

# **Enforcement Advisory Council**

## **Solid Waste Management through Partnership**

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Meeting Minutes  
August 14, 2019  
Cal-EPA Building, Sacramento

### **Introductions:**

John Wells – Chair, Northern Roundtable  
Maria Mendoza, Bay Area Roundtable  
David Thompson, Southern City LEAs  
Michael Condon, Southern Roundtable  
Ryan Beahm, South Central Roundtable  
Paul Holloway, North Central Roundtable  
Sean Debley, South Western Roundtable  
Bryan Sousa, Northern City LEAs

Paulina Lawrence, CalRecycle  
Ken Decio, CalRecycle  
Jeff Hackett, CalRecycle  
Leta Forland, CalRecycle  
Kim Sellards, CalRecycle  
Martin Perez, CalRecycle  
Mary Kay Shafer, CalRecycle  
Cathy Blair, CalRecycle

### **Agenda Review (late additions)**

Dead Animal Rendering Facilities  
Transfer Stations: Permitting Requirements for “Junk King”

### **Approval of Previous EAC Minutes**

A motion to adopt the February 27, 2019 and April 24, 2019 minutes was introduced. The motion was accepted.

## **EAC Resolutions, Status and Updates**

### **A. Ralph Hunter Memorial Award**

Three nominations received for the 2018 award:

- Kathy Cross, Orange County
- Lisa Sloan, Santa Barbara County
- Troy Hommerding, Kings County

EAC Chair advised the group two of the nomination packages did not have much information on the nominee, and one had a lot.

Leta provided a review of the nomination procedures posted on the web page.

EAC Chair discussed nomination packages and passed around the rating sheet, the group highlight contributions and accomplishments for each nomination. A hand vote was taken; it was a unanimous vote to select Kathy Cross, Orange County as the 2018 recipient of the Ralph Hunter Memorial Award.

Sean Debley moved to motion for a Resolution nominating Kathy Cross as the 2018 RHMA recipient, and Paul Holloway seconded the motion.

Leta shared the next steps. EAC Chair is to call the recipient to congratulate Kathy and find out where she would like to receive her award, county council meeting or TTS or both. If she wants it at the county council meeting, either the Chair or one of the Co-Vice Chairs will need to make arrangements to present the award. EAC Chair will need to contact the other nominees and congratulate them for being nominated.

EAC Chair advised the council to place this item on the Fall RT agendas, and obtain donations to cover the cost of the plaque. John will obtain the plaque, he advised the group there are a few dollars left over from last year's plaque. If everyone donates a dollar, we will have enough to cover cost. Leta shared that Kathy Cross did the numbers a few years ago, if each LEA donates one quarter, we will have enough funds.

Resolution 2019–03: The resolution to accept Kathy Cross's nomination and award Kathy Cross as the 2018 Ralph Hunter Memorial Award recipient passed.

### **B. Caltrans Maintenance Yards**

The topic regarding Caltrans Maintenance yards was discussed: permitting requirements and potential exclusion for these yards.

Jeff Hackett: reminded EAC members to review 14 CCR 17403.1- Transfer/Processing Operations and Facilities Exclusions

Jeff Hackett: If an operation receives 15 cubic yards or less of materials, they may qualify as an excluded activity.

Jeff Hackett: In addition, there is also an exclusion for registered haulers as well.

David Thompson: The City of Los Angeles oversees these operations and requires these inspections due to their proximity to residential areas and schools.

Paul Holloway: The yards in his jurisdiction have been under an exclusion for years.

Jeff Hackett: Also stated that there is a landscaper's exclusion, that if the materials are their own and they are generated incidentally to their primary business, they may also be excluded.

### C. Five-year permit reviews

Paul Holloway: Would it be possible for LEAs to begin submitting a certification of no change for 5-year permit reviews, rather than being required to submit a 5-year permit review report?

John Wells: It is at the LEA's discretion to either reset the clock on the permit review date on a permit or to count from the permit review date on the previous permit?

Jeff Hackett: According to regulation, if there is a permit action at a solid waste facility, a LEA must have conducted a 5-year permit review and generated a 5-year permit review report within the last 5 years to move forward with the permit action.

Paul Holloway: Paul requested if a certification process could be implemented similarly to the registration-tier that at other solid waste facilities with full permits.

Jeff Hackett: This type of change would require modifying existing regulatory language. This would be possible, but it would be potentially lengthy process.

Sean Debley: Sean asked what would happen if the permit action takes longer and goes beyond the timeframe for the last 5-year permit review? Would LEAs proceed to generate another 5-year permit review sooner?

Jeff Hackett: Ultimately, a 5-year permit review report needs to be in existence within the last 5 years.

Sean Debley: This issue came up when a closure plan was approved by CalRecycle for a closed landfill without noticing the LEA. This scenario came up during the LEA evaluation.

Paulina Lawrence: Thanked Sean for bringing this up and stated she would look into it.

David Thompson: Asked when closed landfills go away?

Jeff Hackett: They do not, ultimately

#### D. Senate Bill 1383 – LEA Requirements

David Thompson: Requested coordination with other LEAs for SB 1383 implementation and requested CalRecycle to provide the LEA's responsibilities for enforcement. Ultimately, a consistent approach to enforcement is sought.

Paulina Lawrence: CalRecycle is currently working on developing a training for LEAs in the permitting branch. At the moment, this cannot be finalized until the final regulatory language is complete. There will be training in development for LEAs.

David Thompson: Asked Paulina what the status on the revised regulatory language.

Paulina Lawrence: CalRecycle is currently reviewing the responses and another 15-day comment period is expected from September-October.

Ryan Beahm: What type of permitting structure will be implemented?

Paulina Lawrence: This is still being explored by CalRecycle.

Sean Debley: In general, land application has started from no oversight to too much oversight. At the moment, three different agencies are overseeing the activity: CDFA, CalRecycle and local Water boards.

Sean Debley: Suggested using the number of complaints as a driver in the SB 1383 language. The current language needs to be modified to fit more jurisdictions.

Paulina Lawrence and Martin Perez: The definition of “Statistically Significant” is being evaluated.

David Thompson: Asked if CalRecycle as an Enforcement Agency has received or approved any field indicator methods for physical contaminants.

Jeff Hackett: CalRecycle will share a method of in-field evaluation that they approve with LEAs when they are finalized.

#### E. Dead Animals

David Thompson shared there is currently a rendering facility in his jurisdiction that is having permitting problems with AQMD. At the moment it receives 50 tons of dead animals daily. There is a concern that if the facility cannot be re-permitted to accept the waste, there may be public health concerns.

Paulina Lawrence: CalRecycle is developing a list of large dead animal disposal sites, which is being provided to California Department of Food and Agriculture (CDFA).

Jeff Hackett: Stated that he would send David CDFA information regarding dead animal disposal and oversight.

### **CalRecycle Discussion Items**

#### A. Update on Exclusion at Publicly Owned Treatment Works (POTW)

Discussion on additional types of organic materials as anaerobically digestible material (ADM) at Publicly Owned Treatment Works (POTW) treatment plants.

Exclusion for specifications beyond ADM as regulated per 14CCR Section 17896.6 (a)(1)(C) in conjunction with the State Water Resources Control Board and the California Department of Food and Agriculture.

Note: the written request must contain as per the regulations the nine information items. Any POTW considering an exclusion request should work with CalRecycle in draft.

CalRecycle is currently reviewing and working on a request for exclusion. These exclusions will be evaluated on a case-by-case basis.

## B. Fire Debris Update

The Camp Fire cleanup is 75% completed and is still ongoing. CalRecycle continues to actively recruitment for staff volunteers to assist with fire debris cleanups.

## C. CalEPA Environmental Justice Enforcement Task Force

The CalEPA Environmental Justice (EJ) Enforcement Task Force is considering moving from Jurisdictional areas as determined by factors such as EnviroScreen to Sectors i.e., warehouses etc. CalEPA EJ Taskforce is conducting a survey of past EJ Taskforce Initiatives Participants, which includes LEAs, to garner their thoughts.

## D. Assembly Bill 901 Recycling and Disposal Reporting System

All reporting entities were to be registered in RDRS registration by April 30, 2019. Not all entities have registered yet. The first quarter reporting period is July-September 2019. A reminder for the roundtables, as LEAs conduct their inspections on a RDRS reporting facilities, to check for these records as per the record keeping requirements.

## E. Accessibility Requirements for CalRecycle Documents

All California state agencies must comply with federal and state laws forbidding discrimination against persons with disabilities, including accessibility of their website and all its documents. CalRecycle has published an accessibility compliance certificate to the CalRecycle website stating that as of July 1, 2019 CalRecycle is compliant with AB 434 and Section 508 accessibility requirements. A new “splash” has been added to documents on SWIS Core that are not compliant. You can still download this document; however, there is now a button located at the bottom of this “splash” page, which can provide assistance for those needed the document in an accessible format. Accessibility requirements also includes all documents created and stored for public use by CalRecycle. You will notice that we have a new letterhead, and in the next few months, CalRecycle will be revising forms and documents for use by LEAs to comply with these requirements

Paulina Lawrence: Surveyed the EAC members and asked if LEAs are providing documents that are compliant with ADA requirements?

Michael Condon: San Diego County DEH is in the process of updating webpages for ADA compliance

#### F. Shot Hole Boring Beetle

Ventura, LA, and Orange Counties are part of a study to evaluate green waste for the invasive pest. CDFA representatives may present the current findings at the next LEA roundtables.

A representative from the UC system may present at the upcoming technical training series.

#### G. Regulation Update

Senate Bill 1383, a CalRecycle team is working internally on a new draft. A revised version of the language will be provided September-October 2019. A draft EIR is currently available for comment.

Assembly Bill 212 – Sharps Regulation; Review for comment in the next few months.

#### H. Training Update— Ken Decio

Twenty-two LEAs have not attended the CalRecycle Technical Training Series, mostly because they are new. LEAs are encouraged to have their new staff attend.

Load Checking Training is pushed back to Fall 2019.

The Technical Training Series is scheduled for April 5-9, 2019 in Long Beach.

Odor Training is continuing through the State in LEA jurisdictions.

Please ask the roundtables what kind of trainings are needed to bridge gaps between other agencies, for example: DPW and LEAs working on RDRS compliance.

#### I. Legislation Update

- AB 215 – Dumping – Expanded Fining Ability

- AB 257 – Woody Biomass Pilot Program
- AB 1216 – Illegal Dumping
- AB 1509 – Lithium Ion Batteries
- SB 667 - Green House Gas Infrastructure
- AB 821 – Organic Waste Recycling Requirement

J. CalRecycle Staff update

Paulina Lawrence introduced Mary Kay Shafer, Cathy Blair, Martin Perez, all recent promotions and shared that Kim Sellards is new Branch Chief for Enforcement. Georgianne Turner is retiring but will assisting with the transition.

**Public Comment Period**

No comments.

**Schedule Next EAC Meeting and Close Meeting**

The next EAC meeting is scheduled for November 6, 2019.