



## 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, October 19, 2006

### MEMBERS REPRESENTED

Bob Pickard, ESJPA Chair	Mariposa County
Skip Veatch, Supervisor	Alpine County
Jim McHargue, Program Manager	Amador County
Bill Mannel, Solid Waste Manager	Butte County
Steve Rodowick, Recycling Manager	Butte County
Lesli Daniel, Recycling Manager	Calaveras County
Kevin Hendrick, Solid Waste Director	Del Norte County
Jon Souza, Public Information Officer	El Dorado County
Mandy Kleykamp, Solid Waste Manager	Glenn County
William Brunet, Director of Public Works	Imperial County
Steve Engfer, Solid Waste and Recycling Manager	Mariposa County
Tracy Harper, Recycling Coordinator	Nevada County
Randy Akana, General Services Manager	Siskiyou County
John Kovach, Solid Waste Fiscal Technician	Siskiyou County
Melissa Cummins, Solid Waste Fiscal Technician	Siskiyou County
Alan Abbs, Solid Waste Director	Tehama County
Barbara Rapinac, Solid Waste Technician	Trinity County
Mark Rappaport, Solid Waste Consultant	Tuolumne County

### STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager	RCRC Governmental Affairs
Stacey Miner, ESJPA Program Administrator	RCRC Governmental Affairs
Rachel Basore, ESJPA Program Assistant	RCRC Governmental Affairs
Paul Smith, Legislative Affairs Director	RCRC Governmental Affairs
Nick Konovaloff, Legislative Analyst	RCRC Governmental Affairs
Larry Sweetser, Consultant to ESJPA	Sweetser and Associates

### OTHERS IN ATTENDANCE:

Nancy Carr, Senior IWMS	CIWMB
Trace Landberg, IWMS	CIWMB
Matt McCarron, Special Waste Division (E-waste)	CIWMB
Karl Palmer, Chief, Regulatory & Program Development	DTSC

Kyle Pogue, Supervising IWMS	CIWMB
Thomas Rudy, IWMS	CIWMB
Sherrie Sala-Moore, Supervising IWMS	CIWMB
Jero Salva, Solid Waste Consultant	Trinity County

### **MEMBERS NOT REPRESENTED**

Colusa County	Inyo County	Lassen County	Modoc County
Mono County	Plumas County	Sierra County	

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

The meeting was called to order at 1:15pm by Alan Abbs, ESJPA Solid Waste Specialist, in the absence of the chair. Bob Pickard, ESJPA Chair, resumed his duties at 1:20pm. Roll call was taken, self-introductions were made, and a quorum was established.

#### **II. Business Matters**

A. Approval of minutes from the meeting of August 17, 2006.

The Chair called for a motion to approve the minutes of the August 17, 2006 meeting. The motion was made by William Brunet, seconded by Mandy Kleykamp. Kevin Hendrick and Mark Rappaport abstained. Motion carried.

B. Re-adoption of Resolution Approving the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2005.

The Chair called for a motion to approve the Auditor's Report and Financial Statements. The motion was made by Alan Abbs, seconded by Steve Engfer. Motion carried.

C. Adoption of Resolutions of Appreciation for Tom Hunter and Mark Rappaport for their years of participation in the ESJPA.

The Chair called for a motion to adopt Resolutions of Appreciations for Tom Hunter, Mark Rappaport, and John Kovach. The motion was made by Jim McHargue, seconded by Kevin Hendrick. Motion carried.

#### **III. Public Comment**

John Kovach announced that this is his last ESJPA meeting, as he will be retiring from his position as Solid Waste Fiscal Technician on November 17, 2006. He introduced his replacement, Melissa Cummins.

#### **IV. Presentation Items**

A. CIWMB Tools for Disposal Reporting Review – Sherrie Sala-Moore, Supervising Integrated Waste Management Specialist, California Integrated Waste Management Board.

- B. Targeted Waste Characterization Studies – Nancy Carr, Senior Integrated Waste Management Specialist, Thomas Rudy, Integrated Waste Management Specialist, California Integrated Waste Management Board.
- C. E-Waste and Universal Waste Management Update – Matt McCarron, Special Waste Division, California Integrated Waste Management Board and Karl Palmer, Branch Manager, Hazardous Waste Management, Department of Toxic Substances Control.
- D. El Dorado County Solid Waste Program – John Souza, Public Information Officer.

## V. Solid Waste/Regulatory Update

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

Kyle reported that the 2003 -2004 biennial review spreadsheets with status information for all counties will be sent electronically to jurisdictions. Twelve out of the 22 ESJPA counties have completed their biennial reviews successfully with four out of the twelve falling in “good faith effort” category. Four member counties are not part of the reviews and six counties, Amador, Calaveras, Imperial, Lassen, Modoc, and Plumas, are still awaiting their reviews.

The recent “Consideration of Adoption of Board Governance Policies for Governance Process and Board-Staff Linkage” gave delegation authority to the Executive Directors of the Waste Board. Under the new changes, if jurisdictions have a new waste generation study that is not controversial it will go to the Executive Director and not to the Board. This would apply to those biennial reviews that have diversion rates over 50% and adequate diversion programs. The changes also address delegated authority for other programs such as used oil programs, funding under block grant programs, and resolutions of grant related application disputes/deadlines. Despite these changes, it does not eliminate a jurisdiction’s ability to go before the Board if they want an item heard. Overall, the Board’s goal is to adopt a policy setting focus/philosophy. These changes were approved at the October 17, 2006 Board Meeting, but if jurisdictions have comments, submit them as soon as possible. Kyle will provide updates on how this process unfolds.

In response to this issue, Bob Pickard, ESJPA Chair, directed that a letter be sent to the CIWMB on behalf of the ESJPA addressing member concerns. ESJPA members are primarily concerned about gaining access to attachments and reviews. Under the new system, jurisdictions would not know if non-controversial items are passed. This is of primary concern since new programs and management practices in member counties are often based on those from jurisdictions with successful biennial reviews. Attachments and “success reports” provide programs for rural counties to emulate and are useful learning tools. Access to only non-approved reviews would be detrimental to program development. ESJPA members suggest that all information be available on the web. Jurisdictions would also like assurance that if they are not satisfied with a decision they can approach the Board

for changes and clarification. A letter will be created and a copy will appear in December's meeting packet.

Kyle spoke about the continuing reorganization occurring at the CIWMB. The proposed reorganization will split the Waste Board into two programs: **Waste Compliance & Mitigation Program and the Sustainability Program**. In this way, enforcement will be separate from assistance. The overall plan is to create local assistance contacts who are generalists, rather than being specialized in one material type or area. No time frame has been proposed for this reorganization. Updates will follow as more is known.

In response to an issue raised at the August 17, 2006 ESJPA Board meeting, Kyle reported that a letter regarding time extensions for the biennial review would be sent to the four jurisdictions on 2005 time extensions. The content of these letters is unknown, but Butte, El Dorado, Mariposa, and Nevada can expect them soon.

A comprehensive list of all 170 jurisdiction C&D ordinances will soon become available online. There are about 25 currently available and the list can be sorted by county.

**B. Biennial Review Preparation – Alan Abbs, ESJPA Solid Waste Specialist**

Alan reported that he, Mary Pitto, and Larry Sweetser recently met with the Office of Local Assistance about their Biannual Review Tool. It is a format that staff uses to review your jurisdiction and assess your programs. The bottom line is that if you want to know how well your jurisdiction will do in the biennial review, take the time to know how your jurisdiction will appear before the Waste Board based on their format. It is important to have a general knowledge prepared, but the Board wants to hear specific examples about your programs/policies.

Typical questions asked during the review include: "What is the status of your C&D ordinance?", "What is your expanded Environmental Preferred Purchasing Policy?", "What is your sensitivity analysis—how much waste does it take to change your diversion rate by 1%?".

Alan addressed the question as to whether the rural reduction option is still available to counties. Petitions for the rural reduction may be submitted and the Board would have to hear it; however, the Board is not encouraging this option. Rural counties can fluctuate and many not meet their rural reduction consistently, so Board staff encourages rurals to petition for good faith effort instead of the rural reduction. The Board is aware of the realities of rural jurisdictions and has, historically, granted rurals the good faith effort.

**C. AB 1497 Significant Changes for Solid Waste Facilities – Larry Sweetser, ESJPA Consultant**

Larry noted that the comment letter concerning AB 1497 is included in the meeting packet along with a short version of what the regulations will be. The regulation is going forward.

**D. Other Regulatory Issues of Interest or Concern – Alan Abbs**

Marry Pitto distributed information on a variety of upcoming workshops and events. Low cost training for a variety of environmental, health, and safety topics is available through regional environmental centers connected with the California community college system. The packet also includes the California Environmentally Preferable Purchasing Manual to assist you in updating your current standards.

## VI. Legislative Update

Status of 2005-06 Solid Waste Legislation presented by Paul Smith, RCRC Director of Legislative Affairs.

Paul reported on the 2006 session, which ended August 31 and had an October 1 deadline for bill signing. The 2007-2008 regular session reconvenes December 4, 2006 and major bills will be introduced in January and February. When the session begins, only 35 out of 80 members of the assembly will be the same. The following bills were highlighted:

### A. Chaptered Bills

CA AB-1688: Illegal Dumping: Enforcement Officers. Gives jurisdictions the ability to designate powers of arrest to illegal dumping enforcement. Jurisdictions must work with local law enforcement.

CA AB-2296: Solid Waste: Landfill: Postclosure Maintenance. Addresses postclosure issues and requires the CIWMB complete a study in 2008 to identify long-term threats. Regulations are required by 2009. This issue will stick around and will reappear next year related to financing post closure.

CA AB-2249: Recycling: Plastic Bags. Requires retailers that hand out plastic shopping bags to have methods to recycle bags in their stores. Local jurisdictions may not implement their own bag recycling efforts. Counties can adopt ordinances for bag tax or mandating reuse only on stores not complying with the law.

CA AB-3056: Beverage Container: Quality Incentive Payments: Refund. Law contains many components, but of most importance is the acceleration of handling fees and newly defined convenience zones. First, the law increases the deposit return rate for a 6 months period until the end of the period when the rate equalizes. Starting January 1, 2007, handlers and consumers will enjoy a 1-cent windfall. Secondly, the changed law allows certified recyclers to be eligible for handling fees in areas where they were not before. The Department of Conservation identified about 30 sites; however data was only pulled from currently established certified recyclers. Imperial, Madera, Mono, Nevada, and Plumas have recyclers who may ultimately be given handling fees. The 3-mile zone is calculated from the nearest retailer—not from the recycler-- and creates a much larger catch zone for obtaining the \$2 million gross annual sales figure.

RCRC has summarized the guidelines (distributed at meeting) and will deliver them and other materials to all counties. The key is that recyclers must complete the petition prior

to December. New zones only go into effect January 1<sup>st</sup> of each year and if recyclers miss the deadline they would have to wait until January 2008. There is no hard cutoff date for petitions, but they must be approved before January. Counties should let Mary or Paul know if they require assistance in the process. Recyclers need not be the petitioner; counties may petition on behalf of the recycler, but must have an accurate estimation of sales.

CA SB-369: Solid Waste: Tire Recycling: Rubberized Asphalt. Creates major changes in terms of eligibility factors for grants. Rural counties that did not take advantage of these grants in the past may now be able to do so.

B. Vetoed Bills

Paul encouraged members to read the bill veto messages.

C. Bills that Failed

**VII. ESJPA Program Updates**

Grant Program Update by Stacey Miner. Stacey referenced the Grant Program Update memo in the meeting packet. Based on the CIWMB October meeting, it appears that applications for the Local Government Waste Tire Cleanup and Amnesty Event Grants will not occur in November 2006 and will be pushed back. Stacey encouraged counties to consider the Solid Waste Management Grants through the USDA, as they have very broad criteria and no funding cap.

**VIII. Agenda Suggestions for next ESJPA Board Meeting scheduled for December 14<sup>th</sup>, 2006**

Suggestions should be forwarded to ESJPA staff.

**IX. Member County Concerns / Comments**

**X. Adjournment at 4:14pm**

Respectfully submitted,

*Rachel Basore*

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