



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

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

Thursday, October 20, 2005 1:30 – 4:00 p.m.

*Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.*

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

### II. Public Comment

Presentation only of public testimony with respect to any matter relevant to the Authority's business. Any person in the audience may address the Board on any agenda item or other matter relevant to the ESJPA, subject to the time requirements of other business.

### III. Business Matters

Discussion and possible action related to the following:

- A. Review and approval of minutes of the meeting of August 18, 2005 (*pp 1-5*)
- B. Review and approval of budget modification (*pp 7-8*)

### IV. Presentation Items:

- A. Targeted Rubberized Asphalt Concrete Incentive Grant Program – Nate Gauff, Tire Remediation & Engineering Technical Services, CIWMB (*pp 9-10; 15 minutes*)
- B. Civil Engineering Application for Tire Derived Aggregate – Stacey Patenaude, Integrated Waste Management Engineer, Tire Remediation & Engineering Technical Services, CIWMB (*15 minutes*)
- C. Overview of the Landfill Closure Loan Program – Bridget Brown, Integrated Waste Management Specialist, Enforcement Assistance & Facility Compliance Loan Section, CIWMB (*page 11-12; 15 minutes*)
- D. Overview of Programs at the Department of Conservation, Division of Recycling – Jason Marshall, Chief Deputy Director, Department of Conservation (*15 minutes*)

## **V. Solid Waste/Regulatory Update**

Discussion and possible action related to the following:

- A. Report from the CIWMB – Kyle Pogue, Integrated Waste Management Specialist, Office of Local Assistance, CIWMB (*15 minutes*)
- B. Update on Compliance Criteria for Industrial, Construction, and Municipal Stormwater Discharge Permits – Alan Abbs (*pp 13-30; 5 minutes*)
- C. Update on Pyrolysis Emissions Testing Results Of Post-MRF Municipal Solid Waste – Alan Abbs (*pp 31-36; 5 minutes*)
- D. Update Of CIWMB Activities Related To Implementing Governor’s Executive Order # S-3-05 On Climate Change – Alan Abbs (*pp 37-44; 5 minutes*)
- E. Other Regulatory Issues of Interest or Concern – Alan Abbs (*pp 45-54; 5 minutes*)

## **VI. ESJPA Program Updates**

Discussion and possible action related to the following:

- A. Grant Program Update – Stacey Miner, Program Administrator (*5 minutes*)
- B. Update on Recent Rural Tours with CIWMB Chair, Rosario Marin – Mary Pitto, Program Manager (*5 minutes*)

## **VII. 2005 Legislation**

Status of 2005 Solid Waste Legislation – Mary Pitto, Alan Abbs, and Larry Sweetser (*pp 55-68; 10 minutes*)

## **VIII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled for December 15, 2005**

### **IX. Member County Concerns / Comments**

### **X. Adjournment**

*Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.*

*Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item.*

*The final agenda for this meeting of the Board of Directors of the Rural Counties’ Environmental Services Joint Powers Authority will be duly posted at its offices: 801 12<sup>th</sup> Street, Suite 500, Sacramento, California at least 72 hours prior to the meeting.*

CHAIR – LAVADA ERICKSON, SISKIYOU COUNTY

VICE CHAIR – BOB PICKARD, MARIPOSA COUNTY

EXECUTIVE DIRECTOR – BRENT HARRINGTON



PROGRAM MANAGER – MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR – ALAN ABBS,  
TEHAMA 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 Conference Room  
Sacramento, CA 95814

(916) 447-4806

Thursday, August 18, 2005

### MEMBERS REPRESENTED

ESJPA Chair - LaVada Erickson, Supervisor  
Cara Agustin, Program Specialist  
Bill Mannel, Solid Waste Manager  
Cynthia Knapp, Program Coordinator  
Richard Dickson, Deputy Director of Public Works  
Jon Souza, Public Information Officer  
Denny Bungarz, County Supervisor  
Steve Engfer, Solid Waste and Recycling Manager  
Evan Nikirk, Public Works Director  
Tom Hunter, Director of Public Works  
Alan Abbs, Solid Waste Director  
Mark Lockhart, Solid Waste Director  
Barbara Rapinac, Solid Waste Technician  
Mark Rappaport, Solid Waste Director

Siskiyou County  
Amador County  
Butte County  
Calaveras County  
Colusa County  
El Dorado County  
Glenn County  
Mariposa County  
Mono County  
Plumas County  
Tehama County  
Trinity County  
Trinity County  
Tuolumne County

### STAFF IN ATTENDANCE:

Mary Pitto  
  
Stacey Miner  
Alan Abbs  
Rich Mason  
Larry Sweetser, Consultant to ESJPA

Program Manager &  
RCRC Regulatory Program Director  
Program Administrator  
Solid Waste Specialist  
RCRC Director of Legislative Affairs  
Sweetser and Associates

### OTHERS IN ATTENDANCE:

Nate Gauff, Waste Management Engineer  
Jim Greco, Principal  
Jeff Linn, Grant Manager  
Wes Mindermann, Senior Engineer  
Kyle Pogue, IWM Specialist  
Mark Urquhart, Senior Project Manager  
Ron Vicari, Associate Civil Engineer

CIWMB  
California Waste Associates  
CIWMB  
CIWMB  
CIWMB  
Shaw – Emcon/OWT  
Sacramento County, Dept of  
Transportation

**MEMBERS NOT REPRESENTED**

Alpine County  
Del Norte County  
Inyo County  
Imperial County  
Lassen County  
Madera County  
Modoc County  
Nevada County  
Sierra County

**I. Call to Order / Determination of Quorum / Introductions**

The meeting was called to order at 1:30 p.m. by Supervisor LaVada Erickson, ESJPA chair. Roll call was taken, self-introductions were made and a quorum was established.

**II. Public Comment:** None.

**III. Business Matters**

**A. Review and approval of minutes of the meeting of May 19, 2005**

LaVada Erickson called for a motion to approve the minutes of the May 19, 2005 meeting. The motion was made by Tom Hunter, seconded by Richard Dickson and carried unanimously.

**IV. Presentation Items:**

**A. Tour of Rural Counties**

Rosario Marin, Chair, California Integrated Waste Management Board (CIWMB) discussed her recent tours of the rural counties planned by the ESJPA, hosted by Mary Pitto and attended by Scott Harvey and Kyle Pogue. In June, the group toured facilities in Alpine, Inyo, Mono, Tuolumne, Calaveras, and Amador. In July, the group toured facilities in El Dorado, Sierra and Nevada. Last April, facilities in Colusa, Tehama, Siskiyou, Shasta, Lassen, Plumas, Butte and Glenn were included. Ms. Marin commented that these tours illustrated to her the ongoing efforts of the rural counties to establish programs. Ms. Marin recognizes the efforts of the rural counties and expressed her desire to maintain an open door policy and work with the rural jurisdictions. Ms. Marin is looking forward to building relationships with the rural counties and continuing an open dialogue. Tom Hunter thanked Kyle Pogue for his efforts in helping the rural counties over the past several years.

**B. Overview of Solid Waste Programs in Butte County**

Bill Mannel, Solid Waste Manager, Butte County presented an "Overview of Solid Waste Programs in Butte County." A link to the full presentation is available on the August 18, 2005 agenda on the ESJPA website: [www.esjpa.org/Meetings/2005](http://www.esjpa.org/Meetings/2005).

### **C. AB 2136 Solid Waste Cleanup Program**

Wes Mindermann, Senior Engineer, California Integrated Waste Management Board, presented “Solid Waste Disposal and Codisposal Site Cleanup Program.” A link to the full presentation is available on the August 18, 2005 agenda on the ESJPA website: [www.esjpa.org/Meetings/2005](http://www.esjpa.org/Meetings/2005).

### **D. Rubberized Asphalt Concrete Program**

Nate Gauff, Waste Management Engineer, California Integrated Waste Management Board, presented “CIWMB Support of Rubberized Asphalt Concrete (RAC).” A link to the full presentation is available on the August 18, 2005 agenda on the ESJPA website: [www.esjpa.org/Meetings/2005](http://www.esjpa.org/Meetings/2005).

## **V. Solid Waste/Regulatory Update**

### **A. Alternative AB 939 Compliance and Report from the CIWMB**

Kyle Pogue, Integrated Waste Management Specialist, Office of Local Assistance:

- Alternative AB 939 compliance: Multiple workshops will be held on August 30 & 31st from 9:30 – 12:30 p.m.

Jim Greco pointed out that the workshop refers to an attachment that has no reference to rural reductions. Jim pointed out that the methodology in AB 2494 is currently in use and there are problems. AB 2494 does not provide for how to measure and it includes no relief for the rural counties.

- Five year review reports: Nevada County will go to the Board in September and Butte County will go to the Board in October. The five year review template is designed to ease reporting.
- The 2004 annual reports will use the same password as last year. Begin filling it out in September and it will be due around March 1, 2006. Since this is the second year of the biennial review, it is important to include good detail on your programs.
- CIWMB Slogan: The information officer at the Board says that it Zero Waste – California has not been formalized. Zero Waste – You Make It Happen! continues to be the slogan required to be used in publicity and educational materials for certain grant programs. Check with your Grant Manager.
- Online E-waste training: The next meeting will be held August 30<sup>th</sup>.
- New Board Member: Gary Peterson is the new Board Member for the Environmental Seat. He is set to begin at the September meeting. Mr. Peterson was a co-founder of CRRA and has been in the recycling business many years.

### **B. AB 939 and Adjustment Method Working Group Recommendations**

Alan Abbs discussed the AB 939 and Adjustment Method Working Group Recommendations. The workshops will be held August 30 and 31. Several members sent letters to the CIWMB in support of the Alternative AB 939 Compliance System for the July Board meeting. A link to these letters is available on the August 18, 2005 agenda on the ESJPA website: [www.esjpa.org/Meetings/2005](http://www.esjpa.org/Meetings/2005).

### **C. CIWMB Action Plan**

Alan Abbs reviewed and discussed the CIWMB Action Plan. A link to the plan is available on the August 18, 2005 agenda on the ESJPA website: [www.esjpa.org/Meetings/2005](http://www.esjpa.org/Meetings/2005). The Action Plan is a priority at the CIWMB. Please review the plan and send your comments to Alan.

### **D. Other Regulatory Issues of Interest or Concern**

Alan Abbs reviewed the topics discussed at the morning TAG meeting including status of appointments to the CIWMB, update on off-road and on-road diesel emissions regulations, landfill gas regulations, SWRCB treated wood waste disposal options, landfill post-closure maintenance beyond 30 years, 2006 universal waste regulatory requirements, SWRCB revisions to landfill waste discharge requirements, CIWMB large venue draft regulations, AB1497 – Significant changes for solid waste facilities, e-waste regulations, highlights of the July/August CIWMB meetings, and highlights of the July Leg Task Force conference call.

## **VI. ESJPA Program Updates**

### **A. Grant Program Update**

Stacey Miner reported that the Annual Used Oil Block reports were submitted on August 15, 2005. The recently submitted grant proposal for the 14<sup>th</sup> Household Hazardous Waste Grant was funded for \$194, 049 and includes Inyo, Nevada, Trinity, and Tuolumne counties.

Upcoming grant opportunities include the Farm & Ranch Clean-up Grants (applications are accepted on a continuous basis) and several Tire Grants. Current CIWMB NOFAs can be viewed at: [www.ciwmb.ca.gov/Grants](http://www.ciwmb.ca.gov/Grants). In July, ESJPA submitted a regional grant to the Department of Conservation to develop pilot recycling programs in bars and restaurants in several member counties. The DOR will award the grants in September 2005.

## **VII. 2005 Legislation`**

### **Overview of 2005 Solid Waste Legislation**

Rich Mason, RCRC Legislative Advocate, Mary Pitto, Alan Abbs, and Larry Sweetser discussed current legislation. This is the first year of a two year session. The state budget was passed on time. All bills are in two fiscal committees. From August 26 to September 9 will be all floor action. The legislature wants to finish up on Thursday, September 8. The bills that we've been following for ESJPA will be 2 year bills (in January).

Mary Pitto reported that CSAC has requested the support of RCRC/ESJPA for SB 259 - Abcock. The bill is almost all the way through the process with no formal opposition. LaVada Erickson called for a motion to send a joint letter of support with CSAC for SB 259. The motion was made by Mark Rappaport, seconded by Bill Mannel and carried unanimously.

Rich Mason discussed SB 928. This bill includes an undefined amount of diversion. CIWMB has official position of oppose.

**VIII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled for October 20, 2005**

Kyle Pogue suggested a presentation and discussion of Large Venue Event Recycling.

**IX. Member County Concerns / Comments** – None.

**X. Adjournment** – The Meeting was adjourned at 4:20 p.m.

Respectfully submitted,

*Stacey K. Miner*

Stacey Miner, Program Administrator  
Rural Counties' Environmental Services Joint Powers Authority



**CHAIR** – LAVADA ERICKSON, SISKIYOU COUNTY

**VICE CHAIR** – BOB PICKARD, MARIPOSA COUNTY

**EXECUTIVE DIRECTOR** – BRENT HARRINGTON

**PROGRAM MANAGER** – MARY PITTO

**TECHNICAL ADVISORY GROUP CHAIR** – ALAN ABBES,  
TEHAMA COUNTY

**To: ESJPA Board of Directors**  
**From: Stacey Miner, Program Administrator**  
**Date: October 4, 2005**  
**RE: ESJPA Revised Budget – CY 2005**

At the December 16, 2004 Board of Directors' meeting, the annual budget was approved. The budget included total revenues of \$548,878, including the approved increase in dues, and total expenses of \$548,878, including the approved increase in Technical Services expenses to RCRC.

Over the first half of 2005, several changes occurred within the ESJPA that have affected anticipated revenues and expenses for the calendar year. As a result, a Revised 2005 Budget has been prepared and submitted for your approval.

On the following page, you will find the Original 2005 Budget and the Revised 2005 Budget. Each variance is explained below:

Dues: Increase of \$5,500. Imperial County joined the ESJPA effective at the December 16, 2004 Board of Directors' meeting. Dues for Imperial County were not included in the original budget.

Personnel (Direct Grants and Overhead Grant) Revenue: Decrease of \$42,724. Estimates for billable hours have been revised and reduced due to a decrease in anticipated grant funding and a decrease in staffing. The ESJPA submitted four regional grant proposals that were anticipated to be funded during the calendar year. Out of the four, only one grant has been funded. Additionally, two positions have been vacated and will remain unfilled through the end of 2005.

Recommendation:

It is recommended that the ESJPA Board approve the Revised 2005 Budget reflecting total revenue of \$511,654 and total expenses of \$506,154 and place the net revenue of \$5,500 in a Reserve Account.



**ESJPA Agency - 2005 FINAL BUDGET**

Original 2005 Budget	
Description	Amount
INCOME:	
Dues	103,400
Personnel - Direct Grants (assuming additional \$20,416.12 from new grants)	69,807
Personnel - Overhead Grant Revenue (assuming additional \$14,795.40 from new grants)	69,971
Grant Reimbursed Costs (assuming additional \$85,000 from new grants)	303,000
Misc. Income - ESJPA	2,700
<b>TOTAL INCOME:</b>	<b>548,878</b>
EXPENSES:	
Technical Services	81,400
Personnel - Direct Labor (Grants)	69,807
Personnel - Overhead (Grants)	69,971
Grant Reimbursed Costs	303,000
Bank Fees	200
Community relations	400
Consultants	18,000
Meetings	2,100
Travel	3,200
Ford F250	800
<b>TOTAL EXPENSES:</b>	<b>548,878</b>
<b>TOTAL REVENUE OVER EXPENSES:</b>	<b>-</b>

Revised 2005 Budget	
Description	Amount
INCOME:	
Dues	108,900
Personnel - Direct Grants (assuming additional \$6,000 from new grants)	49,650
Personnel - Overhead Grant Revenue (assuming additional \$10,900 from new grants)	47,404
Grant Reimbursed Costs (assuming additional \$85,000 from new grants)	303,000
Misc. Income - ESJPA	2,700
<b>TOTAL INCOME:</b>	<b>511,654</b>
EXPENSES:	
Technical Services	81,400
Personnel - Direct Labor (Grants)	49,650
Personnel - Overhead (Grants)	47,404
Grant Reimbursed Costs	303,000
Bank Fees	200
Community relations	400
Consultants	18,000
Meetings	2,100
Travel	3,200
Ford F250	800
<b>TOTAL EXPENSES:</b>	<b>506,154</b>
<b>TOTAL REVENUE OVER EXPENSES:</b>	<b>5,500</b>

Variance
5,500
(20,157)
(22,567)
0
0
(37,224)
0
(20,157)
(22,567)
0
0
0
0
0
0
(42,724)
5,500

Chair – LaVada Erickson, Siskiyou County  
Vice Chair – Bob Pickard, Mariposa County  
Executive Director – Brent Harrington



Program Director — James Hemminger, P.E.,  
Technical Advisory Group Chair – Alan Abbs,  
Tehama County

September 12, 2005

Mr. Bruce Fujimoto, Chief  
Storm Water Program  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: **Comments Regarding Compliance Criteria for Industrial, Construction, and Municipal Stormwater Discharge Permits**

Dear Mr. Fujimoto:

On behalf of its 22 member counties, the Environmental Services Joint Powers Authority (ESJPA) appreciates this opportunity to provide the State Water Resources Control Board (SWRCB) with comments regarding the proposed use of numeric effluent limitations as the basis for determining compliance with stormwater discharge requirements, especially with regard to landfill sites, recycling centers and material recovery facilities.

The ESJPA represents solid waste management programs in rural counties covering over 30% of the state's land mass. In general, solid waste management in rural counties is already programmatically and financially challenging given the lack of economies of scale, low population densities, and long traveling distances. The ESJPA is very concerned that setting numeric limits for stormwater discharge will significantly impact rural solid waste programs without meaningful positive environmental effect.

Establishing numeric limits for stormwater discharges fails to acknowledge the site specific conditions at solid waste facilities that undoubtedly impact the ability of dischargers to control the quality of stormwater flowing from a regulated site. With numeric standards, facility owners will find that they are unable to achieve regulatory compliance despite conscientious implementation and maintenance of "best practical control technologies." At solid waste facilities, which rely on year round movement of soil and heavy equipment activity, a significant percentage of every site is devoted to the storage of stormwater to encourage separation of sediment prior to offsite discharge. Setting numeric limits that effectively require little or no sediment in stormwater discharge does not acknowledge that upstream stormwater may also exceed the numerical limits, or that facility owners would most likely have to construct additional diversion ditches and stormwater ponds, further limiting the available space to conduct recycling and disposal activities. The end result will be significant expense to solid

waste facilities in order to discharge “clean” stormwater to a stream already containing sediment from naturally occurring conditions.

On September 14 and 15, 2005, the SWRCB will be assembling a team with “academic and regulatory expertise” to discuss stormwater discharge issues. The ESJPA is concerned that this team, while having academic and regulatory expertise, may be lacking other expertise that would be required to fairly address these issues with respect to solid waste facilities. We echo the concerns about this process as stated by the Regional Council of Rural Counties letter dated September 8, 2005.

Please feel free to call me at 530-528-1103 if you have any questions regarding this letter or if you would like additional information about the potential effects of this process on rural solid waste programs.

Sincerely,

Alan Abbs  
Solid Waste Specialist

Cc: ESJPA Board of Directors  
Art Baggett, Chair, State Water Resources Control Board  
Members, State Water Resources Control Board  
Celeste Cantu, Executive Director, State Water Resources Control Board  
Tom Howard, Deputy Director, State Water Resources Control Board



**Alan C. Lloyd, Ph.D.**  
Agency Secretary

# State Water Resources Control Board

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## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977  
FAX (916) 341-5543 • Internet Address: <http://www.waterboards.ca.gov>



**Arnold Schwarzenegger**  
Governor

## NOTICE OF PUBLIC MEETING

### **National Pollutant Discharge Elimination System (NPDES) Storm Water Program, Meeting of Storm Water Panel of Experts**

Notice is hereby given that on September 14 and 15, 2005 the State Water Resources Control Board (State Water Board) will convene a meeting of individuals with nationally recognized expertise in the NPDES storm water program. The experts are not employees of the State Water Board, but are a panel of outside experts, with academic and regulatory expertise. The subject of the meeting is whether it is technically feasible to develop numeric limits or other quantifiable measures for inclusion in storm water permits. The planned outcomes of this meeting are: (1) for the panel to hear comments from the regulated community, the environmental community and the public; (2) to conduct discussions among the members; and (3) to advise the State Water Board on their conclusions. The specific questions the State Water Board has asked the panel to answer are:

*Is it technically feasible to establish numeric effluent limitations, or some other objective criteria, for inclusion in storm water permits? How would such limitations or criteria be established, and what information and data would be required? The answer should address industrial general permits, construction general permits, and area-wide municipal permits. The answer should also address both technology-based limitations or criteria and water quality-based limitations or criteria. In evaluating establishment of any objective criteria, the panel should address all of the following: (1) the ability of the Water Board to establish appropriate objective limitations or criteria; (2) how compliance determinations would be made; (3) the ability of dischargers and inspectors to monitor for compliance; and (4) the technical and financial ability of dischargers to comply with the limitations or criteria.*

*The panel's response should address each of the types of permits (industrial, construction, and municipal).*

**California Environmental Protection Agency**

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# Coastkeeper/NRDC's Presentation on Feasibility of Numeric Effluent Limits for Stormwater Permits

—  
September 14, 2005

1

## INTRODUCTION

Daniel Cooper

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## Determining Compliance with the General Permit as drafted is Resource Intensive and often Judgment Based

- “A determination of a violation of the Receiving Water Limitations will be site specific and may be based on various factors, including indicator monitoring results, visual observations of the site, discharges, and the receiving water, and a review of BMPs.” —*Fact Sheet p. 15*

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## Benchmark Levels Do Not Determine Compliance

- “...these benchmarks are not numeric storm water effluent limits, are not related or necessarily protective of any specific receiving water, and exceedances of these benchmarks are not automatically considered permit violations.”  
—*Fact Sheet p.14*

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## The “Many Factored” Judgment Based Compliance Standard Leaves Permittees in Uncertainty and Complicates Enforcement

- Dischargers Will Never Know How the RWQCB Will Apply the “Various Factors” and Thus Cannot Be Certain of Compliance
- The Lack of an Objective Standard for Determining Compliance Makes Evaluating Enforcement (and thus defending it in the Courts) Complicated and Resource Intensive

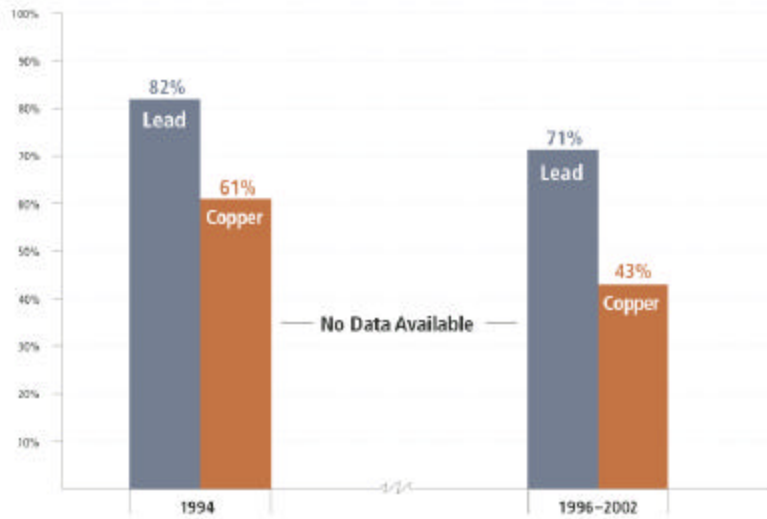
5

## The Permit is Complicated and Requires Significant Documentation and Reporting by Permittees

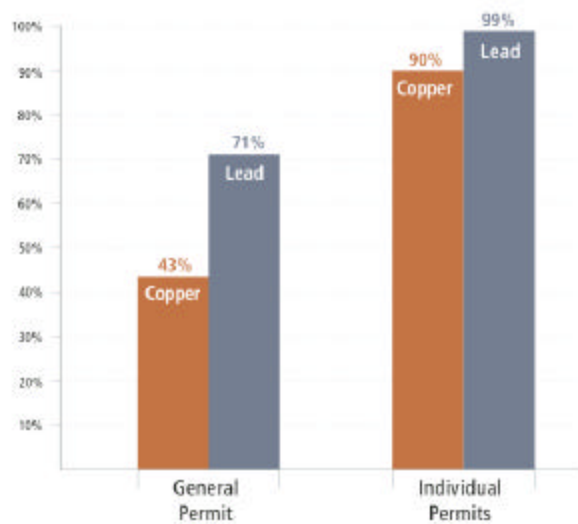
- The Permittees must develop and implement BMPs that both meet the BAT/BCT standard and prevent violations of Water Quality standards
- The Permit Provides Little Guidance on BAT/BCT, and No Guidance on Meeting Water Quality Standards
- The Permittee Must Generate a SWPPP, a Monitoring Program, Inspection Reports, and an Annual Report. Failure to Properly Prepare These Reports is a Violation of the Permit and the CWA

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### Permit Compliance with Storm Water Benchmarks



### Compliance with Storm Water Benchmarks: General vs. Individual Permits





## Percent of Samples Exceeding CTR (Continuous Criteria) Region 4, 2001-2002



The percentages represented are estimates because the continuous criterion values are close to laboratory detection limits for these elements.





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## Construction Permit Implementation Survey

- February 2004—December 2004
- 30 Construction Sites in Northern California
- Conducted by Ecological Rights Foundation for the Rose Foundation

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## Conclusions

- 24 of 30 (80%) sites had grossly deficient BMPs to control stormwater pollution
- 11 samples collected at 7 non-complying sites for TSS ranged between 240 mg/L and 7000 mg/L

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## Developing Numeric Effluent Limits is not Infeasible, and Will Result in Significant Savings of Resources in Oversight and Enforcement of the Permit

- An Initial Investment of State Board PYs in Developing the Limits Will Save Tremendous Resources at the RWQCB Level Over the Life of the Permit.
- Enforcement Will Be Efficient, Certain and Fair If Based on Objective, Numeric Effluent Limits

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## FEASIBLE DISCHARGE LIMITS FOR CONSTRUCTION PERMITTEES BASED ON BEST AVAILABLE TECHNOLOGY (BATs)

Dr. Richard Horner

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## Components

- Identification of potential pollutants
- General monitoring considerations
- Proposed discharge limits
- Background and rationale
- Remediation considerations

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## Identification of Potential Pollutants

- Category 1: Sediments from areas subject to clearing and grading
  - Categories 2-4: Materials used, stored, or with spill potential during construction
  - Categories 5-9: Materials used, stored, spilled, applied, or released during past land use\*
  - Category 10: Materials with polluting potential incidentally present in soils\*
- \* Analysis of past land use activities and soil sampling and analysis required

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## General Monitoring Considerations

- Discharge sampling within the first hour of runoff and then every 3 hours
- Discharge limit a water quality standard or benchmark, unless options available:
  - Pre-construction baseline monitoring study
  - Reference flow sampling (if true reference, with no or minimal upstream human influence)
  - Mixing zone identification (if not 303(d) listed)

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## Optional Discharge Limits

- Baseline monitoring: Lowest concentration in baseline study (above standard or benchmark)
- Reference sampling: Reference sample concentration
- Mixing zone: Sample concentration estimated at mixing zone boundary by mass balance calculation

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## Monitoring to Establish Mixing Zone

- Discharge flow rate or volume and pollutant concentration(s)
- Flow rate or volume and pollutant concentration(s) of any flow joining discharge
- Receiving water flow rate or volume and pollutant concentration(s) outside mixing zone
- Receiving water flow rate or volume and pollutant concentration(s) inside mixing zone

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## Feasible Category 1 Discharge Limits

- If 303(d) listed with water quality standard, sample as in Guidance Document (GD), use standard as limit
- If no standard or can't sample as in GD, sample discharge, analyze turbidity (field) and TSS (lab)—
  - Turbidity instant indication of possible violation (begin remediation), confirmation if standard exists
  - TSS confirms if violation (full remediation)

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## Category 1 Limits (cont'd)

Feasible limits if no standards:

- Turbidity—25 NTU mean, 75 NTU max.
- TSS—50 mg/L mean, 260 mg/L max.

(or concentration established through optional baseline, reference, or mixing zone study)

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## Rational for Category 1 Limits

- Tests of effectiveness of mat and mulch products relative to soil loss from bare slopes
- Bare soil TSS ranged 80-39510 mg/L (mean 7255 mg/L), turbidity 63 to >1000 NTU
- Wood fiber mulch, bonding agent, seeding—TSS mean 50, max. 256 mg/L; turbidity mean 21, max. 73 NTU

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## Feasible Discharge Limits for Categories 2-4

- If 303(d) listed as impaired for the identified pollutant(s), use water quality standard as limit
- If not 303(d) listed, use benchmark as limit (or concentration established through optional baseline, reference, or mixing zone study)

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## Feasible Discharge Limits for Categories 5-10

- Use field turbidity with limits given earlier as instant indication of possible violation (begin remediation)
- If 303(d) listed as impaired for the identified pollutant(s), use water quality standard as limit
- If not 303(d) listed, use benchmark as limit (or concentration established through optional baseline, reference, or mixing zone study)

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## Remediation Considerations

- Full remediation within 2 weeks, unless laboratory results confirm no violation
- If 0.25" rain with 40% probability within 2-week period, complete full remediation or apply short-term measure
- If violation, independent inspection until end of construction

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## FEASIBLE NUMERIC EFFLUENT LIMITS FOR INDUSTRIAL/MUNICIPAL STORMWATER

Richard Rollins

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# BMP Database website

**International Stormwater Best Management Practices (BMP) Database**

**Home**  
**BMP Menu**  
**Project Background**  
**Contact Us/Support**

**WERF**  
**ASCE**

The project, which began in 1996 under a cooperative agreement between the American Society of Civil Engineers (ASCE) and the U.S. Environmental Protection Agency (EPA), was developed and funded from a broad coalition of partners including the State Environmental Research Foundation (SERF), ASCE Environmental Water Resources Institute (EWRI), US EPA, Federal Highway Administration (FHWA), and the American Public Works Association (APWA). Other partners include the National Sanitation Foundation, the National Stormwater Association, and the National Stormwater Association.

**EWRI**  
**EPA**  
**ADWA**

On this website, you can find:

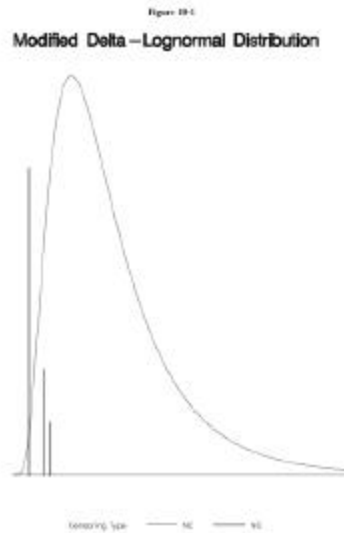
- documentation protocols for submitting BMP monitoring studies for inclusion into the database
- guidance for submitting standardized BMPs to meet these protocols
- the ability to search for individual BMPs monitoring study data
- performance criteria for individual BMPs, though for on-line searchable database containing roughly 200 BMPs
- statistical summaries of the overall BMP database
- a periodic database of performance for BMP types (e.g., wet ponds)
- technical reports describing the methods of technical evaluation for predicting BMP performance and the results of performance evaluations
- published papers from conference proceedings and journals on the BMP database and
- other useful information.

http://www.bmpdatabase.com/

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# EPA's Distribution

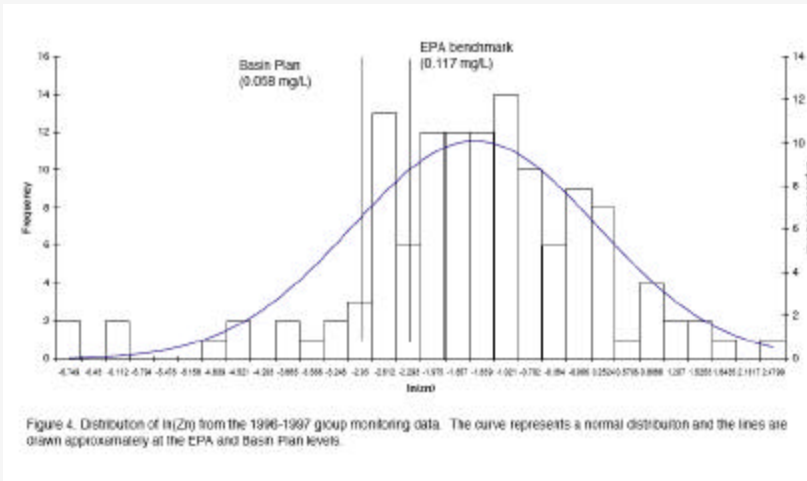
Chapter 10: Data Distributions of C and D Values of Contaminants | Environmental Risk Assessment for the USEPA Superfund Community



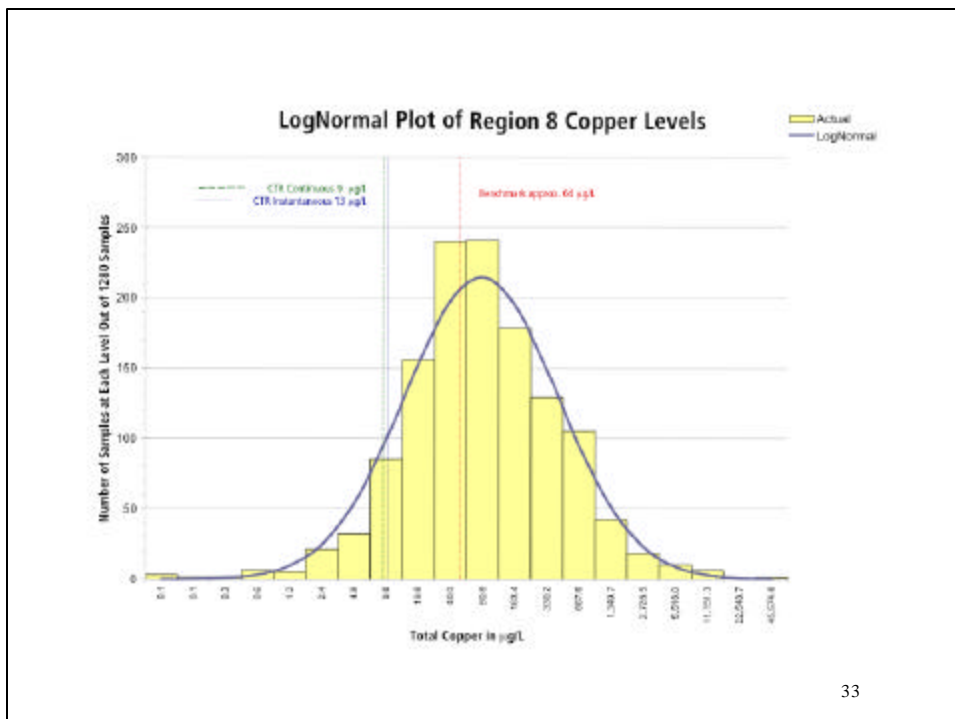
10-23

31

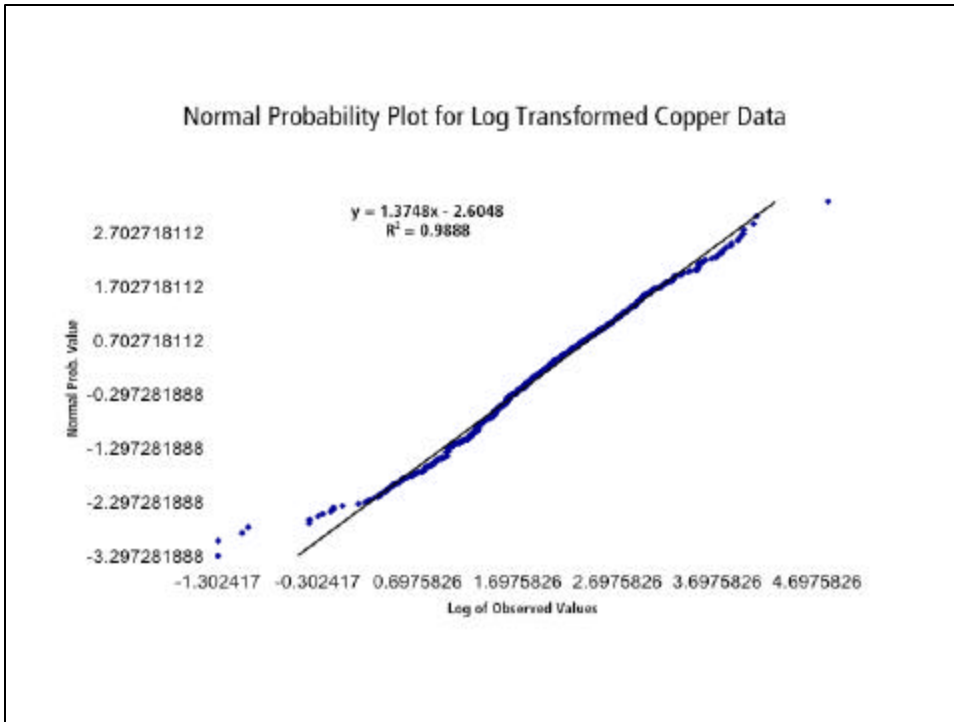
# Log Transformed Data



31



33



## EPA's Approach

Technical Development Document  
for the Final Effluent Limitations  
Guidelines and Standards for  
the Meat and Poultry Products  
Point Source Category

U.S. EPA Office of Water  
Engineering and Analysis Division  
July 2004

## 14.6.2 Selection of Percentiles

EPA calculates limitations based upon percentiles chosen, on one hand, to be high enough to accommodate reasonably anticipated variability within control of the facility and, on the other hand, to be low enough to reflect a level of performance consistent with the Clean Water Act requirement that these effluent limitations be based on the “best” technologies. The daily maximum limitation is an estimate of the 99th percentile of the distribution of the *daily* measurements. The monthly average limitation is an estimate of the 95th percentile of the distribution of the *monthly averages* of the daily measurements.

## Legal Validation

*Chemical Manufacturers Association v. U.S. Environmental Protection Agency*, 870 F.2d 177, 230 (5th Cir. 1989). The Court determined that:

EPA reasonably concluded that the data points exceeding the 99th and 95th percentiles represent either quality-control problems or upsets because there can be no other explanation for these isolated and extremely high discharges. If these data points result from quality-control problems, the exceedances they represent are within the control of the plant. If, however, the data points represent exceedances beyond the control of the industry, the upset defense is available. *Id.* at 230.

## Legal Validation

This approach for the monthly average limitation was upheld in *National Wildlife Federation, et al v. Environmental Protection Agency*, 286 F.3d 554 (D.C. Cir. 2002). The Court determined that:

EPA rejected Industry Petitioners' claim that facilities are expected to operate processes and treatment systems so as to violate the limitations at some pre-set rate... These limitations were never intended to have the rigid probabilistic interpretation that Industry Petitioners have adopted. Therefore, we reject Industry Petitioners' challenge to the effluent limitations.

Meat and Poultry Products Tech Support Doc. Section **14.6.2**

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## Maximum Flow Restriction

Above 50-year 24-hour rain event, numeric limit would be relaxed.

As that Court recognized, EPA's allowance for reasonably anticipated variability in its effluent limitations, coupled with the availability of the upset defense, reasonably accommodates acceptable excursions.

Meat and Poultry Products Tech Support Doc. Section **14.6.2**

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## Historical Precedents

**This percentile approach has been used by EPA over the last 2 decades in other Effluent Guidelines including:**

- Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF, 40 CFR Part 414)
- Pulp and Paper Category (40 CFR Part 430)
- Landfills Point Source (40 CFR Part 445)
- Centralized Waste Treatment 40 CFR 437

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## Proposed BAT Method

- The IBMPDB provides analytical results from over 1600 systems treating urban runoff that have been collected under a specified protocol and validated by the IBMPDB sponsors.
- Systems evaluated include hydrodynamic devices, biofilters, detention basins, media filters, wetland basins, grassy swales, as well as others not listed here.
- The average was used to provide a preliminary BAT level instead of some lower percentile level because the lower percentiles were felt to be too difficult to meet for an initial regulatory effort.

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## GISWP Proposed BAT Limits

Item	Parameter	Proposed BAT	Benchmark	CTR (see note 10)	Rationale	Alt. Prop. BAT	Alt. Rationale
1.	T. Phosphorus	0.2 mg/L	2 mg/L	na	See notes 1,2, and 11	0.1 mg/L	Lahontan NPDES permit CAG616003
2.	T. Suspended Solids	50 mg/L	100 mg/L	na (Lahontan Basin Plan has limits for turbidity, 20 NTU)	Coal Pile Runoff associated with Steam Electric Power Generating Point Source, 40 CFR 423	25 mg/L 30 day average, 45 mg/L 7 day average; 25 mg/L (IBMPDB, See note 6)	Best Practicable Technology, Colorado Sand and Gravel Discharge Permit Number Cog-500000 See note 3

*(continued)*

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## GISWP Proposed BAT Limits

Item	Parameter	Proposed BAT	Benchmark	CTR (see note 10)	Rationale	Alt. Prop. BAT	Alt. Rationale
3.	Total Nitrogen	2 mg/L	na	na	See notes 1,2, and 12		
4.	Total Copper	15 _g/L	63.6 _g/L	3.1 _g/L salt water continuous	See note 5	10 _g/L	See note 2
5.	Total Lead	15 _g/L	81.6 _g/L	2.5 _g/L fresh water continuous	see note 9		
6.	Total Zinc	110 _g/L	117 _g/L	81 _g/L salt water continuous	see Note 4	55 _g/L, 60 _g/L	See note 2, See note 7
7.	Oil and Grease	10 mg/L	15 mg/L	na	State Effluent Regulations, Colorado Sand and Gravel Discharge Permit Number Cog-500000 See note 3		
8.	BOD5	37 mg/L	30 mg/L	na	see Note 4		
9.	COD	40 mg/L	120 mg/L	na	see Note 8		

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# Municipal Permit with Numeric Limits

MUNICIPAL NPDES STORM WATER PERMIT -11- BOARD ORDER NO. 6-40-82  
 CITY OF SOUTH LAKE TAHOE WDEB NO. 6A099110063  
 El Dorado, and Placer Counties NPDES NO. CAG016001

## I. DISCHARGE SPECIFICATIONS

### A. Effluent Limitations

- All storm water/urban runoff flows generated within the Project Area which are discharged to publicly owned or maintained land treatment or infiltration systems, or to surface waters shall not contain constituents in excess of the following limits:

Maximum Concentration for Discharge to:

Constituent	Units*	Land Treatment/ Infiltration Systems	Surface Waters
Total Nitrogen	mg/L as N	5.0	0.5
Total Phosphorus	mg/L as P	1.0	0.1
Total Iron	mg/L	4.0	0.5
Turbidity	NTU	200	20.0
Grease and Oil	mg/L	40	2.0

\*mg/L milligrams of substance per liter of storm water

\*NTU nephelometric turbidity units

# Enforcement of Numeric Limits

SQUAW VALLEY SKI AREA  
 Placer County

3

CLEANUP AND ABATEMENT  
 ORDER NO. R6-2001-0074

Table 1. Mean of Monthly Mean for the Period of 4-12-92 to 6-06-01<sup>1</sup> for Areas Affected by the Dischargers' Parking Lot Runoff

Sampling Locations	Constituents								
	Turbidity NTU	TDS mg/l	TSS mg/l	NO3 mg/l	TKN Mg/l	Total N mg/l	P mg/l	CL mg/l	Fe mg/l
	Receiving Water Limitations								
	3	85	NS	0.05	0.13	0.18	0.02	3	0.13
SC-16	4.88	32.46	9.53	0.16	0.13	0.24	0.07	1.68	0.27
SC-18	13.15	81.68	21.51	0.24	0.11	0.31	0.07	2.41	0.73

\* Shaded values denote violations for the above-referenced sample locations

\*\* NS – Numerical water quality objectives not specified in the Basin Plan.

## Example: TSS or Turbidity

Parameter	TSS (mg/L)	Turbidity (NTU)
Caltrans Retrofit Study	10	–
BMP Database (Mean)	25	–
Construction (Mean)	50	25
Benchmark	100	

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## SUMMARY AND CONCLUSION

David Beckman

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## Numeric Effluent Limits

Best management practices (BMPs) to control or abate the discharge of pollutants when:

(3) numeric effluent limitations are infeasible

40 CFR §122.44 (k)(3)

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## The Successful Development of Numeric Effluent Limitations for Stormwater Clearly Demonstrates that Such Limitations are Feasible.

Some examples in California include:

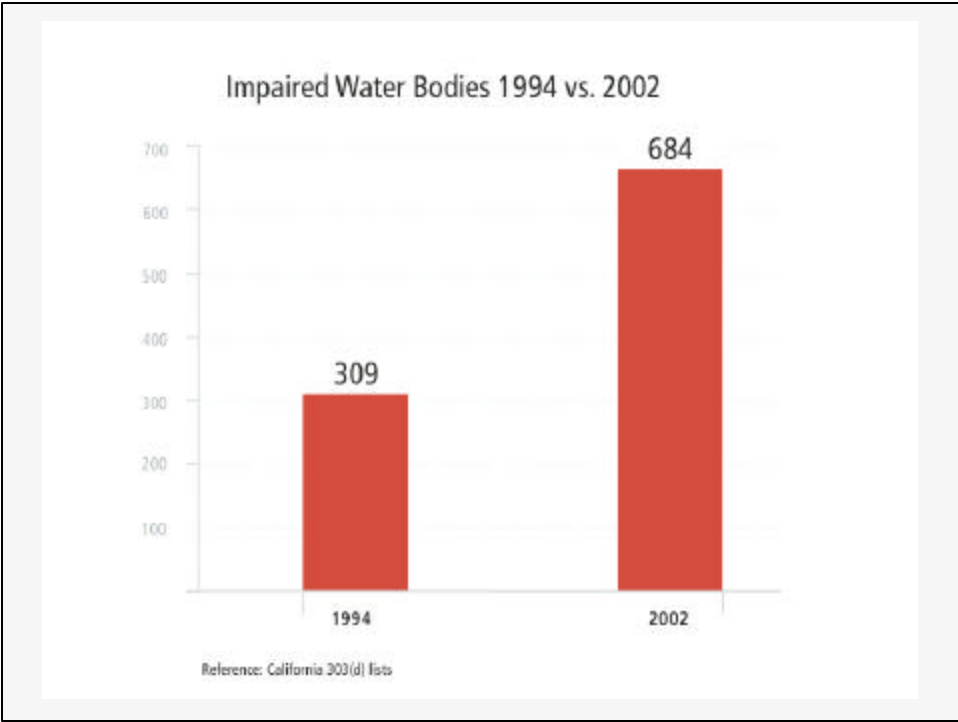
*40 CFR Subchapter N following subcategories:*

- **Phosphate Subcategory, Fertilizer Manufacturing Point Source** (limits for total phosphorus and fluoride) 40 CFR § 418.10;
- **Cement Manufacturing Facility, Materials Storage Piles Runoff** (limits for TSS and pH) 40 CFR § 411.30;
- **Asphalt Emulsion Subcategory, Paving and Roofing Materials Point Source** (limits for TSS, oil & grease, and pH) 40 CFR § 443;
- **Crushed Stone, Construction Sand and Gravel, Industrial Sand** (limits for TSS and pH) 40 CFR § 436;
- **Coal Pile Runoff associated with Steam Electric Power Generation** (limits for TSS and pH) 40 CFR § 423; and
- **Coal Mining** (limits for SS, Fe, and pH) 40 CFR § 434.

*MS4 permit for the Tahoe Basin:*

**Total nitrogen, total phosphorus, total iron, turbidity, oil and grease.**

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End.



## Rural Counties' Environmental Services Joint Powers Authority Technical Advisory Group

Alan Abbs, Chair

Tom Varga, Vice Chair

Fifth Floor Conference Room, 801 12th Street, Sacramento, CA 95814

10:00 a.m. – 12:00 (noon)

Thursday, October 20, 2005

1. Review/Revise/Prioritize Agenda Items -- Alan Abbs
2. Status of appointments to California Integrated Waste Management Board -- Mary Pitto
3. Update on off-road and on-road diesel emissions regulations – Mary Pitto
4. E-Waste Updates- Mary Pitto
5. Updates on AB939/Diversion Accuracy/etc- Alan Abbs
6. Mandatory Landfill Setbacks- Bill Mannel/Alan Abbs
7. New Active Landfill Gas Regulations -- Larry Sweetser
8. Landfill Postclosure maintenance beyond 30 years – Larry Sweetser/Alan Abbs
9. SWRCB- Municipal/Industrial/Construction Stormwater Regulations – Alan Abbs
10. Significant Changes for SW Facilities/AB1497 -- Alan Abbs
11. Highlights of Sept/Oct Waste Board meetings -- Larry Sweetser
12. Highlights of Leg Task Force -- Mary Pitto/Alan Abbs
13. Any other issues/items of interest or concern
14. Topic suggestions for next Technical Advisory Group meeting
15. Lunchtime Video- “Exporting Harm”

-- adjourn --

CHAIR — LAVADA ERICKSON, SISKIYOU COUNTY

VICE CHAIR — BOB PICKARD, MARIPOSA COUNTY

EXECUTIVE DIRECTOR — BRENT HARRINGTON



PROGRAM MANAGER — MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR — ALAN ABBS,  
TEHAMA COUNTY

September 13, 2005

Nate Gauff, Waste Tire Management Unit  
Special Waste Division  
California Integrated Waste Management Board  
1001 I Street  
Sacramento, CA 95812-4025

RE: Committee Agenda Item B. Consideration Of Eligibility Criteria, Priority Categories And Evaluation Process For The Targeted Rubberized Asphalt Concrete Incentive Grant Program

Dear Mr. Gauff:

On behalf of its 22 member counties, the Rural Counties Environmental Services Joint Powers Authority (ESJPA) appreciates this opportunity to provide the California Integrated Waste Management Board with support regarding the Eligibility Criteria, Priority Categories And Evaluation Process For The Targeted Rubberized Asphalt Concrete (RAC) Incentive Grant Program.

As proposed, the Incentive Grant Program recommends grant awards targeted at rural jurisdictions in the amount of \$175,000 per project. The ESJPA appreciates consideration of key grant criteria that recognizes the regional cost differential of using RAC versus traditional asphalt especially since many rural areas are very distant from the sources of RAC. We also support the waiver of General Review Criteria in favor of introducing jurisdictions to RAC.

A number of our counties have expressed interest in utilizing RAC in their construction projects but cost and availability has made these projects prohibitive. If approved, the ESJPA will actively work to encourage Public Works Departments in rural areas to consider the use of rubberized asphalt concrete (RAC) as part of their construction projects and apply for the grant awards.

Please contact us if you have any questions. Thank you again for this opportunity.

Sincerely,

Mary Pitto  
ESJPA Program Manger

cc: Members, California Integrated Waste Management Board  
Mark Leary, Executive Director, California Integrated Waste Management Board  
Bob Fujii, Supervisor, Tire Remediation & Engineering Technical Services, CIWMB  
ESJPA Board of Directors

**Table 2: Effective Dates of Recycling/Hazardous Waste (HW) Disposal Requirements for Various Categories of Universal Waste (UW) Handlers<sup>‡</sup>**

Waste	Date Households Must Recycle or Dispose of Waste as HW (if disposal is allowed) <sup>*</sup>	Date CESQUWGs Must Recycle or Dispose of Waste as HW (if disposal is allowed) <sup>†</sup>	Date All Other Handlers Must Recycle or Dispose of Waste as HW (if disposal is allowed)	Type of destination facility required for waste to be eligible for management as UW
<b>Batteries</b>	February 9, 2006 <sup>*</sup> (§66273.8(a))	February 9, 2006 <sup>†</sup> (§66273.8(a))	Now	HW disposal or authorized recycling facility
<b>Thermostats</b>	February 9, 2006 <sup>*</sup> (§66273.8(a))	February 9, 2004 <sup>†</sup> (§66273.8(a))	Now	HW disposal or authorized recycling facility
<b>Lamps—TTLIC-Failing</b>	February 9, 2006 <sup>*</sup> (§66273.8(a))	February 9, 2006 <sup>†</sup> (§66273.8(a))	Now	Authorized recycling facility <u>only</u> (§66273.5(b)(3))
<b>Lamps—TTLIC-Passing</b>	February 9, 2006 <sup>*</sup> (§66261.50)	February 9, 2006 <sup>†</sup> (§66261.50)	February 9, 2004 (§66261.50)	Authorized recycling facility <u>only</u> (§66273.5(b)(3))
<b>Aerosol Cans (nonempty/pressurized)</b>	Now	Now	Now	Hazardous waste disposal or authorized recycling facility
<b>Mercury Thermometers</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.7(b)(3))
<b>Mercury Light Switches—Removed from a Vehicle</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.1(b)(4))
<b>Mercury Light Switches—Contained in a Vehicle</b>	January 1, 2005 (§66261.50)	January 1, 2005 (§66261.50)	January 1, 2005 (§66261.50)	Authorized recycling facility <u>only</u> (§66273.7.1(b)(4))
<b>Non-Automotive Mercury Switches—Removed from a Product (or Contained in a TTLIC-Failing Product)</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.2(b)(5))
<b>Non-Automotive Mercury Switches—Contained in a Product</b>	February 9, 2006 (§66261.50)	February 9, 2006 (§66261.50)	February 9, 2006 (§66261.50)	Authorized recycling facility <u>only</u> (§66273.7.2(b)(5))

<sup>\*</sup> Through February 8, 2006 universal waste batteries, universal waste lamps, universal waste thermostats, and universal waste consumer electronic devices (CEDs) produced by households may be disposed of at permitted municipal solid waste or hazardous waste landfills.

<sup>†</sup> Through February 8, 2004, CESQUWGs may dispose of up to 100 kilograms (220 pounds) of universal waste batteries, universal waste lamps, universal waste thermostats, and universal waste consumer electronic devices (CEDs) combined, per month, provided the wastes are disposed of at a permitted landfill and the generator remains in compliance with applicable requirements. From February 9, 2004 until February 8, 2006, the monthly allowable quantities of batteries, lamps, and thermostats are reduced to no more than 20 pounds of batteries, no more than 30 lamps, and no mercury thermostats.

<sup>‡</sup> Unless otherwise stated, all citations are to the California Code of Regulations, title 22, division 4.5.

**Disclaimer:** Persons who manage universal wastes are responsible for complying with all applicable requirements. This table summarizes some of the requirements that may apply; it does not replace or supercede any statutory or regulatory requirements. In the event of an inconsistency, the statutes and regulations govern.



**Table 2: Effective Dates of Recycling/Hazardous Waste (HW) Disposal Requirements for Various Categories of Universal Waste (UW) Handlers<sup>‡</sup>**

Waste	Date Households Must Recycle or Dispose of Waste as HW (if disposal is allowed) <sup>*</sup>	Date CESQUWGs Must Recycle or Dispose of Waste as HW (if disposal is allowed) <sup>†</sup>	Date All Other Handlers Must Recycle or Dispose of Waste as HW (if disposal is allowed)	Type of destination facility required for waste to be eligible for management as UW
<b>Dental Amalgam</b>	n/a (not likely to be produced by households)	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.3(b)(4))
<b>Mercury Pressure or Vacuum Gauges</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.4(b)(3))
<b>Mercury-Added Novelties</b>	January 1, 2004 <sup>‡</sup> (§66261.50)	January 1, 2004 <sup>‡</sup> (§66261.50)	January 1, 2004 <sup>‡</sup> (§66261.50)	Most novelties: HW disposal or authorized recycling facility; However, novelties containing liquid mercury are only allowed to be sent to an authorized recycling facility. (§66273.7.5(b)(3))
<b>Mercury Counterweights and Dampers</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.6(b)(4))
<b>Mercury-Added Dilators and Weighted Tubing</b>	n/a (not likely to be produced by households)	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.8(b)(3))
<b>Mercury-Added Rubber Flooring</b>	n/a (not likely to be produced by households)	Now	Now	HW disposal or authorized recycling facility (if available)
<b>Mercury Gas-Flow Regulators</b>	n/a (not likely to be produced by households)	Now	Now	Authorized recycling facility <u>only</u> (§66273.7.10(b)(3))
<b>Consumer Electronic Devices</b>	February 9, 2006 <sup>*</sup> (§66273.8(a))	February 9, 2006 <sup>*</sup> (§66273.8(a))	Now	HW disposal or authorized recycling facility
<b>CRT Materials</b>	Now	Now	Now	Authorized recycling facility <u>only</u> (§66273.6(b)(3))

<sup>‡</sup>Discarded novelties that exhibit a hazardous waste characteristic are already universal wastes and must be sent to a proper destination facility. The listing of all discarded mercury-added novelties as hazardous wastes (regardless of whether they are characteristically hazardous) becomes effective on January 1, 2004.

<sup>†</sup>Unless otherwise stated, all citations are to the California Code of Regulations, title 22, division 4.5.

**Disclaimer:** Persons who manage universal wastes are responsible for complying with all applicable requirements. This table summarizes some of the requirements that may apply; it does not replace or supercede any statutory or regulatory requirements. In the event of an inconsistency, the statutes and regulations govern.

**From:** "White, Chuck" <cwhitel@wm.com>  
**Date:** 9/21/2005 2:52:45 PM  
**Subject:** February 9, 2006

SWIGites & Friends --

> February 9, 2006 is a red letter date with respect to the collection and management of universal hazardous wastes in California. On that date numerous types of universal wastes from households and small quantity generator will be required to be collected and managed separately as a hazardous waste. Up until this date, many universal wastes are allowed to be discarded in the solid waste stream and disposed in landfills. This includes household batteries, thermostats, fluorescent lamps, mercury switches, and hazardous consumer electronic devices (see attached table). The legal management of these wastes as solid waste will end for all California households and small quantity generators will end on February 9, 2006 unless the rule is postponed or extended.

>

> My sense is that there is not currently an adequate collection infrastructure to separately handle these waste starting on February 9, 2006 and the solid waste industry may wish to seek a regulatory postponement or extension to this date. Please advise me if this is an issue of concern to you. If you need more information on California Universal Waste to go:

>

> <http://www.dtsc.ca.gov/LawsRegulationsPolicies/UWR/index.html>

>

> > <<2 effective\_date\_grid\_082903.doc>>

>

> Chuck White  
> Government Affairs  
> Waste Management/West  
> 915 L Street, Suite 1430  
> Sacramento, CA 95814  
> Phone: 916-448-4675  
> Fax: 916-448-2470  
> Email: cwhitel@wm.com

**CHAIR** — BOB PICKARD, MARIPOSA COUNTY  
**VICE CHAIR** — SUE HORNE, NEVADA COUNTY  
**EXECUTIVE DIRECTOR** — BRENT HARRINGTON



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

September 5, 2003

Nate Gauff, Waste Tire Management Unit  
Special Waste Division  
California Integrated Waste Management Board  
1001 I Street  
Sacramento, CA 95812-4025

RE: Agenda Item No. 20 for the September 16-17, 2003, Waste Board Meeting  
Eligibility Criteria for the Rubberized Asphalt Concrete Grant Program

Dear Mr. Gauff:

On behalf of its 20 member counties, the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) has reviewed the proposed criteria for evaluating competitive grant proposals eligible for funding under the Rubberized Asphalt Concrete Grant Program. For a variety of reasons, most rural jurisdictions have not, in the past, been active participants in this program. As Program Director for the ESJPA, I was hoping to use the upcoming multi-year funding proposal as an opportunity to encourage Public Works Departments in rural areas throughout the State to begin considering the increased use of rubberized asphalt concrete (RAC) as part of their on-going pavement maintenance programs. However, the "priority categories" that are being proposed in the subject staff memorandum greatly favor large-scale projects. This will make it very difficult, if not impossible, for applications from small jurisdictions to be competitive.

The proposed Category 1 prioritization will give top ranking to individual projects that use the greatest amount of RAC. Applicants proposing to use up to 20,000 tons of RAC will be given highest priority. Please note that 20,000 tons of RAC is equivalent to placing a 2-inch pavement section over an area of about 50 acres or more. Alternatively, to fully use 20,000 tons of RAC, a project would need to overlay more than 10 miles of roadway (assuming a 2-inch thick layer of RAC and a 36-foot wide travel way). Unfortunately, many potential projects in our rural counties just aren't this large. I was hopeful, under this grant program, to try and introduce many of our counties to the potential benefits of RAC on a much smaller scale—on projects such as parking lots, bike paths, or access roads serving parks or small government buildings and community centers.

Proposed Category 3 prioritization similarly presents a major disadvantage to many small jurisdictions. The application/selection process is scheduled to occur in mid-winter and top priority is being given to projects for which a construction contract has already been awarded. Northern counties and those in mountainous areas cannot schedule construction work during this time and seldom, if ever, award paving contracts in the winter months. Typically paving construction contracts are advertised and awarded in April-June. Given this, all of our northern, mountainous, and foothill jurisdictions would end up with the lowest possible Category 3 ranking. Most

paving projects, at least in the rural areas of the State, are “spec’ed” and designed, advertised, awarded, and completed within one construction season. Since the grant term extends over two years, future projects in rural areas can be easily completed within this time frame. However, even with a more “flexible” construction schedule, the proposed criteria would still give priority funding to those entities that had already made a decision to “spec” RAC because the highest ranking goes to projects that have previously been competitively bid and for which a contract has been awarded. It would be very difficult, within Public Contract Code requirements, to significantly change a construction contract work scope (to require RAC use, for example) after competitive bids were solicited based on standard aggregate use. Thus, the proposed criteria will effectively “reward” those jurisdictions that have already chosen to use RAC. This may be desirable. But, please realize that the proposed selection process will not provide a financial “incentive” to effectively encourage jurisdictions to switch from standard aggregate use to RAC for projects that are planned in the future.

Your consideration of these comments is appreciated. If, you wish to consider some changes that could make the subject grant project more available to rural jurisdictions, please let me know and I will be happy to discuss some suggested alternatives. You may, for example, want to maintain the proposed criteria for most of the available funding while setting aside a portion of the funding to support smaller projects which have not yet gone out to bid, but which can be completed within the grant term. If sufficient applications were not received for smaller projects, the available funding could then be “rolled back” into the larger pool of money to support other on-going large scale construction efforts.

Thank you for this opportunity to provide input into the proposed project selection criteria.

Sincerely yours,



Jim Hemminger, P.E.  
ESJPA Program Director

cc: Linda Moulton-Patterson, Chair, California Integrated Waste Management Board  
Jose Medina, Chair, CIWMB Special Waste Committee  
Members, California Integrated Waste Management Board  
Mark Leary, Executive Director, California Integrated Waste Management Board  
Bob Fujii, Supervisor, Tire Remediation & Engineering Technical Services, CIWMB  
ESJPA Member Counties

**ESJPA LEGISLATIVE REPORT**  
**October 4, 2005**

**CHAPTERED BILLS:**

CA AB 575	<p><b>AUTHOR:</b> Wolk (D)  <b>TITLE:</b> Electronic Waste Recycling  <b>LAST AMEND:</b> 05/23/2005  <b>LOCATION:</b> Chaptered  <b>SUMMARY:</b>          Defines the term vendor. Allows a retailer to elect to pay the covered electronic waste recycling fee on behalf of the consumer by paying the covered electronic waste recycling fee to the retailer's vendor. Provides that if the retailer makes this election, the covered electronic waste recycling fee is a debt owed by the vendor to the state, and the retailer is not liable for the fee. Authorizes the disclosure of the name, address, account number and account status of the collector of the fee.  <b>STATUS:</b>          07/18/2005 Signed by GOVERNOR.          07/18/2005 Chaptered by Secretary of State. Chapter No. 59</p> <table border="0"> <tr> <td><u>Lobbyist</u></td> <td><u>Position</u></td> <td><u>Staff</u></td> <td><u>Subject</u></td> </tr> <tr> <td>Rich</td> <td>Watch</td> <td>Mary</td> <td>ESJPA</td> </tr> </table>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>	Rich	Watch	Mary	ESJPA
<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>						
Rich	Watch	Mary	ESJPA						
CA AB 1249	<p><b>AUTHOR:</b> Blakeslee (R)  <b>TITLE:</b> Waste Tire and Facility Permit  <b>LAST AMEND:</b> 07/11/2005  <b>LOCATION:</b> Chaptered  <b>SUMMARY:</b>          Requires the Integrated Waste Management Board to adopt regulations setting forth procedures and requirements necessary to obtain a major waste tire facility permit. Requires the State Fire Marshal to adopt fire prevention regulations for a major waste tire facility. Requires the major waste tire facility permit regulations include by reference the fire prevention regulations adopted by the State Fire Marshal.  <b>STATUS:</b>          09/29/2005 Signed by GOVERNOR.          09/29/2005 Chaptered by Secretary of State. Chapter No. 404</p> <table border="0"> <tr> <td><u>Lobbyist</u></td> <td><u>Position</u></td> <td><u>Staff</u></td> <td><u>Subject</u></td> </tr> <tr> <td>Rich</td> <td>Watch</td> <td>Mary</td> <td>ESJPA</td> </tr> </table>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>	Rich	Watch	Mary	ESJPA
<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>						
Rich	Watch	Mary	ESJPA						
CA AB 1637	<p><b>AUTHOR:</b> Mountjoy (R)  <b>TITLE:</b> Vehicles: Refuse or Garbage Truck: Horn: Camera  <b>LAST AMEND:</b> 04/25/2005  <b>LOCATION:</b> Chaptered  <b>SUMMARY:</b>          Requires a refuse or garbage truck to be equipped with an automatic back-up audible alarm that sounds on backing and is capable of emitting a specified sound, or be equipped with an automatic back-up device that is in good working order. Requires a refuse or garbage truck purchased after January 1, 2010, to be equipped with a functioning camera providing a video display for the driver that enhances or supplements the driver's view behind the truck. Exempts a roll-off vehicle. Provides infraction penalties.  <b>STATUS:</b>          09/02/2005 Signed by GOVERNOR.          09/02/2005 Chaptered by Secretary of State. Chapter No. 166</p> <table border="0"> <tr> <td><u>Lobbyist</u></td> <td><u>Position</u></td> <td><u>Staff</u></td> <td><u>Subject</u></td> </tr> <tr> <td>Rich</td> <td>Watch</td> <td>Mary</td> <td>ESJPA</td> </tr> </table>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>	Rich	Watch	Mary	ESJPA
<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>						
Rich	Watch	Mary	ESJPA						
CA AB 1763	<p><b>AUTHOR:</b> Assembly Natural Resources Committee  <b>TITLE:</b> Beverage Containers: Redemption Payments: Processing  <b>LAST AMEND:</b> 06/22/2005  <b>LOCATION:</b> Chaptered  <b>SUMMARY:</b>          Amends the Beverage Container Recycling and Litter Reduction Act. Requires all beverage distributors to make their annual payment not later than the last day of the 3rd month following the sale of beverage. Revises the conditions under which a distributor or beverage manufacturer is authorized to make a single annual payment, and revises the requirement to provide advance notice to the Department of Conservation with regard to this payment.  <b>STATUS:</b>          09/06/2005 Signed by GOVERNOR.          09/06/2005 Chaptered by Secretary of State. Chapter No. 202</p> <table border="0"> <tr> <td><u>Staff</u></td> <td><u>Subject</u></td> </tr> </table>	<u>Staff</u>	<u>Subject</u>						
<u>Staff</u>	<u>Subject</u>								

Mary

ESJPA

**TO GOVERNOR:**


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CA AB 259      **AUTHOR:** Hancock (D)  
**TITLE:** Solid Waste: Handling Services: Charges  
**LAST AMEND:** 06/30/2005  
**LOCATION:** To Governor  
**SUMMARY:**  
 Extends the delinquent charge and fee collection procedures in existing law to solid waste handling services provided under a franchise, contract, license, permit or otherwise. Exempts from the definition of public utility for purposes of existing law relating to public utilities, solid waste handling services provided by, or arranged for provisions by, a county, including the franchised, contracted, permitted, licensed, or otherwise granted solid waste handling services.  
**STATUS:**  
 09/09/2005                      \*\*\*\*\*To GOVERNOR.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

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CA AB 338      **AUTHOR:** Levine (D)  
**TITLE:** Recycling: Crumb Rubber  
**LAST AMEND:** 09/02/2005  
**LOCATION:** To Governor  
**SUMMARY:**  
 Defines the terms asphalt containing crumb rubber and rubberized asphalt concrete. Requires the Department of Transportation to require the use of crumb rubber at a specified percentage of the total amount of asphalt paving materials used for state highway and construction projects that use asphalt as a construction material. Specifies only crumb rubber manufactured in the United States that is derived from waste tires taken from vehicles owned and operated in the United States may be used.  
**STATUS:**  
 09/13/2005                      \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Rich	Watch	ESJPA

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CA AB 399      **AUTHOR:** Montanez (D)  
**TITLE:** Recycling  
**LAST AMEND:** 08/15/2005  
**LOCATION:** To Governor  
**SUMMARY:**  
 Requires Integrated Waste Management Board to make available one or more model ordinances and notification documents that may be adopted by a local agency to facilitate solid waste reduction, reuse and recycling programs at multifamily dwelling and to post certain information on the board's Internet web site. Requires the owner of a multifamily dwelling to notify tenants on how they may reduce, reuse, and recycle solid waste materials, by directing them to the web site.  
**STATUS:**  
 09/01/2005                      \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Rich	Watch	ESJPA

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CA AB 574      **AUTHOR:** Wolk (D)  
**TITLE:** Recycled Concrete  
**LAST AMEND:** 09/02/2005  
**LOCATION:** To Governor  
**SUMMARY:**  
 Authorizes the use of recycled concrete materials if the user has been fully informed that the concrete may contain recycled concrete materials. Prohibits recycled concrete from being offered, provided, or sold to the Department of Transportation or the Department of General Services for any use unless specifically requested and approved by the department.  
**STATUS:**  
 09/15/2005                      \*\*\*\*\*To GOVERNOR.

<u>Staff</u>	<u>Subject</u>
Mary	ESJPA

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CA AB 721      **AUTHOR:** Nunez (D)  
**TITLE:** Metal Plating Facilities: Pollution Prevention Fund

**LAST AMEND:** 08/30/2005  
**LOCATION:** To Governor  
**SUMMARY:**

Requires the Business, Transportation and Housing Agency to develop a loan guarantee program to assist chrome plating facilities to purchase high performance environmental control equipment or technologies. Requires the agency to make loan guarantees available only to a generator that is a small business and meets other requirements. Requires the agency to post a report on its Internet Web site and to provide notification to the Legislature concerning the performance of the loan guarantee program.

**STATUS:**  
 09/16/2005 \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA AB 1065 **AUTHOR:** Matthews (D)  
**TITLE:** Kitchen Grease: Transporters  
**LAST AMEND:** 06/23/2005  
**LOCATION:** To Governor  
**SUMMARY:**

Defines grease transporters. Requires licensed renderers to be registered, with conditions, as transporters. Requires a policy of insurance or surety bond. Provides procedures for registration application and appeal. Authorizes the Department of Food and Agriculture to establish a system for any person who engages in the transportation of inedible kitchen grease for documenting, recordkeeping and tracking the transportation of that grease in order to ensure the proper disposal or recycling of that material.

**STATUS:**  
 09/12/2005 \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1125 **AUTHOR:** Pavley (D)  
**TITLE:** Rechargeable Battery Recycling Act  
**LAST AMEND:** 09/02/2005  
**LOCATION:** To Governor  
**SUMMARY:**

Enacts the Rechargeable Battery Recycling Act of 2006. Requires a retailer who sells a rechargeable battery to a consumer to have in place a system for the proper disposal or recycling, including the take-back at no cost to the consumer, of a used rechargeable battery. Allows a retailer who is participating in an existing battery recycling system that includes rechargeable batteries, to continue to participate in that existing system, if the system otherwise complies with the act.

**STATUS:**  
 09/19/2005 \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1415 **AUTHOR:** Pavley (D)  
**TITLE:** Hazardous Waste: Mercury Relays and Switches  
**LAST AMEND:** 09/02/2005  
**LOCATION:** To Governor  
**SUMMARY:**

Prohibits a person from selling, offering to sell, or distributing for promotional purposes in this state, certain new or refurbished mercury-added products, unless the use of the product if required under a federal law or a federal contract specification or if the only mercury-added component in the product is a button cell battery. Prohibits a person from selling, offering to sell, or distributing for promotional purposes in this state, a mercury switch or mercury relay or or gas range with a diostat.

**STATUS:**  
 09/14/2005 \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA AB 1688 **AUTHOR:** Niello (R)  
**TITLE:** Illegal Dumping: Enforcement Officers  
**LAST AMEND:** 04/14/2005  
**LOCATION:** Assembly Public Safety Committee  
**SUMMARY:**

Adds to the list of persons who are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment illegal dumping officers, whose primary duty is the enforcement of illegal dumping laws.

**STATUS:**

05/03/2005

In ASSEMBLY Committee on PUBLIC SAFETY: Not heard.

Lobbyist  
RichPosition  
WatchSubject  
ESJPA

CA AB 1764

**AUTHOR:** Assembly Natural Resources Committee  
**TITLE:** Beverage Containers: Handling Fees  
**LAST AMEND:** 08/15/2005  
**LOCATION:** To Governor**SUMMARY:**

Amends the Beverage Recycling and Litter Reduction Act. Authorizes the Department of Conservation to pay up to a specified amount of handling fees to supermarket sites and certain recyclers to provide an incentive to redeem beverage containers.

**STATUS:**

09/16/2005

\*\*\*\*\*To GOVERNOR.

Lobbyist  
RichPosition  
WatchSubject  
ESJPA**FINAL STATUS OF OTHERS:**

CA AB 177

**AUTHOR:** Bogh (R)  
**TITLE:** Solid Waste: Biomass Conversion: Transformation  
**LOCATION:** Assembly Natural Resources Committee**SUMMARY:**

Relates to the California Integrated Waste Management Act of 1989. Revises the definition of biomass conversion to mean the controlled combustion, thermal conversion, chemical conversion, or biological conversion, other than composting, of biomass waste used for producing electricity, heat, or a reconstituted product that meets the quality standards for use in the marketplace. Defines the term "biomass waste". Revises the definition of transformation to mean the incineration of mixed solid waste.

**STATUS:**

01/31/2005

To ASSEMBLY Committee on NATURAL RESOURCES.

Bill-File  
YLobbyist  
JohnPosition  
SupportStaff  
MarySubject  
ESJPAYear-End-Report  
Sept.Brd.Mtg

CA AB 342

**AUTHOR:** Baca (D)  
**TITLE:** Perchlorate Fee  
**LOCATION:** ASSEMBLY**SUMMARY:**

Declares the intent of the Legislature to enact legislation that would authorize the Department of Toxic Substances Control to assess a fee on products that contain perchlorate and to expand those funds to treat drinking water wells contaminated with perchlorate.

**STATUS:**

02/10/2005

INTRODUCED.

Lobbyist  
RichPosition  
WatchStaff  
MarySubject  
CUPA  
ESJPA

CA AB 567

**AUTHOR:** Aghazarian (R)  
**TITLE:** Hazardous Waste: Alternative Standards  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee**SUMMARY:**

Authorizes the Department of Toxic Substances Control to adopt regulations that establish hazardous waste management standards as an alternative to one or more of the standards specified in the hazardous waste control law. Permits the regulations to exempt a hazardous waste management activity that only involves hazardous waste meeting specified criteria. Requires the department, before adopting an alternative management regulation, to make findings, and prepare an analysis to support those findings.

**STATUS:**

02/28/2005

To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Lobbyist  
RichPosition  
WatchStaff  
MarySubject  
CUPA  
ESJPA

CA AB 727

**AUTHOR:** Bermudez (D)



**TITLE:** Solid Waste: Integrated Waste Management  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Amends the Integrated Waste Management Act the requires the Integrated Waste Management Board and local agencies to promote waste management practices in a specified order of priority. Includes in that list of practices the recovery of waste through conversion technology, or other beneficial use technologies, and reorder the list of priorities.

**STATUS:**  
 04/18/2005

In ASSEMBLY Committee on NATURAL RESOURCES: Not heard.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1049

**AUTHOR:** Koretz (D)  
**TITLE:** Recycling: Food and Beverage Packages: Labeling  
**LAST AMEND:** 04/19/2005  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires the Integrated Waste Management Board to make available a voluntary state curbside label for packages or items that are accepted in a substantial majority of state curbside recycling programs. Deems certain packaging and items to be accepted by a substantial major of state curbside programs. Authorizes the board to deny the use of the state curbside label on packaging or items that are soiled with contaminants to a specified degree and to collect a fee from a person applying to use the label.

**STATUS:**  
 05/25/2005

In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1087

**AUTHOR:** DeVore (R)  
**TITLE:** Vehicles: Loads: Spill Prevention  
**LAST AMEND:** 05/02/2005  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Limits the fine for an infraction violation for each incident in which one or more objects are dropped, sifted, leaked, blown, or spilled, or otherwise escaped from the vehicle, if each of the objects is less than one pound in weight, or one cubic foot in volume, or 10 square feet in dimension, and for each incident in which one or more of the escaped objects is equal to or more than those measurements to not exceed a specified total amount.

**STATUS:**  
 05/25/2005

In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA AB 1090

**AUTHOR:** Matthews (D)  
**TITLE:** Solid Waste: Diversion: Conversion  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Revises the waste management practices that the integrated Waste Management Board and local agencies are required to promote. Repeals the definition of the term gasification. Defines the terms conversion technology, beneficial use and recovery. Revises the definition of the term "transformation" to exclude pyrolysis, distillation or biological conversion other than composting from that definition. Specifies that transformation does not include conversion technology.

**STATUS:**  
 04/18/2005

In ASSEMBLY Committee on NATURAL RESOURCES: Heard, remains in Committee.

<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Y	Rich	Support	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	Sept. Brd. Mtg		

CA AB 1103

**AUTHOR:** Karnette (D)  
**TITLE:** Bicycle Sales: Notice  
**LAST AMEND:** 04/12/2005  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires a bicycle retailer and bicycle dealer who sells, furnishes or give a bicycle to a person to provide a disclosure to the purchaser or recipient that states that a bicycle may be recycled and that state law permits a tax deduction for qualified charitable contributions of bicycles.

**STATUS:**  
 04/12/2005  
 04/12/2005

From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.  
 In ASSEMBLY. Read second time and amended. Re-referred to Committee on

## NATURAL RESOURCES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1193

**AUTHOR:** Hancock (D)  
**TITLE:** Recycling: Compact Discs and Digital Versatile Discs  
**LOCATION:** Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee  
**SUMMARY:**  
 Prohibits the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee, without the consent of a person in the household, unless the recipient is provided a postage paid return mailing envelope or similar return mechanism that would allow the recipient to return the disc.  
**STATUS:**  
 04/11/2005 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on ARTS, ENT., SPORTS, TOURISM & INTERNET MEDIA.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1327

**AUTHOR:** Tran (R)  
**TITLE:** Hazardous Materials: Accidental Release Prevention  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**  
 Makes conforming changes with regard to the setting of civil penalties for businesses that handle hazardous materials who fail to prepare a business plan and submit an annual inventory form to the administering agency to delete a reference to the setting of the amount of the penalty by the governing body of the administering agency.  
**STATUS:**  
 05/19/2005 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA AB 1333

**AUTHOR:** Frommer (D)  
**TITLE:** Grease Waste Haulers  
**LAST AMEND:** 08/31/2005  
**LOCATION:** Senate Inactive File  
**SUMMARY:**  
 Prohibits a grease waste hauler from removing grease from a greasetrap or interceptor unless the hauler removes all grease, grease liquid, water, and solids from the trap or interceptor each time of removal. Subjects such hauler to a civil penalty for a violation. Allows for the enforcement of these provisions only against a grease waste hauling company. Provides distribution of civil penalties. Makes it an offense for a hauler to reinsert or to improperly deposit grease in specifies ways.  
**STATUS:**  
 09/08/2005 In SENATE. To Inactive File.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA AB 1337

**AUTHOR:** Ruskin (D)  
**TITLE:** Hazardous Waste Facilities Permits  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**  
 Specifies that hazardous waste is not being "held" by an otherwise empty rail tank car that contains a non-liquid residual heel from previously held waste, until a new waste is added to the rail tank car where the hazardous waste is held.  
**STATUS:**  
 06/09/2005 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA AB 1341

**AUTHOR:** Assembly Environmental Safety and Toxic Materials Committee  
**TITLE:** Pollution Control Financing Authority: Grants and Loans  
**LAST AMEND:** 08/22/2005  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**  
 Relates to authorization of the Pollution Control Financing Authority to provide grants and loans to cities and counties to assist in the development of programs to reduce pollution hazards and the degradation of the environment, or to promote infill development to revitalize communities. Requires an annual report to the Legislature regarding the

grant and loan program. Extends operation of these provisions. Extends operation of the provisions. Increases the amount of the grants and loans.

**STATUS:**

08/23/2005

In SENATE. Read second time. To third reading.

08/23/2005

Re-referred to SENATE Committee on APPROPRIATIONS.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
CUPA  
ESJPA

CA AB 1344

**AUTHOR:**

Assembly Environmental Safety and Toxic Materials Committee

**TITLE:**

Hazardous Substances: Multi-Parcel Remediation: Pilot

**LOCATION:**

Assembly Environmental Safety and Toxic Materials Committee

**SUMMARY:**

Enacts the California Subregional Coordination and Cleanup Act of 2005. Requires the site designation committee of the California Environmental Protection Agency, with department and state board assistance, to establish a pilot program provide grants for aggregation of multiple real property parcels into multi-parcel areas for site mitigation and planning purposes. Requires the committee to select 4 pilot projects from certain submitted applications and authorizes each project to receive a certain grant.

**STATUS:**

03/14/2005

To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
CUPA  
ESJPA

CA SB 318

**AUTHOR:**

Romero (D)

**TITLE:**

Waste Management

**LAST AMEND:**

05/03/2005

**LOCATION:**

Senate Appropriations Committee

**SUMMARY:**

Creates within the Integrated Waste Management Board the Office of the Solid Waste Public Advisor to provide objective information to members of the public living near a proposed solid waste facility or an existing facility that is proposed to be constructed, expanded or otherwise altered. Requires the board to appoint a solid waste facilities public advisor. Prescribes the duties of the public advisor, with respect to providing information concerning proposed or existing solid waste facilities.

**STATUS:**

05/26/2005

In SENATE Committee on APPROPRIATIONS: Heard, remains in Committee.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 354

**AUTHOR:**

Escutia (D)

**TITLE:**

Hazardous Substances: Brownfields Task Force

**LAST AMEND:**

06/22/2005

**LOCATION:**

Assembly Environmental Safety and Toxic Materials Committee

**SUMMARY:**

Requires the Environmental Protection Agency to establish a task force on Brownfields Redevelopment to provide information to the agency on the effectiveness of the state's site cleanup oversight programs, brownfields cleanup and redevelopment funding programs, and to identify and evaluate legislative, regulatory or administrative proposals that would improve opportunities for brownfield redevelopment.

**STATUS:**

06/28/2005

In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
CUPA  
ESJPA

CA SB 411

**AUTHOR:**

Alarcon (D)

**TITLE:**

Solid Waste: Nonbiodegradable Materials: Landfills

**LAST AMEND:**

04/26/2005

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Relates to city, county of city and county waste source reduction and recycling element Requires, that if the alternative daily cover of such element is comprised of woody and green material, that material is to be included in the amount of solid waste that is subjected to disposal for purposes of diversion requirements. Requires the Integrated Waste Management Board to develop a schedule for excluding solid waste used as an alternative daily cover and includes the above material from diversion goals.

**STATUS:**

05/05/2005

Withdrawn from SENATE Committee on RULES.

05/05/2005

Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Y	Rich	Oppose	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	Sept.Brd.Mtg		

CA SB 420

**AUTHOR:** Simitian (D)  
**TITLE:** Waste Management: Diversion  
**LAST AMEND:** 03/29/2005  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Amends provisions of the Integrated Waste Management Act that require every city or county to develop a source reduction and recycling element of an integrated waste plan that requires diversion from the solid waste stream at specified rates. Requires the source reduction and recycling plan to increase this diversion percentage to 75% by a specified date.

**STATUS:**  
03/29/2005 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.  
03/29/2005 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Y	Rich	Oppose	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	Sept.Brd.Mtg		

CA SB 423

**AUTHOR:** Simitian (D)  
**TITLE:** Hazardous Waste: Mercury Relays and Switches  
**LAST AMEND:** 07/05/2005  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Authorizes a manufacturer selling a mercury switch or relay, or a person selling a product containing such switch or relay, to apply to the Department of Toxic Substances Control for an exemption from the prohibition on the sale or distribution of such products. Authorizes the department to grant the exemption under certain conditions. Specifies the types of products that would be exempt.

**STATUS:**  
07/05/2005 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.  
07/05/2005 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA SB 476

**AUTHOR:** Runner G (R)  
**TITLE:** Environmental Quality: Environmental Impact Reports  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Makes technical, nonsubstantive changes to the California Environmental Quality Act which requires a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a waste project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

**STATUS:**  
03/03/2005 To SENATE Committee on RULES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA SB 563

**AUTHOR:** Alarcon (D)  
**TITLE:** California Certified Green Business Program  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Declares the intent of the Legislature to enact legislation to establish a California certified green business program that will assist businesses that operate in California to protect the environment, conserve natural resources, and reduce pollution.

**STATUS:**  
03/03/2005 To SENATE Committee on RULES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA SB 566

**AUTHOR:** Bowen (D)  
**TITLE:** Controlled Substances: Removal Actions

**LAST AMEND:** 04/12/2005  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the Department of Toxic Substances Control to adopt regulations to provide state and local agencies with standards and procedures for taking a remedial action at a hazardous substance site that was an illegal drug lab, including providing for a level of cleanup that would protect the health and safety of all future occupants of the site. Provides for expenditure of funds from the Illegal Drug Lab Cleanup Account.

**STATUS:**  
 05/26/2005 In SENATE Committee on APPROPRIATIONS: Heard, remains in Committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	CUPA ESJPA

CA SB 655

**AUTHOR:** Ortiz (D)  
**TITLE:** Asbestos  
**LAST AMEND:** 09/02/2005  
**LOCATION:** Assembly Unfinished Business  
**SUMMARY:**

Requires the Environmental Protection Agency to convene the Naturally Occurring Asbestos Task Force to recommend best management practices. Requires a city or county issuing an activity permit which may result in soil disturbance to provide the applicant with a one-page summary of measures that may be taken to mitigate exposure. Requires disclosure of real property located in an asbestos hazard zone. Provides for real estate sales disclosure. Conditions the limitation on liability for disclosure.

**STATUS:**  
 09/08/2005 In ASSEMBLY. Read third time. Failed to pass ASSEMBLY.  
 09/08/2005 In ASSEMBLY. **Motion to reconsider.**

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
March	Rich	Oppose	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
CUPA	Sept.Brd.Mtg		
ESJPA			

CA SB 729

**AUTHOR:** Lowenthal (D)  
**TITLE:** Water Quality  
**LAST AMEND:** 04/19/2005  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Relates to the Water Resources Control Board and regional boards. Requires the state board to hold regular meetings, to implement a public information program on water quality matters, to prepare its budget in a certain manner, to establish a water quality coordinating committee, to prepare certain guidelines reflecting prioritization of the cleanup of certain state waters. Relates to the membership of regional boards. Requires regional boards to identify and post schedules for total maximum daily loads.

**STATUS:**  
 04/25/2005 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

<u>Bill-File</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Y	Kathy	Oppose	ESJPA
<u>Year-End-Report</u>			
Sept.Brd.Mtg			

CA SB 743

**AUTHOR:** Chesbro (D)  
**TITLE:** Solid Waste: Plastics: Recycling Rates: Households  
**LAST AMEND:** 08/25/2005  
**LOCATION:** To Governor  
**SUMMARY:**

Conforms changes in the definition of the term curbside collection program for the Integrated Waste Management Act of 1989. Revises the definition of recycling rate to include the proportion of a single resin type of a rigid plastic packaging container that is recycled in a single calendar year, notwithstanding an exemption. Modifies the criteria for rigid plastic packaging containers to include a recycling rate for a single resin type container. Prohibits manufacturer providing misleading information.

**STATUS:**  
 09/13/2005 \*\*\*\*\*To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Rich	Watch	Mary	ESJPA

CA SB 926

**AUTHOR:** Florez (D)  
**TITLE:** Sewage Sludge Management  
**LAST AMEND:** 06/21/2005  
**LOCATION:** Assembly Local Government Committee

**SUMMARY:**

Specifies that certain provisions of the Porter-Cologne Water Quality Control Act do not prohibit the Kern County Board of Supervisors from adopting an ordinance that regulates or prohibits the land application of sewage sludge in the unincorporated areas of the county. Provides an exemption for land application permitted by a state or local entity before the effective date of the prohibition and would not apply to any renewal of a preexisting permit that directly regulates the land application of biosolids.

**STATUS:**

06/21/2005

In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

Lobbyist  
Rich

Position  
Watch

Subject  
ESJPA

CA SB 928

**AUTHOR:**

Perata (D)

**TITLE:**

Public Resources: Solid Waste

**LAST AMEND:**

05/02/2005

**LOCATION:**

Assembly Natural Resources Committee

**SUMMARY:**

Changes that percentage to an unspecified amount a city or county source reduction element to divert of all solid waste from landfill disposal of transformation through source reduction, recycling, and composting activities. Deletes the reference in existing law to the additional authority of the board to grant a time extension for diversion requirements.

**STATUS:**

06/09/2005

To ASSEMBLY Committee on NATURAL RESOURCES.

Lobbyist  
Rich

Position  
Watch

Subject  
ESJPA

CA SB 1058

**AUTHOR:**

Campbell (R)

**TITLE:**

Recycling Residue

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Eliminates the requirement that the results of the evaluation on the use of recycling residue be reported in the Integrated Waste Management Board's annual report to the Legislature.

**STATUS:**

03/17/2005

To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 1076

**AUTHOR:**

Perata (D)

**TITLE:**

Solid Waste

**LOCATION:**

Senate Rules Committee

**SUMMARY:**

Makes a technical, nonsubstantive change in the California Integrated Waste Management Act that requires each county, city, district, or other local government agency that provides solid waste handling services to provide for those services, including, but not limited to, source reduction, recycling, composting activities, and the collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction.

**STATUS:**

03/17/2005

To SENATE Committee on RULES.

Lobbyist  
Rich

Position  
Watch

Staff  
Mary

Subject  
ESJPA