

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, March 22, 2007

MEMBERS REPRESENTED

Bob Pickard, ESJPA Chair	Mariposa County
Jim McHargue, Program Manager	Amador County
Anne Short, Program Specialist	Amador County
Bill Mannel, Solid Waste Manager	Butte County
Steve Rodowick, Recycling Manager	Butte County
Lesli Daniel, Recycling Manager	Calaveras County
Kevin Hendrick, Solid Waste Director	Del Norte County
Mandy Kleykamp, Solid Waste Manager	Glenn County
William Brunet, Director of Public Works	Imperial County
Paula Wesch, Program Coordinator	Lassen County
Keith Quinlan, Solid Waste Manager	Madera County
Steve Engfer, Solid Waste and Recycling Manager	Mariposa County
Tracy Harper, Recycling Coordinator	Nevada County
Robert Perrault, Public Works Director	Plumas County
Mary Jo Rust, Administrative Secretary	Sierra County
Randy Akana, General Services Manager	Siskiyou County
Alan Abbs, Solid Waste Director	Tehama County
Kristina Miller, Recycling Coordinator	Tehama County
Roger Jaegel, Supervisor	Trinity 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
Nick Konovaloff, Legislative Assistant	RCRC Governmental Affairs
Paul Smith, Legislative Affairs Director	RCRC Governmental Affairs
Larry Sweetser, Consultant to ESJPA	Sweetser and Associates

OTHERS IN ATTENDANCE:

Alicia Coulver, Executive Director	Green Purchasing Institute
Jim Greco, Principal	California Waste Associates
Carol Misseldine, Director	California Product Stewardship Council
Karl Palmer, Chief, Regulatory & Program Development	DTSC
Kyle Pogue, Supervising IWMS	CIWMB
Thomas Rudy, IWMS	CIWMB
Jethro Salva, Solid Waste Consultant	Trinity County
Heidi Sanborn, Senior Manager	R3 Consulting Group
Bill Sheehan, Director	Product Policy Institute
Ken Stuart, Consultant	CIWMB

MEMBERS NOT REPRESENTED

Alpine County	Colusa County	El Dorado County	Inyo County
Modoc County	Mono County	Tuolumne County	

I. Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 9:35 a.m. by Bob Pickard, ESJPA Chair. Roll call was taken, self-introductions were made, and a quorum was established.

II. Approval of minutes from the meeting of December 14, 2006

The Chair called for a motion to approve the minutes of the December 14, 2006 meeting. The motion was made by Mandy Kleykamp and seconded by Kevin Hendrick. William Brunet abstained. Motion carried.

III. Public Comment

There were no public comments.

IV. Presentation Items

- A. California Product Stewardship Council – Bill Sheehan, Director, Product Policy Institute and Heidi Sanborn, Senior Manager, R3 Consulting Group

At the conclusion of the presentation, the California Product Stewardship Council (CPSC) invited the ESJPA to join the Council. Mary Pitto announced that RCRC voted to unanimously accept the ESJPA's Proposed Amendments to RCRC's Policy Principals on Solid Waste & Recycling at their March 21, 2007 Board of Directors' Meeting. The proposed amendments will allow the ESJPA Board to take action on policy principal

topics without prior approval from the RCRC Board. Mary recommended further discussion of ESJPA's involvement in CPSC be included on the May agenda.

Kevin Hendrick recommended that the ESJPA become involved in the CPSC and requested that the ESJPA Board vote on his recommendation at this meeting. As the Council is comprised of local government entities, primarily urban, Kevin pointed out that the rural counties are currently underrepresented. Kevin noted that if rural jurisdictions do not involve themselves in the process their special interests will not be considered or addressed. He argued that the decision to appoint someone to the CPSC could not be deferred to the next ESJPA meeting on May 17, 2007 and that the item required immediate action. Although individuals could still attend CPSC meetings in the interim, waiting until the May meeting could severely hinder the ESJPA from formally supporting and opposing legislation as changes occur.

Steve Engfer commented that he appreciated the support of the RCRC Board in approving the new Policy Principles and echoed Kevin's comments that the ESJPA needs to become involved in the CPSC process.

Alan Abbs stated that he preferred to see the CPSC item on the agenda for the May meeting so that ESJPA staff could have time to determine if they could undertake participation in the Council with existing staff. At the time of the May meeting, Alan felt a more concrete action proposal could be brought before the group for a vote.

Steve Engfer noted that Alan's point was well taken, but he countered that if the consensus of the group is to make it a current meeting priority then they should flesh out the details now, rather than defer it to May.

Kevin Hendrick, citing the need to take immediate action to appoint a representative to the CPSC steering committee before the next scheduled Board of Directors' meeting, made the motion to place an action item on the agenda. Steve Engfer seconded the motion. The interim chair called for a vote. Alan Abbs opposed. Motion carried. The following action item was added to the agenda: Appoint a representative of the ESJPA to the steering council of the California Product Stewardship Council (CPSC).

Kevin Hendrick made the motion to appoint a member of the ESJPA to the steering council of the CPSC and delegate to the TAG the selection of that individual. Lesli Daniel seconded the motion. The interim chair called for discussion on the motion.

Mary Pitto requested clarification on Kevin's proposed motion. Mary wondered if TAG would appoint a county representative or an ESJPA representative to the CPSC. Kevin stated that his recommendation was to have the TAG group active in the CPSC arena rather than staff. Kevin felt that counties are more involved with the details of what rural counties face in handling wastes and would serve as truer representatives of county needs compared to ESJPA staff. Kevin noted that the recommendation for a county representative was not

part of his motion, but is something that the TAG group should discuss when choosing a CPSC representative.

Karl Palmer, DTSC, encouraged the ESJPA to participate in the CPSC as they would help move the dialogue forward and change the current waste management paradigm. DTSC values the ESJPA's input and Karl felt that the CPSC is an excellent way for the ESJPA to continue the state-wide product stewardship conversation as the legislature moves forward with bills.

Alan Abbs asked if the individual appointed to represent the ESJPA on the CPSC would become an employee of ESJPA and be reimbursed for their services. Randy Akana commented that the individual appointed to the CPSC would have the ESJPA in their best interests, regardless of whether or not they were an employee of the ESJPA. A question was then posed as to whether there was any restriction to having both an ESJPA staff member and a county member attend the CPSC meetings.

Carol Misseldine, Director of the CPSC, stated that each jurisdiction gets one vote on the Council, but a jurisdiction can have as many people participate in the meetings as they would like. The Council has not worked out how many votes an association of counties (the ESJPA) would receive, but Carol is willing to work with the ESJPA and perhaps assign votes based on the proportion of participating counties or population.

Randy Akana queried the group to see if they should appoint an alternative to the CPSC in the case that the elected representative was unavailable. He suggested that this individual could be an ESJPA staff member.

Jim McHargue responded to Alan's question about reimbursement for the CPSC representative by suggesting that TAG could resolve the issue in the afternoon. Jim recognized the urgency of electing a representative and felt the group could appoint a member at the current moment and discuss relevant issues during TAG.

Carol Misseldine addressed the travel expense concerns associated with attending CPSC meetings. She stated that the Council has video conferencing capabilities and a call-in phone number and noted that not all CPSC members travel to the meetings.

Steve Engfer suggested amending Kevin's motion to appoint a county person and an ESJPA staff person to attend the next CPSC meeting, but not formally elect them as a representative. In this way, the ESJPA could still have representation on the Council, but wait to elect a formal representative until the May meeting. Kevin stated that he had a problem with a temporary one month appointment and he wanted to proceed to make a permanent appointment at the current TAG meeting.

Mary Pitto summarized for the group the proposed requirements for the CPSC representative. The elected CPSC representative would donate their time to serve on the Council and attend meetings by phone so that meetings would not be an ESJPA or county

budget item. A representative could be elected if they knew that their county would allow them the time to attend CPSC meetings. Mary Pitto also clarified that the representative on the CPSC would be from the Rural Counties' ESJPA.

Jim McHargue suggested that he would motion to appoint Kevin as a representative to the CPSC. Kevin declined the nomination and Jim asked the group who would be interested in serving as a representative. Lesli Daniels expressed an interest in becoming the ESJPA representative and stated that she would be happy to serve on the CPSC. Randy Akana asked if anyone else was interested in serving on the Council so that everyone had the opportunity to become involved, but there were no additional responses.

Stacey Miner reminded the group that Kevin's original motion to defer electing a CPSC representative to the TAG meeting was still open and that the motion would have to be closed before any motions could be made to nominate individuals to the CPSC. Kevin withdrew his motion.

A motion was made by Jim McHargue to first, appoint a representative from the current meeting to the steering committee of the California Product Stewardship Council, and second that the representative be Lesli Daniel. The ESJPA will not provide financial support for this appointment. Kevin Hendrick seconded the motion. The interim chair asked for further discussion on the motion and none occurred. The interim chair called for a vote and the motion passed.

A motion was made by Steve Engfer to appoint Mary Pitto as an alternate member on the steering committee of the California Product Stewardship Council. Bill Mannel seconded the motion. The interim chair asked for further discussion on the motion and none occurred. The interim chair called for a vote and the motion passed unanimously.

- B. State/Local Illegal Dumping Enforcement Task Force Report – Ken Stuart, Consultant, California Integrated Waste Management Board (CIWMB)
- C. Waste Characterization Study – Thomas Rudy, Integrated Waste Management Specialist, CIWMB
- D. Mariposa Compost Facility – Steve Engfer, Solid Waste and Recycling Manager

V. Business Matters

At 10:00 a.m., Bob Pickard left the meeting and Randy Akana assumed the Chair's duties for the remainder of the meeting.

VI. Solid Waste/Regulatory Update

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

Kyle congratulated the ESJPA on electing a representative to the CPSC and supported their decision to join the product stewardship dialogue. Kyle then provided a report on SB 1016, which is a CIWMB sponsored legislation authored by Pat Wiggins. SB 1016 would enact the Alternative Diversion Compliance System Act, which would change the diversion rate requirement from tonnage to programs. It would require each jurisdiction to implement the diversion programs specified in their source reduction and recycling elements. Through these programs, jurisdictions are required to prevent an increase in the countywide total tonnage of solid waste disposed as compared to the base tonnage year. During 2008, jurisdictions shall prepare an initial update to reflect all current source reduction, recycling, and household hazardous waste diversion programs that the jurisdiction is implementing. The update would be exempt from non-compliance orders.

Starting Jan 1, 2009 jurisdictions would only complete a biannual report and would file it electronically every two years thereafter. The bill would also require the CIWMB to consider specific factors in determining whether or not to issue a compliance order. The CIWMB may consider the rural nature of jurisdiction, growth rates, or other factors that might generate an increase in tonnage even when programs are being implemented. The CIWMB would also establish a base year county-wide tonnage for 2006 and measure the tonnage every two years. The CIWMB is planning to send a mass e-mail to jurisdictions with information about the bill proposals and Kyle encouraged members to submit questions and comments to him.

The 2005 Annual Reports were due March 15, 2007 and four ESJPA counties need to submit their report as soon as possible. Even if counties have submitted their report, the CIWMB is providing jurisdictions the opportunity to deduct treated wood waste material from their report. Jurisdictions that have information on their treated wood waste disposal are asked to e-mail this data so it can be included in their Annual Report.

Kyle discussed the development of the CIWMB Fact Sheet on AB 2449 – Plastic Bag Law. AB 2449 requires all drug stores and grocers to provide recycling bins and public education. The fact sheet is anticipated to be available by the May meeting.

On the CIWMB reorganization front, Kyle will continue to keep the group updated about changes and relay how they may or may not impact member counties. The reorganization will reduce the number of jurisdictions each staff person will work with, changing the number from 30 to about 10. The intent of this reduction is to give staff more time in the field to work directly with jurisdictions.

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

The main thrust of this new law is that it makes the California Air Resource Board (ARB) responsible for bringing about green house gas reductions. Although the ARB is the lead agency, emission reduction plans will also involve the CIWMB, Food and Agriculture, and the Water Board. The overall goal of AB 32 is to reduce green house gas emissions to

1990 levels by 2020 and the ARB must set these 1990 baseline levels by January 1, 2008. Currently, work is underway on a model for “who emits what and how to reduce it” and regulatory actions cannot take shape until this model is completed.

Several committees and working groups have formed in the meantime, including the Market Advisory Committee, which is working to develop a market-based incentive program for carbon trading. The California Climate Action Registry (CCAR) will form subgroups focused on certain areas of greenhouse gas emissions, one area being landfills. Discussion has occurred on how to coordinate emission reduction efforts and the ARB will begin collecting additional emission data from landfill, forestry, farm, and electricity sectors. Based on the finding, some sectors will be required to complete mandatory monitoring and reporting. The ARB is expected to require this monitoring and reporting for electric power generators and cement facilities as early as 2009. Landfills may be brought into these requirements at a later date, but currently CCAR lacks a reporting protocol for landfills.

The ARB must establish a list of discrete Early Action Items (EA) by July 2007. These are short term actions that can be implemented and adopted immediately. So far, only two items have definitely been identified as EA items: low carbon fuel standards and a ban on certain automotive air conditioning coolants. More EA items are expected before the official draft list is produced in April. The CIWMB is creating their own list of EA items and will hold a workshop on these items in April.

C. Alternative Management Standards for Treated Wood Waste – Larry Sweetser, ESJPA Consultant

This item was deferred for discussion during the TAG meeting.

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

This item was deferred for discussion during the TAG meeting.

VII. ESJPA Program Updates

Grant Program Update by Stacey Miner. Stacey referred the group to her memo on page 59 of the meeting packet and encouraged those with specific questions to call or e-mail her.

Stacey provided a status report on HD 14. The modified work scope and budget for the grant was approved in January. With the exception of Tuolumne, Nevada and Trinity Counties will hold month long collection events.

The notice to proceed on UOG 8 was received in September 2006. Work will begin in the next few weeks once the ESJPA’s internal audit begins on April 2, 2007. Plans to implement new centers, site upgrade and filter exchange events will proceed. The only vendor to collect and

recycle used oil bottles is no longer in business. Therefore, that component of the program will be eliminated for the time being.

HD 16 is now available. Applications are due May 15, 2007. Heidi Sanborn, R3 Consulting, has contacted many counties about teaming up for a coordination grant and Stacey encouraged counties to join the grant if they desire. Calaveras County will act as the lead agency for the coordination grant and it is solely focused on developing programs for sharps. Stacey also noted that the deadlines for CIWMB Non-Profit and Research & Development grants, UNP 7 and URD 5, have been extended to March 29, 2007.

The Department of Conservation's (DOC) Competitive Beverage Container Recycling Grant is now available and the concept is due April 6, 2007. The ESJPA plans to update and submit a previous proposal for bar and restaurant recycling and will contact counties to see if they are interested in participating. Once the concept is approved, the proposal is due July 13, 2007.

VIII. Legislative Update

The group took a lunch break at 12:30 p.m. and re-convened for Legislative Updates at 1:00 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 bill will require pharmaceutical companies, whose product is dispensed through a pre-filled syringe, pre-filled pen needle, or other pre-filled injection device to provide a method for patients to safely dispose of the injection device.
- B. CA AB 722: Energy: General Service Incandescent Lamp. This bill will require the State Energy Resources Conservation and Development Commission to prescribe a minimum level of operating efficient for lighting devices and will prohibit the sale of general service incandescent lamps on and after a specified date.
- C. CA AB 1610: Solid Waste: Fees. Attempts have been made to meet with the Speaker's office concerning this bill. Staff is interested in learning why the increase is so large, what the intentions are behind the increase, and what the CIWMB is anticipating using the money for. The CIWMB has stated that because jurisdictions want more money for grants, the only way to do this is to increase tipping fees. There has also been speculation that the tipping fee money could be used to create a superfund for landfill closure. The tipping fee may not jump to the \$2 level immediately, but could go up by nickels and dimes over time. It has been over 10 years since the fee climbed to \$1.40, so an increase of some sort is likely to occur. This tipping fee is only assessed on in-state disposal however, so those jurisdictions that export waste out of state will not pay this fee. Staff will continue to monitor this bill and gain information on its intentions.
- D. CA AB 1150: Solid Waste: Transformation. This bill is a reiteration of an existing transformation definition, but puts the definition into formal terms. Transformation is

- the incineration of solid waste, or the processing of solid waste through a noncombustion thermal, chemical, or biological process. This proposal will change the existing definition, making it harder for transformation to gain diversion credit.
- E. CA SB 826: Solid Waste: Environmental Justice. This bill requires the CIWMB to adopt state minimum standards and incorporate environmental justice standards when permitting or enforcing solid waste facilities. No information is provided on how these actions will be accomplished, but staff will watch this bill as it progresses.
- F. CA SB 966: Pharmaceutical Drug Disposal. This bill will require every retailer of pharmaceutical drugs to make available a place for consumers to dispose of unused pharmaceuticals. The bill language is questionable because it does not single out or specify if mail-order pharmacies are included. The bill is otherwise comprehensive and will be heard on March 26, 2007. Staff recommends supporting the bill and will send a letter of support.
- G. CA SB 1016: Diversion: Alternative Compliance System. This CIWMB supported bill has many incongruities that do not reflect the CIWMB's intentions and it is expected to be hammered out in the Senate. The proposed system promotes effective diversion and recycling programs and creates a different way of counting diversion, since the current system does not work. Under the new language, the rural county definition would exclude El Dorado and Butte Counties and the new tonnage definition would exclude Madera, Nevada, and Imperial Counties. The bill calculates an overall county tonnage, leaving counties no control over what their individual cities do. To alleviate this problem, staff suggests proposing a secondary tier where if the majority of a county's tonnage is coming from cities, the county is exempt from non-compliance. Staff will continue monitoring this bill.
- H. CA SB 1020: Solid Waste: Diversion. Larry and Paul met with the authors' office and leadership office and learned that this bill is not intended to move the diversion rate to 75%, but aims to look at a whole-scale change in minimizing disposal. After meeting with Kip Liper, the bill's objective is to hold the current disposal tonnage at a flat rate and not have disposal tonnage go up as the diversion percentage increases. This proposal is dangerous however, because it does not take into account population growth. The bill stresses placing more responsibility on the CIWMB and other state agencies to oversee recycling and diversion programs. Clearly, the ESJPA does not support the 75% diversion level of this bill, but staff is reluctant to take a stance on this bill until new changes are made. Once changes are written, staff will determine whether to support or oppose.
- I. CA AB 1257: Rural CUPA Reimbursement. Currently, 13 counties (including Calaveras and Mariposa) receive a state subsidy for their CUPA's with a maximum of \$60,000. This bill proposes to enlarge the number of counties that are eligible for an allocation if their CUPA was certified on or before a certain dates and the county has less than a certain population. Despite adding new counties, the bill does not change the total amount of money available. For counties that currently receive \$60,000 they would drop to \$45,000

and those counties newly added would go from \$0 to \$45,000. The concern with this bill is that it gives authority to the CalEPA to withhold subsidies based on the performance of the CUPA. The allocation money is also from the general fund and could be taken away by the legislature, leaving all counties in a difficult position. At a CalEPA meeting in November, it was suggested that there was a surplus in the CUPA fund and staff feels that new counties entering the subsidy system should draw allocations from the surplus, rather than the current fund. Larry's take on the bill is that the DTSC would rather regulate the CUPA than be the CUPA. By providing the subsidy incentive the DTSC anticipates CUPA's will perform better, thus reducing DTSC enforcement time. Staff will meet with CalEPA and the author's office to gain more information and monitor this bill.

IX. Agenda Suggestions for Next ESJPA Board Meeting Scheduled May 17, 2007.

Stacey solicited volunteers to give presentations at future meetings. Trinity County will present at the May meeting, Glenn County at the October meeting, and Sierra County at December's meeting.

Kevin Hendrick suggested following up on CPSC activities at the next meeting.

X. Member County Concerns / Comments

XI. Adjournment at 2:18 p.m.

Respectfully submitted,

Rachel Basore

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