

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN

CHAIR — BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR — LAVADA ERICKSON, SISKIYOU COUNTY

EXECUTIVE DIRECTOR — GREG NORTON



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

PROGRAM MANAGER — MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR — RANDY AKANA,
SISKIYOU COUNTY

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, May 17, 2007

MEMBERS REPRESENTED

Jim McHargue, Program Manager	Amador County
Bill Mannel, Solid Waste Manager	Butte County
Steve Rodowick, Recycling Manager	Butte County
Lesli Daniel, Recycling Manager	Calaveras County
Richard Dickson, Deputy Director of Public Works	Colusa County
Kevin Hendrick, Solid Waste Director	Del Norte County
Mandy Kleykamp, Solid Waste Manager	Glenn County
Keith Quinlan, Solid Waste Manager	Madera County
Steve Engfer, Solid Waste and Recycling Manager	Mariposa County
Tracy Harper, Recycling Coordinator	Nevada County
Robert Meacher, Supervisor	Plumas County
Melissa Cummins, Solid Waste Technician	Siskiyou County
Kristina Miller, Recycling Coordinator	Tehama County
Barbara Rapinac, Solid Waste Technician	Trinity County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager	RCRC Governmental Affairs
Stacey Miner, ESJPA Program Administrator	RCRC Governmental Affairs
Rachel Basore, ESJPA Program Assistant	RCRC Governmental Affairs
Staci Heaton, Regulatory Affairs Director	RCRC Governmental Affairs
Paul Smith, Legislative Affairs Director	RCRC Governmental Affairs
Larry Sweetser, Consultant to ESJPA	Sweetser and Associates

OTHERS IN ATTENDANCE:

Wesley Chesbro, Board Member	CIWMB
Bob Fredenburg, Board Advisor	CIWMB
Bobbie Garcia, Supervising IWMS	CIWMB

Jeff Hunts, Special Waste Division (E-Waste)	CIWMB
Natalie Lee, IWMS	CIWMB
Matt McCarron, Special Waste Division (E-Waste)	CIWMB
Michael Payan, IWMS	CIWMB
Carla Repucci, IWMS	CIWMB
Viv Woolsey, Solid Waste Technician	Trinity County

MEMBERS NOT REPRESENTED

Alpine County	El Dorado County	Imperial County	Inyo County
Lassen County	Modoc County	Mono County	Sierra County
Tuolumne County			

I. Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 9:43 a.m. by Robert Meacher, Plumas County Supervisor, taking over chair duties in Bob Pickard's absence. Roll call was taken, self-introductions were made, and a quorum was established.

II. Approval of minutes from the meeting of March 22, 2007

The Chair called for a motion to approve the minutes of the March 22, 2007 meeting. The motion was made by Mandy Kleykamp and seconded by Richard Dickson. Motion carried.

III. Public Comment

There were no public comments.

IV. Presentation Items

A. California Integrated Waste Management Board Member Wesley Chesbro

At 10:40 a.m, Robert Meacher left the meeting and Bill Mannel assumed the chair's duties for the remainder of the meeting.

B. Report on E-Waste Net Cost Reporting – Jeff Hunts and/or Matt McCarron, Electronic Waste Recycling Branch, CIWMB

C. The New Solid Waste Permit Process (AB 1497) – Bobbi Garcia, Permitting and Enforcement Division, CIWMB

D. Farm and Ranch Cleanup and Abatement Grant Program – Carla Repucci, Solid Waste Cleanup Programs Section, CIWMB

E. Trinity County Solid Waste Management – Barbara Rapinac, Solid Waste Technician

V. Solid Waste/Regulatory Update

- A. Report from the CIWMB – Michael Payan and Natalie Lee, Waste Management Specialists, Office of Local Assistance, CIWMB

Michael reported that the CIWMB has teamed with Olbie², and meetings were held in Santa Barbara, Santa Clara, and Yolo. The next meeting will be held in Del Norte. Michael encouraged the group to take advantage of these rebate money that is available by using a creative regional purchasing approach. Interested jurisdictions should contact the Office of Local Assistance (OLA) to schedule a meeting. (IN KITCHEN. I only caught the tail-end of this update...what were the meetings for?)

Natalie reported that all ESJPA counties successful passed their 2003-2004 biannual review. Six (6) counties were above the 50% diversion goal, four (4) met rural reductions, and seven (7) are making good faith effort. Other counties are on 1066 plans through 2005. Natalie also extended her congratulations to those ESJPA counties who recently received tire enforcement grants.

All ESJPA counties submitted their 2005 Annual Report and should have received information from their OLA representative if more data was required. Waste Board staff wants to get the 2005 data in place before the re-org, so please contact your representative if you have any changes or additional data.

Natalie provided a further update about the Waste Board re-organization, which will create two north sections within the north branch. Interactions with OLA are not expected to change, even with the addition of new staff members. The Waste Board is taking a regional approach to working with cities/counties and once staff are assigned to a jurisdiction they plan to visit their respective jurisdiction. A dramatic shift in staffing is not anticipated and the release date for all staff positions is July 1.

As this is an interim year in the biannual review, Waste Board staff is working to re-prioritize jurisdictions to focus on those that have experienced significant decreases in their diversion rate or an increase in total waste volume. Natalie encouraged jurisdictions that experience a large spike in their diversion rate or tonnage to let staff know now, rather than waiting until the next biannual review. Jurisdictions that are planning to conduct a new generation study or base year study need to contact their representative prior to starting their analysis.

- B. AB 32 – Global Warming Solution Act of 2006 – Staci Heaton, RCRC Regulatory Affairs Director

Staci provided a brief update on AB 32, as further discussion on landfill methane capture would be deferred to TAG. The Air Resources Board (ARB) released their “early action

item” reports on April 20, 2007. This report required the ARB to pinpoint discrete early actions that they can adopt and implement by January 2010.

The three proposed items are adoption of low carbon fuel standard, restrictions on high global warming potential refrigerants, and improved landfill methane capture. The low carbon fuel standard will reduce carbon intensity by at least 10 percent by 2020 and the refrigerant restrictions will place a sales ban on refrigerants in aerosol cans. Landfill methane capture will require the installation of emission control systems at solid waste landfills.

Individual rulemaking will proceed on these items and working groups will advise and guide the ARB through this process. RCRC plans to work with the ESJPA to insist that an ESJPA representative is a member of the working group. This will ensure that the ESJPA has direct input on the rulemaking process.

The Market Advisory Committee plans to issue their recommendations about what type of market-based incentive program they should adopt by end of June. The Climate Action Team has established several focus groups, but none have met publicly as of yet. Each advisory committee has formed into subgroups and has been meeting with members of the Environmental Justice Committee behind closed doors. Staci has raised concerns about the absence of public meetings and will continue to follow these various committees.

C. Product Stewardship Council Letter of Agreement and Update – Mary Pitto, Program Manager

At the March 22, 2007 ESJPA meeting, the Board voted to participate in the California Product Stewardship Council (CPSC). In order to participate in the steering committee of the CPSC, the ESJPA must sign a letter of agreement. Mary Pitto directed the group to view the information about the council and the copy of the letter of agreement contained in the meeting packet.

Kevin Hendrick made the motion to approve the Product Stewardship Council Letter of Agreement. Lesli Daniel seconded the motion. The interim chair asked for discussion on the motion and none occurred. The interim chair called for a vote and the motion passed.

D. Other Regulatory Issues of Interest or Concern – Larry Sweetser

This item will be deferred for discussion during the TAG meeting.

VI. ESJPA Program Updates

A. Adoption of Resolution Authorizing ESJPA Submittal of a Regional Grant Application for DOR’s FY 2007/08 Beverage Container Recycling Grant – Stacey Miner, Program Administrator

This resolution will allow the ESJPA to submit a regional grant application for beverage container recycling programs at bars & restaurants in five member counties. Jim McHargue made the motion to adopt the resolution and Steve Engfer seconded the motion. The interim chair called for a vote and the motion passed.

- B. Adoption of Resolution Authorizing ESJPA submittal of an Application for USDA's FY 2007/08 Technical Assistance Grant Program: Solid Waste Management Grant– Stacey Miner

This resolution pertains to the universal waste training grant that was originally submitted under HD-15 and as an EPA grant. Steve Engfer made the motion to adopt the resolution and Tracey Harper seconded the motion. The interim chair called for a vote and the motion passed.

- C. Grant Program Update – Stacey Miner

Stacey provided more information about the final application that the ESJPA is submitting for the USDA Solid Waste Management Grant. The ESJPA anticipates that they will receive this grant and all counties are welcome to participate in the trainings. The refrigerant training that was to be offered in Trinity and Mariposa Counties had to be cut from the grant budget, but the ESJPA will look into providing future refrigerant training opportunities. Lesli Daniel mentioned that Calaveras County was interested in refrigerant training and Bill Mannel noted that some companies may be willing to conduct trainings for free.

As part of HD-14, a month-long universal and electronic waste collection event was held in Grass Valley during April and Truckee and Trinity County will hold their events during the month of June. Tuolumne County lacks the staff to hold a month-long collection opportunity, but has already planned one-day HHW drop-off events. With Waste Board approval, the ESJPA modified HD-14 so that Tuolumne County can cover the costs of universal/electronic waste disposal for their five (5) one-day events held in June, July, and August. Stacey also noted that the Waste Board is cracking down on changes to competitive grant worksopes and she encouraged counties to stick to their original workplans.

For UOG 8, filter exchange events will begin this summer and continue throughout the fall. The ESJPA plans to hold their first exchange event during June in Amador County. The recycling of empty oil bottles had been eliminated from the grant for the time being, but staff is hopeful that another company will fill Greenflame's place before the end of the grant term.

Stacey provided information on SB332 funding available through the Department of Conservation (DOC) and noted that the DOC will only send money to each city/county. If counties are interested in having the ESJPA implement the grant, they will need to sign a contract and transfer the money to the ESJPA. Interested counties should contact Stacey to discuss drawing up a contract.

The 13th Cycle Used Oil Block Grant (UBG 13) is due June 1, and in past the ESJPA has implemented the grant on the behalf of Alpine, Amador, Colusa, Lassen, and Mariposa Counties. If any other jurisdictions want to join the regional group they will need to submit a letter authorizing the ESJPA as the lead agency.

Stacey spoke about the recent audits of HD-9 and HD-12 by the Department of Finance (DOF). No audit findings were found on either grant. Stacey informed the group that even though HD-9 is four years closed, the DOF has the authority to audit any grant they choose. Grant Terms & Conditions may state a three year window, however this three years rule is not guaranteed. Stacey urged jurisdictions to be prepared for this situation and others echoed her comments by noting that the Waste Board is increasing their audit activities for all grants.

The deadline for HD-16 has been postponed to June 8th. Mariposa, Siskiyou, Trinity, and Del Norte Counties are planning to submit grants along with the regional coordination grant led by Calaveras County.

The DOC recently issued a solicitation for a multi-family beverage container recycling grant that targets low income housing. Counties that are interested can use the link on the grant solicitation website to determine if their county is eligible for the grant. Jurisdictions that have housing that is eligible and would like to undertake a regional grant should inform the ESJPA as soon as possible. The deadline for abstracts is due June 15, 2007.

VII. Legislative Update

The group took a lunch break at 12:35 p.m. and re-convened for Legislative Updates at 1:06 p.m. Paul Smith, RCRC Director of Legislative Affairs, provided a review of 2007-08 Solid Waste Legislation. The following bills were discussed:

- A. CA AB 501: Pharmaceutical Devices. This two year sharps bill, sponsored by Alameda Sharps Division, is a follow up to SB 1305, enacted last year, which makes disposal of sharps in household waste illegal after September 1, 2008. Sympathetic arguments by the pharmaceutical industry have pretty much killed this bill and the author has decided not to push the bill any further this year. Paul will talk more about this bill when it returns in the fall.
- B. CA AB 679: Illegal Dumping Assessments. When a person is convicted of illegal dumping, this bill requires the court to levy a civil assessment on the defendant. The proceeds of the civil assessment would revert back to the jurisdiction where the illegal dumping occurred and the money would be used for illegal dumping enforcement. This bill was amended because it is challenging for courts to determine the costs of illegal dumping. The bill is expected to encounter further amendments in the Senate because courts will want additional amendments specifying what fees they will impose on a

defendant. The bill is likely to be amended to a \$250 assessment per violation and, while it is not a substantial amount of money, jurisdictions will still obtain those fees.

- C. CA AB 1195: Recycling: Used Oil: Payment. This bill which surfaced in the past six weeks, really hits ESJPA counties hard. The ESJPA became formally engaged with this bill on May 16 during a meeting with bill sponsors and the author. The bill is sponsored by Evergreen, who wants all waste oil to stay in California and be properly tested for flash point, PCB's and other contaminants. The bill would impose upon the generator (collection center) the responsibility to ensure that their product is fit for shipment. This adds enormous costs and will ultimately kill the used oil collection program.

Under the bill, the Waste Board shall not pay any recycling incentive for oil transported out of state and counties will not be able to pay for out-of-state hauling costs under the block grant. Siskiyou, Del Norte, Inyo, Colusa, and Amador Counties all have haulers that ship out of state. All counties, with the exception of Trinity (hailed by Ashbury for free) pay for oil hauling. Oil will have to be tested for ALL haulers, regardless of whether or not it goes out of state

Amendments made on May 14th state that the generator is not the sole entity required to perform testing. Paul inquired about the group's views on the amendment. His gut feeling is that even if the mandate is not imposed on the generator, the cost will eventually be forced upstream to counties and the used oil centers. The bill is on the assembly floor and likely to move to the Senate, but the author's office is willing to work with the ESJPA on the bill's concerns.

Lesli Daniel stated that bill will generate a 200-250% cost increase per tank to perform testing at the tank level. To assure that a shipment has been tested a center would need to lock out their tank. Thus, to offer continuous oil collection a center would need to have another tank, doubling the capitol costs to operate a used oil collection site. During the meeting with the authors' office, Stacey Miner provided pictures of used oil sites to illustrate the large infrastructure costs associated with an oil collection site. There is currently no field test for PCB's and there is no potential that a field test could be created. As a result, oil collection sites could spend upward of \$1 million dollars a year for testing, with \$200 a test for every shipment of a load.

The main concern with this bill, even with the amendments, is that Evergreen will become the only oil hauler that ESJPA counties could use in order to receive the recycling incentive. Nothing would stop them from passing on costs to the generators and requiring a test at the tank level in the future. The bill analysis clearly states that the bill is for the benefit of Evergreen. No county benefits if this bill is passed, but it does carry a better environmental benefit because all oil would be re-refined and recycled. This bill also bears other far reaching implications, as it could be applied to CEWs.

Paul proposes changing the bill language to "generators with a tank of 1,500 gallons or more", which would help remove many county oil centers from the regulation. However,

this change does not solve the out-of-state shipment problem. To improve this bill, the language must make it clear that generators do not need to test oil. Overall, this bill is taking away convenience and increasing costs.

Paul will craft an oppose unless amended letter and he hopes to work with the author's office to improve the language of this bill. The ESJPA will inquire with the California State Association of Counties (CSAC) about their position on this bill and the group feels that the larger waste management community needs to be alerted to gather support for opposing this bill.

- D. CA AB 712: Vehicle Clean Air Program. This bill is a companion measure to AB 1610 and would raise the tipping fee by 50 cents per ton. The proceeds would go to the Air Resources Board (ARB) and be used for implementing off-road equipment retrofits on county solid waste and recycling vehicles. RCRC sent a concern letter for this bill and at the May 16th RCRC Board of Directors' Meeting the Board unanimously opposed AB 712. They stated that they want to retain the authority to negotiate tip rates with landfill operators and do not want to fund ARB activities. The ARB wants the biggest bang for their buck in improving air quality, so they are focused on programs in urban areas. ESJPA counties do not qualify for ARB grant funding (Carl Moyer Program), so even if they put money into the grants through AB 712, no counties will receive any of the proceeds. The ESJPA could take an oppose position on the bill as the Legislative Task Force proposes, but Paul wants to wait and see how AB 712 plays in with AB 1610.
- E. AB 1610: Solid Waste: Fees. This short Speaker's bill permits the Waste Board to raise the tipping fee up to \$2 a ton. The bill does not specify the amount of the increase and does not state what the Waste Board will use the fee for. RCRC sent a concern letter stating that they would like to see the statute specify what the increase will be and how the fees will be used. On subsequent meetings with the Speaker's staff greenhouse gas emissions were cited as a possible use for part of the fees. Staff is interested to see where AB 712 will fit into this bill, as indications are that AB 712 will merge into AB 1610. For this reason, Paul is concerned about taking an oppose position on the bill at this time.

A motion was made by Lesli Daniel to oppose AB 712 in concordance with the position taken by the RCRC Board of Directors. Steve Engfer seconded the motion. The interim chair called for discussion of the motion. Kevin Hendrick suggested postponing a vote until the end of the Legislative updates so that the group could approve the entire slate of the "ESJPA Legislative Task Force Recommended Positions on Legislation", rather than voting for each bill separately. Lesli Daniel withdrew her motion.

- F. CA SB 1020: Solid Waste: Diversion. Although this bill proposes a 75% diversion rate, the final requirement will not aim this high, but it will move the diversion requirement past the 50% level. ESJPA staff is working with the author's office to set this diversion goalpost and ask that the current rural reduction waiver process remain, not only going forward, but for those who are under the diversion rate and are enjoying good faith efforts. The author's staff understands that rural counties contribute a miniscule amount

- of waste in the overall state totals. This bill could be affected by SB 1016, which proposes resetting the base year to 2006. This change could penalize those jurisdictions who's 2006 levels are not characteristic of the past nine years. The fact that the Waste Board lacks good 2006 data and that many jurisdictions have seen a dip in their diversion levels makes 2006 a questionable choice for base year. Comments for this bill have been pushed back one week and ESJPA previously submitted a concern letter.
- G. CA SB 1016: Diversion: Annual Reports. This spot bill goes further than AB 1020 by enacting a policy change, rather than setting a new diversion rate placeholder. The bill is anticipated to move off the Senate floor and to the Assembly where it will be amended. This Waste Board sponsored bill will change the way compliance is evaluated, moving from diversion thresholds to program evaluation. ESJPA staff met with Waste Board staff and this bill will be a good opportunity for rural counties. The language is beneficial and the Waste Board has sympathy for rural counties and understands that tonnage formulas/calculations don't work in rural areas. While positive, Paul finds it hard to believe that the Senate will agree to the bill's language after they have invested so much time in crafting the diversion level standards. As a result, Paul thinks it is likely that SB 1020 will pass and change the diversion goalpost first, and then the legislature will determine the process for achieving the new diversion requirement. The ESJPA should show some support for this bill because it addresses the concerns rurals have voiced for years about diversion requirements and would eliminate the stresses of reaching the 50% diversion level. A letter of support if amended was submitted for this bill. At the close of this summary, Paul received word that SB 1016 passed to the Assembly.
- H. CA AB 1193: Mercury-Added Thermostats: Collection Program. This bill will enact the Mercury Thermostat Collection Act of 2007, which will require manufacturers that sold mercury added thermometers in California to establish and maintain a collection and recycling program. A letter of support was sent for this bill.
- I. CA SB 966: Pharmaceutical Drug Disposal. This bill will require every retailer of a drug to have a system for accepting and collecting drugs for proper disposal. A support letter was sent for this bill with the suggestion that they look to producer responsibility for collection, instead of placing the burden solely on retailers.

At the conclusion of Paul's Legislative Updates, the group reviewed the slate of bill positions recommended by the Legislative Task Force. The only alteration to the proposed slate was to change AB 712 from concern to oppose unless amended. No letter of support has been issued for AB 1109, but following the group's approval of the slate a letter will be submitted. Paul recommended not changing the slate position of "support if amended" for AB 1016 so that the group could remain flexible and continue providing input during the bill's progress.

A question was raised as to the "no position" taken on AB 546 (Electronic Waste) and Paul explained that last year's RCRC Board of Directors' considered an identical bill and passed on it, even though the ESJPA recommended a support position. Rather than deal with this situation at the present time, the bill was left as "no position".

The slate of bill positions, with the change to AB 712, is as follows:

- AB 501: Support
- AB 546: No Position
- AB 548: No Position
- AB 679: Support
- AB 712: Oppose
- AB 722: Oppose unless amended
- AB 1109: Support
- AB 1193: Support
- AB 1195: Oppose
- AB 1610: Concerns
- SB 697: Support
- SB 966: Support with suggestions
- SB 1016: Support if amended
- SB 1020: Concerns
- SB 1021: Support

A motion was made by Lesli Daniel to approve the legislative slate as presented with a modification to AB 712, which would change the position of “concerns” to “oppose”. Kevin Hendrick seconded the motion. The interim chair called for a vote and the motion passed.

VIII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled August 16, 2007.

Steve Rodowick suggested a presentation/information on recent flood control legislation and how the changes will impact member counties.

IX. Member County Concerns / Comments

X. Articles of Interest

XI. Adjournment at 2:20 p.m.

Respectfully submitted,

Rachel Basore

Rachel Basore
Environmental Program Assistant
Rural Counties' Environmental Services Joint Powers Authority