

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, August 16, 2007

MEMBERS REPRESENTED

Bob Pickard, ESJPA Chair
Anne Short, Program Specialist
Lesli Daniel, Recycling Manager
Richard Dickson, Public Works Deputy Director
Jon Souza, Public Information Officer
Mandy Kleykamp, Solid Waste Manager
William Brunet, Public Works Director
Keith Quinlan, Solid Waste Manager
Tracy Harper, Recycling Coordinator
Paula Wesch, Program Coordinator
Martin Byrne, Asst. Director of Public Works
Randy Akana, General Services Manager
Melissa Cummins, Solid Waste Technician
Kristina Miller, Solid Waste Program Manager
Barbara Rapinac, Solid Waste Technician
Mark K. Potts, Solid Waste Technician
Belinda Barlow, Solid Waste Technician

Mariposa County
Amador County
Calaveras County
Colusa County
El Dorado County
Glenn County
Imperial County
Madera County
Nevada County
Lassen County
Plumas County
Siskiyou County
Siskiyou County
Tehama County
Trinity County
Trinity County
Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Stacey Miner, ESJPA Program Administrator
Rachel Basore, ESJPA Program Assistant
Paul Smith, Legislative Affairs Director
Larry Sweetser, Consultant to ESJPA

RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
Sweetser and Associates

OTHERS IN ATTENDANCE:

Matt Cotton, Principal
Jill Firch, IWMS

IWM Consulting
CIWMB

Michael Payan, IWMS	CIWMB
Kyle Pogue, Supervising IWMS	CIWMB
Heidi Sanborn, Executive Director	CPSC
Scott Walker, Branch Manager	CIWMB

MEMBERS NOT REPRESENTED

Alpine County	Butte County	Del Norte County	Inyo County
Modoc County	Mono County	Sierra 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 May 17, 2007

The Chair called for a motion to approve the minutes of the May 17, 2007 meeting. The motion was made by Mandy Kleykamp and seconded by Richard Dickson. Motion carried. William Brunet abstained.

III. Public Comment

There were no public comments.

IV. Presentation Items

- A. Disaster Preparation and Management (aka Angora Fire) – Scott Walker, Branch Manager, Cleanup, Closure and Financial Assurance Division, CIWMB
- B. Rural Composting Options – Matt Cotton, President, Board of Directors of the U.S. Composting Council
- C. Nevada County Construction and Demolition Diversion Program – Tracey Harper, Recycling Coordinator

V. Solid Waste/Regulatory Update

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

Kyle reminded the group about upcoming Cal Trans and CIWMB workshops on erosion control that will be held in four locations during August and September. The workshop in Redding is low on attendees, so individuals are encouraged to attend this session. The

workshop dates are: San Luis Obispo-August 21, Chino-August 23, Redding-September 25, and Tahoe-September 27. Registration details can be found on the CIWMB website. Another training opportunity, the Beginning Landfill Gas Training Workshop will be held in Red Bluff on October 30.

On the CIWMB reorganization front, individuals are beginning to move into their new leadership roles. Shirley Willd-Wagner has been made Division Chief of the Financial Assistance division, and Jeff Hunts is the Branch Manager of e-waste. Fernando Berton is the Branch Manager of the Statewide Technical and Analytical Resources Division (climate change, organics, and other issues) and Cara Morgan is the Division Chief of the Local Assistance and Market Development Division. Kyle introduced one of the new Waste Management Specialist, Jill Firch, who will work with El Dorado and Alpine counties. The goal of staff changes within Local Assistance is to reduce the number of jurisdictions per staff member to about ten. Staff changes are still ongoing, but the goal is to have the organization chart complete by October 2007 so that jurisdictions can be notified of their new contacts.

Kyle noted that the 2006 Annual Report will be due in March 2007. The 2006 disposal numbers will not be available until the end of 2007. An attempt is being made to change the reporting requirements to an electronic reporting method, but the transition is undergoing some snags. Preliminary disposal numbers are currently available, but jurisdictions will have to wait for finalized numbers. As to the preliminary data, statewide the 2006 diversion rate rose to 54% from 52%, but individually it is hard to say if 2006 will be a better or worse year for diversion. The 2006 annual report will be part of 2005 biannual review that begins next year.

Tracey Harper raised a concern about the diversion rates posted on the CIWMB website. According to the website, Nevada County's diversion rate is 22%, but the rate is actually 36% when the adjustment method is used. Tracey has asked that this number be changed to reflect the correct figure because the error erodes political support for the county's diversion programs. She has spoken with Rosalie Mule, Wesley Chesbro, and Cheryl Peace about this issue, but there has been no effort to change the numbers. The website does state that many of the diversion rates listed are not finalized until reviewed by the Waste Board, but Tracey still feels the incorrect numbers are of significant concern. Michael Payan noted that he has heard the same complaint about incorrect diversion rates from other cities and counties.

The Chair questioned why the diversion numbers are posted, as they may mislead individuals who do not understand the calculation details. To address this issue, the ESJPA will write a letter to the CIWMB to express concerns about incorrect diversion rates and suggest removing the data from the website or posting the rates each jurisdiction submits. This letter will be written by ESJPA staff and placed on the October 18th meeting agenda for the Board to approve.

Kyle closed his update by announcing that this meeting would be his last with the ESJPA. As he is the Supervisor for the Bay Area, he has decided to step back from his representative duties at the ESJPA. The Chair stated his appreciation for Kyle's support and knowledge over the past ten years and his willingness to serve as a conduit to the CIWMB and assist the ESJPA in making changes.

B. AB 32 – Global Warming Solution Act of 2006 Update – Larry Sweetser, ESJPA Consultant

Every state agency has become involved with AB 32, with the Air Resources Control Board (ARB) most prominent in the process. AB 32 requires a return to 1990 emission levels, which were 6.98 metric tons, but the 2006 numbers are already lower than this. The state has already reached this emission goal, but various aspects of emission sources are still under investigation. As the 1990 emission target has been met, the ARB is likely to leave the landfill gas issue alone and focus on other items. They are now looking into landfill covers that have more of an organic layer to oxidize greenhouse gases. Those jurisdictions planning new site plans or improvements may want to consider covers that would meet forthcoming requirements. The ARB has also raised discussion about banning organics from landfills since less organics translates to reduced gas emissions.

Mary Pitto stated that the inventory results indicate that landfills contribute 1% of greenhouse gas emissions, but the ARB may still target landfills for reporting. There is ongoing debate concerning how to calculate emissions and what to use as assumptions. The data the ARB is gathering is based on tons per place in active and closed landfills, but uses the EPA default of 75% capture. The ARB is willing to listen to stakeholders, but they are rushed to finish standards by the December 2007 deadline. Revisions of these standards are expected to take place next year to determine a more accurate calculation method. Mandatory reporting will require third party verification of emission data and while landfills are fairly safe for now, the concern is for COGEN facilities. The ESJPA will focus on exempting rural jurisdictions from any future landfill gas reporting since rural counties contribute an insignificant amount to the 1% of emissions. Greenhouse gas monitoring and reporting would be a major cost burden for rural jurisdictions and the ESJPA will be seeking exemptions at smaller sites.

VI. Legislative Update

Paul Smith, RCRC Director of Legislative Affairs, provided a review of 2007-08 Solid Waste Legislation.

Paul reported that the last four weeks of the legislative session will be heavily impacted by the stalemate in passing the state budget. Many bills are still alive, but no one knows what will happen to these bills without a budget. The Leader of the Senate does not want to deal with any bills until the budget passes, so bills could suffer one of three fates. The bills could die, be diverted to next year, or the compressed time frame could create disastrous last minute amendments without a full understanding of their impact.

- A. CA AB 712: Vehicle Clean Air Program. This bill will increase the tip fee from \$1.40 to \$1.90 with proceeds of the fee being used to fund retrofit programs for off-road diesel equipment at landfills. Both the ESJPA and RCRC Board voted strong opposition to this bill and it is not expected to move very far. It is scheduled to be heard on Monday, August 20 in Senate appropriations and will either be put on suspense or die. In a meeting with the governor's staff however, Paul was told that the issue of a fee increase, as proposed in AB 712, will be part of a broader air package. This action is a follow up to AB 32 in light of ARB actions in the past weeks. AB 712 was promoted by Waste Management, so the new air package will likely contain a fee as a vehicle for funding ARB policies. The bottom line is that the ESJPA will need to be in position to fight this fee or look at alterations to make it more palatable. If the fee does come from administration it will unfortunately be a done deal. Some items can be massaged, but it will be very difficult to stop.
- B. CA AB 1195: Recycling: Used Oil: Payment. The ESJPA has officially gone neutral on this bill and it will be very hard to change our position. The bill was put on the suspense calendar and staff is unsure if this bill will make it due to its broader policy aspects. As members of legislature gain a better understanding of this bill they are likely to slow down its progress. The policy principal at the heart of this bill is to keep used oil in California. It is a grab by a couple of recyclers and re-refiners to capture oil monies from the state recycling program. The initial form of this bill would have burned rural counties on several fronts concerning testing and incentive payments. The sponsors initially wanted haulers to be the first line of testing used motor oil and this was a major concern when the ESJPA started engaging in this bill. Any impact on the hauler would in turn drive up the cost for jurisdictions to administer programs. The sponsors also wanted the recycling incentive payments limited to oil recycled in the state, which burdened many ESJPA jurisdictions that have no alternate but to ship oil out of state.

To satisfy these two concerns, amendments were written that make a local government in a rural county "whole" by providing reimbursement for testing/incentives. The CIWMB must provide increases to block grants to cover the increased costs of testing or reduced availability of the recycling incentive if the local government can demonstrate these additional costs. The remaining problem with this bill concerns where the money is coming from within the CIWMB to make counties "whole". The bill says the funds may come from the block grant, but that will have to change. If this bill does move to the governor, he will add an amendment that will change the funding stream. Paul will be surprised if this bill is vetoed or held up in the last few weeks and it will most likely be dealt with next year.

One aspect of this bill that is favorable to rural counties relates to contamination and being able to tap into contamination funds. Non-certified sites run by local government will be able to access the contaminated oil fund, which was previously unavailable. The increased volume of testing required by the bill will increase the likelihood of contamination and without the fund, one bad contamination could wipe out a county's program. There has been no push back on this point, but this option comes with a low

price tag because the language very narrowly specifies that it is for uncertified cities in rural counties operated by a local government.

- C. CA SB 1020: Solid Waste: Diversion. This bill was placed on suspense in Senate appropriations committee prior to the budget and has two more big hurdles before facing the governor's desk. The bill was amended and still has the 75% diversion number, but has changed the timeframe for meeting this level. Instead, a 65% diversion level requirement must be met first. The author's office has noted that this bill is still a spot bill, which means that SB 1020 will undergo a complete re-writing in the next four weeks.

This is the biggest bill that RCRC and ESJPA have left to deal with and if not re-written properly the results could be devastating. The author's office is speaking to stakeholders and has made comments about adding Extended Producer Responsibility (EPR) language to the bill and looking at ways to shift the diversion method. The author's office has also asked that amendments deal with multifamily recycling of beverage containers or model ordinances for businesses. They also asked Waste Management to come up with a C&D ordinance model. The League of Cities was charged with presenting a model ordinance for dealing with commercial recycling and it is essentially AB 548 with "commercial business" inserted in place of "multi-family dwelling". The League felt that for a commercial approach to work the businesses impacted should be large businesses with 100 employees or more. This stipulation would rule out almost all businesses in rural counties. In sum, a variety of groups are trying to reach new diversion numbers with different programs.

There has been lots of talk that without easing up on air and water permits jurisdictions will be unable to reach 75% or even 60% diversion. The state needs to deal with landfill capacity issues first and develop better C&D ordinances, waste ordinances, etc., before mandating diversion levels. The author must take all this input and try to figure out what they want to do with this bill in the remaining four weeks. At the governor's staff meeting the legislative unit stated that they would like this bill to become a two year bill along with 1610, but Paul thinks that this is unlikely.

Paul and Larry have met with the author's office to come up with options for this bill and have specified that the CIWMB must keep rural reduction waivers and good faith efforts in place. Paul feels he has a good relationship with Padilla's office, but politics could take over and hurt this bill. Staff is working with the League of Cities and CSAC and everyone is agreeable to the rural exemption option. El Dorado and Butte Counties do not qualify for the rural exemption under the CIWMB definition, however.

Leslie Daniel noted that the EPR language in the bill was beefed up and she felt it was a significant improvement. Heidi agreed that the bill's framework legislation language was impressive and the CPSC wants to work closely with Paul to ensure the language does not lose its teeth. RCRC and ESJPA support this EPR language, but have an issue of concern at present. Under the current language, it is envisioned that the CIWMB would have a model EPR plan and local government would be responsible for implementing it. In

addition to burdening local government, the manufacturer community will not want to deal with 58 different local ordinances. It is in the bill's best interest to create a uniform implementation plan and this concern has been communicated to the author's office for consideration.

- D. CA SB 898: Beverage Containers: Solid Waste Cleanup. This bill is a concern because of potential amendments that could arise in the last few weeks. This bill could open the Bottle Bill to new plastic containers (milk jugs, etc) that would come under CRV deposit. This action would bring a huge amount of unredeemed money into the CRV fund, which would mean counties could potentially gain this money. The downside of this bill is that rural counties would have an increase in this new container waste without a market in place to handle the containers. The cost to move these materials out of rural areas into bigger markets would be prohibitive. This bill is driven by two forces: the environmental community and the manufacturing community. The manufacturing community will support this bill if they are relieved of processing fees and the environmental community has no opposition to this proposal. Staff will keep an eye on this bill because even though the accesses to increased CRV funds would be nice, recycling centers would be burdened with product they cannot move.

VII. Solid Waste/Regulatory Update

- C. Product Stewardship Council Update – Mary Pitto, Program Manager

Mary informed the group that Heidi Sanborn is now the co-director of the CPSC. She is still working with R3 Consulting and hopes to receive a \$300,000 grant for Del Norte/CPSC which will allow the CPSC to conduct Extended Producer Responsibility presentations in counties throughout the state and create new product policies. Heidi is currently working on obtaining 501(c)(3) status for the CPSC and she noted that the council has been moving very rapidly, which is making manufacturers very nervous. Heidi recently presented at the CRRRA conference where there were lobbyists from the National Electronic Manufacturer Association. The council has updated the PowerPoint presentation they gave at the March ESJPA meeting, creating a less technical and more story-driven outreach vehicle. The council will debut a new pamphlet soon and will present at the CIWMB steering committee meeting on September 11. Counties that wish to be added to the CPSC's e-mail list should give Heidi their contact information.

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

This item was deferred for discussion during the TAG meeting.

VIII. ESJPA Program Updates

Grant Program Update – Stacey Miner

Stacey reported the successful receipt of a \$150,000 universal waste training grant from the USDA which will offer universal and appliance management trainings in nine counties, similar to past MOLO trainings. The trainings are open to everyone even if their county is not hosting the training. A list of these training dates and locations will be announced soon. Trainings are scheduled to commence in October 2007.

HD-14 is drawing to a close now that all the collection events have been held. The ESJPA is waiting for final volumes and invoices to come in so that evaluations can be completed. The ESJPA will work with the four participating jurisdictions to determine how to use the remaining funds, but it is unknown if the CIWMB will approve these budget modifications.

UOG 8 filter exchanges are underway as well as two major site improvements in Mariposa County and a new tank for Tuolumne. The filter exchanges have experienced lower turnout than anticipated, but have also led to a change in the free filter incentive. It will be prohibitively expensive to provide free filters to each participant (some filters cost between \$10-30), so future events will offer \$6 off a new filter rather than a free filter. The ESJPA also provided more large size flyers for stores to post and encouraged county staff to check that stores are distributing the flyers to their customers. The major construction projects have been delayed primarily by the restructuring of the ESJPA's contracting policies. After several months refining the ESJPA contract, ESJPA is ready to finalize the UOG8 site improvement contracts.

The ESJPA managed used oil block grants are proceeding with planning for improvements and upgrades to used oil facilities. Local CUPAs are beginning more stringent enforcement which will require some retro-fitting of equipment in order to comply with current regulations. As part of these improvements, the ESJPA developed a form for Conditionally Exempt Small Quantity Generators (CESQG) and a document retention system for Amador County centers to keep track of manifests and forms in order to comply with the local CUPAs. Colusa County centers will be introduced to the new system by the end of 2007.

Contracts have been sent out to jurisdictions that have worked with the ESJPA in the past to manage their Department of Conversation City/County Funding. Jurisdictions interested in having the ESJPA implement and manage their city/county funding should contact Stacey to discuss this option.

VIII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled October 18, 2007.

Individuals with agenda suggestions are urged to contact Mary Pitto before the next meeting.

IX. Member County Concerns / Comments

A concern was raised as to the timing and scheduling of future ESJPA meetings and the placement of presentations in the agenda. The group discussed the possibility of meeting more frequently, holding the meeting at different hours, or holding the TAG meeting before the Board of Directors' meeting.

The group decided to hold the next meeting on October 18, 2007 at 9 a.m., rather than 9:30 a.m., to see if moving the meeting a half-hour earlier would help the meetings to run more on time.

X. Adjournment at 1:10 p.m.

Respectfully submitted,

Rachel Basore

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