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TAG VICE CHAIR – GRETCHEN OLSEN, TUOLUMNE COUNTY
PROGRAM MANAGER – MARY PITTO

**Minutes of the Rural Counties'
Environmental Services Joint Powers Authority
Board of Directors' Meeting
1215 K Street, Suite 1650, Sacramento, CA**

Thursday, August 25, 2011

MEMBERS REPRESENTED

Jim McHargue, Program Manager
Bill Mannel, Solid Waste Manager
Steve Roderick, Recycling Coordinator
Cyndi Knapp, Program Manager
Mike Azevedo, Program Manager
Kevin Hendrick, Director
Dave Johnston
Todd Neugebauer, Analyst
Annette Chavez, Deputy Director
Ed Delgado, Deputy Director Admin
Paula Wesch, Project Coordinator
Frank Bigelow, Supervisor
Glen Eastes, Senior Engineer
Bob Elder, Solid Waste Manager
Bob Perreault, Jr., Director of Public Works
Shannon Cash, Recycle Grant Coordinator
Randy Akana, Director
Bob Williams, Supervisor
Kristina Miller, Solid Waste Program Manager
Mark Lockhart, Solid Waste Director
Diane Rader, Deputy Solid Waste Director
Gretchen Olsen, Solid Waste Manager

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

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Staci Heaton, Regulatory Affairs
Paul Smith, Senior Legislative Advocate
Pam Hartwell-James, RCRC Office Manager
Larry Sweetser, ESJPA Consultant

RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Senior Legislative Advocate
RCRC Office Manager
Sweetser and Associates

OTHERS IN ATTENDANCE:

Barbara Heinsch
Barbara Baker
Terry Brennan
Daisy Kong

CalRecycle
CalRecycle
CalRecycle
CalRecycle

Cindi Rumenapp	CalRecycle
Chester Gragg	CalRecycle
Rick Hicks,	CalRecycle
Paul Brainin	Cal Recycle
Steve Sorelle	CalRecycle
Paulina Lawrence	CalRecycle
Mary Laackmann	CalRecycle
Ken Stuart	CalRecycle
Constance Hornig	Attorney
Dana Howard	DTSC
Edward Benelli	DTSC
Donna Sneering	CalPSC

MEMBERS NOT REPRESENTED

Alpine County, Inyo County, Mariposa County, Modoc County, Mono County, and Sierra County.

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

The meeting was called to order at 9:10am by the Vice Chair, Supervisor Bob Williams, Tehama County. Self introductions were made. Quorum was established.

II. Business Matters

A. Approval of Minutes May 26, 2011

The motion to approve the minutes of the May 26, 2011 was made by Kristina Miller and seconded by Mark Lockhart. Motion passed.

III. Member County Concerns/Comments

Kristina Miller asked the members if they are familiar with a Drug Terminator company since one is coming to her County.

IV. Public Comment

None

V. Presentations

Edward Benelli, Pollution Prevention and Technology Development, Department of Toxic Substance Control gave a very informative presentation on Mercury Thermostat Collection Act of 2008 which was updated March of 2011.

Ken Stuart, Contract Personnel, Compliance and Enforcement Division, Engineering Support Branch, CalRecycle, gave an in-depth presentation on Emergency Debris Waste Management Plans.

Kevin Hendrick, Director, Del Norte Solid Waste Management Authority, gave a very informative presentation on how Del Norte was dealing with after math of the Tsunami.

Report from CalRecycle

Terry Brennan gave the following report:

Stuff We All Get SWAG

Due to the budget issues, the Governor has limited the provision of “SWAG” premiums and promotional items, – however education material, brochures and recycling starter kits are not included in these limitations.

Waste Reduction Awards Program WRAP

CalRecycle received 283 WRAP applications this year. Local Assistance and Market Development staff are finishing their evaluations and we are conducting compliance checks.

Travel Restriction

Staff are still under travel restrictions of the Governor’s Executive Order, however we are able to make our mandated site visits to verify program implementation, conduct audits and inspections.

Compost Best Management Practices and Benefits Reports

This report is the result of a contract between CalRecycle and the University of CA Riverside. The report presents results of a research project, conducted by Professor David Crohn, that evaluated ways to conserve water and protect water quality as related to compost production and application.

Recycler and Dealer Inspections

Since the May 26th ESJPA meeting, staff has reported the following:

589 inspections at recycling centers.

393 dealer inspection visits to verify redemption and signage requirements in convenience zones that were not served by certified recyclers.

274 Notices of Noncompliance (NONC’s) were issued.

53 Notices of Violation (NOC’s) were issued.

84 complaints were investigated.

1260 recycler loads delivered to processors for CRV reimbursement were inspected.

It should be noted that in the future Terry Brennan will provide information that can be handed out at ESJPA meetings so everyone can have what they need to know before it happens.

VI. Legislative Update

Paul A. Smith, Senior Legislative Advocate, provided a brief update on the timetable and calendar of the legislative process, noting that the Legislature is in the final days of the 2011 Session. Adjournment is scheduled for September 9th. Most solid waste related measures have been reviewed and have either failed to pass, become ‘two-year’ bills or await final approval before being sent to the Governor for his consideration. Overall, the amount of solid waste related measures has been relatively light for the year, and Paul indicated he did not believe there will be any last-minute surprise measures that impact solid waste management.

Paul discussed the following bills and offered comments:

AB 341 (Chesbro) is similar to legislation passed by the Legislature last year, but was vetoed by the Governor. It codifies CalRecycles approach in mandating commercial recycling

activities. In addition, the measure speaks to the issue of increasing the statewide diversion point. To date, RCRC has not taken a formal position on AB 341. Earlier in the day, AB 341 was released from the Senate Appropriations Committee's "Suspense File" with amendments that narrow the statewide diversion goal and require the development of strategies to obtain a 75% statewide diversion goal. It is expected AB 341 will reach the Governor's Desk; however, it is unclear if the Governor will sign this year's version.

SB 833 (Vargas) would restrict the permitting of a landfill near specified drinking aquifers and/or Native American burial grounds. While the bill only applies to facilities in San Diego County, RCRC has expressed opposition since the measure precludes existing regulatory processes and sets a dangerous precedent. The measure is expected to proceed through the process; however, its fate is unclear once it reaches the Governor's Desk.

AB 408 (Wieckowski) was recently amended to include provision regarding the acceptance of oil-based paints by retailers who do not currently hold special handling permits. The bill is needed in light of the legislation passed last year to create a product stewardship framework for the return of unused architectural paint. RCRC will be supporting the bill and it awaits consideration in the State Senate.

AB 1178 (Ma) would restrict a city/county's ability to ban the importation of solid waste for purposes of disposing in a landfill. Because amendments were incorporated in the bill in June that: clarify that publicly-owned landfills are exempt from an importation ban; existing agreements and/or existing permit conditions must be maintained/allowed to continue reserved capacity for the host jurisdiction; and preserve a county's land-use authority to require conditions upon private landfills. As such, RCRC, along with CSAC, removed its opposition. The bill now awaits final action in the State Senate. It is unclear whether this measure will obtain passage in the Senate.

VII. Solid Waste/Regulatory Update

A. ARB AB 32 and Landfill Gas Control Measure

Larry Sweetser, ESJPA Consultant

The Air Resources Board has finalized and distributed their Implementation Guidance Document for the landfill methane gas regulations. It is a 126 page document and the regulations are 34 pages. Some individual air districts are considering assuming authority for these regulations and may impose additional requirements. Members should contact their own districts to determine their intentions.

B. Cal Recycle AB 1343 Paint Product Stewardship

C. CalRecycle AB 2398 Carpet Product Stewardship

Mary Pitto, Program Manager explained that both the stewardship programs have draft CalRecycle regulations for the implementation of the programs. The primary concern for the ESJPA is to maintain language that recognizes the rural counties need to receive a direct benefit from the programs. In addition, she explained that the carpet program is required to submit their program by September 30th. To date, the carpet recyclers are not approaching the rural counties. It does not appear to be economically feasible. The carpet organization, CARE, has agreed to try a pilot project in six counties: Calaveras, Plumas, Tehama, Siskiyou, Del Norte, and Humboldt.

D. CalRecycle/ARB Mandatory Commercial Recycling

Mary Pitto reported that the final CalRecycle informal draft of the Mandatory Commercial Recycling proposed regulation has been released, a final workshop will be held, and it will be turned over to ARB for the formal rulemaking process. The ESJPA is still in a position to support the regulation. ARB is anticipated to begin the formal process in September with the ARB proposed hearing on October 20, 2011.

E. SWRCB Industrial Storm Water Permit

Larry Sweetser, ESJPA Consultant

The proposed changes to the industrial storm water permit are still under review.

F. SWRCB Landfill Waste Discharge Requirement Fee

Larry Sweetser, ESJPA Consultant

The proposed landfill waste discharge fee regulations are expected to be approved by the State Water Board at its September meeting. The proposed fees are not expected to change from the current proposal. The fee letters were expected to be distributed in November 2011 but Board staff is considering an industry request to delay the payment due date to March or April. Discussions to revise the fee structure will continue.

G. CDFG Proposed Regulations for Renderers, Collection Centers, Dead Animal Haulers, and Transporters of Inedible Kitchen Grease

Larry Sweetser, ESJPA Consultant

CDFG staff is currently revising their proposed regulations. The concern is the impact of the strict requirements on hauling and management of food waste and dead animals.

H. CA Green Building Code Construction Debris Diversion

Mary Pitto reported that the CA Green Building Code Construction Debris Diversion has been revised. The changes are primarily clarification and clean up and don't affect the substance of the code.

I. CA Product Stewardship Council Update

Kevin Hendricks, Product Stewardship Council provided information about CPSC projects and the importance of the progress being made. He announced that he is the new Chair for CPSC.

J. Grant Program Update

Larry Sweetser, ESJPA Consultant

The ESJPA has closed out the UBG-14 grant and is working on the UBG-15 and OPP-1 oil payment program for Alpine, Colusa, and Mariposa. The ESJPA has assisted with County Fairs for Amador and Siskiyou and will be assisting with the Mariposa fair.

The final report for TCA-6 is being prepared. Tire amnesty events under TCA-8 will be starting for Alpine, Colusa, Inyo, Mariposa, Nevada, Plumas, Sierra, and Tuolumne Counties.

K. Highlights of June/July/August CalRecycle meetings

Larry Sweetser, ESJPA Consultant

Jurisdictions should have received their City County Beverage grant payments. Calaveras, El Dorado, and Tehama Counties received HHW grants. The available funds for this cycle are significantly less than previous years.

CalRecycle is prepared to award a contract for used oil lifecycle assessment. Trinity County received a landfill closure loan and the program is scheduled to cease funding next year. CalRecycle continues to finalize the Mandatory Commercial Recycling, paint stewardship and carpet stewardship regulations.

VIII. Presentation

Constance Hornig, a solid waste attorney, conducted a workshop on solid waste agreement provisions. She walked through various provisions and the basis for inclusion or options to consider. Members requested information on numerous questions, contract provisions, suggestions and situations.

IX. Agenda Suggestions

X. Articles of Interest

Mary Pitto directed members to the Board packet.

XI. Adjournment

The meeting adjourned at 2:30pm

Respectfully submitted,
Pam Hartwell-James, Office Manager/Executive Assistant