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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING & COMPLIANCE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, AUGUST 6, 2007

1:49 P.M.

KATHRYN S. SWANK, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Mr. Jeffrey Danzinger

Ms. Cheryl Peace

BOARD MEMBERS

Ms. Margo Reid Brown

Mr. Wesley Chesbro

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Ms. Julie Nauman, Chief Deputy Director

Ms. Donnell Duclo, Executive Assistant

Mr. Ted Rauh, Program Director, Permitting & Enforcement

Mr. Michael Bledsoe, Staff Counsel (via teleconference)

Mr. Mark de Bie, Division Chief, Permitting & LEA Support

Mr. Randy Friedlander

Mr. Jeff Hackett

Mr. Robert Holmes

Ms. Mary Madison Johnson

Ms. Dianne Ohiosumua

Mr. Zane Poulson, Supervisor, MSW Facilities & Inspection
& Enforcement A

APPEARANCES CONTINUED

Mr. Terry Smith

Mr. Gino Yekta

ALSO PRESENT

Ms. Alice Beasley, Riverside County

Ms. Joan Bird (via teleconference)

Ms. Ingrid Brostrom, Center on Race, Poverty & the Environment (via teleconference)

Mr. Francis Church, helphinkley.org (via teleconference)

Mr. Aaron Conaway (via teleconference)

Ms. Jackee Conaway (via teleconference)

Mr. Robert Conaway, (via teleconference)

Ms. Tammy Coddington (via teleconference)

Ms. Kimberly Cox, Mojave Water Agency (via teleconference)

Mr. Lawrence E. Dale, City of Barstow (via teleconference)

Ms. Virginia Davis (via teleconference)

Mr. Norman Diaz, helphinkley.org, (via teleconference)

Mr. Damon De Frates, El Sobrante Landfill

Ms. Gail Fry (via teleconference)

Mr. Joe Gomez, City of Barstow (via teleconference)

Ms. Carrol Greenwood (via teleconference)

Mr. Robert Hilburn (via teleconference)

Ms. Sandra Hill Diaz, helphinkley.org (via teleconference)

Ms. Betty Hulen (via teleconference)

APPEARANCES CONTINUED

Mr. Martin Isaacson (via teleconference)
Mr. Henry James (via teleconference)
Ms. Edna Later (via teleconference)
Mr. Brent Lautzenheiser (via teleconference)
Ms. Beverly Lowry, Mojave Water Agency (via teleconference)
Mr. David Marks, URS Corporation
Mr. Jeff Meberg, Nursery Products, LLC
Ms. Judy Miller (via teleconference)
Ms. Bette Moses (via teleconference)
Ms. Jessie Orr (via teleconference)
Mr. Mark Orr (via teleconference)
Mr. Jim Perkins (via teleconference)
Mr. Jay Potter (via teleconference)
Ms. Shirley Ramsey (via teleconference)
Mr. Edward Riddle (via teleconference)
Mr. Hector Rodriguez, City of Barstow (via teleconference)
Ms. Erika Schneider (via teleconference)
Mr. Chris Seeney, Nursery Products, LLC
Mr. Steve Smith (via teleconference)
Mr. Wayne Snively (via teleconference)
Mr. Fred Stearn (via teleconference)
Mr. Chuck Tobin, Burrtec Waste
Mr. Bill Tomlinson (via teleconference)

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APPEARANCES CONTINUED

Ms. LaVella Tomlinson (via teleconference)

Ms. Norma Wilt (via teleconference)

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everybody.

3 Welcome to the August 6th meeting of the Permitting and
4 Compliance Committee.

5 We have agendas on the back table and for those of
6 you that are in Barstow, we -- I understand that we have
7 speaker slips available for you to speak. And then up
8 here in Sacramento as well, if anyone would like to speak
9 to an agenda item, there are speaker slips on the back
10 table. Please bring them forward to Donnell, and you will
11 have an opportunity to address the committee. And again,
12 for those of you in Barstow, Laura Hinkley will have you
13 hand them to our staff down there.

14 Also, I would like to ask everyone to please
15 either turn off our put into silent mode the cell phones
16 or pagers. And with that, Donnell, would you please call
17 the roll.

18 SECRETARY DUCLO: Danzinger?

19 COMMITTEE MEMBER DANZINGER: Here.

20 SECRETARY DUCLO: Peace?

21 COMMITTEE MEMBER PEACE: Here.

22 SECRETARY DUCLO: Chair Mulé?

23 CHAIRPERSON MULÉ: Here.

24 We're also joined by Board Members, Senator
25 Chesbro as well as our Chair Brown. Thank you for being

1 here today. Appreciate it.

2 Members, do we have any ex partes to report?

3 COMMITTEE MEMBER PEACE: I'm up to date.

4 COMMITTEE MEMBER DANZINGER: Up to date.

5 CHAIRPERSON MULÉ: Up to date. Okay. Everyone is
6 up to date.

7 First, let's go to our program director's report.

8 Ted?

9 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

10 Thank you, Chair Mule.

11 Ted Rauh, program director for Waste Compliance
12 and Mitigation Program. Have just a couple of items I
13 would like to bring to your attention.

14 One is a quick update on the Angora Fire, which I
15 know you are all quite aware of, but thought that members
16 of the audience would be interested in hearing the
17 progress.

18 This past Saturday was our 21st day of debris
19 removal. There are 259 known sites that have been
20 identified, and 252 are now part of our program. So we
21 continue to see an increase, yet slow, but toward the
22 ultimate agreement of all to participate.

23 At this point, debris has been removed from 119 of
24 those locations. And we expect this week to be at the 50
25 percent completion for debris removal. And are well on

1 point to complete the task within the targeted dates that
2 we have set for ourselves.

3 Todd Thalhamer and Wes Minderman continue to be
4 our point people there representing the Board and staff
5 admirably. And of course there are other staff from the
6 Board and other Cal/EPA agencies who are supporting us as
7 well. But all in all, the effort is going quite well.

8 Also, I would like to bring to your attention some
9 management changes within the program. We have some new
10 branch chief appointments. And again, there's been some
11 notification around the Board of these, but I would like
12 to, again, make sure everyone else is aware.

13 We're extremely pleased to announce Ken Taylor,
14 Georgianne Turner, and Sherrie Sala-Moore have accepted
15 appointments within the program. Georgianne Turner will
16 serve as the branch manager for the Municipal Solid Waste
17 Facilities Operations and Evaluation Branch. That in
18 itself is a mouthful. There's a lot to do there within
19 the Compliance, Evaluation, and Enforcement Division.
20 Georgianne has 16 years experience as a supervisor in the
21 Tires Program -- and I know the Board is familiar with her
22 work in a number of settings -- and also seven years of
23 experience with Municipal Solid Waste Facilities
24 Permitting and Inspections.

25 Kevin Taylor will serve as the branch manager for

1 the north branch of Permitting and LEA Support and the
2 Permitting and LEA Support Division. Kevin has seven
3 years of experience as a supervisor working in the areas
4 of organics and business resource efficiency. He also has
5 15 years' experience with the Board and in a wide variety
6 of assignments and brings a lot of experience to that
7 important role.

8 Sherrie Sala-Moore will serve as the branch
9 manager of the Jurisdiction and Minimum Content Compliance
10 Branch in the Compliance and Enforcement Division.
11 Sherrie has over three years' experience as a supervisor
12 in the Disposal Reporting Section and also a year and a
13 half experience as an acting branch manager over the Waste
14 Analysis Branch. And also has many years of experience
15 within the Board and has some expertise we're looking
16 forward to and working with IMB and we're looking to have
17 her help us as we develop our computer systems associated
18 with our compliance program.

19 And one person who's leaving us, Sherrie
20 Anderson -- Sharon Anderson is taking a TND to join the
21 Air Resources Board. And we're very sorry to see her
22 leave as she has provided great leadership for the Board
23 in her continuing efforts with LEAs. And I know that the
24 LEA leadership will also see a great void that we're going
25 to have to fill here as we continue our support to LEAs.

1 Anyway, I will finish with that. And that's the
2 last of my report. And thank you very much.

3 CHAIRPERSON MULÉ: Thank you, Ted. I want to
4 congratulate everyone on their new appointments. And
5 Sharon, you now how I feel. We're all going to miss your
6 terribly. I just want to thank you for all of your
7 contributions to the LEA program and the training in
8 general.

9 Thank you.

10 COMMITTEE MEMBER DANZINGER: I want to echo that.
11 Thanks for everything. Is this the last we're seeing you?
12 Is this our farewell to her right now?

13 CHAIRPERSON MULÉ: I don't know.

14 COMMITTEE MEMBER DANZINGER: Gosh. Okay. So we
15 don't have to be nice to you yet.

16 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
17 Not yet. We'll do more.

18 CHAIRPERSON MULÉ: Two weeks.

19 COMMITTEE MEMBER PEACE: Sharon, we're all going
20 to miss you. Don't go.

21 CHAIRPERSON MULÉ: Okay. Thank you, Ted.

22 With that, let's just get into our agenda. Our
23 first item is Committee Item B.

24 And what we're going to do is -- I know we have
25 several speakers signed up down south, approximately 28

1 speakers. So what we're doing to do is, we're going to
2 hear the item from staff. We're going to hear the
3 operator's presentation, and I believe we have a
4 presentation from the LEA -- three presentations as well?

5 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

6 Yes, we understand the LEA will be here.

7 CHAIRPERSON MULÉ: Okay. And then what we will do
8 is then we'll hear from the public and then we'll have a
9 Q&A. I understand that because of our communications
10 limitations that we can't just ask questions back and
11 forth; is that correct?

12 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

13 That's correct.

14 CHAIRPERSON MULÉ: All right. Okay.

15 So let's get started on the agenda item.

16 Committee Item B.

17 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

18 Yes, Madam Chair.

19 Item B is Consideration of a New Full Solid Waste
20 Facility Permit for Compostable Materials Handling for the
21 Nursery Product Hawes Composting Facility in San
22 Bernardino County.

23 And I would like to note that in the last few
24 days, we've received a number of e-mails, and also two
25 letters -- first one from the City of Barstow, which we

1 received, which was dated on August 2nd. And we
2 understand the city of Barstow representative will be at
3 the other site to make a presentation. We also received a
4 letter dated August 5th from the Center for Race, Poverty,
5 and the Environment.

6 And beyond those letters, I think we're ready to
7 move with the staff presentation. Dianne Ohiosumua will
8 make that presentation.

9 CHAIRPERSON MULÉ: Good afternoon, Dianne.

10 COMMITTEE MEMBER COMMITTEE MEMBER DANZINGER: Good
11 afternoon.

12 MS. OHIOSUMUA: The proposed permit will allow the
13 following: The operations of the compostable material
14 handling facility, handling biosolids and green materials;
15 a maximum daily tonnage of 2000 wet tons per day; per LEA
16 condition 17d, the bulking agents and amendments will not
17 exceed 200 tons per day; the maximum traffic of 97
18 vehicles per day; per LEA condition 17i, the peak traffic
19 volume includes 87 trucks per day and 10 passenger
20 vehicles per day. The hours of operations are from
21 6:00 a.m. to 8 o'clock p.m.

22 The operations will include the mixing of
23 biosolids with green material and the incorporation of the
24 material into windrows, which will be brought to a
25 temperature at or above 133 degrees Fahrenheit for at

1 least 15 days. The windrows will be turned a minimum of
2 five times to allow all areas of the windrows to be
3 exposed to the required temperature to kill pathogenic
4 organisms.

5 The proposed facility was subject to an
6 environmental impact report which concluded that all but
7 impacts to air quality would be mitigated to less than
8 significant.

9 The EIR indicated that volatile -- VOCs would be
10 released from the compost process at levels that surpass
11 the annual emission thresholds for VOCs for the project.
12 Mitigation was found fiscally infeasible.

13 The facility operator has received a required land
14 use approval and will be required to obtain approval from
15 the Air District and the Regional Water Quality Control
16 Board and other agencies before starting operations.

17 Staff has summarized issues raised by stakeholders
18 on page 7 of the agenda item. In addition, Board staff
19 has received several e-mails from concerned citizens. On
20 Friday, 8/3, and today, I also received one additional
21 e-mail. They indicated concerns regarding the project,
22 specifically about the past performance of the operator at
23 a previous site and questions of the fairness to the
24 people of Hinkley who have been impacted by environmental
25 impacts in the past and air quality.

1 Board staff finds that the LEA has made all of the
2 necessary findings relevant to the permit. Board staff
3 has determined all of the requirements for the proposed
4 permit have been met, as required in the Public Resource
5 Code 44009. Therefore, Board staff recommends Option 1,
6 that the Board adopt Resolution 2007-0163, and in doing
7 so, adopt the CEQA finding and the Statement of Overriding
8 Considerations that have been adopted by the lead agency;
9 and concur on the issuance of the Solid Waste Facility
10 Permit No. 36AA0445.

11 Representatives from the San Bernardino County
12 Local Enforcement Agency, the operator, as well as the
13 consultant who worked on the EIR are present, and they can
14 answer any questions that you may have.

15 Staff understands that the operator may have --
16 the operator does have a presentation to make to the
17 Board. However, the LEA does not have a presentation at
18 this time.

19 That concludes staff's presentation.

20 CHAIRPERSON MULÉ: Thank you, Dianne. Let's do
21 this. Before we get into our public comment period, are
22 we going to hear from the operator right now?

23 MR. MEBERG: What order do you prefer?

24 CHAIRPERSON MULÉ: We're going to have you do your
25 presentation, and then we'll talk about the procedure for

1 the public comments.

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 MR. MEBERG: Hello. My name is Jeff Meberg, and I
5 applaud the Board on the efforts to provide the state of
6 California and the county of San Bernardino with a new
7 option for composting and diverting organics from
8 landfills.

9 I would like to make three points about this
10 project: one, biosolids composting is the act of recycling
11 a waste into a beneficial product; two, compost we will
12 produce will help Inland Empire farmers cost effectively
13 grow crops; and three, this project does not and will not
14 adversely affect the community.

15 --o0o--

16 MR. MEBERG: Besides providing a water saving
17 product, compost, which helps farmers, we will help local
18 governments comply with the law.

19 Excuse me for a moment. Just got to figure out
20 how to work this.

21 --o0o--

22 MR. MEBERG: Didn't do well with AV.

23 Many municipalities in San Bernardino County are
24 having difficulty meeting their AB 939 diversion
25 requirements. Our facility will help them achieve this

1 goal and reduce the waste going into solid waste
2 landfills.

3 This is a win-win proposition. Everyone wins by
4 saving water from increased compost use. Green waste
5 producers like tree trimmers, home builders, and furniture
6 manufacturers win by bringing their material to our
7 facility for recycling, and local government wins by cost
8 effectively complying with the law.

9 --o0o--

10 MR. MEBERG: At the Nursery Products facility,
11 covered trucks from wastewater treatment plants will
12 deliver the biosolids. Biosolids are generally 80 to
13 90 percent water.

14 The biosolids will be placed into windrows within
15 two hours at the receipt at the facility. We use a
16 front-end loader mixer to mix the biosolids and green
17 material together and shape it into a windrow. This
18 method is the standard composting method defined by the
19 USEPA.

20 The method and process -- this method is the
21 standard composting method defined by the USEPA. The
22 method and process is highly controlled, highly monitored,
23 and tightly regulated. As part of our operating
24 procedures, a Nursery Products employee will check and
25 record the temperature, moisture, and carbon content in

1 each windrow every day. These records are maintained in
2 the log and submitted to regulatory agencies monthly.

3 The County and the EPA also make monthly
4 unannounced inspections to check temperatures and all our
5 records. The entire composting process, which includes
6 curing and storage, takes 60 days.

7 --o0o--

8 MR. MEBERG: Our location. Distance makes a
9 difference. Our location near the old Hawes Airfield is
10 on the far left of this slide. As this photo
11 demonstrates, Hawes is not near anything. The closest
12 community is Hinkley, and it's 8 miles away. To give you
13 some perspective, 8 miles is the distance from this
14 building to the McClellan Air Force Base. And the project
15 is 22 miles from the City of Barstow. It's the same
16 distance from here to the city of Folsom. Why Hawes?

17 While there's overwhelming evidence and many
18 scientific studies that composting is not a risk to
19 groundwater or surface water, we feel it is better to be
20 extra safe. The proposed site at Hawes was selected for
21 many reasons, including the depth to groundwater table.
22 It is 280 feet below the surface.

23 Also, it is worth noting that the groundwater
24 basin below the Hawes site is separate and downhill from
25 Hinkley's groundwater basin.

1 neighbors, the Mojave River, and downtown Barstow.

2 After a few months of open air drying, the
3 biosolids are transported from this plant to Kern County.
4 The route goes right past our site and continues driving
5 an additional 150 miles. The trucks then return those
6 150 miles.

7 --o0o--

8 MR. MEBERG: As a practice of driving this
9 distance to dispose of biosolids is repeated hundreds of
10 times each year from Inland Empire communities, more than
11 6 million truck miles are traveled, 150 extra miles out
12 and 150 extra miles back.

13 More importantly, 1 million gallons of diesel fuel
14 is consumed and combusted. A million gallons of diesel
15 fuel results in a significant amount of diesel exhaust,
16 including regulated pollutants and, of course, greenhouse
17 gases.

18 --o0o--

19 MR. MEBERG: In March of this year, Ms. Judith
20 Friedman gave the Board a presentation about the
21 importance of integrated waste efforts to divert waste
22 from landfills to recycling facilities to reduce
23 greenhouse gases.

24 As I explained in the previous slide, the opening
25 of the Hawes facility will be a part of the solution that

1 project as recommended by your staff.

2 CHAIRPERSON MULÉ: Thank you, Jeff.

3 Before we take public comment, I am going to ask
4 our chief legal counsel to share with the group, so we are
5 all clear as to what the Board's authority is and the
6 purview of our authority is in concurring or opposing this
7 permit. So Elliot, if you will, please.

8 CHIEF COUNSEL BLOCK: Thank you.

9 Before we hear public testimony on the agenda item
10 today, I wanted to outline the scope of the Board's
11 authority on proposed permits and the type of testimony
12 that we can accept:

13 Statute provides that the Board may only object to
14 a proposed solid waste facilities permit if it does not
15 meet the requirements of Public Resources Code Section
16 44009. And I'm just going to paraphrase that statute.
17 The Board can only object to a compost permit if it is not
18 consistent with state minimum standards, conformance
19 finding requirements, or CEQA.

20 Any testimony related to matters that are not
21 within our Board's jurisdiction, or to issues other than
22 the proposed permit today, are not actually relevant to
23 the decision before us today.

24 And while we can appreciate the fact that there
25 are other issues related to these facilities that are

1 important, I wanted to remind those of you that are going
2 to provide public testimony to limit your comments to
3 facts that might be pertinent to the decision that's
4 before the Board today.

5 Those of you that are going to testify can tell
6 which items are within the Board's jurisdiction by looking
7 at the agenda item. The items that had been analyzed by
8 staff in that agenda item are the issues that are before
9 the Board today.

10 CHAIRPERSON MULÉ: Okay. Thank you very much,
11 Elliot.

12 What we're going to do now is, I understand,
13 Mr. Bob Davila, you're down in Barstow. And you are going
14 to turn on the power, so to speak, so that our public
15 speakers can start.

16 What I would like to ask is that as the speakers
17 approach the dais and the microphone, that you please
18 identify yourself by your name and your affiliation. And
19 we're requesting -- I think right now, we have a total of
20 28 speakers.

21 So I'm going to ask if everyone could limit as
22 much as possible. Please limit your comments to two
23 minutes. And also, I'm going to ask the speakers that you
24 do not repeat the same thing that a previous speaker might
25 have mentioned. For example, if a previous speaker had

1 said, "We object to this permit on the odor issues
2 involved with it," you can just say that, you know, you
3 agree with the previous speaker's comments on odors. So
4 we're just going to ask everybody to do that.

5 However, we do have three speakers that are going
6 to probably speak about five minutes each. And that's
7 Mr. Diaz, Ingrid Brostrom from the Center for Race,
8 Poverty, and the Environment, and a representative from
9 the City of Barstow.

10 So with that, let's get started.

11 STAFF COUNSEL BLEDSOE: Madam Chairman, this is
12 Michael Bledsoe down in Barstow. Our first speaker is
13 Mr. Joe Gomez, city council member from the City of
14 Barstow.

15 MR. GOMEZ: Thank you, Mr. Bledsoe.

16 First of all, I would like to thank the committee
17 for allowing us to speak here today. The City of Barstow
18 is opposed to this facility. And the city council
19 unanimously approved a resolution of opposition to the
20 construction of the biowaste facility in Hinkley,
21 California, by Nursery Products, LLC, on November 8th,
22 2006.

23 We believe our community was selected for this
24 project because we are a rural area with very low median
25 income and high Hispanic population, not to mention the

1 33 percent that are on some type of public assistance.
2 They all knew that we did not have the money to fight such
3 a project, but we are relying on the government process
4 and you, the Integrated Waste Management Board to stop
5 this project.

6 In the Solid Waste Facility Permit No. 36AA0445,
7 Local Enforcement Agency, LEA, conditions state that
8 "Local Enforcement Agency reserves the right to suspend or
9 modify waste receiving and handling operation when deemed
10 necessary due to an emergency of potential health and a
11 creation of a public nuisance."

12 We already believe this facility possesses a
13 personal health hazard. And I can assure you it's already
14 being viewed as a public nuisance. Look at the people
15 that are here today opposing the project. The people that
16 approve this facility are not people who will be directly
17 affected by it. And as a matter of fact, the members at
18 the Mojave Desert Air Board, Quality Board, and the County
19 Board of Supervisors who supported this project don't even
20 live here. And they aren't the public who will be
21 affected by it.

22 If you want us to demonstrate the facility is
23 viewed as a public nuisance, then I challenge you to put
24 up a vote of the people that will be impacted by it.

25 In conclusion, I am confident that you will see

1 that this project is not good for the Hinkley or the
2 Barstow area. As a matter of fact, the presenter made a
3 statement that it is 22 miles east of Barstow. Well, at
4 least 8 miles west of Barstow is a community called Boron.
5 They will also be affected.

6 I just simply ask that you deny this project.
7 Thank you for allowing me to speak.

8 (Applause.)

9 STAFF COUNSEL BLEDSOE: Mr. Hector Rodriguez, city
10 manager, City of Barstow.

11 MR. RODRIGUEZ: First of all, I want to thank the
12 Board for taking this opportunity and allowing the
13 residents of the Barstow area to speak on this issue.

14 Historically, the Board has been very proactive in
15 its history. I grew up in L.A. and I remember going out
16 to play and not being able to breathe after about a half
17 an hour. That is no longer the case today. You can go
18 out and play. You can breathe the air. You are free to
19 play around. I'd like to keep that here in Barstow.

20 I ask you to remain proactive and consider this
21 testimony today. I have been a resident for Barstow for
22 about a year and a half. People told me about the wind,
23 but I really didn't understand the concept of constant and
24 consistent winds throughout the year, from about March
25 through November, anywhere from 20 to 60 miles an hour,

1 they constantly blow. And blow they do. The wind is
2 even, again, about March to about November.

3 I would like to read into the record parts of a
4 letter dated August 2nd, 2007, which you acknowledged this
5 morning. My points are as follows: The City of Barstow
6 objects to issuance of the proposed permit for the Nursery
7 Products Hawes Road composting facility, a facility -- as
8 the following analysis indicates, there are project
9 deficiencies that support your authority under Public
10 Resources Code Section 44009 to object to the permitted
11 issuance.

12 The City of Barstow hereby requests that the CIWMB
13 object to the permit as it is inconsistent with state
14 minimum standards. There are viable alternatives to this
15 project -- open air windrows which minimizes the impact
16 and human contact. The analysis provided by the San
17 Bernardino County fails to comply with this matter.
18 Bagging or using composting materials to capture VOCs was
19 not even considered.

20 While the CEQA findings are flawed and
21 inconsistent the City hereby requests that the CIWMB adopt
22 the Nursery Products Hawes Road findings for the purpose
23 to object to the issuance due to the significant,
24 unavoidable environmental effects. There are hosts of
25 issues with these findings.

1 There are other sites that are closer to the
2 facility than ours. There are -- green waste, I know,
3 smells and creates a lot of flies, something that was
4 obviously evident in Adelanto, and we don't want that
5 here.

6 There is already a storage for high desert
7 compost, the Victor Valley Regional Compost Facility in
8 Victorville. There are two new biosolids composting
9 facilities opening up in San Bernardino County: one in
10 Rancho Cucamonga; the other one in the city of Rialto.
11 Those will take even more fuel than the facility you hide
12 in the middle of the desert, which is not uninhabited.
13 Those 22 miles do have residents in between here and
14 Barstow.

15 In closing, I would ask you to please stop or
16 require this project to cover it. Compost facilities are
17 important elements in California's solid waste
18 infrastructure. The Nursery Products Hawes Road does not
19 meet the standards needed to protect public health and
20 safety. Approval of this project sends the message that
21 waste needs to be handled as acutely as possible without
22 regard to human health and our well being.

23 Thank you very much.

24 (Applause.)

25 STAFF COUNSEL BLEDSOE: Kimberly Cox.

1 MS. COX: Thank you, members of the committee.
2 It's an honor to have the opportunity to address you
3 today. I only wish that this was also a video conference
4 so you could see all of the fine people of the desert who
5 have come out here to address you with their concerns.

6 I bring you greetings from a land that the wind
7 blows 365 days a year in any given direction. We live
8 here in the desert because we love the desert. We choose
9 to live here. And I would like to share some of our
10 concerns with you today.

11 I speak to you as an elected official for the
12 Mojave Water Agency. And with my codirector Beverly
13 Lowry, we stand here in opposition of this project as we
14 speak to you today. Director Lowry is entering her 22nd
15 year in office representing the fine citizens of the
16 desert.

17 Collectively, we represent over 90,000 people.
18 And as our other elected official, Mr. Gomez, we truly
19 implore you to do the right thing regarding this project.

20 In further way of an introduction, not only am I
21 an elected official, but I also serve as a public servant
22 and the general manager for the Helendale Community
23 Services District.

24 This district is likewise affected by this project
25 and similar to the folks in the Hinkley community. The

1 Helendale community has approximately 8,000 citizens, and
2 we reside about 7 miles south of this proposed project.

3 As a public employee and as an elected official, I
4 understand the ability of a governing body to deny staff's
5 recommendation. I implore you to do so. I implore you to
6 evaluate the discussions that you hear today on behalf of
7 the public who live in this community and modify, or
8 outright deny, your staff's recommendation.

9 One of the things I have questioned about this
10 project is its designation as a "regional facility."
11 "Regional" denotes the possibility of the serving the
12 citizens within that given area.

13 Well, as Mr. Rodriguez pointed out, there is
14 already a regional facility located in the Victor Valley,
15 and that is called California Bio-Mass. It's located
16 approximately 15 miles south of the proposed location.

17 If the intent of the applicant is to bring sewer
18 sludge from other areas, then I implore you, at the very
19 minimum, as a compromise, to require that the project
20 proponent cover this facility and protect the residents of
21 the high desert.

22 One of the slides that the applicant showed you
23 was the proximity of the Barstow treatment plant to the
24 air drying -- their sewer ponds to the citizens in the
25 area. Well, the Helendale Community Services District

1 also has a sewer facility. And I am here to tell you that
2 when we turn the sludge out of our facility into the
3 drying beds, that sludge is extremely wet. We do not turn
4 that sludge five times a day, like they will be required
5 to turn the windrows in their composting facility.

6 For that fact alone, there are no health issues at
7 all that could contaminate the neighbors from turning
8 sludge out into drying beds. However, turning windrows on
9 a regular basis in an extremely windy area can prove
10 severe health -- to the nearby residents.

11 One of the other concerns is the fact that 87
12 trucks a day will be bringing this sludge. And I know
13 that is not in the purview of your district. But it is an
14 extreme to the members of the Helendale Community.

15 I implore you today that you deny your staff's
16 recommendation and that you modify the recommendations to,
17 at the very least, enclose this facility and help us
18 preserve our lifestyle.

19 Thank you very much for the opportunity to speak
20 with you today.

21 (Applause.)

22 STAFF COUNSEL BLEDSOE: Ingrid Brostrom.

23 MS. BROSTROM: Thank you very much, ladies and
24 gentlemen of the committee.

25 I would like first to thank you for transmitting

1 this hearing to Barstow to allow this community to have
2 its input today. I come before you today to ask that you
3 oppose the Nursery Products LLC Hawes composting facility
4 by choosing agenda Option 3 or 4.

5 The Board has the authority and the responsibility
6 to deny this project based on a significant and
7 unavoidable impact to human health and the environment,
8 and because it fails to meet state minimum standards on
9 bird control, fire equipment, and water supply.

10 I hope that the committee members have had the
11 opportunity to read the many federal and state agency
12 organizational and individual opposition letters in
13 response to the EIR.

14 As you listen to the following testimony, ask
15 yourself if the project's so-called benefit outweighs the
16 vast array of health and environmental hazards that will
17 result from this project. The question before you today
18 is not whether composting is a laudable goal, but rather
19 whether this project will be the best way to achieve those
20 benefits.

21 The benefits relied on by the County include
22 efficient biosolids and reverse recycling and to increase
23 a local source of compost. However, San Bernardino County
24 has no need for this project. The County has already met
25 its 50 percent diversion goal. But moreover, there are

1 seven other recycling options for sludge that are in
2 various phases of permitting and development. These
3 include facilities coming in Rancho Cucamonga, Redlands,
4 Colton, Rialto, Lost Hills, Nyland, and Orange County.

5 Given the availability of alternatives, all of
6 which utilize enclosed facility technology, there is no
7 need for this type of polluting facility. Moreover,
8 composting facilities rarely have markets for the finished
9 product because of the growing and widespread concern of
10 the state using a sludge project on agricultural or
11 residential land.

12 The benefits alleged by the County are not
13 supported by any evidence in the record nor can it be.
14 For this reason, the committee should recommend that the
15 permit be denied because of the unmitigated environmental
16 impacts of the project.

17 Further, the Board must deny the permit because it
18 fails to meet state minimum standards and thus control
19 such as bird control, fire equipment, and water supply.

20 The specific failures are outlined in the letter
21 you received this morning. I would just like to reiterate
22 a couple of points: The County has provided no analysis
23 of dust impacts to the well-traveled highway just over a
24 mile away from the proposed project; the County has failed
25 to analyze or mitigate the impact of ravens on the site;

1 the County has no provisions for adequate fire
2 suppression -- no fire hydrants or adequate water supply
3 to suppress a fire emergency.

4 I would also go like to point out that the
5 applicant has demonstrated historical noncompliance with
6 conditions for fire standards at the former site, in
7 Adelanto.

8 To finish up, I received an e-mail this morning,
9 telling me that this process is merely a rubber stamp to
10 okay the facilities this Board is meant to regulate. I
11 sincerely hope that this is not the case.

12 I implore you to keep an open mind when you listen
13 to the residents who will face real impacts from the
14 permitting of this facility. I think in listening to the
15 comments today, you will realize that the cost to the
16 people of Hinkley and Barstow and the surrounding area
17 cannot be offset by any mitigation other than a full
18 enclosure.

19 Thank you for your time and consideration.

20 (Applause.)

21 STAFF COUNSEL BLEDSOE: Mr. Norman Diaz.

22 MR. DIAZ: Thank you, everyone. And first of all,
23 I want to say -- I'm kind of glad I'm not in Sacramento,
24 so I can sit out and look at people I know. And I've
25 learned to recognize just about everyone here. And if you

1 don't know me, please come up and introduce yourself.

2 First I want to thank the Board, the California
3 Board, for putting this together. This was something that
4 the county would not do for us, something we asked the
5 County to do, and they refused. So I think it's important
6 that this Integrated Waste Management Board has gone out
7 of their way for us to participate in this process. I
8 know that they are limited on their -- what they can do
9 and their ability to force any sort of enclosure, any sort
10 of safety measures that we're trying to get put forth.
11 But I think it's important that they are showing the
12 effort to try and help us include our views in the
13 process, which is something I think that the County and
14 the especially the board of supervisors had refused to let
15 us do.

16 I'm a little concerned about the phone sitting in
17 front of the speaker down here. I was hoping for a little
18 bit better technology than that. My kids at home have a
19 little bit better technology than that with their whatever
20 it is. But we'll go beyond that.

21 We are not against composting. We are not against
22 recycling, obviously. We know about AB 939 is. We have
23 all that information; we've done the research. We're
24 composters. We are recyclers here in Barstow. That's not
25 the issue here.

1 The issue is safety. The issue is our future and
2 our health and the air quality that all of us come here
3 for the desert for.

4 I think it's important that you know that we're
5 not saying, "Take this to somebody else. Take this out to
6 Baker. Take this to Pinon Hills. Take this to some other
7 small town that's going to have to fight it off like we
8 have the last 15 months." That's not fair; that's not
9 what we want to do. We'll take the facility if they
10 enclose it.

11 That doesn't seem like something they even want to
12 talk about. They won't even consider that. It costs too
13 much. And then you got Ingrid and other people are going
14 to say there is facilities and there is companies that
15 will enclose these facilities for a profit. They will do
16 it. They will have to wait a little bit to get their
17 income back. Yes, they cost millions of dollars as
18 opposed to a pile in the desert. But it makes it safe and
19 it makes it clean. And that is where we're headed as a
20 people and the future of waste.

21 I mean, of course, there's waste. Everyone's
22 flushing their toilets and the drains are working all the
23 time. It's something we're all going to have to deal with
24 as we move ahead in this society, especially here in the
25 desert. There's a big growth boom here in the desert.

1 What we don't need is to start bringing the more
2 populated areas away, to us, out here in the desert. And
3 I think that's what we're standing for here.

4 And I want to make sure that the Board knows that
5 we are aware of the issue of what we got to do with this
6 stuff. Obviously, it can't go in the ocean anymore. But
7 it certainly shouldn't go in our neighbored.

8 When I first started this fight 15 months ago, I
9 was told, "You have to exhaust your remedies." I'm
10 exhausted. Okay? I think we have done that. I think
11 that's important to note that we have tried to follow the
12 rules, we've tried to use all the -- the stuff that's put
13 there for people to participate in this process. And it
14 seems like we keep getting the door slammed in our face.
15 I don't think that's fair.

16 They also told me, at the beginning, they said,
17 "You need local opposition." Well, we have that too. I
18 mean, I have here a stack of petitions which I will turn
19 in. I didn't want to count it again. But it's got to be
20 close to 3 or 4 thousand. I mean, it's a big stack here.
21 And I would hate to have the Board members take it back to
22 Sacramento. I was going to carry it up there myself. But
23 I'm afraid, they are going to have to do that. So I will
24 turn in these petitions. There's some letters in there
25 too. There's a lot a of pictures and letters that were

1 sent to the board of supervisors, which I wish you guys in
2 Sacramento could see, because I think that those people
3 spoke fairly well. Those kids and stuff spoke so well.
4 And those letters went to the board of supervisors, and
5 now it's in some black hole somewhere and no one gets to
6 see those anymore.

7 I've also gathered resolutions from different
8 agencies, and these are elected agencies. We have of
9 course, as I said, the Barstow City Council, the Barstow
10 School Board, the Mojave Water Agency, the Barstow Heights
11 Community Service District, the Newberry Community Service
12 District, the Barstow Chamber of Commerce, Silver Valley
13 School District also, have all signed resolutions against
14 this facility, not against composting, not against
15 recycling, against an open air dump in the desert in the
16 fourth highest wind in the state of California. That's
17 what they are against.

18 They are thinking about the future of the kids.
19 They are thinking about the future of our town and our
20 families. And that is what this is about. I think that's
21 important.

22 I have sent this copy to you guys already. I'm
23 going to turn in another copy. I want to make sure you
24 guys get that and understand that it's not just a bunch of
25 crazy desert people up here, ranting and raving. We are

1 educated on the subject; we know what we're talking about.

2 And common sense would dictate that this is a bad idea.

3 I don't want to take up everyone's ideas. But I
4 think it is important to know that if our appointed
5 supervisor has decided that Hinkley is okay for this,
6 what's to keep him from putting one outside of Pinon
7 Hills, Oak Hills, Baker, Twentynine Palms. We can become
8 the magnet for this thing. Obviously, this is the
9 cheapest way of disposing of this material, and they can
10 bring a lot. There's a lot of this stuff being produced
11 in the more populated areas. We need to deal with this
12 correctly and safely. This is not the way to do it.

13 I urge this committee to choose 3 or 4 of their
14 options. I know you're limited. But I think it's
15 important that you consider this. I was very disappointed
16 to see that the staff recommendation has now been to
17 approve that.

18 I can't believe that they would not wait till they
19 hear our testimony, when they only waited to hear from the
20 LEA and the applicant, and then they make their mind up.
21 We don't count, all of a sudden, again? I thought that we
22 were here to give testimony so the staff could use that in
23 their approval. What happened? I don't understand. That
24 really disappoints me.

25 But again, I want to thank the Integrated Waste

1 Management Board. Everyone, during the non-disposal phase
2 and this phase, has answered my phone calls, has answered
3 my e-mails. They have treated me with respect. And
4 that's all I ask. And I really appreciate that.
5 Something I don't think I got as much of when I was
6 dealing with the County. I will end on that note.

7 The one thing that they keep telling me, "No dust
8 will leave the site." I mean, that alone should kill this
9 thing. I mean, how can they say that with a straight
10 face? Thank you very much for everyone in Sacramento.
11 And again, thank you for everyone here. I really
12 appreciate it.

13 (Applause.)

14 STAFF COUNSEL BLEDSOE: Mr. Edward Riddle followed
15 by Fred Stearn.

16 MR. RIDDLE: My name's Ed Riddle. I live on the
17 west side.

18 It is difficult to imagine that Nursery Products
19 bought this property in an area in which they knew that
20 they would have no resistance from the County, because no
21 permits, no studies, nothing else was done, and they are
22 going to purchase this property for a quarter of a million
23 dollars. Quarter of a million dollars, they purchased
24 this property for, without even finding out if they can
25 put something there. But they knew that that didn't

1 matter. They knew that their rails were going to be
2 greased straight through. And we have been held in
3 contempt, time after time, after time, after time. And
4 this is the first state agency we've had being presented
5 with material that looks reasonable.

6 What is reasonable about, between January and
7 June, six events of 60- to 70-mile-an-hour winds blowing
8 dust through the community so thick that you couldn't even
9 see across the street. And these people have done wind
10 modeling to make it look all reasonable.

11 Now, a model of a B-52 is sure as hell not a B-52.
12 It has -- everybody knows, that has looked at these EIRs
13 and all of the material that's being presented to this
14 Board -- knows that it does not, in any way, represent the
15 real world. It represents PR and money and a totally
16 different motivation that is really unseen right now.

17 That motivation -- they are putting this in the
18 community which has been the poster child for chromium
19 six, and now we're expected to be the poster children for
20 sludge? How much do you want to take? How much do we
21 need to give information for to let people know that we
22 need this to stop?

23 I'm going to add to the wind.
24 www.edwards.af.mil/channel/weather.htm [phonetic]. Wind
25 studies at Edwards, 40 miles away, but they are every bit

1 as applicable because there's no geologic or
2 climatological feature which changes the wind coming from
3 that direction. Wind studies going back to December the
4 10th, 1941, represent the real world, not a wind model.

5 We know that this EIR is a lie. We know it's been
6 minimized down to nothing to make hot air seem reasonable.

7 That's all I have.

8 (Applause.)

9 STAFF COUNSEL BLEDSOE: Mr. Fred Stearn followed
10 by Jessie Orr.

11 MR. STEARN: My name is Fred Stearn. 29926 Fort
12 Cady Road, Newberry Springs.

13 Good afternoon, Board Members in Sacramento. The
14 primary purpose of government, I think, is to provide for
15 and protect the health, safety, and welfare of its
16 citizens.

17 The Nursery Products Composting Facility, sited
18 outdoors, subject to high wind occurrences is loaded with
19 serious environmental impacts that have been
20 insufficiently addressed or mitigated in the San
21 Bernardino County CEQA review process. The applicant has
22 somehow convinced our county government that its profits
23 are more important than are the health, safety, and
24 welfare of our citizens.

25 Please carefully consider the health and

1 environmental hazards inherent in this project proposal,
2 which the scientific community has pointed out. Yours is
3 a position of great responsibility in this matter. If
4 there be any chance of error in your final decision,
5 please let it be on the side of caution.

6 Thank you very much.

7 (Applause.)

8 STAFF COUNSEL BLEDSOE: Ms. Jessie Orr followed by
9 Mark Orr.

10 MS. ORR: Good afternoon. I wasn't going to come
11 today because I just got out of the hospital and I'm kind
12 of shaky. But I learned something while I was in the
13 hospital. By the way, my name is Jessie Orr. I live at
14 36714 Hidden River Road. I have lived there for 34 years.

15 And I just cannot believe the things they want to
16 do to our small community. And the one thing that I --
17 that really hit me in the face, when I left the hospital,
18 they put me on morphine patches. And they came in and
19 they discussed it with me, and they said, "Now when you
20 took this patch off every three days, you are to very
21 carefully fold it. Don't touch it. Don't put it in the
22 trash. It will kill or make your animals very sick.
23 Flush it down the toilet."

24 And I thought about that and what we're fighting
25 here. And they are going to put all this stuff -- I'm not

1 the only one that's going to have morphine patches -- in
2 the sewage. And they are going to go out there and they
3 are going to turn it what, five times a day, going to take
4 15 days to destroy it.

5 Well, how are we going to stop the wind from
6 blowing in that 15 days? Is somebody going to stand out
7 there and say "halt" while we stir this stuff? It's not
8 going to work. So that's all I want to say.

9 I thank everybody for coming. I would like to
10 thank Mr. Gomez for reminding the Board and everyone else
11 that the people who are making these decisions don't even
12 live in Hinkley or Barstow. And that's sad. Because you
13 see all these people are -- there are more people who are
14 against this that are unable to even come to these
15 meetings. And I just want to remind you that, think of
16 us. Think of Hinkley. Think of Barstow.

17 And another thing, I don't know how they measure
18 their distance from the site. I have asked them that
19 numerous times. I live in what is considered Hinkley
20 Valley Acres. And if you go by the wind, I'm 5 miles from
21 where the site is. I don't know where the 8 miles comes
22 in. And so I just would like to remind the Board about
23 that and check on all of this. And all the things that
24 everybody has mentioned, they are all good. And none of
25 it goes along with what Mr. "whatever-his-name-is" from

1 the Nursery Products has been telling us. It's not true.

2 (Applause.)

3 STAFF COUNSEL BLEDSOE: Mr. Mark Orr followed by
4 Betty Hulen.

5 MR. ORR: Hello. Thank you, Board Members, for
6 letting me speak and everyone here. I too live at 36714
7 Hidden River Road in Hinkley, California.

8 The best way to avoid a disaster is to avoid
9 entirely the situation that may allow it to occur. The
10 heat and wind are inescapable facts in this region, the
11 Mojave Desert, which work against presumed science for
12 operating this massive open air Hawes facility. 30- to
13 60-plus-mile-per-hour winds; 80-plus-miles-per-hour are
14 even common.

15 But also, the Hawes site is an area known for
16 abrasive sandstorms and occasional flash foods. Both high
17 winds and heat dry the huge compost mounds. What will
18 happen if this massive open area facility catches fire?
19 Spontaneous combustion is even a risk.

20 I believe the high winds will quickly transport
21 sparks and embers into the Hinkley area and beyond.
22 Thousands of people and homes exist downwind from the
23 Hawes site despite its advertised remote location.

24 Watering the windrows more to prevent a fire
25 danger will only cause another problem. Moisture and heat

1 won't treat gaseous emissions, causing odors as well as
2 VOC, producing methane, carbon dioxide, and dioxins.

3 On the CIWMB Web site, I noticed a page titled
4 "Global Climate Change." Please show your concern now,
5 for I believe the location environment and open air design
6 of the Hawes site will ensure it becomes a massive
7 contributor to global warming, despite what I heard the
8 representative say.

9 Making comparisons of the huge compost mounds
10 planned for the Hawes site with the manure piles of
11 Hinkley would be like comparing mountains to molehills.

12 Use of insecticides, that control insects, will
13 allow poisonous vectors to transport themselves to
14 surrounding people and wildlife. What happens if people
15 and domestic animals comes into contact with a large
16 number of these insects? What will happen if poultry
17 chucker, quail, pigeons, doves, or any of the 250-plus
18 species of migratory birds at the nearby Harper Lake
19 ingest large numbers of poisoned insects? I believe that
20 the tortoise wildlife on an adjacent Fremont/Kramer
21 category one endangered desert habitat will be at risk.

22 Adding a water well to the Hawes site to assist
23 fire control merely allows an easier avenue for
24 contaminants to enter the water table. I really have
25 little confidence in liners under mounds or ponds.

1 On May 4, 2007, a letter was sent to various
2 citizens by San Bernardino County Supervisor Brad
3 Mitzelfelt who stated, quote, "The groundwater basin at
4 Hawes is separated physically from any basins near
5 populated areas, including Hinkley, by bedrock formations
6 and fault lines," end quote.

7 Now, either the geology of the Mojave Desert has
8 miraculously changed or Supervisor Mitzelfelt is unaware
9 of the true geology of this region, in my opinion.

10 The community -- and I live in West Hinkley, east
11 of the Hawes site -- receives a bulk of the groundwater
12 from the Sierras and the Panamints. This water traveled
13 along hundreds of miles of winding fault lines, Horst and
14 Graben Valleys, and layers of clays. Pending overdraft or
15 drought, nothing stops this water's progress from distant
16 mountains to Hinkley. Once this water descends into the
17 Mojave desert, it finds itself trapped within an
18 internally draining system. No complex system of rivers
19 exist here to dilute contaminants or flush them into the
20 ocean. All accumulates into great concentrations, which
21 is why we oppose this site. It's a contaminant risk.

22 Ending, I would like to say, please, I request the
23 CIWMB to defend the health and quality of life of the
24 citizens of San Bernardino County, California. In the
25 region surrounding the Hawes site -- Hinkley, Barstow

1 included. As citizens of Hinkley, California, I beg that
2 you don't let this thing come in.

3 I request that the California Integrated Waste
4 Management Board not provide or uphold a permit for
5 Nursery Products, LLC, at the Hawes site in Hinkley
6 California.

7 Thank you.

8 (Applause.)

9 CHIEF COUNSEL BLOCK: Ms. Betty Hulen followed by
10 Erika Schneider.

11 MS. HULEN: Hello. My name is Betty Hulen. I've
12 lived in Barstow for 39 years. And when they say that the
13 sludge that's coming from this area isn't going to reach
14 us because we're 2 miles away, we know that isn't true.
15 What Mr. Diaz said at the end of his speech is exactly
16 true. And another thing, when we're watching the sludge
17 from Sacramento, when they were talking about the sludge
18 from our sewer plant here, if anybody that had been past
19 that, knows the smell that comes from it and the -- it's
20 not very pleasant to be around. Again, I just wish to say
21 that I concur with all the previous speakers.

22 Thank you.

23 (Applause.)

24 STAFF COUNSEL BLEDSOE: Erika Schneider followed
25 by Jay Potter.

1 MS. SCHNEIDER: My name is Erika Schneider. And
2 I've lived in Hinkley. I've lived there for 48, 49 years.
3 I have five children that went to school here. And we
4 moved out here, basically because we wanted to be out.
5 And I love it out here, and I don't think we need to cause
6 our air to be polluted. I think if they put in a
7 facility, do it the right way and line it and dome it.
8 And if that's what they want to do, all right. But don't
9 destroy our air, which is a hundred percent better than
10 anywhere else. And we don't have the -- I don't have the
11 problems of breathing that I had down below for years.

12 And we need to continue to have our fresh air in
13 our community for families to grow. And I don't think
14 that this kind of facility will help.

15 (Applause.)

16 CHIEF COUNSEL BLOCK: Jay Potter followed by
17 Virginia Davis.

18 MR. POTTER: Jay Potter and I'm a resident of
19 Hinkley.

20 First, I would like to say that I agree with
21 what's been said prior to this, but I have to put my two
22 cents in. First, I want to thank you for taking the time
23 to hear what the residents of Hinkley and the surrounding
24 area have to say. I'm here to ask your help to stop this
25 sludge dump.

1 On the 14th, you will vote on one of the largest
2 open air sludge dumps in the state. This facility will be
3 a large scale copy to the one Nursery Products ran in the
4 town of Adelanto, which was closed by court order.

5 Nursery Products has proven they cannot be trusted
6 to operate a facility of this type. The facility in
7 Hinkley will import 400,000 tons of sewage waste yearly
8 from areas that are not specified. This waste will be
9 mixed dirt and baked in the sun in the fourth windiest
10 area in California. Without cover, this wind will cover
11 the dust, smell, and other contaminants 8 miles downwind
12 to my children's school and community.

13 If a pile that this facility overheats and catches
14 fire, they have no plan. They say they will have one
15 1,000 gallon water truck. This is nowhere near enough
16 water for a fire of this type.

17 I'm a member of the Hinkley Fire Department, and I
18 can tell you, this is not enough water. This facility
19 will do nothing to protect the groundwater or the air
20 quality or any part of the environment. It is just a
21 dump.

22 There are many new technologies that deal with
23 this waste in a different way. All are enclosed and on
24 concrete with filters for dust and gases and with truck
25 washing facilities. This facility has none of these

1 things. If this facility was in your area, it would be
2 illegal. But in my area, it's still allowed.

3 Should my kids have a different level of safety
4 than your children? If they must dispose of their waste
5 in the desert, please do so responsibly. While most
6 counties are banning the importation of sewage sludge, our
7 supervisors continue to welcome it despite an overwhelming
8 public opposition.

9 Please do not allow this dump to be open as it is
10 proposed. Thank you.

11 (Applause.)

12 CHIEF COUNSEL BLOCK: Virginia Davis followed by
13 Edna Later.

14 Is Virginia Davis here?

15 MS. DAVIS: I'm Virginia Davis. I've lived here
16 for over 20 years.

17 If you go and you bring in sewage, they were
18 talking about a place in Barstow where they have the
19 sewage there. If you notice, it's on cement. This is
20 going to be open ground. Where in town, it's not going to
21 seep through, it's going to seep through here. It's also
22 going to be in the air, and it's going to have a stench.
23 It's going to be bad. It's going to be bad for our
24 health, bad for our water, and also for our vegetation.
25 We have cattle that eat the food. We have people that

1 grow all sorts of cucumbers and stuff like that. We're
2 going to have that into our system. And yes, they can
3 cause a virus.

4 There's been notification, looking at all the
5 foods -- a sludge plant. It's going right next door to it
6 where people got infected, will be infected. We're 8
7 miles. The wind does blow up to over 50 miles per hour.
8 That's true.

9 But the thing is, is that we have to have it safe
10 for our children and for everybody. There's nothing
11 different than what we're doing through before. This is
12 the same thing. They are just doing it at a cheaper
13 price. Life is not cheap. Illness is not cheap. You
14 have to consider, we are what's living there. You are not
15 living there. And that shows me that you care less for
16 none of us; you only care for that almighty dollar. That
17 dollar is not going to help us one bit if we all die from
18 the situation.

19 I want us to have a healthy life. I'm hitting 54.
20 I want to be there for 54 more years. Okay? Let's get
21 healthy with this situation. If you can fix it, fine. If
22 you can't, go away. We don't want you.

23 Thank you.

24 (Applause.)

25 STAFF COUNSEL BLEDSOE: Edna Later followed by

1 Judy Miller.

2 MS. LATER: My name is Edna Later, and I'm a
3 resident of Hinkley, and I'm also an organic farmer.

4 And the sludge or this biowaste, I would not be
5 able to use on my organic field, because they are really
6 not comparing a place -- I mean, human waste -- what do
7 you call it? Human waste with -- human waste with animal
8 waste. There's a great difference between the cows
9 messing out in the fields and you messing out in the
10 field.

11 Also, we're -- right now, we're experiencing smoke
12 from Santa Barbara winds -- I mean, Santa Barbara's fires,
13 right now. And this sludge dump, they said, is going to
14 be, what, 8 miles from Hinkley or whatever.

15 Well, the Hinkley school, it was going to be with
16 the wind, it would take about five to six minutes to get
17 to the Hinkley school when they are turning over this
18 sludge or whatever you want to call it.

19 I disagree with -- I agree with everything that
20 most of us have said so far. And we're relying on you to
21 stop this health hazard before it gets started.

22 Thank you.

23 (Applause.)

24 STAFF COUNSEL BLEDSOE: Ms. Judy Miller followed
25 by Martin Isaacson.

1 MS. MILLER: Hello. My name is Judy Miller, and I
2 am a breast cancer survivor. I am a resident at 35650
3 Harvey Road in Hinkley. Thank you for listening to us
4 today.

5 I also want to add, I agree with everything my
6 previous cohorts have said. I am very much opposed to
7 this permit. Erin Brockovich fought the PG&E giant to
8 help the people of Hinkley. Many people died of cancer,
9 and many died. We do not want to die, and we won't go
10 down without a fight.

11 I resent it when the president of Nursery Products
12 says, we are merely emotional and have no facts or proof.
13 Well, yes, we're emotional. This is our lives. And as
14 you can tell, many people here have done their homework
15 and have given you much proof and much facts.

16 Please help us and not have this plant, dump, here
17 in Hinkley, because it does affect our health and our
18 welfare.

19 Thank you.

20 (Applause.)

21 STAFF COUNSEL BLEDSOE: Martin Isaacson followed
22 by Joan Bird.

23 Mr. Isaacson agrees with everything that everyone
24 has said.

25 Next speaker is Joan Bird.

1 MS. BIRD: Hello. My name is Joan Bird, and I
2 will have to agree with the fellow that passed.

3 I agree with everything that has been said so far,
4 and I think that you should deny this permit. A
5 difference between your committee or board and others,
6 say, as the water quality, they are concerned with water
7 quality, as they should be. The Air Board is concerned
8 with air as they should be. However, yours encompasses
9 waste management.

10 This is going to affect everything else -- air
11 quality, water quality, human health, animal health,
12 traffic, fire, whatever. So I would appreciate it if you
13 would consider this and deny this permit.

14 Thank you.

15 (Applause.)

16 STAFF COUNSEL BLEDSOE: Mr. Robert Hilburn
17 followed by Francis Church.

18 MR. HILBURN: My name is Robert Hilburn. I live
19 at 820 West Buena Vista in Barstow. I've lived in Barstow
20 since 1956, something like 50 years.

21 I have studied the geology and hydrology of Mojave
22 Desert most of my life. Mojave River is an upside-down,
23 backward river. It flows inland and away from the sea.

24 The area around Hinkley once was a traditional
25 inland Mojave Desert in antiquity. Now, because of the

1 way the geology has changed things, water is coming
2 through the Sierras and that area percolates through there
3 and ends up in the Mojave River. It might take a
4 generation, but any heavy-lead metals, mercuries, any of
5 those things that are in that sludge, are potentially
6 going to impact our wells here in Barstow. Barstow itself
7 has problems with its sewage treatment plant. The water
8 that they used to water alfalfa fields with, from the
9 sewage treatment plant here in town, has contaminated the
10 wells on Silt Mine Road to the point where people can't
11 even use it anymore.

12 Now, I beg you people to defend the health and
13 welfare of the people of the Hinkley Valley and the
14 Barstow area. Because this sort of thing -- the only way
15 you can clean up a toxic waste dump like this is not to
16 allow it to occur.

17 Thank you.

18 (Applause.)

19 STAFF COUNSEL BLEDSOE: Francis Church followed by
20 Brent Lautzenheiser.

21 MR. CHURCH: Hello. As you know, my name is
22 Francis Church.

23 I would like to say good day to the Board members.
24 Good day to the Board members. And I live in Barstow,
25 California, and in the fly zone for dust particulate that

1 will rain in on everybody when the winds of Barstow
2 reaches their usual high speeds.

3 This fly zone will includes Edwards Air Force
4 Base, Lancaster, Boron, and other points west. Let's not
5 forget Daggett, Thermal, Baker, and Las Vegas and points
6 east when --

7 You want me to speak into this thing?

8 Oh, come on now.

9 And by the way, this is the fourth windiest place
10 in the state of California. Just wanted to point that out
11 to anybody who thinks that the wind dies down around here.
12 They should be here in the evening.

13 By the way, this compost process is an archaic
14 method of recycling compost. I mean, there's other ways
15 to doing compost. People up in Fort Irwin put it in bags.
16 They're a smaller place of course. And the number of bags
17 we would have to have, for 400,000 tons, would just be
18 outlandish. But there's other ways of doing compost.

19 One point is very clear, in my study of the
20 situation, is that sewage sludge is definitely hazardous
21 to yourself. Congress even pointed that out in 1987 when
22 they said -- or 1975, Congress has long recognized that
23 sludge is hazardous to the environment. Congress has
24 always been very clear about its intent. It is the
25 national view that the discharge and pollutants to sewage,

1 sewage sludge, and radioactive material into navigatable
2 [sic] waters will be eliminated. Taking sludge out of the
3 treatment plant and dumping it on farmland where the toxic
4 hazards could run off into the waters was not an option
5 congress considered when it said, "It is a national policy
6 that discharge of toxic pollutants, toxic, hazardous
7 chemicals and pathogens in toxic dumps should be
8 prohibited." Congress knew it.

9 Land application and sewage sludge written in the
10 U.S. Regulations by Alan Harrison, Cornell University,
11 thank you, she [sic] said it's bad. One of our local
12 registered nurses said it was bad. And she gave us the
13 spores that would be blowing in on us, and we could
14 breathe them and take it in.

15 I would also like to say that -- I have one more
16 point. Just one more point, please, that Nursery Products
17 LLC is not without being tried in court to lose. And they
18 were taken into court. And one of the rules, PRC 44300,
19 said that an applicant for a license who applies to the
20 license, the agency determines the applicant has, during
21 the previous three years, been convicted of or issued a
22 final order for one of the violations of this division.
23 The regulations adopts it pursuant to the terms and
24 conditions of the permit. And a violation meets both of
25 the following criteria. And I won't go into the criteria.

1 They can read it themselves. They know the rules.

2 Thank you.

3 So I would just like to thank everybody for
4 listening to me ramble on.

5 I would appreciate the Board object to the
6 issuance of the proposed permit as submitted by the LEA,
7 PRC Section 440900.

8 Thank you.

9 (Applause.)

10 STAFF COUNSEL BLEDSOE: Mr. Lautzenheiser concurs
11 with the previous speakers.

12 Ms. LaVella Tomlinson. And while she's on the way
13 up, the court reporter has relayed a message to us. For
14 those of you folks who have written statements that you
15 are reading, if you could give me either today or later in
16 the week, a copy of that, it would help our court
17 reporter.

18 So if you could get those maybe to Mr. Diaz. My
19 cards are on the table. You can give them directly --
20 e-mail them directly to me. Either way.

21 Thank you.

22 MS. TOMLINSON: My name is LaVella Tomlinson. I
23 live at 531 Lance Drive, Barstow, California. And I
24 recognize the effects of the sewage sludge dump does not
25 respect politically-drawn community line.

1 I would like to thank you for this chance to
2 speak. I am a registered nurse with certification in both
3 critical care and public health nursing.

4 A problem solved with a scientific viewpoint:
5 When considering permits for projects that have
6 environmental impact, the data to make informed decisions
7 should be appropriate and have adequate scientific data.

8 From the EIR reports for this open air sewage
9 sludge dump, I have my doubts in several areas: One
10 example of inadequate data is in the air quality reports.
11 The annual average wind speed at Daggett is reported at 15
12 miles per hour in the EIR. But the desert is notorious
13 for its high winds. Using an average isn't the problem in
14 this decision making. This occurred last June 7th. The
15 average wind speed reported to the National Weather
16 Service from Daggett was 10 miles per hour on June 7th.
17 However, during the day the wind exceeded 60 miles an
18 hour. There was a wall of dust that obscured visibility
19 on the highway. However, the wind died down in the
20 evening and the average came out 10 miles per hour.

21 A couple of weeks before this, the wind on the
22 freeway was 60 to 80 miles per hour. It triggered a chain
23 reaction accident that people died in. And so this is not
24 unusual in this community.

25 This average data is what is misleading. The EIR

1 requires that the operator may use the wind velocity once
2 a day. It doesn't even require them to measure it before
3 they turn the windrows. Then the operator reports this
4 data to the LEA once a month.

5 Now, my problem is, this is the same operator and
6 the same LEA agency that monitored in Adelanto. And over
7 a thousand complaints in Adelanto, the LEA never confirmed
8 any one of them as being valid, even though residents'
9 reports and the L.A. Department of Water and Power
10 Measurement said otherwise. I feel that this should be
11 taken in consideration before approving a permit for this
12 company.

13 At the PowerPoint presentation last year, Nursery
14 Products representative had a bag of Kellogg's compact,
15 which they said represented their finished product. It
16 was totally dry. This dry product will be stored on the
17 site for up to two years. And I cannot believe that our
18 60-mile-an-hour winds will not blow it.

19 The other thing this wind blows is the aspergillus
20 fungus. It survives the composting process. Cornell
21 University says it is the worst pathogen in sewage sludge.
22 As a nurse, I can tell you that anyone downwind can be
23 affected and have a health and life threatening disease
24 caused by this aspergilla. I would like to know why an
25 enclosed facility that controls the pathogen and airborne

1 emission is not being required.

2 Thank you very much.

3 (Applause.)

4 STAFF COUNSEL BLEDSOE: Mr. Snively followed by
5 Henry James.

6 MR. SNIVELY: Good afternoon to the Board of
7 Integrated Waste Management and to everybody here in this
8 hall that has come up to support helphinkley.org.

9 My name is Wayne L. Snively, professional
10 engineer. I live at 47323 Armlink Grove in Newberry
11 Springs, California.

12 I oppose this permit to your Board 100 percent. I
13 have listened to all the other speakers. So I will now
14 enumerate all the excellent points they have put on the
15 table for you that are factual, logical, and backward
16 facts.

17 I resent Mr. Meberg badmouthing us, professionally
18 calling us names behind our back and at the amount of
19 professional weight toward us.

20 I would like to refer to Agenda Item No. 1 for
21 your Board Meeting August 14th about the Nursery Products
22 product in Adelanto. They didn't repair that location.
23 They were evicted by court law order. They were evicted
24 twice, not once, but twice. And they are like getting --
25 (speaker's comments through teleconference were

1 unintelligible) -- in charge of our services and our
2 security forces.

3 Number 2 is that -- (speaker's comments through
4 teleconference were unintelligible) -- Department of
5 Health Service, San Bernardino, does not enforce any of
6 these ordinances. So once you would say yes, we will have
7 no enforcement. And Newberry Springs -- (speaker's
8 comments through teleconference were unintelligible). I'm
9 sorry.

10 I don't know why San Bernardino took this forward.
11 But it is, I guess, paying the supervisor \$16,000 to hide
12 other locations and then they hire some high -- (speaker's
13 comments through teleconference were unintelligible). It
14 is not good.

15 And I would just like to go back to what I
16 submitted. And in my opinion, the Department of
17 Environmental Health Services and Land Use Services,
18 environmental impact report, the planning commission, the
19 board of supervisors, did not review any of the
20 documentary evidence, testimony, or presentations made by
21 and submitted by project opponents. You need to check
22 their scientific credentials, because of problems with the
23 sewage sludge operation and hazardous industrial waste.

24 In closing, as a civil engineer, we are not a
25 toxic waste dump here in Hinkley. We are not a toxic

1 waste dump here in the desert.

2 L.A. can put a digestive plant to digest all this
3 stuff. Get it down to proper size. If they can do more
4 testing, not volunteer testing, and then they can decide
5 whether this is toxic or not.

6 And I think that you have to deny this permit on a
7 technical basis. And thank you for listening to me. And
8 I'm just trying to be factual because everybody here has
9 taken their time to represent Hinkley and this process.

10 Thank you for letting me speak.

11 (Applause.)

12 STAFF COUNSEL BLEDSOE: Henry James followed by
13 Norma Wilt.

14 MR. JAMES: Thank you, Board Members, for
15 listening to us today and above and beyond what our county
16 did for us, and not listen to us at all.

17 I just want to make a few little short points
18 here. And first off, they say this stuff is going to be
19 dry, but at a hundred truck loads a day, going there, and,
20 melting down at 130 degrees, and they'll be rolling it
21 over in the wind, that stuff is never going to melt or dry
22 out or go away. It's just going to blow downwind.

23 Number two is, is when they were in Adelanto, with
24 their wonderful Nursery Products, they didn't have one
25 buyer for any of their product. It just sat there and

1 just stunk. And the whole town was covered with black
2 flies and it shut down the whole business community in
3 downtown Adelanto.

4 What really disturbs me is the Ventura fire that
5 we're having right now, that's over 200 miles away, and
6 the smoke is right at ground level and is blowing right
7 through Hinkley and Barstow as we speak.

8 And they think only 8 miles away, we're not going
9 to smell it? Well, you can smell a forest fire here at
10 200 miles away. And right now, we have flies as thick as
11 they can be because they moved up the dairies from
12 Ontario, California, up to here to housing tracts down
13 below.

14 And so now we have all their flies. And you can
15 smell the refuse from the dairy farms, which is a heck of
16 a lot better than human waste. Also, the state of
17 California has said, well, it's all right to use human
18 waste on our vegetable crops. And not more than a year
19 ago, do you remember the spinach? People were getting
20 sick, and three or four people died of that. And it keeps
21 happening now, again and again and again.

22 And so, in closing remarks, this sludge that they
23 are proposing and saying how safe it is and all that stuff
24 for your gardens, it is just a fallacy and it's just an
25 idea -- it's just their idea to get in the door and

1 pollute at will. And the state of California leads the
2 nations in sewage spills right now, because these private
3 companies get in here and there's no standards and that's
4 why the beaches are closed once a week. And it's all
5 because of the last standards. Once we give them that
6 approval, they just throw all the rules and regulations
7 away.

8 So again, please don't let this company go here
9 unless they have an enclosed facility. And then we'll be
10 more than happy to do that and then they could make gas
11 out of it for their -- for the public transportation.

12 Thank you very much.

13 (Applause.)

14 STAFF COUNSEL BLEDSOE: Ms. Norma Wilt followed by
15 Robert Conaway.

16 MS. WILT: Hello. My name is Norma Wilt. I live
17 in Barstow. I moved up here two years ago from a place
18 that they didn't take care of the sewage and whatever it
19 is. And black mold grew on the walls, rats were
20 crawling -- (speaker's comments through teleconference
21 were unintelligible).

22 Right now, you know, because some people, you see
23 no dumping in Barstow. People are dumping. I have to
24 take Atarax or whatever because I get rashes on me and
25 whatnot. And I think -- if you could see the people that

1 are sitting in the room right now, a lot of people are
2 elderly and handicapped and stuff like that. And I don't
3 care -- God made this earth, you know, and it's getting
4 destroyed, you know. And to have an open sewage plant,
5 you know, I can smell smoke. I drive down to a hill, you
6 know. The cars slide all over the road and they think
7 this stuff isn't going to spread into the water? The
8 water's terrible now. I mean, you pick it off.

9 The stuff that's in the water, the chromium and
10 everything else, I pray to God, I pray to God, that you
11 consider that this is -- this -- people live in the
12 desert. Don't you have sympathy and understanding for
13 people that are farmers out here that want and have
14 animals? And people out here in the desert, we love our
15 animals. We love our animals. And we love our children
16 and we love our elderly.

17 We also have an Army base out here that are
18 training for the war. So please, please, in Sacramento,
19 please, in the name of God, please, take consideration of
20 this bill that you are trying to pass.

21 And I thank the council, for what you said, and
22 all the people. I don't live in Hinkley. You know, I
23 wish more people were here from Barstow. I'm sure they
24 want to, but that's okay. And please consider as I
25 said -- you know, I listen to what everybody has said and

1 I hope and pray to God that this does not happen here in
2 Hinkley.

3 Thank you.

4 (Applause.)

5 STAFF COUNSEL BLEDSOE: Robert Conaway followed by
6 Bette Moses.

7 MR. CONAWAY: Again, I would like to thank the
8 Board for giving us an opportunity for input. My name is
9 Bob Conaway. I live at 22562 Quires Road in Hinkley.

10 I want to draw the Board's attention to their own
11 agenda item, Item 1, which talks about background. And I
12 think it's very important that the Board acknowledge this
13 and reconsider its decision.

14 It says that the facility anticipates
15 approximately half of the material process will be
16 biosolids and half will be green waste. But the ratio is
17 not set in the permit. So any combination of biosolids
18 and green waste up to 2000 tons per day is acceptable.

19 You are giving the keys to the henhouse to the
20 fox. Basically, you are talking about 2000 pounds of
21 sludge per day that they could bring in. They could turn
22 this into a spreading operation not unlike what they had
23 toward California City in the area of Kent Hill.

24 This is going to have a hardened surface
25 underneath it. If we allow them without a specific set

1 regulation of what the mix of biosolids and sludge is
2 going to be basically brought in this terms of green
3 waste, you are going to give them the opportunity to
4 basically make this a health hazard. And this is
5 extremely important because contrary to what was suggested
6 by the Nursery Products representative, letters have gone
7 out to the LEA which have said exactly what and why this
8 is dangerous.

9 We heard from a nurse today. I have submitted,
10 previously, to the LEA the University of Pennsylvania
11 Biosolids Study and the Cornell Biosolids Study. And they
12 are very important, because they have limited windrows.
13 Three to six feet in the University of Pennsylvania were
14 turned. These windrows are going to be as much as 12 feet
15 tall and 30 feet at the base.

16 So we're dealing with a much larger windrow that's
17 going to be turned. You have more chemistry. You have
18 more dynamics, and you have more issues involved. If you
19 don't establish the ratio -- and of course, there is
20 nothing that Nursery Products has ever fessed up to in
21 terms of biosolids and in terms of the green waste, you
22 will create more nitrogen, you will create ammonia, you
23 will create more of a hazard which will create these types
24 of secondary pathogens.

25 And one of those secondary pathogens have nothing

1 to do with the windrow process, have nothing to do with
2 the static pile process, but have to do with the finished
3 product.

4 If you don't maintain a 45-degree Centigrade,
5 which is about 113 degrees throughout the year -- just a
6 moment, and I'll be finished here. You will clear the
7 second pathogen as tolerant to the heats. It's called
8 aspergillus fumigatus, which is called Brown Lung Disease.
9 And this is what the product is that's going to be taken
10 to other communities.

11 So one of the arguments about the overriding
12 considerations as being the basis for the LEA approving
13 this grant is that you are going to produce a safe
14 product. It's not going to produce a safe product because
15 this permit does not mandate any particular blend or ratio
16 of what these items are.

17 And also, I want to add one other thing. I don't
18 know about the rest of you, but we have 8 degree
19 temperatures here in the winter. So I don't know how long
20 this facility can stay open in the wintertime. It gets
21 really cold here and that interferes with the chemistry
22 process.

23 Final point. The prohibitions of Section 14 of
24 the Solid Waste Facility Permit, it says that the
25 permittee is prohibited from accepting hazardous,

1 radioactive, medical, liquid, designated, or other waste
2 requiring special treatment or handling.

3 There's nobody to test this. There's no
4 requirement in this permit that every load be given a
5 broad spectrum test for these materials. Result: We
6 don't know what's going to be there.

7 In fact, we've been told by the LEA and by Nursery
8 Products that they don't even have to have a full-time
9 on-site supervisor, much less a qualified one. It's bad
10 business, bad policy. And you're going to create a hazard
11 which you wish you never did.

12 (Applause.)

13 STAFF COUNSEL BLEDSOE: Ms. Bette Moses followed
14 by Shirley Ramsey.

15 MS. MOSES: Good afternoon. My name is Bette
16 Moses. I'm a Realtor in Barstow, and I want to thank you
17 for having this hearing.

18 I came to Barstow from Corona Del Mar in Orange
19 County in August 2004. I'm in many local organizations
20 and dearly love this city. We are called "Windy City,"
21 which tells you that the strong winds usually blowing from
22 the west will carry all the thickness and pollution from
23 the biosolids and destroy this town as well as the
24 surrounding areas.

25 Barstow is growing, but no one will come here if

1 the composting facility is allowed. Not only that, many
2 will have to leave. And that will be a financial
3 hardship. Huge investments will be sacrificed. And think
4 of the marine base and then the national guard. They
5 can't leave and their family will be subject to the
6 illness. Fort Irwin is probably far enough way --
7 (speaker's comments through teleconference were
8 unintelligible.) I'm not sure though.

9 California's real estate market is in difficulty.
10 Barstow will go to zilch. I implore you to object to the
11 issuance of the proposed and not subject to the -- and not
12 subject the residents of Hinkley to further illnesses, as
13 they have had to deal with in the past.

14 Thank you for your time.

15 (Applause.)

16 STAFF COUNSEL BLEDSOE: Shirley Ramsey followed by
17 Jackee Conaway.

18 MS. RAMSEY: Good afternoon. I'm new to this
19 town. I just moved here three years ago.

20 I feel what is happening here is a crime. They
21 should be punished for what they are trying to do to us.
22 And they are only doing it because we're a small place and
23 they are just dumping everything they want to up here, and
24 it's not right. And you think it's not going to affect
25 Barstow, but it will. It will affect your houses, your

1 children, the schools, everything, the air we breathe.

2 And talking about the birds, now, them birds will
3 take that stuff and bring it to your yard, to your trees,
4 they will drop it on your sidewalk, on your porch, so
5 there you have it. And you have children out in that yard
6 and they will pick that up. So it's possible.

7 And the businesses, when they come here, they will
8 look out there in the desert and say, "What's that thing
9 out there in the desert?"

10 We'll say, "Oh, that's the sludge. You will have
11 a flyswatter in one hand and a mask in the other so you
12 can put it over your nose so you can breathe."

13 So I think they should be horse whipped and kicked
14 out of town is the way I look at it. Put them on a train,
15 horse-feather them, and put them on a train, and ship them
16 where they belong, down the hill, which they don't care
17 what they do to us.

18 Down the hill, all they are interested in is the
19 money. Just how much can we get away with without paying
20 anybody anything? And you think they could cover it or
21 something. Well, that would cost money. Could they cover
22 it, enclose it? They won't do that because that will cost
23 money. It's all about the money and what they can get
24 away with.

25 And I resent the fact that they can come up here

1 and do this to our town. And I think -- I think they
2 should be punished.

3 That's all I have to say.

4 (Applause.)

5 STAFF COUNSEL BLEDSOE: Jackee Conaway followed by
6 Carrol Greenwood.

7 MS. CONAWAY: Hi. I'm Jackee Conaway. I live in
8 Hinkley. And I'm opposed to this, of course. I don't
9 feel like having E. coli. I don't feel like having flies.
10 I don't feel like -- everything that everybody said today,
11 I think you should listen to all the scientific knowledge
12 that we have here. I just -- I'm overwhelmed. I don't
13 want to stand here and reiterate everything that was said.

14 I think it's a really bad idea to give Nursery
15 Products a permit. I think that they should just go away
16 and we should have a state-of-the-art facility, somebody
17 that wants to spend the money and do it right. Okay?

18 Thank you.

19 (Applause.)

20 STAFF COUNSEL BLEDSOE: Carrol Greenwood followed
21 by Aaron Conaway.

22 MS. GREENWOOD: My name is Carrol Greenwood, and I
23 live in Hinkley. I've been there over 40 years.

24 And everything that has been said is true. I have
25 nothing to add except one item which has not been

1 specifically stated. And that is the fact that it's
2 already been determined, our air quality will be affected
3 and there is no mitigation for the problem.

4 Thank you.

5 (Applause.)

6 STAFF COUNSEL BLEDSOE: Aaron Conaway followed by
7 Steve Smith.

8 MR. CONAWAY: Thank you. My name is Aaron
9 Conaway. I live in Barstow. And I want to say thank you
10 to the Board for taking the time to hear our testimony
11 today.

12 And I agree with everybody here that's opposed to
13 this and why. And moreso because we have to remember that
14 we -- that we're the people, we're the ones who decide
15 what is best for ourselves through government, and to
16 remember that we're a nation, we're a public. And if you
17 break that up into two -- (speaker's comments through
18 teleconference were unintelligible). We're what's
19 important. And our testimony is vastly greater than what
20 our government thinks. And it needs to take that into
21 context when it's making a decision that it's what's best
22 for the people.

23 Thank you.

24 (Applause.)

25 STAFF COUNSEL BLEDSOE: Steve Smith followed by

1 Gail Fry.

2 MR. SMITH: Hello. My name is Steve Smith. I
3 live in beautiful downtown Barstow.

4 And I'm a helpful sort. And I have been reading
5 your paperwork, CIWMB, your paperwork, and you basically
6 need a reason to deny this. And I have a reason for you.
7 And in Section 3 of the agenda item, it says here, the
8 consistency with state minimum standards. And it doesn't
9 meet state minimum standards. I contend, it doesn't even
10 meet federal standards.

11 The process that Nursery Products used for the
12 sludge is called static pile processing. I also call it
13 haul and dump. Basically, it's a composting process where
14 they don't do anything with it. They just take it out in
15 the desert and dump it. This process is illegal due to
16 503 federal EPA regulations.

17 They were supposed to submit this to a place
18 called the Pathogen Equivalency Committee and have an
19 approved process. The Pathogen Equivalency Committee set
20 this. They never have done this. So by that fact, it's
21 illegal by federal law.

22 Also, the static pile process does not meet
23 California regulations. California regulations say that
24 you have to turn the piles five times per cycle and five
25 times per 60 days, if memory serves. This facility will

1 not turn the piles.

2 Now, you won't be reading about static pile
3 processing in the EIR or any of the paperwork because
4 Nursery Products knows this. County knows this, and they
5 want to get it through underneath your nose.

6 And this also raises a good point. Our LEA, our
7 county representatives, in this portion, we do not trust
8 them. We don't do not believe them.

9 First off, the person that was proposing this
10 facility, and the very first was Bill Postman [phonetic],
11 our supervisor. And according to the L.A. Times, he's
12 received \$16,000 along with his hand puppet Mitzelfelt
13 from Nursery Products. So this puts the information in a
14 little bit of weird light in the beginning.

15 But the LEA has showed nothing but contempt and
16 rudeness to our people. During the planning commission
17 meeting in November, Judy Riorson [phonetic], who is our
18 representative from the LEA at the time, wrote a letter
19 written by the LEA saying basically, because we exercise
20 our God-given rights to peaceful assembly, we should be
21 ignored and that we don't know what we're talking about.

22 So anything that the LEA tells you about this
23 facility should be taken with a healthy dose of salt.

24 Thank you very much.

25 (Applause.)

1 STAFF COUNSEL BLEDSOE: Gail Fry followed by Tammy
2 Coddington.

3 MS. FRY: Good afternoon. Thanks to the Waste
4 Management Board for allowing us to be here, including our
5 public comment. I hope that they consider it with the
6 importance that it should have.

7 I would like to, of course, remind them of their
8 responsibility to protect the health and safety and
9 welfare to the community as well as everybody in the high
10 desert, because these biowaste solids do not stay still.
11 There's wind, there's water. So I believe that the entire
12 high desert will be affected by this plan if it is
13 approved as it is. Obviously, I oppose the approval as it
14 is. It should be enclosed.

15 We have obviously a growing problem with handling
16 of sludge and obviously a growing sludge problem because
17 there's more development. So we, as a community, and our
18 government and the businesses need to come up with a safe
19 way of handling this sludge other than allowing an open
20 facility like this, where it will be spread around by the
21 air and the water. No doubt about it, it will affect
22 large amounts of people.

23 Don't experiment with the health and safety of
24 this community and its people and its children. They are
25 not an experiment. You can't put a price on life. And

1 you can't put a price on good health. There are children
2 here involved. Their whole lives could be affected if
3 they breathe in or they eat, or you know how children are,
4 they get into things. So this is a very important factor
5 involved here.

6 So one of the issues that has not really been
7 talked about by the prior speakers is the safety of the
8 travelers on the road. We have 400,000 tons of biosolids
9 that are going to be coming up here per year. How many
10 trucks is that per day?

11 The roads here are not sufficient to handle this
12 in a safe manner. You have two-lane highways that are not
13 divided. You can not tell me that there aren't going to
14 be more very serious accidents because of all those trucks
15 that are going to be traveling back and forth from this
16 facility. That is a very big issue that -- I mean, was it
17 just a month ago that five people died over there at
18 Kramer Junction, and we didn't even have these additional
19 trucks involved at this point. But that highway and
20 freeways need to be up graded substantially before you
21 approve anything like this.

22 In addition, the facility is not sufficient to
23 protect the community around it. It needs to be enclosed,
24 and we need to have a safer method of dealing with this
25 sludge. Please do not approve the facility as is.

1 Thank you very much.

2 (Applause.)

3 STAFF COUNSEL BLEDSOE: Tammy Coddington.

4 MS. CODDINGTON: Hi. My name is Tammy Coddington.

5 I live at 37862 Petra Road, Hinkley.

6 I have been in the Hinkley area for many years. I
7 don't like to live in Hinkley. That's why I keep moving
8 around. That's why the people in Hinkley stay there.

9 I have traveled to different areas and I've seen
10 what things do. What would happen if the one of those
11 trucks go down the road, there's a collision, there's a
12 spill, cleanup time. Well, again, here comes the flies,
13 like one individual said. They travel, they land on us.
14 They get in the house, the crevices, whatever, and they
15 plant their eggs. They don't plant them outside. They
16 plant them anywhere they can get. And this is something I
17 really want to make sure is clear. Please, I really am
18 against this.

19 My mother is going through cancer, skin cancer.
20 This thing can affect the ozone layer so bad that skin
21 cancer can multiply three or four times than it is now.
22 And it still travels down there, down the -- towards the
23 hill and everything because we get theirs; they get ours.
24 Everything travels as a vicious circle.

25 Losing family members from cancer and anything

1 else, we don't need this anymore. So we need to stand our
2 ground as strong as possible.

3 Thank you.

4 (Applause.)

5 STAFF COUNSEL BLEDSOE: There are no further
6 speakers.

7 In addition to the folks who talked -- there's one
8 more speaker who's on his way.

9 Mr. Coffee [phonetic], you're here. I was told
10 you were not here. Please come up and make your comments.
11 We have a letter from Mr. Coffee. He's going to give us a
12 summary of that letter. We also have a letter from Fred
13 Stearn.

14 MR. TOMLINSON: My name is Bill Tomlinson. I've
15 been a resident here in Barstow for approximately 30
16 years, and I'm with the helphinkley.org. And I was going
17 to apologize for covering subjects that everybody else has
18 here. But now I don't think I'm going to because this
19 needs to be covered again and again and again and again.
20 It can't stop.

21 We have to let you know, yeah, we're all aware
22 that sewage has become a problem. It has to be addressed
23 by some means other than dumping them into the ocean or
24 the rivers or any other place, harmful and unacceptable
25 places.

1 And other solutions to this problem have been used
2 for a long, long time. Is composting one of these?

3 Possibly.

4 But how? By controlled circumstances.

5 However, the plan proposed by Nursery Products in
6 its present form is equally harmful and unacceptable,
7 especially in light of the technology available and used
8 today in several locations such as Rancho Cucamonga and
9 Redlands.

10 Emission controls are a sensible answer whose time
11 has come. And, yes, such plants are obviously more
12 expensive to build and operate than simply dumping sewage
13 or sludge on the open ground.

14 Let us please remember that we are not a third
15 world country who's been getting rid of human and other
16 waste in the same local manner for centuries. We have a
17 responsibility to process these materials in a way that is
18 least harmful to those living near such a site.

19 In my opinion, failure to use the covered
20 emissions controlling system would be similar to
21 discontinuing the air-conditioning and other safety and
22 comfort devices in our automobiles, simply because the
23 cost factor would be driven down and the profit margin
24 would increase greatly.

25 Composting and other sewage disposal facilities

1 should not be dealt with in terms of cost, but with the
2 health and well being of the people in its operating area.

3 Based on the subject of open air composting
4 operations versus the sensible and emission-controlling
5 coverage facilities, I'm respectfully asking you to deny
6 the permits requested by Nursery Products until such time
7 as an up-to-date covered operation can be put in place.

8 Thank you very much for your understanding and
9 hopefully positive action on our request for denial of
10 these permits.

11 Thank you.

12 (Applause.)

13 STAFF COUNSEL BLEDSOE: We're switching back to
14 Sacramento now.

15 CHAIRPERSON MULÉ: Okay. Well, first of all,
16 thank you, Michael for coordinating all the speakers. And
17 I do want to thank all of the speakers. All, I think I
18 counted 34 of you who did speak and made your way to
19 Barstow today to speak on behalf of this permit. And I
20 also want to commend all of you.

21 You did a pretty darn good job of keeping to that
22 two-minute limit. So thank you all.

23 I think what we want to do at this point is, we
24 want to see if the LEA or the operator or staff would
25 please respond to some of the issues that were raised. I

1 mean, there were a number of issues raised, most, I think,
2 dealing with dust, the testing of loads. So I'm just
3 hoping that we can have you briefly address these issues
4 so that we can then deliberate and take a vote.

5 Thank you.

6 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
7 Mark De Bie with the permitting side of things.

8 My take is a lot of the issues that were brought
9 up were certainly issues that were discussed in the
10 Environmental Impact Report, that staff relied on in
11 making our determinations relative to the site as well as
12 the permit application provided by the operator.

13 Staff certainly heard issues relative to the wind,
14 fire issues, some issues associated with some of the
15 pathogens, and the methodologies used at the site to
16 control and deal with potential pathogen issues at the
17 site.

18 If I could suggest that perhaps we ask the
19 operator to address some of the key issues as well as the
20 consultant for the EIR. I think they can focus you in
21 where that information was looked at and to what extent it
22 was. And then certainly staff can come back and share
23 additional perspective on those issues.

24 CHAIRPERSON MULÉ: That would be great. Thank
25 you. I would appreciate that.

1 I'd ask either the operator or the EIR consultant
2 want to come up and address some of the these issues.

3 MR. MEBERG: How do you want to coordinate this
4 portion of it? Should we all just stand here and answer
5 questions?

6 CHAIRPERSON MULÉ: That's fine. I think you can
7 both address, or whoever's here, your team, can address
8 these issues. I just think it's important that some of
9 these issues be addressed. Mark, do you just want to go
10 through the list of issues?

11 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
12 Yeah, we can start with dust, certainly. I think we all
13 heard many of the speakers indicate that, perhaps, the
14 evaluation underestimated the wind speed, the occurrence
15 of the wind, the potential for that wind to pick up dust
16 and the particles associated with that dust and carry it
17 into populated areas.

18 So certainly, if the operator and the consultant
19 would like to speak to that issue, I think that would be a
20 very important one to start with.

21 MR. MEBERG: I can have the URS Corporation, who
22 did the EIR, address the wind and dust first, if that's
23 all right.

24 CHAIRPERSON MULÉ: Would you please state your
25 name for the record?

1 MR. MARKS: Yes, my name is David Marks with the
2 URS Corporation. I'm the project manager for the
3 Environmental Impact Report.

4 I have a little bit of background. I ran the LEA
5 in San Diego County for 12 years before joining URS in
6 1991.

7 The Environmental Impact Report contains a
8 complete air quality analysis that used air quality
9 modeling with the screening level of health risk
10 assessment to assess potential impacts from toxics from
11 the facility.

12 The health risk assessment does include, modeling
13 and we use meteorological data, a complete data set of
14 meteorological data. That didn't just take the averages
15 but took, I believe, hourly readings of the -- the hourly
16 meteorologic data to do the health risk screening model.

17 Contrary to some of the statements that were made,
18 actually, the worst conditions occurred during a very
19 non-windy, almost, inversion layer-type condition. I
20 think all of you probably experienced that when you were
21 in San Jose or Los Angeles. The cleanest, clearest days
22 are after lots of wind and storms and rains. And the
23 dirtiest air typically happens when the air is very still
24 during an inverse condition.

25 And the analysis that we did basically concludes,

1 similarly, that the worst case conditions would be in
2 these very low level windy days or non-windy days, if you
3 will.

4 And even though that is the worst case scenario,
5 the residents of Hinkley, certainly of Barstow, are too
6 far away to experience exposure to any significant
7 contaminants from the project that would result in any
8 significant health effects.

9 The VOCs from the project, as we indicated in the
10 Environmental Impact Report, would exceed the Mojave Air
11 Quality District's standards for a new project. And
12 that's why a statement of overriding consideration was
13 necessary with respect to the VOC decisions.

14 MEMBER CHESBRO: What about the question of dust?
15 Because I'm not sure which you just described -- is the
16 kinds of things that is general to smog. But what about
17 the question of the wind moving dust?

18 MR. MARKS: Certainly, in the desert, the wind
19 does move dust. There are conditions that the windrows
20 can't be turned. The mitigation measure in the
21 Environmental Impact Report -- that the windrows cannot be
22 turned when winds are in excess of 30 miles an hour. And
23 then the applicant has to apply water to the windrows and
24 other measures to control dust. That doesn't mean that
25 under every circumstance the dust won't leave the project

1 site. It certainly will under the right set of
2 conditions.

3 However, the conclusion in the Environmental
4 Impact Report by our team was that those impacts would not
5 be significant.

6 COMMITTEE MEMBER PEACE: When you talk about --
7 you said some of the pathogens could be covered by --
8 carried by the wind. When you talk about pathogens and
9 this aspergilla virus -- that was brought up several
10 times -- is that something that can be carried by vectors
11 or birds?

12 MR. MARKS: There's very little documentation
13 about how that particular disease is transmitted. It does
14 occur very rarely. As we indicated, there's a fairly
15 complete writeup about that in the Environmental Impact
16 Report.

17 It has been, you know -- it's been observed very
18 infrequently. And the connection between aspergillus and
19 composting projects or sewage sludge management is pretty
20 speculative at this point.

21 When you consider the number of individuals at
22 sewage treatment plants that are way closer and exposed
23 much more significantly to sewage and sludge than
24 composting operations, and the fact that we don't see any
25 epidemiological evidence that sewage treatment or

1 wastewater treatment plant employees have a higher level
2 or a higher occurrence of the disease than other workers
3 in the industrial environment or in the population at
4 large. It's difficult to draw a conclusion that there's a
5 connection.

6 CHAIRPERSON MULÉ: Thank you.

7 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
8 Just a staff observation relative to your question, Member
9 Peace, is, at these kinds of facilities handling biosolids
10 and green waste, we don't see a lot of bird activity.
11 There isn't a food source. There they are not going to
12 feed on the sludge and the green materials. Certainly, in
13 a food composting facility, you do see some bird vector
14 situations.

15 So the main vector issue would be with flies and
16 those sorts of insects. And with proper management of the
17 windrow turning heat, you would reduce the likelihood of
18 flies, but it does take proactive measures to stay on top
19 of that. You can't just let your pile go, and it will
20 eventually set up a scenario where you could have fly
21 breeding. So you need to monitor for that and stay on top
22 of that.

23 CHAIRPERSON MULÉ: Thank you.

24 I think another issue that was discussed was fire
25 and water capacity at the --

1 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

2 And before Mr. Marks steps in, Board staff did receive
3 some edits to the operating document that we did consider
4 in making our final recommendation to the Board, which did
5 expand upon the original submittal relative to fire.

6 There is better documentation now on all of the
7 available water sources beyond what was previously
8 provided to us in the form of just a water truck. There's
9 some tank storage that's going to be there. There's a
10 well that will have a certain flow rate. We're going to
11 certainly rely and depend upon the fire authority to, you
12 know, determine whether those measures are adequate. But
13 relative to our requirement to address those kinds of
14 issues, those have been addressed.

15 I think staff does take issue to some extent on
16 some of the conclusions. And certainly, Mr. Marks can
17 speak to this, about the frequency of fires at compost
18 sites. It's been our experience on a statewide basis that
19 they do occur; they can occur at sludge composting.
20 There's a number of examples.

21 And so we take the fire issue very, very
22 important, or find it to be a very important issue that we
23 need to focus on.

24 With the edits that have been provided by the
25 operator, we think we have a good confidence that, you

1 know, proactive steps are being taken. Again, we're going
2 to rely on the fire authority to make a determination and
3 the operator can tell us what their status is on that
4 submittal.

5 CHAIRPERSON MULÉ: Thank you.

6 Mr. Marks, do you want to address that?

7 MR. MARKS: Essentially, the Environmental Impact
8 Report draws similar conclusions. Fire, though infrequent
9 at composting facilities, do occur at composting
10 facilities, similar to the way the infrequently occur at
11 landfills. It's typically proper management practices.
12 The EIR does require fire breaks be installed in the event
13 to a fire does occur. It does require the application --
14 the mitigation measures requires the applicant to develop
15 a fire plan to the satisfaction of the county fire
16 marshall so that the facility's design and operation right
17 from the getgo is as compliant as possible in fire
18 prevention techniques that are applicable for a desert
19 facility.

20 CHAIRPERSON MULÉ: Right. So they couldn't
21 operate if they didn't have that approval from the fire
22 department for their fire plan; correct?

23 MR. MARKS: It's my understanding that that is a
24 condition of the county use permit.

25 CHAIRPERSON MULÉ: Right. Okay. Thank you.

1 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

2 I believe another issue that I wrote down was some
3 questions about the processing method and whether it's
4 approved, the static pile. Staff's understanding in
5 reading the application, that the process will be an
6 active windrow process with turning. That meets both the
7 state standard and the federal requirements.

8 There is some language in the submittal that says
9 that at some time in the future they may propose to do a
10 static pile, which is something that they have done in the
11 past, at a previous site. But that -- that process will
12 need to be evaluated to ensure that it can meet the
13 pathogen and metal requirements of the pathogen
14 requirements in state regulations.

15 MEMBER CHESBRO: The way I read the description in
16 the Board item made it sound like it was going to be
17 windrows that were turned for a certain number of -- I
18 think for 45 days, and then a static pile for 15 days. I
19 think it was a combination of the two as opposed to moving
20 from one technique to another. It described it as a
21 combination.

22 COMMITTEE MEMBER DANZINGER: Yeah, yeah. It
23 sounds like the modified static --

24 MEMBER CHESBRO: I think I heard two different
25 things.

1 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

2 On page 6 of the RCSI -- I don't know if you have that
3 available to you, but certainly, we can make it
4 available -- there is a section that talks about
5 processing. Initially, it talks about the windrow process
6 that matches the state requirements as well as the federal
7 requirement. And then there's a paragraph that says, "In
8 the future, a modified static pile may be implemented."
9 That will be a 60-day process. And that talks about the
10 45-day turning and that sort of thing.

11 Again, that will -- that process will need to be
12 demonstrated to meet the requirements of the regulations
13 before they can fully implement that.

14 That would be an alternative to the regulations
15 and the way our regulations are set up is that the
16 operator would need to demonstrate that that process can
17 meet the requirements in state regs.

18 COMMITTEE MEMBER DANZINGER: I'm sorry. Mark,
19 then let me ask. So you are saying that by the permit
20 before us today, they can do the windrows, and then if
21 they want to do the combination later of the windrow and
22 the modified static pile, where you got the 30 and 45 days
23 and the 15 days at static, that's what would require
24 another permitting hurdle to be cleared at some later
25 point?

1 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

2 It would not necessarily require a permit action but it
3 would definitely require the LEA to review that request,
4 because that's an alternative to the regulatory
5 requirement. And the way the regs are set up is, the LEA
6 needs to review and approve those alternative methods.

7 COMMITTEE MEMBER DANZINGER: So right now it's the
8 windrow and how often did they turn? Did I hear
9 correctly, like a half dozen times a day or something?
10 How often is the turning? How often is the turning under
11 this?

12 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

13 What's being described matches the regulation, and it's a
14 15-day period at temperature. And within that 15-day
15 period, there's a minimum of five turns. And that's to
16 require all the all of the material is exposed to the high
17 temperatures during that 15-day period.

18 MR. MARKS: I would also like to make the point
19 that the Environmental Impact Report to address both
20 operational techniques so that the analysis that was
21 conducted, particularly the air quality analysis,
22 considered operating in a static pile mode as well as an
23 active windrow mode.

24 COMMITTEE MEMBER DANZINGER: I was just confused,
25 because, you know, if you read CEQA -- I don't know if

1 you're referring to the same thing, Mark, in the RCSI.
2 When you read page 6, it talks about the combination as a
3 fait accompli.

4 And it basically says, the project will use a
5 combination of windrow and modified static pile. And then
6 it goes out to explain the process, that you just said,
7 would have to be reviewed later by the LEA. So I just
8 wanted to be clear on that.

9 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

10 And again, it's our understanding -- and the LEA can
11 correct me if I'm off -- but I believe we did have
12 communication with the LEA about where they were with the
13 static pile process and they had indicated that they had
14 not yet reviewed or approved that aspect of the proposed
15 project.

16 COMMITTEE MEMBER DANZINGER: I'm also curious, it
17 references the sampling taken from the windrows that goes
18 to a lab certified by DHS. How often does that happen?

19 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

20 I'm going to have to ask the operator if he has something
21 different than in the regulations. But it's, I believe,
22 every 5,000 cubic yards need to be tested before it leaves
23 the site. So it's by volume. So it's not a daily or a
24 monthly. It's every 5,000 cubic yards need to go through
25 testing.

1 COMMITTEE MEMBER DANZINGER: So that's often.

2 That's going to be at least once a day; right? Possibly
3 twice.

4 MR. SEENEY: That's correct.

5 Chris Seeney with Nursery Products. I was
6 operations manager in Adelanto for four and a half years.
7 And prior to that, I was a health and safety manager with
8 General Motors for about five years. And I'm also a
9 registered professional environmental engineer in the
10 state of California. And I live in the unincorporated
11 area of San Bernardino County.

12 And the sampling, as he stated, will be just the
13 same as what it states in the regulations.

14 COMMITTEE MEMBER DANZINGER: Okay.

15 CHAIRPERSON MULÉ: Board Member Peace?

16 COMMITTEE MEMBER PEACE: This could wait. But
17 since we have the project manager from Adelanto, a number
18 of the commenters brought up concerns about Adelanto and
19 how that facility had a number of problems. I just
20 thought maybe you could maybe say what some of those
21 problems were and how you expect that there will not be
22 problems at the facility. What you are going to be doing
23 differently so that you won't have those problems?

24 MR. SEENEY: Yes, I was hired a few months after
25 the facility opened. And initially, what had happened,

1 just prior to me starting, the facility took in an excess,
2 a lot of curbside green waste. And so we had some excess
3 flies that came along with that curbside green waste. And
4 you know, so we learned a lot about the process and how to
5 properly operate that facility in Adelanto.

6 So after I started, we sort of worked out, you
7 know, the proper composting mix at the facility, and it
8 did improve drastically.

9 COMMITTEE MEMBER PEACE: You are not going to be
10 taking any curbside green waste at the Hawes facility. So
11 it's going to be, like, commercial green waste, like
12 landscaping green waste?

13 MR. SEENEY: There will be some -- primarily, it's
14 the wood-type, high carbon, wood green material that we'll
15 be taking.

16 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
17 I believe, again, there were multiple issues. But the
18 ones that we heard several speakers share with us was
19 relative to the quality of the material, the load checking
20 material. You just heard the site supervisor talk about
21 being selective in terms of the type of carbon material,
22 the green waste material coming in. But perhaps, you
23 know, the operator or, again, the consultant for the EIR
24 could share the issue relative to the type of sludge
25 coming in and, you know, if it's testing coming in or what

1 the protocol is relative to the sludge aspect.

2 MR. SEENEY: I think he's referring to sort of the
3 load checking, I believe.

4 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
5 Yes, load checking.

6 MR. SEENEY: I'm a certified hazardous materials
7 manager and certified to do the load checking on a daily
8 basis. And that's what I did in Adelanto as well.

9 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
10 Could you describe your methodologies for the committee,
11 please?

12 MR. SEENEY: Every day, I physically, you know,
13 look in every load that comes in the site and you record
14 at least one -- you know, that you checked load that came
15 into the facilities. So I looked at every load into the
16 site and, you know, you do the load checking and write it
17 down appropriately.

18 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
19 And if a load was received that was....

20 MR. SEENEY: It would be rejected if it had, say,
21 excess trash above 1 percent, say litter.

22 MEMBER CHESBRO: Madam Chair?

23 BOARD MEMBER BROWN: Can you just explain a little
24 bit further. I mean, you're not exactly describing what
25 you are looking for in your load check. And I think it

1 would be important for the people down in our remote
2 location for you to explain, when you do a load check,
3 what do you check for? What is admissible and what is
4 rejected in order to determine what you will take and what
5 you won't take?

6 MR. SEENEY: Okay. As far as the green material,
7 I physically look inside the trailer and check, like I
8 said, for above 1 percent contaminants, trash, say,
9 plastic in the material. And then I have the right to
10 reject a load if it doesn't meet that tight criteria at
11 the facility.

12 As far as biosolids, we receive an analytical
13 prior to accepting it, review it, and have to approve it
14 prior to receiving --

15 MEMBER CHESBRO: What is an analytical? Describe
16 what an analytical is.

17 MR. SEENEY: Oh, the lab analysis from a plant.
18 Say, each load of biosolids will receive on a monthly or
19 every six-month basis an up-to-date analytical from the
20 wastewater treatment plant.

21 CHAIRPERSON MULÉ: You will not accept a load from
22 after you have received, reviewed, and approved this lab
23 analysis; is that correct.

24 MR. SEENEY: Correct.

25 CHAIRPERSON MULÉ: Thank you.

1 Board member Chesbro?

2 MEMBER CHESBRO: Going back to Board Member
3 Peace's question about the problems at Adelanto, your
4 answer described how you solved the problems. But we've
5 heard various descriptions from some of the testimony --
6 and admittedly, I don't know if it was a staff's
7 presentation, so it may be hearsay -- but about why the
8 facility shut down at Adelanto, and it's been described as
9 having lots of problems. So I'm hearing two different
10 things. I'm hearing you saying we have problems early and
11 we solved them, and we've also heard allegations that the
12 facility had to shut down because of the problems that it
13 was having.

14 MR. MEBERG: It's Jeff Meberg again, and I'm going
15 to take over because Chris is being polite about himself.

16 We let the original operator at the site go. We
17 brought Chris in to fix the problem that we had when we
18 first opened Adelanto. And I will kind of reiterate and
19 expand a little bit more about what he was talking about
20 when we first opened. In Adelanto, we took a lot of
21 curbside green waste, too much. And we let it sit. And
22 when we dug into the green waste, once we started
23 receiving the biosolids, it smelled. It smelled really
24 bad.

25 And there was too much grass in the green waste.

1 So even when we mixed it in with the biosolids, the
2 moisture content was too high, and it made bad compost and
3 we couldn't get the temperatures as quick as we needed.
4 So we realized we needed to change the carbon source to
5 make better compost, and we needed to quit importing flies
6 into the facility, which was coming in with the curbside
7 green waste.

8 So when we brought Chris in, he figured out -- and
9 I'm a little embarrassed that he figured out -- quit
10 taking in curbside green waste and concentrate on just the
11 local wood waste or green material that's generated in the
12 high desert in San Bernardino County, and use that as our
13 carbon source.

14 So that's what we changed within the first eight,
15 ten months of Adelanto. All that was under watchful eye
16 of the LEA, because they wanted us to change that carbon
17 source as well.

18 The -- we were not kicked out of Adelanto. We
19 weren't sued by Adelanto. We had a neighbor, right across
20 the street in Adelanto, Department of Water and Power.
21 They were 200 feet across the street.

22 MEMBER CHESBRO: Which department of water and
23 power? City of Los Angeles?

24 MR. MEBERG: City of Los Angeles Department of
25 Water and Power. It was one of their main switching

1 stations that was coming from Uta and heading into Los
2 Angeles.

3 And we made the mistake of opening the compost
4 site literally right next door to the Department of Water
5 and Power plant.

6 And one of the reasons I emphasized the
7 "difference makes a difference" in the PowerPoint
8 presentation is, in talking with San Bernardino County
9 about where we should relocate the new compost site, it
10 was clear, we need to be extremely far away from people,
11 not 200 feet or even within a mile.

12 So the legal issues with the City of Adelanto
13 didn't have anything to do with the operations. It had to
14 do -- it was a federal action brought by Nursery Products
15 against Department of Water and Power.

16 And we settled, and I agreed to relocate. We
17 weren't kicked out. It never happened.

18 MEMBER CHESBRO: Thank you.

19 CHAIRPERSON MULÉ: Thank you. I think that about
20 concludes the major issues that we wanted to review and
21 address.

22 So what I'm going to ask now is if our committee,
23 if you have any comments that you want to make. Board
24 Member Danzinger?

25 COMMITTEE MEMBER DANZINGER: I want to make a few

1 comments. I don't have any other questions.

2 First, from a process standpoint, I don't want to
3 repeat certainly what our counsel has stated time and
4 again, with regard to our permitting role, our authority,
5 the statutory requirements relating to our decision
6 making. I think that's been covered quite well today and
7 in the days leading up to this meeting.

8 I do want to briefly emphasize this point though
9 by reminding everyone that in the course of doing our
10 business and enforcing the law, our actions are governed
11 by law just as well. The statutory provisions guiding
12 concurrence and nonconcurrence and solid waste facilities
13 permits are quite clear and clearly by design. The
14 criteria takes into account, among other things, the
15 extensive and exhaustive local process that must be
16 engaged first, usually over a period of several years.
17 And the scrutiny and approval required by other regional
18 and state regulatory agencies which, in total, cover all
19 the impacts -- air, water, everything.

20 Now, on this particular item, I can find nothing
21 inconsistent with the state standards and the applicable
22 sections in the law. It appears that the applicant's done
23 a decent job of being responsive to the surrounding
24 community, in part by changing its location a number of
25 times, and now is in about as remote a local as one might

1 reasonably expect of them. In fact, they may have done an
2 especially good job, and I think this will have to work
3 out in time, of striking a balance of being far enough way
4 from residential areas, but not so far that they cannot
5 improve upon the alternatives that would require waste to
6 travel distances that add measurably to traffic,
7 pollution, greenhouse gas emissions, and more.

8 And finally, while we don't relax our standards
9 for anyone, any permit, any operation, nothing, we are
10 also charged with the duty to encourage the expansion of
11 responsible infrastructure, the public facilities that can
12 help communities take care of their own waste and divert
13 materials away from landfills and toward better and higher
14 uses in society.

15 And it's especially troubling when organic
16 materials go to the landfills, absorbing precious landfill
17 space, contributing to GHGs, and denying us excellent
18 source material for clean alternative uses like compost.

19 The people who would be served by this facility
20 are generating well more than 200,000 tons of biosolids a
21 year, discarded waste that must be handled and processed.
22 If run responsibly, this will be a public benefit
23 facility, not a smelting plant or open air incinerator or
24 glue factory. If they consistently meet operations
25 standards, they can have a positive impact on the Inland

1 Empire and the state, I believe.

2 Now, as we can see from the opponents' comments,
3 there are strong preferences of how this project should be
4 operated. But they are among choices that are each
5 legally available to the operator under the law. And as
6 proposed, this facility would operate not unlike other
7 successful composting operations, co-composting
8 operations, in the state. You can't build up a strawman
9 of operational preferences and declare that anything less
10 than that or anything other than that to be inadequate and
11 in violation of the law.

12 We know from CEQA, from the statement of
13 overriding considerations -- and I have read it from cover
14 to cover, and I hope that everyone impacted by this
15 facility, living in the surrounding community, reads it as
16 closely as well. I mean, it covers a lot of things.
17 There are countless mitigation measures that will be in
18 place, and I am certain that the applicant knows that at
19 every step along the way through the construction and
20 operational phases, they will be under several watchful
21 eyes. And of course, we know that they still have many
22 permitting hurdles still to clear, focusing on all the
23 remaining issues and impacts like air and water.

24 For now, though, I believe the applicant has done
25 everything that's been asked of them by the law, on the

1 issues, under our purview. And I think the permit is
2 worthy of concurrence.

3 CHAIRPERSON MULÉ: Thank you, Board Member
4 Danzinger.

5 Board Member Peace?

6 COMMITTEE MEMBER PEACE: I just agree with
7 everything that Board Member Danzinger just said.

8 CHAIRPERSON MULÉ: Any other Board members, would
9 you like to comment?

10 I just have a few things I want to say. I do
11 concur with the statement that Board Member Danzinger had
12 just made. Our actions are covered under the law.

13 And another issue that I do want to address that I
14 don't -- and I don't think you addressed as clearly as I
15 might, but we are also charged with a mandate here, at the
16 Integrated Waste Board, and that is to implement AB 939.
17 And while legally, we may -- jurisdictions have to meet a
18 diversion rate of only 50 percent, or 50 percent, we as a
19 Board have made a conscious decision to ask people to do
20 more.

21 And so we feel that if people just meet that legal
22 letter of the law, that may not necessarily be enough.
23 And so we're constantly looking for ways for jurisdictions
24 to divert materials to beneficial use. And one of the
25 struggles that we do come up with is how do we develop and

1 maintain that precious infrastructure to take those
2 materials and divert them from landfills to beneficial
3 use?

4 And as we will see today, we have a number of
5 other permits before us. And it's constantly a struggle
6 for us to make that balance of providing the
7 infrastructure for 939 and also protecting public health
8 and safety. But I will tell you that this Board always
9 puts public health and safety first and foremost. That
10 just goes without saying. I mean, we don't make a
11 decision if it's not going to be in the public's -- public
12 health and safety's best interest.

13 So another thing I do want to say is, for all of
14 you in Barstow and Hinkley, I did take the opportunity to
15 drive out to the facility site about a week ago. I did
16 spend some time out there in the hot afternoon sun and I
17 will say that it is -- while it is a remote location -- I
18 mean, it is remote, at least for me. It's a remote
19 location. I drove a lot further than I thought I was
20 going to have to, to get there. And then I did clock how
21 close the nearest home was, how close the second nearest
22 home was, and it was 1.5 and 2.5 miles. And I say that
23 because I did talk to staff quite a bit about ensuring
24 that the proper mitigation measures will be in place for
25 this facility, to make sure that you're operating in a

1 manner that protects public health and safety.

2 And with that being said, I know that the LEA as
3 well as our Board staff will make sure that those measures
4 will be in place. And if they are not working, that we
5 will put in place additional mitigation measures.

6 Again, I just want to say to all of you out there
7 in Hinkley and Barstow, we do have your health and safety
8 first and foremost in our minds.

9 And again, I have reviewed all of the documents,
10 and I will be concurring with this permit. I do know that
11 there are a number of other permits that is required of
12 the operator, so I know that we are not -- we are far from
13 the last hurdle, if you will, in terms of approving the
14 permits.

15 So with that, there's no other comments.

16 Do I have a motion?

17 COMMITTEE MEMBER DANZINGER: I hope I'm looking at
18 the right one, because we've had a couple of revisions,
19 2007-163, Revision 2.

20 COMMITTEE MEMBER PEACE: Second.

21 CHAIRPERSON MULÉ: We have a motion by Board
22 Member Danzinger and that's seconded by Board Member
23 Peace.

24 Donnell, please call the roll.

25 SECRETARY DUCLO: Members Danzinger?

1 COMMITTEE MEMBER DANZINGER: Aye.

2 SECRETARY DUCLO: Peace?

3 COMMITTEE MEMBER PEACE: Aye.

4 SECRETARY DUCLO: Chair Mulé?

5 CHAIRPERSON MULÉ: Aye.

6 That does pass unanimously. We will move that
7 forward, though, to the full Board, if the committee
8 concurs, just for discussion at the full board meeting.

9 COMMITTEE MEMBER DANZINGER: Yes.

10 CHAIRPERSON MULÉ: All right. Good. Okay.

11 Moving on.

12 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

13 Our thanks to Michael Bledsoe and John Bell, Dob Davila,
14 and Lanny down south. I think it worked quite well on our
15 end, and I hope it worked for the individuals down in
16 Barstow.

17 CHAIRPERSON MULÉ: Yes, thank you, staff, down
18 south. We appreciate all your help and work on this as
19 well.

20 And again, I want to thank the public for coming
21 out and providing testimony on this item.

22 We're going to take a five-minute break and then
23 we'll be back.

24 (Thereupon a break was taken in
25 proceedings.)

1 CHAIRPERSON MULÉ: Let's reconvene here.

2 We have several other items that we need to get
3 through, and we would like to do it as quickly as we can.

4 Our next item is Committee Item C.

5 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

6 Ted Rauh again.

7 And Item C is Consideration of a Revised Full
8 Solid Waste Facility Permit for the West Valley Materials
9 Recovery Facility in San Bernardino County.

10 And Dianne is here to present again.

11 CHAIRPERSON MULÉ: You're busy today, aren't you?

12 MS. OHIOSUMUA: Yes, I am.

13 I will be briefing you on this item. This
14 proposed permit will allow the following, and will allow
15 an increase in traffic count; an increase in maximum daily
16 tonnage, an increase in design capacity; a change in the
17 hours of operations for the public; an update to the
18 transfer processing report; an expansion of the material
19 recovery facility building; and some minor modifications
20 and deletions of the LEA's enforcement conditions and a
21 correction to a section of the proposed permit.

22 Board staff finds that the LEA has made all the
23 necessary findings relative to the permit. Board staff
24 recommends that the Board adopt Solid Waste Facility
25 Permit Decision No. 2007-0164, concurring with the

1 issuance of the Solid Waste Facility Permit No. 36AA0341.

2 There is a representative from the operator, and
3 the San Bernardino County LEA is also here if you have any
4 questions.

5 CHAIRPERSON MULÉ: Thank you, Dianne.

6 Thank you for being here, operator and LEA.

7 And does anybody have any questions?

8 COMMITTEE MEMBER DANZINGER: Just a curiosity
9 question. What's the diversion rate of the facility, and
10 what do you expect it to be with the expansion?

11 MS. OHIOSUMUA: I will ask the operator to come in
12 and answer that question. Thank you.

13 MR. TOBIN: I am Chuck Tobin, Burrtec Waste.

14 Actually, that is what underlies the request
15 before you today, which is that we're trying to get ready
16 for whatever may happen next. The diversion rate is
17 significant if you look -- we run a source separated. We
18 run a select commercial. We have a significant, on our
19 floor, sorting. You know, so it depends on which of those
20 you are counting.

21 But the source separated, again, there, that's in
22 the 90 percent range. In the commercial, we're doing
23 60 percent plus, and the floor sorting usually adds
24 several hundred tons a day. We run a big green waste
25 operation. We run a big inert operation.

1 So actually, your Board has approved three --
2 hopefully will be the third facility in the last year that
3 we have done these kinds of upgrades on, one here in San
4 Bernardino, one in Riverside, and one out in the desert.

5 So thank you very much.

6 COMMITTEE MEMBER DANZINGER: Terrific.

7 CHAIRPERSON MULÉ: Thank you.

8 Any other questions?

9 COMMITTEE MEMBER PEACE: I know these areas --
10 Fontana, Ontario, Ranch Cucamonga -- they are really
11 expanding and growing. So I'm sure they do need an
12 expansion facility.

13 CHAIRPERSON MULÉ: Right. And as we -- as I
14 mentioned in our previous item, I mean, it's very
15 difficult to site new facilities.

16 COMMITTEE MEMBER DANZINGER: Love MRF expansions.

17 CHAIRPERSON MULÉ: Yeah.

18 Anything we can do to increase diversion,
19 especially in the rapidly growing Inland Empire, is
20 something that I support.

21 So with that, do I have a motion?

22 COMMITTEE MEMBER DANZINGER: Sure. I will move
23 Resolution 2007-164.

24 COMMITTEE MEMBER PEACE: Second.

25 CHAIRPERSON MULÉ: Moved by Board Member Danzinger

1 and seconded by Board Member Peace.

2 Donnell, please call the roll.

3 SECRETARY DUCLO: Members Danzinger?

4 COMMITTEE MEMBER DANZINGER: Aye.

5 SECRETARY DUCLO: Peace?

6 COMMITTEE MEMBER PEACE: Aye.

7 SECRETARY DUCLO: Chair Mulé?

8 CHAIRPERSON MULÉ: Aye.

9 That passes unanimously, and we will put that on
10 consent.

11 Our next item is D.

12 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

13 Yes, the next item is Consideration of a New Full Solid
14 Waste Facilities Permit for C&D and Inert Debris
15 Processing for the Fruitridge C&D Recycling Facility in
16 Sacramento County.

17 And here to present the item is Mary Madison
18 Johnson.

19 MS. JOHNSON: Good afternoon.

20 The proposed permit is to allow the operation of a
21 new large volume construction and demolition inert
22 processing facility.

23 The location of this operation is where a
24 California Concrete crushing recycling facility was. The
25 operation was sold to Mr. Gary Kwong, the owner of

1 Fruitridge C&D. And the facility for California Concrete
2 was surrendered and the operation seized.

3 The proposed facility will operate as the
4 previously permitted California Concrete facility. At the
5 time the item was prepared, staff had yet to determine the
6 following: Consistency of the facility design and
7 operations with state minimum standards; consistency of
8 the project with CEQA; and completeness of the CDI
9 facility report.

10 Since the last preparation of the agenda item, the
11 following developments took place pertaining to the
12 application package: On July 26th, 2007, the LEAs
13 submitted a modified proposed permit and amendments to the
14 facility report. The amendments addressed the state
15 minimum standards and the facility report completeness.

16 However, the environmental review documentation
17 was not yet clear and straightforward. Board staff worked
18 with the LEA and operator to develop an approach that
19 required a revision to the proposed permit.

20 On August 1st, 2007, the LEA submitted the final
21 proposed permit for our -- for the Board's consideration.

22 Copies of the modified version of the proposed
23 permit were provided late last week, and the agenda item
24 was updated on August 2nd. The updated versions of the
25 item and resolution were posted last week on BODS.

1 We subsequently found a typo, however, in the
2 resolution in the third paragraph on page -- third
3 paragraph, line four, which should read, "May 25, 2000,"
4 instead of "May 25, 200." We will make that change to the
5 resolution before the Board meeting.

6 An updated agenda item of resolution now reflect
7 that all requirements for the proposed permit have been
8 met, as indicated on page 3 of the item.

9 Therefore, staff recommends that the Board adopt
10 Solid Waste Facilities Permit Decision No. 2007-165,
11 concurring in the issuance for the Proposed Permit No.
12 34AA0220.

13 The LEA and operator are here to assist with any
14 questions that you might have. And this concludes staff's
15 presentation.

16 CHAIRPERSON MULÉ: Thank you, Mary.

17 Do we have any questions for Mary? Jeff?

18 COMMITTEE MEMBER DANZINGER: No. Just a couple of
19 quick comments. You know, we talk a lot about the gaps in
20 diversion infrastructure. And C&D is clearly preeminent
21 among those gaps. So it's good to see this here,
22 happening.

23 On the community outreach section, that was, like,
24 unusually detailed, not that I'm not pleased with the way
25 that that section appears in other items. But does that

1 reflect that we did -- did we actually have somebody on
2 our staff who was there, or is that how it was provided to
3 us?

4 MS. JOHNSON: There's a community -- in that
5 community, there are several solid waste facilities and so
6 there's a community group that are very vocal when it
7 comes to anything relating to those facilities. And I
8 think the notes were taken by LEA staff.

9 COMMITTEE MEMBER DANZINGER: It's just
10 informative. I appreciate that.

11 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
12 Member Danzinger, if I may.

13 With the change in regulations, the LEA is now
14 required to submit, with the proposed permit package, a
15 summary of all comments at that meeting, and so we, as
16 staff, expect that we will start seeing a lot more detail
17 and can certainly continue to roll in the pertinent
18 comments into the agenda item.

19 But in the past, it was not clear that they had to
20 provide us the specific summary, and now they do.

21 COMMITTEE MEMBER DANZINGER: That's good insight
22 on what the local public is thinking and focused on. So
23 that's good.

24 My only comment was just in looking at the
25 identified operator in the item, it's clear that the Edgar

1 professionals are a burgeoning dynasty in the world of
2 recycling and waste diversion.

3 I'm going to assume that's a good thing.

4 CHAIRPERSON MULÉ: Board Member Peace?

5 COMMITTEE MEMBER PEACE: The only comment I had is
6 that we only had about 30 days to review this permit, less
7 with the subsequent revisions.

8 So do you feel like you really had adequate time
9 to review this, especially with the number of concerns
10 that we got from the public regarding the environmental
11 review and the operations?

12 MS. JOHNSON: Yes, Member Peace. We have actually
13 been working with the LEA for quite a while before they
14 actually submitted the proposed. And we've been going
15 through the environmental review and all the proposed
16 documents to support this application, and we're
17 comfortable with the recommendation.

18 COMMITTEE MEMBER PEACE: Thank you.

19 CHAIRPERSON MULÉ: Okay. Without any further
20 questions, do I have a motion?

21 COMMITTEE MEMBER PEACE: I would like to move
22 Resolution No. 2007-165, Revised.

23 COMMITTEE MEMBER DANZINGER: I will
24 enthusiastically second that.

25 CHAIRPERSON MULÉ: That was moved by Board Member

1 Peace and that was seconded by Board Member Danzinger.

2 And if it's okay with the board -- board
3 committee, we will substitute the previous roll and we
4 will put that one on consent as well.

5 Thank you all for being here.

6 Our next committee item is Committee Item E.

7 Ted?

8 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

9 Yes, thank you.

10 Item E is Consideration of a Revised Solid Waste
11 Facilities permit for a Disposal Facility, the El Sobrante
12 Landfill in Riverside County.

13 And here to present the item is Zane Poulson.

14 MSW FACILITIES & ED INSPECTION & ENFORCEMENT

15 A SUPERVISOR POULSON: Good afternoon, Committee
16 Chair and Committee Members.

17 CHAIRPERSON MULÉ: Good afternoon.

18 MSW FACILITIES & ED INSPECTION & ENFORCEMENT

19 A SUPERVISOR POULSON: The proposed revised permit
20 is to allow for the following: change in the landfill
21 disposal footprint from 495 to 481 acres, established
22 based on a recent survey; and limit green materials,
23 processed and unprocessed, received at the site to a
24 minimum -- I'm sorry, to a maximum rate of 2,284 tons per
25 day or 14,788 tons per week.

1 As indicated on the table on page 4 of the revised
2 agenda item, all the requirements for the proposed revised
3 permit have been met. Therefore, staff recommends that
4 the Board adopt Resolution No. 2007-166 concurring in the
5 issuance of Solid Waste Facility Permit No. 33AA0217.

6 Representatives for the LEA and the operator are
7 available to answer any questions.

8 This concludes the staff's presentation.

9 CHAIRPERSON MULÉ: Thank you, Zane.

10 Do we have any questions?

11 Board Member Peace?

12 COMMITTEE MEMBER PEACE: Do you feel that they do
13 have the gas problem now under control?

14 MSW FACILITIES & ED INSPECTION & ENFORCEMENT

15 A SUPERVISOR POULSON: Yes, they did -- we
16 actually have staff that went out and reinspected. And as
17 indicated now in the revised item, they did find that it
18 was under control. And actually one of the staff, Dino,
19 is here if you want like to ask him any questions.

20 COMMITTEE MEMBER PEACE: The question I had is,
21 this is a big landfill. Is the gas flared or captured?

22 Is the gas flared or is it captured somehow?

23 CHAIRPERSON MULÉ: Could you please state your
24 name for the record, please.

25 MR. YEKTA: My name is Gina Yekta. I work for

1 Closure at the Waste Board.

2 I can tell you that on the day that we were at the
3 site, the gas probe number nine was in compliance.

4 COMMITTEE MEMBER DANZINGER: I think the question,
5 we were curiously -- the gas that's being generated there,
6 is it being flared or is it being captured?

7 MR. YEKTA: It's being captured.

8 CHAIRPERSON MULÉ: No, not all of it. So I think
9 we might have the operator come on up.

10 Do you want to come up and share with us what
11 you're doing?

12 MR. DE FRATES: My name is Damon De Frates. I am
13 the district manager for the El Sobrante Landfill.

14 In response to your question, we have three
15 generators on site. We produce 3.84 megawatts of
16 electricity from the landfill gas. What cannot be used
17 for gas or for electrical generation is flared through a
18 low-NOx flare. That was just installed a couple months
19 ago.

20 COMMITTEE MEMBER PEACE: This is a big landfill.
21 I'm so glad you are generating electricity.

22 MR. DE FRATES: Right. It's our hope, as the
23 landfill grows -- it's relatively small now. It only
24 represents around a hundred acres. But as we grow into
25 our footprint, we hope to be able to produce more power,

1 either gas or fuel, from the landfill gas.

2 CHAIRPERSON MULÉ: Any other questions?

3 COMMITTEE MEMBER PEACE: It also says in the
4 permit that the landfill receives commercial industrial
5 construction demolition waste. So do you have a CDI
6 facility at the site?

7 MR. DE FRATES: Currently, we do not have a
8 separate facility for processing construction demolition
9 waste.

10 COMMITTEE MEMBER PEACE: Does this go into --

11 MR. DE FRATES: What comes in, a lot of waste is
12 diverted in the Riverside area, not as much as we would
13 like to have diverted. But what does come in is landfill
14 right now.

15 COMMITTEE MEMBER PEACE: Have you ever thought
16 about putting in a CDI facility?

17 MR. DE FRATES: Yes, we have. We actually did one
18 when Board Member Mulé was with us. At that time, we
19 actually did a little study and hope to continue to do
20 that. And we are looking at something in the Riverside
21 area, currently.

22 COMMITTEE MEMBER PEACE: And do you have any idea
23 how many tons of C&D is brought in?

24 MR. DE FRATES: No, I do not. It's not separated
25 out. Riverside County actually controls the scale house

1 and does the reports. So off the top of my head, don't
2 know how their coding is working, whether we a good job of
3 capturing C&D versus MSW. A lot of it comes in comingled.

4 CHAIRPERSON MULÉ: But my understanding is that
5 they separate out what they can and divert it from the
6 landfill. So there's a lot of diversion going on before
7 it gets to the landfill, but it needs to be source
8 separated material. So you can have your asphalt
9 separated, your concrete separated, but if it's mixed,
10 currently it's going to the landfill.

11 COMMITTEE MEMBER PEACE: You don't separate out
12 any of that then to use for beneficial reuse?

13 MR. DE FRATES: Not at the landfill itself, no.

14 Board member Mulé is correct in that a lot of --
15 we get very little asphalt, very little concrete. That's
16 usually segregated well before we get it. What we get is
17 maybe some mixed loads of wood and other types of debris.

18 COMMITTEE MEMBER PEACE: How far away is the
19 nearest C&D facility? Do you know?

20 MR. DE FRATES: Not off the top of my head. I
21 know that there's PPG John [phonetic] out and Roman Land
22 [phonetic], but I don't recall.

23 CHAIRPERSON MULÉ: You talked about having --
24 having the infrastructure. The Inland Empire is woefully
25 inadequate when it comes to having mixed C&D processing

1 facilities. It's one of those issues that --

2 COMMITTEE MEMBER DANZINGER: And combined with a
3 lot of growth, it's really exacerbating the problem.

4 CHAIRPERSON MULÉ: Right.

5 But it's very difficult to site a C&D facility or
6 any type of facility in the Inland Empire because of the
7 growth pressures. So it's kind of like a double whammy
8 that they are dealing with.

9 COMMITTEE MEMBER PEACE: And also as part of the
10 permit, to limit the green materials, where it says it's
11 going to be 2,284 tons a day, is this total green waste,
12 or is this what you use for ADC?

13 MR. DE FRATES: That's what's used for ADC.

14 COMMITTEE MEMBER PEACE: Well, my calculation, you
15 can use 21 percent of what you take in, can be ADC?

16 MR. DE FRATES: That was -- yes, that's possible.
17 It's either ADC or can be used for erosion control on
18 interim slopes. We don't currently take any --

19 COMMITTEE MEMBER PEACE: Staff, is that normal, or
20 is that high, that 21 percent ADC?

21 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
22 That number was of great debate among staff and the
23 operator and the LEA. And the ratio was a concern and we
24 went around and around and around on that number and that
25 ratio. And it's staff's view that that reflects a

1 maximum, sort of, worst case, scenario, the most they
2 would ever be able to receive in any given day. It's the
3 weekly amount that's key.

4 But we did want -- we did work with the operator
5 and the LEA to construct the permit so they have the
6 greatest amount of flexibility.

7 It's staff's understanding that much of that
8 material goes to mulching activities associated with the
9 slope stability aspect and not to necessarily to ADC.

10 And again, we spent a lot of time looking at that
11 number and looking at the CEQA analysis relative to it and
12 are pretty confident that it's a supportable number. But,
13 yes, the ratio does look extreme when you look at the
14 maximums. But it's our understanding that that's the
15 worst case scenario. So the daily amount would be much
16 less.

17 COMMITTEE MEMBER PEACE: 21 percent of what they
18 take in is diversion?

19 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
20 Yes, if they do end up using it as ADC and mulching our
21 slopes, it would be something that would not count towards
22 disposal.

23 COMMITTEE MEMBER PEACE: And the other question I
24 had, when they did their community outreach meeting, they
25 did it at 10:00 a.m. I realize, it's not like a big, big

1 change that they are asking for, but why did you cite
2 10:00 a.m. in the morning and not in the evening, when
3 more people could go?

4 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
5 That's the LEA that sets that timing. So if the LEA is
6 present, perhaps they could speak to that.

7 CHAIRPERSON MULÉ: Is the LEA here or a
8 representative? Would you like to come up and respond to
9 Board Member Peace's question?

10 Please state your name for the record.

11 MS. BEASLEY: Hi. I'm Alice Beasley. I'm with
12 Riverside County, Environmental Health.

13 And we did set up the public hearing. I'm not
14 sure why that particular time was set. I really don't
15 know.

16 COMMITTEE MEMBER PEACE: It's kind of a hard time
17 for people to get to a public hearing at 10:00 a.m. in the
18 morning. Wouldn't it make more sense to have one at 6:00.

19 MS. BEASLEY: Well, certainly we'll keep that in
20 mind.

21 I think that when we did have this public hearing,
22 I believe it was the first one we had done, at least the
23 first one that I had done, after the law had changed and
24 required the public hearing. Since that time, I've done
25 several of them and we have done them in the evening, and

1 so we will probably continue to do that.

2 COMMITTEE MEMBER PEACE: Okay. Thank you.

3 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:

4 And Member Peace, again, we do -- we changed the regs.

5 This was a meeting that was based on statute. The regs do

6 encourage the LEA to take steps that would encourage a

7 large amount of involvement by the community, and we do

8 suggest the timing in there.

9 We don't require specific timing, but we do

10 suggest it to conduct meetings in a manner that will allow

11 for full participation.

12 CHAIRPERSON MULÉ: Good. Any other questions?

13 Do I have a motion?

14 COMMITTEE MEMBER DANZINGER: I will move

15 Resolution 2007-166, Revised.

16 COMMITTEE MEMBER PEACE: Even though I don't like

17 the fact that 21 percent of the stuff is going there could

18 be ADC and get diversion credit for it, staff says they

19 have looked at it, I will go ahead and send it.

20 CHAIRPERSON MULÉ: We have a motion by Board

21 Member Danzinger, and that was seconded by Board Member

22 Peace.

23 Donnell, let's call the roll.

24 SECRETARY DUCLO: Members Danzinger?

25 COMMITTEE MEMBER DANZINGER: Aye.

1 SECRETARY DUCLO: Peace?

2 COMMITTEE MEMBER PEACE: Aye.

3 SECRETARY DUCLO: Chair Mulé?

4 CHAIRPERSON MULÉ: Aye.

5 That passes. We'll put that on the consent

6 agenda.

7 Thank you all for being here.

8 Our next item is Committee Item F.

9 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

10 Yes, Madam Chair.

11 Item F is Consideration of a Revised Full Solid
12 Waste Facility Disposal Permit for the Fink Road Landfill
13 in Stanislaus County.

14 To make the presentation, Randy Friedlander.

15 CHAIRPERSON MULÉ: Hi, Randy.

16 MR. FRIEDLANDER: Hi. Good afternoon, Madam Chair
17 and Committee Members.

18 The Fink Road Landfill is an existing facility
19 located 20 miles southwest of the city of Modesto, 5.5
20 miles west of Crows Landing and approximately 8 miles west
21 of the city of Patterson.

22 Surrounding land use includes Interstate 5 to the
23 east, agricultural and orchard land and a Covanta
24 waste-to-energy facility to the south; open space to the
25 west and north. It is owned and operated by the County of

1 Stanislaus, Department of Environmental Resources.

2 The landfill is currently permitted for 2400 tons
3 per day, identifying 1500 tons per day of non-hazardous,
4 non-designated waste, and 900 tons per designated waste,
5 ash, generated by the adjacent Covanta waste-to-energy
6 facility.

7 The landfill currently accepts an average of 409
8 tons per day for disposal and has reached -- received a
9 maximum of 1500 tons per day.

10 The landfill has waste diversion programs for
11 tires, CRTs, and appliances such as white goods. The Fink
12 Road Landfill receives self-haul and permit
13 franchise-collected waste from the greater Modesto area
14 and western Stanislaus County.

15 The proposed changes associated with this permit
16 revision include the use of authorized alternative daily
17 covers as specified in Board regulations. They would like
18 to retain existing 2400 tons per day total permitted daily
19 tonnage, but eliminate the limitations based on types of
20 waste received to address the scheduled or unscheduled
21 outages at the adjacent Covanta, Stanislaus,
22 waste-to-energy facility. Thus, the facility may receive
23 any combination of MSW and ash not exceeding the 2400 tons
24 per day.

25 Also, acceptance of treated wood waste, pursuant

1 to Assembly Bill 1353, and a change in the landfill
2 closure date from 2011 to 2023.

3 The EA, the enforcement agency, has found the
4 proposed permit to be consistent with the California
5 Environmental Quality Act and completed May 26th -- I'm
6 sorry, May 2006, negative declaration for the proposed
7 operational changes, State Clearinghouse No. 2006052033.

8 For community outreach, the EA conducted a public
9 hearing at 5:30 p.m. on April 11, 2007, at the Patterson
10 City Library to satisfy the requirements of AB1497.

11 The Notice of Public Hearing was published in the
12 Modesto Bee. Additionally, the notice was mailed to 90
13 local residents. Eight people attended the meeting of
14 which three were citizens, the rest were from local
15 government. Questions included the handling and disposal
16 of treated wood waste and estimated closure date.

17 The EA explained the regulatory conditions to the
18 operator -- the regulatory conditions, and the operator
19 explained operational methods of handling treated wood
20 waste plus the use of ADC and diversion activities.

21 The EA received no written comments.

22 In summary, Board staff has concluded that all of
23 the requirements have been fulfilled and Board staff
24 recommends that the Board adopt Resolution No. 2007-167,
25 concurring with the issuance of Solid Waste Facilities

1 Permit No. 50AA0001.

2 And that is the end of my presentation.

3 The landfill operator is here if you have any
4 additional questions.

5 CHAIRPERSON MULÉ: Thank you, Randy.

6 Any questions for Randy? The operator?

7 And since our EA is us, Sue Markie is here as well
8 to answer any questions we may have.

9 Board Member Peace, any questions?

10 COMMITTEE MEMBER PEACE: No.

11 COMMITTEE MEMBER DANZINGER: I'm certainly not
12 going to challenge the competency of the EA on this item.
13 I'm very happy with it.

14 I will be happy to move it. I will move
15 Resolution 2007-167.

16 COMMITTEE MEMBER PEACE: Second.

17 CHAIRPERSON MULÉ: That was moved by Member
18 Danzinger, seconded by Board Member Peace.

19 We'll substitute the previous roll. Put that one
20 on consent.

21 Thank you all for being here.

22 Our next committee item is Committee Item G.

23 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
24 Yes, Madam Chair.

25 Item G is Consideration of a Revised Full Solid

1 Waste Facility Permit for the Chicago Grade Landfill in
2 San Luis Obispo County.

3 And Jeff Hackett is here to present the item.

4 MR. HACKETT: Good afternoon.

5 This is another jurisdiction where the Board is
6 serving as the enforcement agency.

7 The Chicago Grade Landfill is an existing Class 3
8 landfill located in the Atascadero and Templeton area in
9 northern San Luis Obispo County. Surrounding land uses
10 include agricultural and rural residential.

11 The proposed changes associated with the permit
12 revision include expanded permitted facility boundaries
13 from 45.4 acres to 188 acres; expand the disposal area
14 from 38.44 acres to 76.4 acres; increase the site capacity
15 from 2,700,000 cubic yards to 8,900,000 cubic yards;
16 change the landfill's estimated closure date from 2018 to
17 2042; reduce the final elevation from 1,400 feet mean sea
18 level to 1,360 feet mean sea level for modules 1 through
19 4; and 1,303 feet mean sea level for modules 6 and 7.

20 And we're also going to incorporate existing
21 construction, demo, and inert debris processing facility.
22 That's currently under a registration permit into the
23 landfill permit.

24 On June 21st, 2007, Board staff conducted a public
25 informational meeting at 6:00 p.m. at the Atascadero

1 Public Library, pursuant to the Department's AB 1497. The
2 Notice of Public Information Meeting was published in the
3 Tribune and mailed to approximately 50 residents. Six
4 people attended the meeting.

5 Questions discussed during the meeting included
6 litter along roads leading to the landfill, groundwater
7 concerns, and the estimated closure date.

8 Board staff explained the regulatory conditions
9 and regulatory authority. And the operator explained
10 operational aspects in response to their questions.

11 No written comments were received prior to or
12 during the hearing.

13 However, as indicated in the agenda item, Board
14 staff did receive a phonecall on June 25th from a local
15 resident who was not able to attend the hearing,
16 indicating that she opposed the expansion and planned to
17 submit written comments. An e-mail notice was sent on
18 July 20th to the caller and each of the meeting attendees
19 about this hearing and the availability of the agenda item
20 on the Board's Web page. However, no comments have been
21 received to date.

22 Staff has reviewed the supporting documentation,
23 prepared a proposed permit, and determined that the permit
24 and supporting documentation are acceptable for the
25 Board's consideration of concurrence. In conclusion,

1 staff recommends the Board adopt Resolution No. 2007-168,
2 concurring with the issuance of a Solid Waste Facilities
3 Permit, 40AA0008.

4 Mike Hoover of Chicago Grade Landfill is also here
5 to answer any questions you may have.

6 CHAIRPERSON MULÉ: Thank you very much.

7 Do we have any questions of staff or of the
8 operator who's here with us today?

9 Thank you for making the trip.

10 Any questions?

11 Do we have a motion?

12 COMMITTEE MEMBER PEACE: I would like to move
13 Resolution No. 2007-168.

14 COMMITTEE MEMBER DANZINGER: Second.

15 CHAIRPERSON MULÉ: That was moved by Board Member
16 Peace seconded by Board Member Danzinger.

17 We'll substitute the previous roll, and we will
18 put that one on consent as well.

19 Committee Item H. We have a waste tire permit
20 before us.

21 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
22 Yes, we do, Madam Chair. And the environmental document
23 for you to certify as well.

24 CHAIRPERSON MULÉ: Okay.

25 //

1 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

2 This item is Consideration of the Adoption of a Negative
3 Declaration, State Clearinghouse No. 2007051119, and the
4 Issuance of a Minor Waste Tire facility for BJ Used Tire
5 and Rubber Recycling, Incorporated, of San Bernardino
6 County.

7 And here to present the item is Terry Smith.

8 CHAIRPERSON MULÉ: Good afternoon, Terry.

9 MR. SMITH: Good morning. I was ready for this to
10 start off in the morning. And I'm kind of stuck on that
11 right now.

12 Good afternoon. I'm going to see if I can make
13 this mouse work. Okay. There we go.

14 (Thereupon an overhead presentation was
15 presented as follows.)

16 MR. SMITH: The BJ Tire Facility is located at
17 14212 Santa Ana Avenue in Fontana, which was first
18 discovered by our enforcement staff in November 1st, 2005.
19 The operator was issued a violation for operating a
20 facility without a minor waste tire facility permit and
21 for hauling tires and not being a registered hauler.

22 They submitted an application to us on December
23 the 19th, 2005. And the application that they submitted
24 was missing a conditional use permit -- it actually was
25 missing the conditional use permit, and it didn't have a

1 negative declaration.

2 I can't get this thing to work. So I might give
3 up on it. I might not.

4 Okay. Staff has contacted San Bernardino County
5 to find out what was going on as far as the conditional
6 use permit goes, in several times in 2006. And we asked
7 them if -- what the status of the project was, and when
8 they thought they would be completed with the conditional
9 use permit.

10 And the County told us that the conditional use
11 permit was on track, that they prepared a negative
12 declaration for the operation that evaluated the effects
13 of the tire storage facility.

14 So we continued working with the County, but the
15 only thing that happened that was -- that didn't work out
16 very good, was they told us that they prepared a negative
17 declaration. They told us that they had done all the
18 legwork for it. And when they issued the conditional use
19 permit, finally, in 2007, January 2007, we found out that
20 they had lost the negative declaration.

21 So we had to prepare our own CEQA document --

22 --o0o--

23 MR. SMITH: -- and as lead agency, we worked with
24 them, trying to find it for three or four months and then
25 gave up.

1 verification that there is a genuine need for those types
2 of residences. And the needs include to maintain or
3 operate and/or secure the nonresidential land use.

4 The amended negative dec was circulated and the
5 comment period was extended through July 20th. So really
6 they had -- people had 60 days to review the document that
7 we put out there. During the CEQA review process, we
8 received three comments, three written comments, and we
9 responded to each comment. None of the comments received
10 identified any -- identified any potential effects related
11 to the project approval.

12 And now I will go to that next one.

13 --o0o--

14 MR. SMITH: Now, this one is a -- I thought this
15 would help you put in perspective what kind of zone the
16 place was in. It's surrounded by industrial land uses.

17 I got this off Google. And the pin, up at the top
18 of the screen, right up here, is where the tire process
19 takes place. And I put a ruler on it. And it's about
20 450 feet to the first residence across the street. And
21 there's another one sitting right here.

22 And could you go one forward, please.

23 --o0o--

24 MR. SMITH: This gives you a perspective of the
25 site. It's 2.5 acres. And all of the land uses in this

1 area are pretty much the same.

2 Let's go to the next one.

3 --o0o--

4 MR. SMITH: In summary, the negative dec prepared
5 evaluates the environmental impacts associated with the
6 storage issues and concludes that potential -- potentially
7 significant impacts will be reduced to a less than
8 significant level if we approve this project as proposed.

9 --o0o--

10 MR. SMITH: The BJ tire operation consists mainly
11 of collecting tires and picking them up from various
12 places in Southern California and transporting them to
13 their facility.

14 Once the tires are there, they unload the trucks
15 and they store and grade the tires. And the good use
16 tires and the casings are set aside and set up for resale.
17 Any waste tires that are found are taken away and
18 supposedly taken to the recycling center.

19 Right now, I think they take the tires to Bass
20 Recycling and they chop up and crumb the tires and make
21 them into tire-derived products. If they can't take
22 out -- Bass doesn't takes all the tires -- sometimes they
23 only take a certain amount of them. So they will take
24 them to the landfill too.

25 --o0o--

1 little bit. Actually we fined them for a while. You
2 know, we found them in 2005. And I found it in the
3 documentation when they were working with the planning
4 department that they were there a little bit longer than
5 that.

6 But as soon as we found them and wrote them a
7 violation in November, in December, actually, sooner than
8 that, in November, they sent me a draft application, and
9 in December they got us a complete application.

10 The only thing they didn't have in it was the
11 conditional use permit, which they had turned everything
12 in, that they could, to the County and CEQA. And the
13 whole time, we talked to the County, and we were told that
14 their process didn't allow them to show us a negative dec
15 before they issued the certificate of conditional use
16 permit which I reminded them that we are a responsible
17 agency. And under CEQA, by law, they were supposed to
18 provide us a copy of the environmental document that they
19 did.

20 But anyway, you're right. It was a while.

21 When we went back to the site the second time, if
22 you will notice, they started getting better and better.
23 They turned in an application, although it wasn't
24 complete. They started lowering the amount of tires each
25 time. They got permitted -- I mean, they got a hauler

1 registration and they started manifesting the tires. And
2 within one year, they got their conditional use permit.
3 So that's a long time, but -- are you looking at -- is
4 that the question you have? Did I answer that?

5 COMMITTEE MEMBER PEACE: I was just saying, it
6 takes almost two years to get a permit but it doesn't
7 really sound like they were not trying to get it. That's
8 just how long it takes.

9 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
10 If I may, Mark de Bie.

11 I think it probably takes some shorter time period
12 to get one of these permits. But basically, they went
13 through two CEQA processes because the one they did for
14 the local didn't include us as responsible agency. And so
15 we ended up, through Terry's efforts, recirculating a
16 document. And there's time frames associated with that,
17 and so that slowed things down a little bit.

18 But certainly, our tire permitting process, you
19 know, does not take a full two years. But there were some
20 issues locally that we had to correct for, and that
21 extended the time frames.

22 And we did send a letter to the planning entity,
23 indicating our concerns about those past actions and
24 asking them to look at their processes and see if they
25 could adjust for them, because in this case it didn't work

1 for us as a responsible agency.

2 COMMITTEE MEMBER PEACE: You got them all in
3 compliance and everything?

4 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
5 Yes.

6 MR. SMITH: Actually, we're working on that
7 letter.

8 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
9 Sorry.

10 MR. SMITH: And also the State Clearinghouse has
11 told us that if we CC them, they will send them a letter
12 too.

13 PERMITTING & LEA SUPPORT DIVISION CHIEF DE BIE:
14 I just saw a draft. I didn't see the final letter.

15 CHAIRPERSON MULÉ: Good work. Thank you for being
16 so persistent on this one.

17 Do I have a motion first for a Resolution
18 2007-169?

19 COMMITTEE MEMBER PEACE: I would like to move
20 Resolution No. 2007-169.

21 COMMITTEE MEMBER DANZINGER: Second.

22 CHAIRPERSON MULÉ: Okay. That was moved by Member
23 Peace, seconded by Member Danzinger.

24 We'll substitute the previous roll. And that will
25 go on consent.

1 And to the next one?

2 COMMITTEE MEMBER PEACE: I can move Resolution No.
3 2007-170.

4 COMMITTEE MEMBER DANZINGER: Second.

5 CHAIRPERSON MULÉ: Again, moved by Member Peace,
6 seconded by Member Danzinger.

7 We'll substitute the previous roll and put that on
8 consent as well.

9 Our last item of the day is Item J.

10 Item I was deleted. So Item J it is.

11 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
12 Item J, Madam Chair, is Consideration of Adoption of the
13 Proposed Regulations Modifying Existing Temporary Waiver
14 of Terms in the Regulations.

15 And this regulatory process has gone through
16 several stages and 15-day reviews. And we're really down
17 to only one issue remaining. And Bob Holmes is here to
18 briefly describe that for you.

19 MR. HOLMES: I don't think it will be lengthy.

20 Good evening, Madam Chair and Committee Members.

21 This is an item to request your consideration of
22 adoption of these -- this focused revision to the
23 temporary waiver of regulations that allow an enforcement
24 agency to waive permit conditions during a temporary
25 emergency.

1 This rulemaking got off the ground in June of
2 '06 with the P&E Committee direction to start the formal
3 rulemaking process. A 45-day public comment period ran
4 from January 26th through March 12th of '07. We received
5 four comment letters during the 45-day comment period.
6 Board staff held a public hearing on April 9th, 2007. And
7 on June 2007, the P&C Committee directed staff to make
8 changes and conduct an additional 15-day comment period,
9 which we did. That comment period ran from
10 June 14th through June 29th, 2007.

11 And we received one comment letter during the
12 15-day comment period and one comment letter subsequent to
13 the end of the comment period, which was essentially the
14 same two comments. And so our responses will be the same
15 to both those comments.

16 So you're down to, well -- we're down to two
17 issues, one having to do with the definition that's
18 contained in Section 17211.1B relating to labor
19 controversies, and the proposed changes to that section of
20 law. That's the definition of temporary emergency.

21 We had inserted some language on lines 15 through
22 17 of the proposed text -- that's on the front page --
23 explaining that labor controversies cannot be a temporary
24 emergency for those facilities that are directly involved
25 in the labor controversy.

1 But the point of clarification is that facilities
2 that are not connected -- connected to the labor
3 controversy still can't use these regulations as a
4 temporary emergency and waiver of standards. So the
5 commenter was asking for clarification of that, either in
6 the regulations or in the FSOR which we do.

7 In addition, they also ask for clarity that the --
8 once the labor controversy ends, the strike is over, it's
9 declared over, and there's still a public health risk
10 posed, lasting from the labor controversy, the waste is
11 still in the streets and there's a public health concern,
12 then again they are eligible to use these regulations in
13 that circumstance. And they also asked for clarification
14 for that in the FSOR, which we will do.

15 So that leaves us to the last, kind of,
16 outstanding issue from these two letters having to do with
17 section 17211.9, which is titled Board Review of
18 Stipulated Agreements. This is the section where the
19 executive officer is granted power to suspend or modify
20 the use of a stipulated agreement or temporary waiver for
21 cause.

22 Existing regulations set up a unfair standard
23 whereby the director has to find actual causation of harm
24 in order to take action. We are adjusting that trigger so
25 that if the executive director finds that the use of a

1 temporary waiver may adversely affect public health and
2 safety in the environment, or the LEA did not follow the
3 proper processing procedures in making all the findings
4 necessary for a temporary waiver, then he may also be able
5 to take action.

6 So with that regard, staff are not proposing any
7 additional changes to the regulations. We are proposing
8 that the language as it appears in the attached --
9 attached to the agenda item is the final regulations that
10 we would ask the committee to recommend that the full
11 board adopt and continue with the rulemaking process.

12 So with that --

13 CHAIRPERSON MULÉ: You are going to include
14 "and/or."

15 MR. HOLMES: Correct. The -- to clearly explain
16 the commenter's question, they would like, on line 38 of
17 the proposed text, we have an existing "and" slash "or"
18 statement, whereby the director can take action if the
19 temporary -- usually the temporary waiver is not
20 consistent with the procedural requirements or that he
21 finds that it may adversely affect public health and
22 safety in the environment.

23 We are removing the "and" so he can take action
24 either or. The commentor would like to put the "and" back
25 in so that they have -- he would have to have both of

1 those actions in order to take action.

2 So we are not agreeing with that.

3 COMMITTEE MEMBER DANZINGER: Separate
4 recommendation for just "or."

5 MR. HOLMES: Correct. We would strike the "and"
6 and the slash, so it would be a clearly "or" statement.

7 COMMITTEE MEMBER PEACE: If it was "and," it would
8 almost be going back to the way we were.

9 MR. HOLMES: Correct.

10 CHAIRPERSON MULÉ: Okay. Do we have any questions
11 for staff?

12 COMMITTEE MEMBER PEACE: I would just like to say
13 thank you, thank you, thank you, staff. And I think I was
14 the one that actually kind of started this whole process
15 to amend the regulations because of its misuse at one time
16 by an LEA. So thank you very much.

17 And I would be very happy to move resolution
18 No. 2007-171.

19 COMMITTEE MEMBER DANZINGER: I would second that
20 with a comment that this is once again another giant
21 process that we engage for these kinds of things. The
22 open collaborative process over time, takes a little
23 longer maybe. But we make sure that we get a good product
24 in the end. And sometimes the best people can hope for is
25 something we can live with. Right? I hear that quite

1 often. I think sometimes we do a little bit better than
2 that.

3 So I second.

4 CHAIRPERSON MULÉ: Agreed. That was moved by
5 Board Member Peace. That was seconded by Member
6 Danzinger.

7 We will substitute the previous roll for that, and
8 put that on consent as well.

9 And Bob, I want to thank you for all of your work
10 on this. I know how hard you worked on this. I know
11 there was a lot of back and forth and negotiation, but as
12 Board Member Danzinger said, I think we all came up with a
13 much better product in the end.

14 So thank you.

15 Any other comments from the public? Seeing none,
16 this meeting is adjourned.

17 (Thereupon the California Integrated Waste
18 Management Board Permitting and Compliance
19 Committee meeting adjourned at 5:17 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. SWANK, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management
6 Board, Permitting & Compliance meeting, was reported in
7 shorthand by me, Kathryn S. Swank, a Certified Shorthand
8 Reporter of the State of California, and thereafter
9 transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 19th day of August, 2007.

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KATHRYN S. SWANK, CSR

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Certified Shorthand Reporter

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License No. 13061

Please note: These transcripts are not individually reviewed and approved for accuracy.