

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of October 20, 2005

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Albert Avoian, Business/Commerce Representative
Margaret Clark, League of California Cities—Los Angeles Division
Michael Miller, League of California Cities—Los Angeles Division
Mike Mohajer, General Public Representative
Ron Saldana, Los Angeles County Disposal Association

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Thomas Garthwaite, rep. by Ken Murray, County of L.A. Dept. of Health Services
Betsy Landis, rep. by Marsha McLean, Environmental Organization Representative
Rita Robinson, rep. by Karen Coca, City of Los Angeles Bureau of Sanitation
Don Wolfe, rep. by Carlos Ruiz, County of L.A. Dept. of Public Works
Ben Wong, rep. by John McTaggart, League of California Cities—Los Angeles Division

COMMITTEE MEMBERS NOT PRESENT:

Christine F. Andersen, City of Long Beach
David Kim, City of Los Angeles Appointee
Joe Massey, Institute of Scrap Recycling Industries
Gerry Miller, City of Los Angeles
Jim Stahl, County Sanitation Districts of Los Angeles County
Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Glenn Acosta, County Sanitation Districts of Los Angeles County
Chuk Agu, County of Los Angeles Department of Public Works
Paul Alva, County of Los Angeles Department of Public Works
Martin Aiyetiwa, County of Los Angeles Department of Public Works
Hossam Banna, County of Los Angeles Department of Public Works
George De La O, County of Los Angeles Department of Public Works
Judith Fries, County Counsel
Mary Ann Lutz, Task Force Alternate
Mark Patti, City of Santa Clarita
Coby Skye, County of Los Angeles Department of Public Works
Heather Stotland, City of Calabasas
Steve Uselton, California Integrated Waste Management Board

I. CALL TO ORDER

The meeting was called to order at 1:02 p.m.

II. APPROVAL OF MINUTES OF AUGUST 18, 2005, AND OCTOBER 20, 2005

A motion was made to approve the minutes of August 18, 2005, and September 15, 2005, as amended. The motion passed unanimously.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Mr. Paul Alva stated the Subcommittee continued its progress in finalizing scopes of work for two contracts, one for the development of a demonstration conversion technology facility and the other for a public outreach contract. It is anticipated to have a contractor by April 2006 for the demonstration conversion technology facility contract. The public outreach contract should be awarded in Summer 2006.

The Subcommittee also approved the printing of 3,000 copies of a conversion technology informational brochure intended for policy makers and the general public (attached). A partnership was established with the BioEnergy Producers Association for this printing.

IV. ALTERNATES FOR THE ALTERNATIVE TECHNOLOGY SUBCOMMITTEE

Mr. Alva discussed the addition of three Alternate members to the Alternative Technology Subcommittee. These Alternates would actively participate in Subcommittee meetings and represent members who could not attend meetings. They include: Mark McDannel for Ed Wheless, Coby Skye for Paul Alva, and Miguel Zermeno for Alex Helou.

A motion was made to accept the list of proposed Alternate members. The motion passed unanimously.

V. TASK FORCE COMMUNICATIONS AND OPERATING PROCEDURES

Mr. George De La O and Ms. Judith Fries presented the final draft of the Communication and Operating Procedures (attached). The Task Force discussed and clarified that members could not identify themselves as Task Force members in correspondence from their separate organizations. After a brief discussion and request for minor revisions, a motion was made to adopt the Procedures as amended. All members approved with the exception of the General Public representative who abstained.

VI. IMPROVEMENT TO AB 939 DIVERSION COMPLIANCE SYSTEM

Mr. Paul Alva presented an update on the AB 939 Diversion Compliance System. He stated the Waste Board released a white paper on October 12, 2005 (attached). The white paper summarizes the development of the proposed Diversion Compliance System. Mr. Alva stated that the Waste Board is intending to change the current measurement system to a simpler and more accurate system, including measuring compliance on a countywide basis. If countywide disposal did not increase for a specified year, the Waste Board would conduct a streamlined review of jurisdictions' programs. However, if the countywide disposal increased, it would result in a detailed review of all the jurisdictions' programs within the county.

Mr. Alva also added that the new system would continue to allow jurisdictions to perform generation studies and allow jurisdictions to submit biennial rather than annual reports. The Waste Board would also increase their technical assistance tools and their outreach to assist jurisdictions.

Mr. Alva stated there are two major concerns from stakeholders. The first is that countywide disposal would not take into account population growth and construction activities. The second is that the proposed system would pit jurisdictions against each other. Mr. Alva stated Waste Board staff is considering taking this proposal before the Waste Board at their November or December meeting for discussion and guidance. If approved by the Waste Board, they will begin dialogue with legislators to introduce legislation to carry out the proposal.

After discussion a motion was made to send an e-mail that same day to the Waste Board stating the Task Force will submit formal comments next week, request the comments be accepted, and invite Waste Board staff to conduct a presentation on the Diversion Compliance System at the November 17, 2005, Task Force meeting. The motion passed unanimously.

VII. UNDERGROUND REGULATIONS, RULE MAKING PROCESS AND AB 1351

Mr. Mike Mohajer stated that the Office of Administrative Law (OAL) has proposed making changes to Title 1 of the Rule Making Process, California Code of Regulations, that target emergency regulations and underground regulations. The changes that address underground regulations incorporate much of the prior contents of AB 1351. This includes providing for a process for the public or others to protest regulations. For emergency regulations, these would define what constitutes protection of public health. Mr. Mohajer stated the proposed changes have the following deficiencies:

1. The proposal allows the OAL to decide whether or not to consider a petition.
2. OAL does not have adequate staff to review all regulations.
3. OAL does not have enforcement authority.

Mr. Mohajer stated the overall language addressing underground regulations should be supported. He stated comments on these regulations are due November 4, 2005, and that he, as a private citizen, submitted comments and requested the OAL hold two public hearings, one in northern California and one in southern California. He stated the OAL agreed to hold one public hearing in Sacramento on November 7, 2005, at the Capitol Building. The OAL also stated they would extend the deadline for public comments to November 7, 2005.

A motion was made to draft a letter to address the Task Force's concerns with the proposed changes to the regulation, including providing the OAL with enforcement authority and staffing, and to require all petitions be addressed. The motion passed unanimously.

VIII. UPDATE ON AB 1090

Mr. Skye stated that AB 1090 would allow full diversion credit, fix incorrect definitions, and level the playing field to allow for the development of conversion technology facilities. Mr. Skye stated that the Bill has been widely supported by jurisdictions throughout the State. A tentative hearing on the Bill is scheduled for November 16, 2005.

The Task Force also discussed the AB 2770 Conversion Technology Report and its supplemental report. It was stated that these reports are critical to AB 1090, however, they have not been released. Ms. Mary Ann Lutz stated that Senator Bob Margett has agreed to look into this issue further.

After discussion it was agreed the Vice Chair, Michael Miller, would attend the November 16, 2005, hearing and express the Task Force's position. A motion was also made to send a letter to all cities within the County encouraging them to support AB 1090. The motion passed unanimously.

IX. LEGISLATIVE UPDATES

Mr. Skye stated that the period for the Governor vetoing, signing, or tacitly approving legislation has passed. Mr. Skye provided a status on the following legislative Bills (attached).

- AB 399—Introduced by Montanez

This Bill, regarding recycling at multi-family complexes, was vetoed by the Governor. The Task Force opposed this Bill and Mr. Skye noted the Governor's veto message was very similar to what the Task Force wrote, essentially, that it would be a hindrance to local government and that the discretion for developing programs should lie with local governments.

- AB 338—Introduced by Levine

This Bill, which the Task Force supported, would require CalTrans to use more crumb rubber in their projects. The Governor signed the Bill.

- AB 574—Introduced by Wolk

This Bill would authorize the use of recycled concrete by CalTrans. The Task Force supported this Bill provided specified concerns were addressed. This Bill was not amended, however, and retained the language that CalTrans must be notified if there is recycled content in the concrete being used. The Governor signed the Bill.

- AB 1001—Introduced by Nava

This Bill's original language would have required CalTrans to increase the amount of recycled aggregate base used in their operations, which the Task Force supported. The Bill was subsequently revised to address automobile dealer preparation charges, and the Governor vetoed the Bill.

- AB 1351—Introduced by Vargas

This Bill, as previously discussed by Mr. Mohajer in Section VII, was gutted and amended. The Governor vetoed the Bill.

- SB 1106—Introduced by the Senate Environmental Quality Committee

This Bill addresses recycled content purchasing by the State. The Task Force sent a letter of support in May 2005. The Governor signed the Bill.

- S. 1607—Introduced by Senator Frank Lautenberg of New Jersey

This Bill would bring solid waste facilities located on railroad properties to comply with local laws and regulations. A companion Bill, H.R. 3577, is currently making its way through the U.S. House of Representatives. The Task Force sent a letter of support regarding both Bills.

X. UPDATE ON SOLID WASTE FACILITIES ON RAILROAD PROPERTIES

Mr. Mohajer stated the Task Force has supported S. 1607 which would require solid waste facilities on railroad properties to comply with State and local requirements. He reported that the National Solid Wastes Management Association (NSWMA) requested the Waste Board to join in their petition to the U.S. Surface Transportation Board to require solid waste facilities on railroad properties comply with local rules and regulations for solid waste facilities. The NSWMA has asked if the Task Force would be interested in signing that petition (attached).

Mr. Mohajer recommended the Task Force not take a position on the petition. A motion was made to take no position on the petition. The motion passed unanimously.

XI. REPORT FROM THE CIWMB

Mr. Steve Uselton stated that a notice has been sent to all jurisdictions informing them that the Electronic Annual Report is available online. However, diversion rate calculations are not yet possible until adjustment factor data such as population, employment, and taxable sales are available from other State agencies. The Waste Board anticipates moving the filing date for the Annual Reports back to late February or March 2006. He stated jurisdictions are given 30 days to file the Annual Report after the adjustment factor data is available.

Mr. Uselton stated the 2004 Annual Report is for the 2003-04 biennial review cycle. All jurisdictions have submitted their 2003 Annual Reports. The main interest in the 2004 Annual Report, is the program changes and improvements.

Mr. Uselton stated that with the passing of AB 2176, Waste Board staff will now collect information on recycling efforts at large venues.

Mr. Uselton provided an update on staffing changes at the Waste Board. These included the planned retirement of Division Deputy Director, Mr. Pat

Schiavo in November. Taking Mr. Schiavo's place is Ms. Lorraine Van Kekerix who will be coming in as Acting Deputy Director.

Mr. Uselton mentioned the Waste Board is conducting a survey on potential uses of recycled content materials. The goal is to obtain valuable information on what jurisdictions are doing, what is working, what is cost effective, etc.

Mr. Uselton also mentioned the Waste Board will be attending the League of California Cities' upcoming conference in San Francisco. The Waste Board will be obtaining more information on the cities' programs. In addition, a Notice of Funds Availability has been issued for the Tire Derived Fuel Product Grant Program. The deadline for application submittal is November 10, 2005.

XII. UPDATE ON NEWLY ADOPTED DISPOSAL REPORTING SYSTEM REGULATIONS

Postponed to next month's meeting.

XIII. COUNTYWIDE SITING ELEMENT UPDATE

Postponed to next month's meeting.

XIV. NEXT MEETING DATE

The next meeting is tentatively scheduled for November 17, 2005, at 1 p.m.

XV. OPEN DISCUSSION/PUBLIC COMMENT

There were no public comments.

The meeting adjourned at 3:18 p.m.

Attach.