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**EXECUTIVE DIRECTOR** – BRENT HARRINGTON

**PROGRAM DIRECTOR** – JAMES HEMMINGER, P.E.,  
**TECHNICAL ADVISORY GROUP CHAIR** –  
MARK RAPPAPORT, TUOLUMNE COUNTY

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

801 12<sup>th</sup> Street – 2<sup>nd</sup> Floor  
Sacramento, CA 95814  
(916) 447-4806

Thursday, October 21, 2004

### DELEGATES AND OTHER COUNTY REPRESENTATIVES IN ATTENDANCE:

Jim McHargue, Program Manager	Amador County
Bill Mannel, Solid Waste Manager	Butte County
Rob Houghton, Director of Public Works	Calaveras County
Richard Dickson, Deputy Director of Public Works	Colusa County
John Souza, PIO	El Dorado County
Tom Varga, Assistant Director of Public Works	Glenn County
John Mitchell, County Engineer	Madera County
Steve Engfer, Solid Waste and Recycling Manager	Mariposa County
Tom Hunter, Director of Public Works	Plumas County
John Kovach, Fiscal Technician	Siskiyou County
Alan Abbs, Solid Waste Director	Tehama County
John Whitaker, General Services Director	Trinity County
Mark Rappaport, Solid Waste Manager	Tuolumne County

### STAFF IN ATTENDANCE:

Jim Hemminger	ESJPA Program Director
Mary Pitto	Regulatory Program Director
Stacey Miner	Program Administrator
Bliss Hipp	Environmental Program Coordinator
Camille Chorley	Administrative Assistant
Tom Cambell	RCRC

### OTHERS IN ATTENDANCE:

Fernando Berton, Technical Advisor	CIWMB
Jim Greco, Owner/Principal	California Waste Associates
Jeff Hunts, Supervisor, Waste Prevention & Market Dev.	CIWMB
Matt McCarron, Waste Prevention & Market Dev.	CIWMB
Karla Miller, Recycling Specialist	DOC
Rosalie Mulé, Board Member	CIWMB

Karl Palmer, Branch Mgr, Hazardous Waste Management	DTSC
Kyle Pogue, Diversion, Planning & Local Assistance	CIWMB
Heidi Sanborn, Consultant	Paint Product Stewardship Council
Pat Schiavo, Deputy Director, Local Assistance	CIWMB
Ruthann Schulte, Advisor	CIWMB
Larry Sweetser, Consultant to ESJPA	Sweetser and Associates
Mark Urquhart, Senior Project Manager	EMCON/OWT, Inc.

### **Call to Order / Determination of Quorum / Introductions**

The meeting was called to order at 1:38 p.m. by Bob Pickard, ESJPA chair. Roll call was taken, self-introductions were made, and a quorum was established.

### **Public Comment**

None.

### **Review and approval of minutes of the meeting of August 19, 2004**

Bob Pickard called for a motion to approve the minutes of the August 19, 2004 meeting. A motion to adopt the minutes was made by Tom Varga. The motion was seconded by Tom Hunter and carried unanimously.

### **Business Items**

Imperial County has expressed interest in joining the ESJPA. Jim Hemminger explained the process of Imperial County becoming a member. Jim wanted to get direction from the ESJPA Board before Imperial County obtains a resolution from their Board of Directors. There was consensus that Jim proceed with compiling necessary paperwork for Imperial County's membership request. In anticipation of a formal request from Imperial County, there will be an agenda item to consider adoption of a resolution at the December Board of Directors meeting to welcome Imperial County as the 22<sup>nd</sup> member of the ESJPA.

### **Introduction of Rosalie Mulé, Member, California Integrated Waste Management Board and her staff.**

Jim introduced Rosalie Mulé, one of the two most recent California Integrated Waste Management Board appointees. Rosalie has already visited with some of the member counties and expressed interest in working with the ESJPA in the future.

### **Presentations**

- A. Mary Pitto discussed the changes that were made to SB 20 regulations as a result of SB 50 being signed. Currently the CIWMB is working on emergency regulations to implement these changes. There are two changes that are particularly important to those counties that will register as collectors. First, January 1, 2005 is the new "implementation date" to qualify for funding. Second, there is a new requirement that collectors provide some type of "cost-free opportunity" as a condition for funding.

Shirley Willd-Wagner was scheduled but was unable to attend the ESJPA meeting. In her stead, Mary introduced Matt McCarron, CIWMB, Office of Waste Prevention and Market Development; Jeff Hunts, CIWMB, Supervisor, Office of Waste Prevention and Market Development; and Karl Palmer, DTSC, Branch Manager, Hazardous Waste Management. A new draft of the emergency regulations was distributed at the meeting. Matt McCarron reviewed the revisions made to SB 20. Matt reminded jurisdictions that the electronic waste collectors will be receiving will be made up of diverse materials. Many of these materials will not be eligible for reimbursement.

Karl Palmer spoke about the different materials that constitute electronic waste. These materials include computer monitors, lap top computers, and televisions. SB 50 changed some of the definitions and included a broader universe of devices. Other changes taking place include the notification process. Karl explained how the notification system is designed. When devices are added to the regulations the manufacturer is notified by DTSC. In turn, the manufacturers will then notify retailers. There is a prescriptive time frame in which these notifications must take place. However, there is an option for manufacturers to bypass this process by producing a new device that does not qualify as hazardous waste. For those wanting to participate in the program as a recycler or handler and would like hands on instruction on filling out the required forms, there will be a workshop on October 28<sup>th</sup> from 9:00 – 12:00 p.m. at the Cal EPA building.

Jeff Hunts spoke about his involvement in developing the payment system. Different jurisdictions face different costs. Any participant in this system must document costs and submit these costs to the Waste Board annually. The net cost report will be available in February 1, 2006 and will be used to make funding adjustments. The Waste Board has the authority to establish a different payment schedule and this cost data will be necessary for the CIWMB to determine the need to make changes. Discussion followed.

- B. Pat Schiavo, CIWMB, Deputy Director, Diversion, Planning and Local Assistance Division reviewed the existing AB 939 compliance methodologies and the consideration of alternative systems. Overall implementation of AB 939 has been very successful. However, due to concerns regarding the measurement components of AB 939, alternative systems have been discussed and there is a process in place to change the entire measurement system. Pat spoke about the system overhaul that could potentially take place. After preliminary discussions with different working groups, there will be more workshops to further review criteria and alternatives.

The alternative systems being considered consists of three major categories. The first is based on improved adjustment factors and an improved disposal reporting system. The second is a disposal based alternative system which would only look at the disposal reporting system. The third is a program based system which would look at programs based on source reduction recycling elements. The Waste Board would create a menu of programs to choose from and a jurisdiction would have the option of creating their program implementation. Finally, there is the option of having a system that is a hybrid of all three categories. The Waste Board welcomes suggestions and ideas and plans to have a proposal by this spring or summer.

The next workshop is scheduled in Sacramento on December 2, 2004. Pat stressed the importance for the representatives of the rural counties to attend this workshop. Rural exemptions are being considered depending on which set of alternatives would be implemented. This is why it is important for the rural jurisdictions to participate in the workshops and discussions. So far, many jurisdictions are involved. Pat will be compiling notes from the first meeting and distributing them to all interested participants. At this time, the Waste Board is not looking at what the future goals will be, rather what the framework of the system is going to look like. Discussion followed.

- C. Karla Miller, Recycling Specialist, with the Department of Conservation (DOC) gave an update on changes to the SB 332 City/County applications. The DOC is trying to streamline applications by creating an online form. DOC is also looking at eliminating the reporting and evaluation portions of the applications. There are currently about 50 cities that do not apply for the City/County funding and the DOC would like to change that by making it as easy as possible. Discussion followed.
- D. John Mitchell gave an overview of the solid waste programs in Madera County and discussed some of the particular challenges the county faces as a result of sharing their landfill with a major paleontology excavation site.

### **Regulatory Update**

- A. Kyle Pogue, with the CIWMB Office of Local Assistance, gave an update on the Adjustment Method Review working group. The working group had their first meeting on September 27, 2004 to discuss the adjustment methods. The focus of the working group is to get a handle on what other type of factors are out there and what other factors could better help the tabulation of the diversion rates. October 27, 2004 is the next workshop. Steve Engfer and Alan Abbs are reviewers in the group. Hopefully, by being involved in these workshops, the ESJPA will be able to provide rural-specific input. Pat Schiavo noted that participants can easily participate in the workshops via telephone.

Kyle reported on the October 18, 2004 public hearing on the proposed adjustment method and disposal reporting system regulations. This hearing was held on the last day of the 45-day public comment period. At the meeting, there was a consensus that an additional 45-day comment period is needed to review the regulations. There is an agenda item going before the CIWMB in November to request an additional 45-day comment period. Jim noted that this was discussed in the TAG meeting and asked everyone to review the regulations and let him know if there is anything he needs to address.

At the August ESJPA Board meeting, Kyle had given an update on the biennial review status of the member counties. Currently, there are just four counties up for review. Those four will conclude the biennial review for all the ESJPA members. Alpine and Sierra County will have their review in November. Inyo and Plumas County will have their review in December.

Kyle also informed the counties that the 2003 Annual Reports are available and the deadline for these will most likely be February 1, 2005. An electronic report is available and counties will receive more information as we approach the deadline.

Kyle briefly spoke about the Plastics and Plastic Trash Bags Report. This report is going forward to the legislature. So far, there is no impact from the report; however, it is an issue the ESJPA will want to be aware of and may need to address in the future.

- B. Mary Pitto reviewed the Cal EPA's Intra-Agency Environmental Justice Strategy. Secretary Tamminen signed the Intra-Agency Environmental Justice Strategy in August 2004. This was a culmination of a 3 year project that dealt with environmental justice. The definition of environmental justice is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws and policies. The Cal EPA will use this strategy as a guide for all of their boards and departments and direct how they shall integrate environmental justice into their programs, policies, and activities. Mary explained that many State regulatory actions and policies often disproportionately impact the rural counties. Consequently, RCRC took the position that our rural counties, along with other disadvantaged groups, need to be considered when Cal EPA considers environmental justice in the development of state regulations. The four major goals to the Intra-Agency Environmental Justice Strategy are: (1) to ensure meaningful public participation; (2) to integrate environmental justice into the development, adoption, implementation and enforcement of state laws, regulations, and policies; (3) to improve the research and data collection; and, (4) to ensure effective cross-media coordination and accountability. Discussion followed.
- C. Jim Hemminger gave a brief report on the California Performance Review (CPR). This is a broad document that includes many solid waste issues, but also many other topics. RCRC submitted a 20-page letter responding to many of the CPR recommendations. Jim discussed some of the specific solid waste related issues that were endorsed by RCRC. The CPR team is now accepting review comments and has held public hearings. Steve Engfer gave a brief summary of a recent hearing he attended in Fresno on Natural Resource issues. The CPR Commission will present the Governor the revised report in consideration of input given at the hearings. The Governor will then determine which specific topics he would like the Little Hoover Commission to review. The Little Hoover Commission should be releasing their recommendations in time for inclusion in 2005 legislative session. Discussion followed.
- D. Other Regulatory Issues – Heidi Sanborn, a consultant for the Paint Product Stewardship Initiative, reported on the Initiative's recent progress. High volumes of paint in the waste stream have led to a dialogue between stakeholders on how to reduce, recover, reuse, and recycle the excess paint. Over 55 stakeholders are involved in the process including manufacturers, recyclers, retailers, local governments, state governments, federal government agencies, and industry associates. In nine months the stakeholders have been able to come to an understanding of how to reduce the generation of leftover paint and increase reuse and recycling opportunities.

Currently, a Memorandum of Understanding (MOU) is being sent to Secretary Tamminem for signature. There may be a presentation at the December CIWMB meeting and possibly a signing ceremony. The MOU sets out to implement 11 projects over 18 months at a cost of \$1.2 million. The anticipated outcome will be the development of a nationally coordinated leftover paint management system. The Product Stewardship is asking those agencies that are interested to become official endorsers of the process. Heidi has asked that the ESJPA to be an endorser. Heidi announced that a conference call is scheduled for November 4, 2004 for potential endorsers to have their questions answered. Discussion followed.

Jim said he would agendize this issue for consideration at the December Board meeting.

### **ESJPA Program Updates**

- A. Jim Hemminger encouraged attendance at the upcoming MOLO training sessions. The four-day certification courses have been completed and were successful. Jim will compose a report and share it with the ESJPA member counties. In addition to the four-day certification courses, the ESJPA is also following up with (3) one-day onsite, hands-on, training sessions in Glenn, Inyo and Imperial counties. Waste Board staff will be present to review and critique onsite landfill operations and determine what can be done about violations. Jim reminded participants that were already certified that attending the one-day training will give them continuing credits with SWANA. Jim emphasized the importance of participation. Ultimately, MOLO regulations will be reviewed by the Waste Board and mandatory training may be required. If this occurs, we need to be ready to move forward and request support for rural training. The larger the participation is now, the stronger our future argument will be for on-going financial support from the Waste Board. Discussion followed.
- B. Bliss gave a status update on the HD-12 E-waste Collection Grant. To date, the ESJPA has held six collection events in the participating counties and they all have been successful. Two additional collection events are scheduled in the next few weeks. Bliss will send data to each county that has had an event which breaks down the materials received at the event. Bliss also noted that e-waste storage containers have been ordered for participants that were allocated funding for that line item in the budget. The anticipated delivery of the storage containers is November 15, 2004. Discussion followed.
- C. Stacey reviewed upcoming grant opportunities. Currently, the CIWMB is offering the Waste Tire Playground and Waste Tire Track Grants. Both grants have \$800,000 available in funding and both have a matching requirement. The Waste Tire Playground grant has a 50% matching requirement and the maximum funding that can be requested is \$25,000. The Waste Tire Track grant also has a 50% matching requirement and the maximum amount of funding that can be requested is \$100,000. The following deadlines for both grants are as follows: Question and answer period ends November 1, 2004. Applications are due by 2:00 p.m. on December 10, 2004.

The Reuse Assistance Grant discussed at the August 2004 board meeting is also due on December 10, 2004. The ESJPA is waiting to hear when the next oil grant or HHW grant

will be released. Jim encouraged jurisdictions that are applying for a grant and need assistance to please contact the ESJPA.

- D. Larry Sweeter discussed efforts to address illegal waste disposal problems. The Waste Board put together a group of people to do a presentation on illegal dumping. The goal is to expand this program and possibly look into legislative efforts as well as compiling a resource that jurisdictions can use to prevent illegal dumping. Larry will keep the ESJPA member counties informed on these efforts.

### **Legislative overview**

Due to time constraints Jim asked that if anyone has any specific questions regarding the legislative information included in the packet to please see him after the meeting.

### **Agenda Suggestions for the Next ESJPA Meeting Scheduled for December 16, 2004**

Stacey announced that the tire grants are having a review of their five-year plan. They are accepting comments throughout the winter. Stacey asked for anyone with suggestions or comments regarding the five-year plan to contact her and she will submit them to the Waste Board. Discussion followed.

### **Member County Concerns/Comments**

None.

### **Adjournment**

The meeting was adjourned at 4:08 p.m.

Respectfully submitted,

Camille Chorley