

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,  
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN

CHAIR — BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR — LAVADA ERICKSON, SISKIYOU COUNTY

EXECUTIVE DIRECTOR — GREG NORTON



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,  
SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

PROGRAM MANAGER — MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR — RANDY AKANA,  
SISKIYOU COUNTY

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

801 12<sup>th</sup> Street – 5<sup>nd</sup> Floor Conference Room  
Sacramento, CA 95814  
(916) 447-4806  
Thursday, August 21, 2008

### MEMBERS REPRESENTED

Supervisor Bob Pickard, ESJPA Chair  
Supervisor Dave Finnegan  
Jim McHargue, Program Manager  
Bill Mannel, Solid Waste Manager  
Lesli Daniel, Recycling Manager  
Jon Souza, Public Information Officer  
Mandy Kleykamp, Solid Waste Manager  
Keith Quinlan, Solid Waste Manager  
Michelle Miller  
Karen Dusek  
Tracey Harper, Recycling Coordinator  
Robert Perrault, Jr., Director of Public Works  
Randy Akana, General Services Manager  
Shannon Cash, Fiscal Technician  
Kristina Miller, Solid Waste Program Manager  
Barbara Rapinac, Solid Waste Analyst  
Gretchen Olsen, Solid Waste Manager

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

### STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager  
Stacey Miner, ESJPA Program Administrator  
Kim Garrett, ESJPA Program Assistant  
Staci Heaton, Director of Regulatory Affairs  
Paul Smith, Director of Legislative Affairs  
Larry Sweetser, Consultant to ESJPA

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

**OTHERS IN ATTENDANCE:**

Alicia Culver	Green Purchasing Institute
Jim Greco, Owner	CWA
Wendell Minshew, Consultant	Independent
Bill Orr, Division Chief	CIWMB
Ted Rauh, Division Chief	CIWMB
Mark Urquhart	HDR
Scott Walker, Program Manager	CIWMB
Shirley Wild Wagner, Division Chief	CIWMB

**MEMBERS NOT REPRESENTED**

Alpine County	Colusa County	Imperial County	Inyo County
Lassen County	Modoc County	Mono County	Sierra County

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

The meeting was called to order at 9:12 a.m. by Chair Bob Pickard. Roll call was taken, self-introductions were made, and a quorum was established.

**II. Approval of minutes from the meeting of May 15, 2008 – Bob Pickard, Chair**

The Chair called for a motion to approve the minutes of the May 15, 2008 meeting. The motion was made by Kristina Miller, seconded by Mandy Kleykamp. Motion carried.

**III. Public Comment**

There were no public comments.

**IV. Presentations**

- A. Update on the California Integrated Waste Management Board (CIWMB) Used Oil Block Grant (UBG) Program – Shirley Wild Wagner, Division Chief, Sustainability Program, CIWMB

Shirley Wild-Wagner explained that the CIWMB is reviewing the UBG Program and intends to make improvements and changes to the program. Shirley described her perceived issues with the grants, and talked about grant management expenditures. She confirmed that grantees do not need to submit every single invoice, making reference to the letter that went out in June. She solicited input regarding frequent findings, problems, etc. with the current fiscal process. Shirley added that she hopes that the new direction improves and simplifies the program.

Shirley Wild-Wagner stated that the topic of site monitoring visits brought her to today's meeting. The CIWMB would be conducting monitoring visits so that staff can get appropriate training that can only be obtained in the field.

She also mentioned that George Mendoza is now head of their audit shop. She solicited suggestions for meetings with him in order to learn how to do paperwork, invoices, etc. Stacey Miner agreed that training is a good idea, especially for new employees, and made a few suggestions for such meetings/trainings, as well.

Mandy Kleykamp inquired why the waste oil annual report element is done by calendar year rather than fiscal year. Stacey Miner explained that the problem is that oil volumes are based on calendar year, but summaries are based on fiscal year. Shirley said she would research it to find out why it is set up this way.

Shirley Wild-Wagner stressed that they will be reevaluating the Used Oil Grant programs in order to improve the programs. A stakeholder group was requested, and the CIWMB will be sending out a survey. Workshops are soon to be scheduled for both northern and southern California locations.

**B. Environmentally Preferable Purchases and Practices – Alicia Culver, Green Purchasing Institute.**

A few questions were directed to CIWMB staff following Alicia's presentation. Participants wanted to know exactly what the requirements for environmentally preferable purchasing are under the programs that CIWMB runs. Shirley Wild-Wagner admitted that the guidelines are not clear, and that additional guidance is now on the Q&A section of the CIWMB website. Shirley stated that the program was initially based on a point system; however, now it is eligibility program based. Basically, all that is required is that a policy is adopted, and checked on an application. There are no minimum requirements. The CIWMB's goal is to encourage everyone to have program, and that there is no need for formal resolutions. Stacey Miner added that she diligently pushed to have this requirement removed from the scoring criteria.

**C. Plumas County Solid Waste Presentation – Robert Perrault, Jr., Director of Public Works. Rescheduled for October 23, 2008 ESJPA meeting.**

**D. CIWMB Guidance on Fire Debris – Ted Rauh, Division Chief, Waste Compliance & Mitigation Program, and Scott Walker, Waste Compliance & Mitigation Program Branch Manager, CIWMB.**

**E. Landfill Gas Monitoring and Control Regulations Implementation – Ted Rauh, and Bill Orr, Division Chief Waste Compliance & Mitigation Program, CIWMB**

Ted Rauh stated that the CIWMB began discussions a few months ago with stakeholders about compliance with the existing regulations and what needed to occur

in terms of plan review. Ted explained that compliance dates will be extended to September 21<sup>st</sup> 2009, or eight months after the new regulations are approved by administrative law. He also stated that the regulations include provisions for landfill operators to submit an alternate compliance date if they are unable to meet the initial compliance deadline. He added that CIWMB staff is moving forward to adopt these regulations. He continued to say that an operator who has a plan submitted, but not implemented by September 21, will not be penalized; however, operators with no plan at all will be fined.

Ted stated that the CIWMB is taking comments on proposed BMPs. These BMPs are anticipated to be completed by early October. He suggested that operators go through a joint review process with LEA so that they can provide their expertise to them. This will help operators know if there are any concerns with the alternate compliance submitted. He stated that the CIWMB will have a webinar on September 11th to provide information about the new standards. FAQs will follow to provide even more information to assist operators in meeting compliance dates.

Ted mentioned that many requests for alternatives are not addressing the appropriate procedures. He stressed that information regarding depth, geology, and spacing of wells must be included in requests. At this time, many requests do not meet these criteria. He gave examples of what information needs to be included on a site specific basis.

Larry Sweetser asked about technical detail. Ted responded to say that there needs to be extensive technical detail pertaining to geology, stressing that operators need to include geology and groundwater information pertaining to the request. He affirmed that rural settings may have difficult issues, adding that these operators should take advantage of establishing alternate compliance boundaries closer to waste. This approach can reduce the overall number of probes.

In response to a question, Ted explained that when this regulation was adopted it was widely thought that gas only migrates a distance of 1000 feet, which is why the standard was created. Now evidence shows that landfill gas migrates as far as 2000 feet. The old regulation was not protective of public health and safety; therefore, the standard was changed. He confirmed that operators can still do alternative compliance based on the geology of site. He assured the ESJPA Board that the webinar on September 11th will give samples of good plans and applications received.

Wendell Minshe commented that Inyo County's facility no longer has a probe that falls into compliance with the new regulation, although they just spent money to be in compliance. Bill Orr explained they are looking at plans, working with folks, and looking at FAQs to try to provide the best information they can. Bill also stated that they hope to have a draft of the regulation out early next week.

Larry Sweetser added that it is important for counties to make sure that they collaborate with the LEA and get a confirmed review to ensure that the alternatives they are

proposing are adequate. Larry stressed that communication with CIWMB staff and LEA will be very beneficial.

In response to questions, Bill explained that the regulation is intended to detect lateral migration from the site, and to monitor for landfill gas onsite. If gas is detected, it must be determined if the protection is adequate. He added that control is important, which is what the new regulation is about. He pointed out that the new regulations don't change *when* and *how* you control emissions. He confirmed that gas extraction wells are not mandatory. Ted added that there is a report on the CIWMB site that explains ways gas emissions can be controlled.

Kristina Miller asked if there was Waste Board protocol to follow. Bill Orr answered that the webinar scheduled for September is intended to provide additional guidance. He suggested that operators start with the regulation, look at the FAQs and BMPs, then participate in correspondences with the Board over next few weeks.

## V. Solid Waste/Regulatory Update

- A. Report from the California Integrated Waste Management Board – Terry Brennan, Supervising IWM Specialist, Office of Local Assistance. Mr Brennan was absent; no CIWMB report.
- B. AB 32 – Global Warming Solution Act of 2006 Update – Staci Heaton, Director of Regulatory Affairs, RCRC

Staci announced that the ARB released the first draft scoping plan. She stated that the new standard calls for a reduction of 173 million metric tons carbon equivalent, and this new standard will affect new vehicles. Alternative fuel vehicles and biodiesel were discussed. Once the standard is passed fuel costs will go up, possibly as much as 10 to 15 cents per gallon. She added that electricity standards account for a large chunk of these reductions. She pointed out that the most controversial lack of mandates is in the land use area. The ARB will be taking comments on this until October 2<sup>nd</sup>, and the second draft should be ready by October 3<sup>rd</sup>. The scoping plan must be adopted by January 1<sup>st</sup>, after which time rulemaking will begin.

- C. AB 32 and Landfill Gas Control Measure – Larry Sweetser

Larry expressed that there was good news on the standards from Air Board. He stated that it was their intent that any landfill with less than 450,000 tons in place will not have to notify the Air Board, and are subject to exemption request, which will have to be submitted once per year. They are trying not to impact already closed landfills.

D. Landfill Gas Regulations – Larry Sweetser

Larry announced that training will be coming up in Redding; all others will take place after the deadline. Once a plan is admitted to LEA they have 60 days to comment. He added that it is better to submit anything by the September deadline and take the violation for month than to not turn in anything at all. He said that the Board wants full implementation by September.

Larry stressed that staying on top of webinars and other communications will be key to understanding and compliance.

E. Report on Enforcement of Covered Loads and Speed Limits at Landfills and Transfer Stations – Tracey Harper, Recycling Coordinator, Nevada. Rescheduled for future meeting.

F. Grant Program Update – Stacey Miner

Tracy asked Stacey if this grant will pay for outreach for tire amnesty events. Stacy said that she was not sure, but she will look into it. She added that there is *some* money allotted for tire amnesty; she is just not sure how much.

Lesli announced that Calaveras County would love to host trainings with Larry. Stacey said that she should contact Larry to arrange trainings.

Stacey mentioned that HD17 will continue if counties are interested. She is planning to move forward with it next week.

G. AB 1109 Lighting Task Force Update

Stacey explained that AB 1109 (Huffman), created the Lighting Task Force to produce a report for the legislature. A draft report was released, and while there was not necessarily agreement, there was consensus that there should be some sort of takeback program. She noted that the report was a typical draft report with a lot of recommendations, but no real plan. The task force will continue after the September 1st deadline. She commented that manufacturers are trying to put the disposal responsibility on utilities, and retailers are trying to put it on the manufacturers. The manufacturers do not want to deal with the disposal issue because they will not make money from it. Stacey expressed her belief that once retailers begin to pressure manufacturers that we will see a shift in this attitude. Stacey stated that there is utility money for takeback, since PG&E contributed money for takeback programs. She added that PG&E is now pressuring other utilities to follow lead. When asked if the task force discussion included banning incandescents, Stacey said that the topic was not discussed.

**H. Product Stewardship Council Update – Lesli Daniel**

Lesli Daniel stated that there was not much new in terms of product stewardship. The Product Stewardship Council would like to extend a reminder that counties are encouraged to join as individual entities, as well as joint entities. She added that they have a new website, and are finishing an audio PowerPoint for businesses. They have been successful with their first piece of legislation, which incurred no opposition, and the Board is going forward with the framework legislation. She briefly explained the term framework legislation.

**I. AB 2296 Post Closure Maintenance and Financial Assurances Regulations- Larry Sweetser**

Larry explained that the Waste Board will require (new requirement) financial security for non-water quality issues. Larry said that a table exists to distinguish “post closure maintenance” from “corrective action” as a guideline. He affirmed that the counties can expect more scrutiny from the Waste Board. He mentioned that there is very little that would trigger corrective action that couldn’t be easily fixed instead.

Larry concluded this portion of the discussion by saying that he will forward the regulation package as soon as it becomes available. Interested jurisdictions are urged to contact them to set a presentation date.

**J. Department of Toxic Substance Control (DTSC) Universal Waste Regulation Update – Larry Sweetser**

Larry explained that this is the package that the DTSC prepared to remedy problems related to universal waste. He mentioned that the workshop had a poor turnout. The package is intended to make compliance easier.

**K. Highlights of June/July/August Waste Board meetings – Larry Sweetser**

Larry stated that the Waste Board will not ban the use of green material anytime soon. He added that the Boards want to get compost facilities sited, but that there is much disagreement. He said that we can expect a reduction in payment to e-waste funds (20 cent decrease).

With regard to the RAC (recycled asphalt concrete) grant, Mary said that she will be meeting with Waste Board staff and added that RCRC will help out, and may apply regionally. Mary asked for anyone who is interested to contact her immediately.

**L. Other Regulatory Issues of Interest or Concern – Larry Sweetser**

None.

## VI. Legislative Update

Discussion and possible action related to the following:

2008 Solid Waste Legislation – Paul Smith, RCRC Director of Legislative Affairs and Mary Pitto, Program Manager

Paul Smith mentioned that the Legislature adjourns on August 31<sup>st</sup> – The focus on State budget is making for unusual situation right now.

- A. AB 1195 Used oil– Paul stated that this bill died 2 weeks ago. He added that it will be reintroduced next year.
- B. AB 2347 Mercury added thermostat – Paul stated that this is slowly getting to the Governor’s desk, and that most opposition has been removed, and there is no organized opposition at this point.
- C. AB 2640 Waste Board Authority – Paul stated that he worked to get this bill amended. He intends to revisit the land use portion.
- D. SB 1016– It is assumed that this bill will be signed by the end of September and will go into effect January 1, 2009. The Bill will initiate the change to disposal based calculations and changes the reporting methods (from 2 years to 4 years). The Waste Board reads the bill to state that per capita is only 1 factor to be taken into consideration, and will also look at what programs are in place and what is effective. The Waste Board has been very accommodating. Larry, Mary, and Paul have been working very hard on this bill. At this point, the Bill is done, will become a law, and Paul is confident that the Waste Board will continue to accommodate requests.

Lesli Daniel asked if they can no longer redo base years. Paul answered that the Bill gives a window from 2003-2007 to calculate the base year. Traci Harper reiterated thanks for ESJPA’s work on this bill. Board members asked how tourism will be taken into account. Paul answered that a clause allows the Waste Board to deal with this, and that a provision in the Bill speaks to how to deal with this issue.

- E. SB 1020– Increases diversion rate (Senator Padilla). Paul stated that Senator Padilla has been very persistent with this bill. He is proposing to amend SB 1252 to include SB 1020, SB 2866, SB 2640, and SB 2695 to create a sort of “super bill”. There was strong opposition to these bills except for SB 2695. As of right now, there is no support for such a super bill to come together. We are pushing to oppose this. Paul stated that he cannot commit that this will not happen. This changes how we have to address SB 1020. Technically, we have no position (neutral) on this bill. The Bill calls for increased diversion rates by 2015 and does not start a new clock or determination. However, it does make a 75% by 2020 the diversion rate goal for the State (not jurisdiction). A bit concerning is the commercial recycling ordinance that this bill mandates – rural counties under 200,000 do not have to enforce this ordinance. Paul feels that this bill is as good



as it can get, and if it is not signed, then future government may not be as sympathetic to us as they are now, and have been in the past. The League of Cities is neutral, but leaning toward its support. Paul stressed that if we lose alliance with the League, we lose negotiating power – so we are on fine line with our neutrality. This may all fall apart, but we are diligently lobbying against the super bill.

Board members asked about SB 2695. Paul stated that it died 2 weeks prior to today's meeting. He clarified that all 4 bills going into the super bill are dead unless the super bill is approved.

**VII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled December 14, 2008.**

Keith Quintan asked if there will be an October BOD meeting. Mary and Stacey confirmed that there will be an October meeting.

Board members inquired whether the Waste Board biannual reviews were still set for September timeframe. Larry confirmed that they are.

**VIII. Member County Concerns / Comments**

Mary confirmed that the December meeting will take place at the Double Tree Hotel. She added that the ESJPA will reserve a block of rooms, and that more information will be available in October.

Randy Akana thanked Larry for his help at the Fair and with other issues their County was having.

**IX. Member County Concerns / Comments**

None.

**X. Adjournment at 3:00 p.m.**

Respectfully submitted,

*Kim Garrett*

Kim Garrett  
Environmental Program Assistant  
Rural Counties' Environmental Services Joint Powers Authority