommodations for persons with disabilities, please contact William Beckman at (916) 324-8293 or wbeckman@dtsc.ca.gov.

Notice to Hearing Impaired: to obtain additional information, use the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact William Beckman at (916) 324-8293.

For more information on the proposal for Treated Wood Waste Management, please contact Mr. William Beckman at (916) 324-8293 or by email at wbeckman@dtsc.ca.gov. Written comments should be mailed by May 12, 2006 to:

Department of Toxic Substances Control
Attn: William Beckman - Treated Wood Waste Workshop Comments
P.O. Box 806
Sacramento, California 95812-0806

Draft Agenda

9:00 Introductions

9:05 TWW Management Overview

9:10 TWW Management: Scope and Applicability,

Prohibited Activities,

Definitions,

Labeling, and

Accumulation

10:30 Break

10:45 Off-site Shipments,

Tracking,

Notification,

Treatment, and

Disposal

12:00 Parking Lot Issues

12:30 Workshop Concludes

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March 30, 2006

Mr. William Beckman,
Hazardous Substances Engineer
California Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Proposed Regulations for Management of Treated Wood Waste

Dear Mr. Beckman:

I am writing to provide my comments on the Department's recent draft regulations for management of treated wood waste (TWW) pursuant to California Health and Safety Code Section 25150.7, AB 1353. As you know, I authored AB 1353, and its language was intended to provide the greatest latitude in the development of your regulations and for the broadest interpretation, not the most prescriptive.

AB 1353 requires certain treated wood waste (generally classified as non-RCRA hazardous waste) to be disposed of in a class I hazardous waste landfill, or in the composite-lined portion of a class II or class III solid waste landfill, and specifies the requirements for management and disposal of such treated wood waste.

I authored this bill, in part, because of the unique circumstances surrounding treated wood waste. First, not all treated wood waste is hazardous. Second, the science supports the less burdensome disposal of this material in the composite-lined portion of a landfill, rather than in a class I hazardous waste landfill.

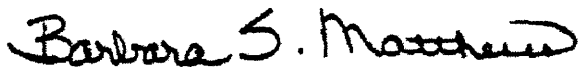
My colleagues in the legislature agreed, as AB 1353 received almost unanimous, bi-partisan support when it was passed. Additionally, both the supporters and representatives of the environmental community worked diligently to come to an agreement on each of the provisions of my bill. Virtually every word, phrase and comma was thoroughly analyzed to make sure that both the environment would be protected and that the homeowners and businesses who generate treated wood waste would have a practical, economical way to properly dispose of it. Further worker safety, waste hauler needs, and landfill requirements were carefully balanced.

William Beckman
March 29, 2006
Page 2

Much of AB 1353 provides a detailed, proscriptive set of statutory requirements for education, notification, handling, and transportation of treated wood waste. The draft regulations DTSC has recently proposed do not comport with the spirit and intent of AB 1353 because they contain unnecessary and burdensome requirements which DTSC must reconsider.

I would suggest the Department listen closely to those who will be required to comply with the regulations and that DTSC streamline and minimize the next draft. I also suggest that the Department pay particularly close attention to the needs of agriculture and rural communities by adopting practical accumulation, tracking, transporting and disposal rules that meet the needs of those constituents, while still protecting the environment.

Sincerely,

A handwritten signature in black ink that reads "Barbara S. Matthews". The signature is written in a cursive style with a large initial "B".

BARBARA S. MATTHEWS
Assemblymember, 17th Assembly District

***Allied Waste Industries, Inc.
California Refuse Removal Council
Norcal Waste Systems, Inc.
Rural Counties' Environmental Services Joint Powers Authority
Sanitation Districts of Los Angeles County
Solid Waste Association of North America, California Chapters
Waste Management***

March 30, 2006

William Beckman
California Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

SUBJECT: COMMENTS ON DRAFT STRAW REGULATIONS FOR TREATED
WOOD WASTE (HSC Section 25150.7, AB 1353)

Dear Mr. Beckman:

Thank you for the opportunity to provide comments on the draft straw implementation regulations for treated wood waste (TWW) pursuant to California Health and Safety Code Section 25150.7, AB 1353. As you know, the undersigned are representatives of a coalition of California entities providing comprehensive solid waste and C&D collection, transportation, processing, recycling, and disposal services. While we support the overall objective of the draft regulations to adopt alternative management standards for non-RCRA TWW, consistent with statute, we would like to offer the following suggestions to modify the draft regulations.

One of our primary concerns is that the draft regulations contain certain provisions whereby TWW would be managed according to hazardous waste standards. We believe that this is unwarranted and inconsistent with the intent of AB 1353. AB 1353 provides for alternative management standards for TWW, recognizing that TWW poses less of a threat to human health and the environment, when managed properly, than other hazardous wastes. In this respect, TWW is more like Universal Waste than traditional hazardous waste.

As stated in the Universal Waste Rule, Title 22 CCR Section 66261.9, Universal Wastes are commonly generated by a wide variety of types of establishments and by a large number of generators. Additionally,

“Systems to be used for collecting [Universal Waste]...would ensure close stewardship of the waste...The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes...”

This definition of Universal Waste aptly describes TWW. Accordingly, we believe it appropriate to use many of the Universal Waste management practices as a model when managing TWW. Our specific comments on the draft TWW regulations are offered below.

Section 67386.2 Applicability

The draft regulations and associated documents provide some guidance as to what constitutes TWW. However, many formulations are used in wood treatment. Therefore, we request that DTSC provide guidance on the specific types and kinds of TWW that are covered by the regulations and how to recognize them in the field.

We recognize that CCA and Pentachlorophenol treated wood waste are likely to be hazardous when encountered. However, we are not aware of any other treated wood waste products that would be hazardous. We are concerned with the Department's representation that creosote treated wood may be hazardous. We are not aware of any substantial data indicating that creosote treated wood is hazardous. If the Department has such data, we request that it be shared with the public prior to the initiation of any rule-making. In the absence of any such significant data we strongly suggest that creosote treated wood not be included in any regulations that would presume it to be hazardous.

Section 67386.3 Prohibited Activities

The listed activities that are prohibited include mixing TWW with other wood waste prior to disposal. The intent of this provision is unclear. Any landfill that may accept TWW under these regulations would likely also be allowed to accept untreated wood waste. TWW will likely arrive at an appropriate landfill mixed with some wood waste that is not treated. If both the non-treated wood waste and the TWW are acceptable for disposal, it should not matter if they are disposed of together. Therefore, Section 67386.3(a)(3) should be deleted or better defined so that if there is a specific concern relating to mixing wood waste prior to disposal, it is stated in this section.

Section 67386.4 Definitions

A definition of Treated Wood Waste should be included in the list of definitions. As written, the regulations are not clear as to what is covered.

Section 67386.5 Labeling

We agree that TWW should be labeled at the point of generation. However, due to the nature of operations at solid waste facilities such as transfer stations, material recovery facilities (MRFs), and C&D processing facilities, and in view of the condition of the TWW once it arrives at these facilities, labeling each TWW unit is unwieldy and potentially unsafe. When TWW is managed at these facilities, labeling should be allowed in the area or on the container where TWW is accumulated, consistent with Universal Waste labeling requirements.

The label itself should contain specified information for the TWW but there should be flexibility in regards to the label content, size, and format. Again, the Universal Waste labeling requirements provide an appropriate model for TWW labeling.

For reasons explained later in this letter, the TWW label should not include reference to a manifest document number.

In view of the above, we propose that Sections 67386.5(a) and (b) be amended as follows:

“(a) TWW generated, accumulated, stored, or transported within California shall be conspicuously labeled. The person controlling the TWW shall ensure that each unit or the area or container in which the TWW is contained is labeled. In order to clearly indicate the nature of the waste to the receiving party and/or any observer, the TWW shall be labeled or marked with the following:

“TREATED WOOD WASTE” ~~—Potential health hazard if mishandled. Do not burn or scavenge. California State Law prohibits improper disposal. If found contact the nearest police or public safety authority, or the California Department of Toxic Substances Control at (800) 698-6942.~~

Generator Name and Address: _____

Accumulation Date: _____

Manifest Document Number: _____

(b) The generator of TWW, managed in accordance with the alternative management standards of this article, shall label each unit of TWW or the area or container that contains TWW and ensure that labels are maintained in compliance with the requirements of subsection (a).”

Section 67386.6 Accumulation

Storage Practices

It is important that TWW be maintained in a manner that minimizes releases to the environment. Section 67386.6(2) provides several examples of storages practices that may be used to achieve this goal. Because facility operators may have additional, alternative practices that can achieve the same goal, there should be a provision that allows these options.

Therefore, Section 67386.6(E) should be added to the regulation as follows:

“(E) Alternative Storage: The TWW shall be accumulated by other alternative means such that a release to the environment is minimized.”

Accumulation Time

Section 67386.6(c) of the draft regulations specifies that TWW shall not be accumulated for more than 90 days. In many areas of the state, insufficient TWW is accumulated to allow disposal within 90 days to be economically feasible. Therefore, this section should be amended as follows:

“(c) A person shall not accumulate TWW for more than 90 days: after the TWW accumulation area or accumulation container is full.”

Training

Section 67386.6(e) pertains to employee training. We believe it is important that employees are properly trained in TWW management and safe handling practices. As in the Universal Waste regulations, training topics specific to the waste are appropriate; however, reference to general hazardous waste training rules are unnecessary. Therefore, Section 67386.6(e)(1) should be deleted.

New Section – Accumulation at Permitted Solid Waste Facilities

The draft TWW regulations specify disposal of TWW in either a Class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill unit that meets certain requirements. We support these provisions. We understand that under the current draft regulations, accumulating and managing TWW at transfer stations, MRFs, and C&D processing facilities (“TWW accumulation facilities”), aside from loadchecking functions, would require a hazardous waste facility permit.

We believe that restricting these facilities from non-loadchecked accumulation of TWW will lead to illegal dumping. In most cases, these facilities act as the de facto local dump, and if generators are not allowed to bring TWW there (where it would be properly managed), all too often they will find an expedient, illegal alternative.

Furthermore, in some locations the TWW accumulation facility is located at some distance from the landfill where TWW can be accepted for disposal. Moreover, many of these landfills are not open to the public. By disallowing TWW accumulation facilities to manage non-loadchecked TWW, the state will encourage practices that increase the threat to human health and the environment rather than minimize it.

Offsite TWW accumulation facilities (for example, at solid waste transfer stations and material recovery facilities) can provide an essential service in the proper management of TWW. They operate under stringent permit and regulatory requirements. Therefore, we propose a new section that allows both loadchecked and non-loadchecked TWW to be managed at a permitted transfer station, material recovery facility, or C&D processing facility.

Section 67386.7 Transportation

This section of the draft regulations places TWW management under hazardous waste transportation and tracking standards. We believe that TWW can be managed to meet the statutory requirements, and to minimize impacts to human health and the environment, with alternate transportation provisions. Again, the Universal Waste management standards provide a model from which TWW transportation requirements can be developed.

Under the Universal Waste rule, shipments are tracked through a record in the form of a log, invoice, manifest, bill of lading or other shipping document (22 CCR 66273.39(b)). We believe that adopting these practices would be in keeping with the intent of AB 1353 to track TWW and would simplify the tracking process, particularly in view of the recent changes to the hazardous waste manifesting requirements.

Therefore, Section 67386.7 should be amended to delete (a) and replace it with:

“(a) A person managing TWW shall keep a record of each shipment of TWW sent from the facility to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each TWW shipment shall include the following information:

 (1) The name and address of the TWW generator facility, and destination facility where the TWW was sent;

 (2) The quantity of TWW sent;

 (3) The date the shipment of TWW left the facility.”

Apparently, one of the reasons that your Department proposed using a manifest for TWW was to ensure the collection of data regarding the shipment of TWW. We are not clear about what the purpose and need of such data may be. Substantial justification for the need of such information would have to be clearly documented prior to the regulatory imposition of such new reporting requirements. If such reporting can be justified, we suggest a simpler method of obtaining this data is simply for any landfill that receives hazardous TWW for disposal must submit an annual report to the Department. However, we do not believe there is sufficient need for intermediate facilities, such as transfer stations, MRFs and C&D facilities, to report this information.

Section 68386.9 Standards for Disposal of TWW

Existing regulations and permit conditions specify health and safety requirements for landfill workers. Therefore, Section 673986.9(b)(4) should be deleted.

In closing, we appreciate the opportunity to provide these comments for your consideration. Please contact any of the undersigned if you have any questions or require further information.

Sincerely,

Chuck Helget
President, Sector Strategies
for Allied Waste Industries, Inc.
916-563-7123

Evan W.R. Edgar
Principal Engineer
California Refuse Removal Council
(916) 739-1200

Don Gambelin
Vice President, Environment and Planning
Norcal Waste Systems, Inc.
(415) 875-1113

Mary Pitto
Program Manager
Rural Counties' Environmental Services
Joint Powers Authority
(916) 447-4806

John H. Gulledege
Head, Solid Waste Management
Department, Sanitation Districts of
Los Angeles County
(562) 699-7411 x 2401

Yvette Gómez Agredano
Legislative Advocate
Solid Waste Association of North America,
California Chapters
(916) 446-4656 x 1025

Charles A. White, P.E.
Director of Regulatory Affairs
Waste Management/West
(916) 552-5859

Cc: Peggy Harris, Division Chief, DTSC