

Enforcement Advisory Council

Solid Waste Management through Partnership

Meeting Minutes
April 2, 2020
Teleconference

Meeting called to order at 9:00 a.m.

I. Introductions:

Mike Condon – Chair	Southern Roundtable
William Scheffler – Co-Vice Chair	Northern Roundtable
David Thompson	Southern City LEAs
Leslye Choate	Bay Area Roundtable
Deep Sidhu	South Central Roundtable
Karen Sanford	South Central Roundtable
Bryan Sousa	Northern City LEAs
Sean Debley	South Western Roundtable
Kim Haas	Northern Roundtable
Mark de Bie	CalRecycle
Paulina Lawrence	CalRecycle
Leta Forland	CalRecycle
Martin Perez	CalRecycle
Ken Decio	CalRecycle
Cathy Blair	CalRecycle
Jeff Hackett	CalRecycle
Nevin Yeates	CalRecycle
Kim Sellards	CalRecycle
Mary Kay Shaffer	CalRecycle

II. Agenda Review (late additions)

There will be a vacant Co-Vice Chair, as Ryan Beahm is leaving the Kern LEA and moving to the CUPA program. Deep Sidhu of Fresno County, has not been formally confirmed as Chair of the South Central Roundtable, but wanted to participate in on the call.

III. Approval of Previous EAC Meeting Minutes

Ryan Beahm, Co-Chair, had draft minutes from previous meeting. Ryan not available for this call, so Karen Sanford of Kern County LEA assisting with minutes.

IV. EAC Resolutions, Status and Updates:

A. COVID-19 LEA Impacts – The EAC requested guidance for consistency across state; MRFs have been shutting down; CalRecycle shared that facilities would need to get a waiver in place, and that they were close to getting the Questions & Answers Guidance (Q&A) out to the LEAs. The Q&A and Mitigation measures require approval by the governor’s office. Whether inspectors have been going out or not has varied between the jurisdictions. CalRecycle wants the LEAs to complete their inspections and reports. CalRecycle stated that they have set up inspections according to priorities:

1. Emergency Response – immediate threat to public health and/or environment (ie. Subterranean fire);
2. Routine inspections – frequency mandated by PRC
3. Inspections to ensure programs are being implemented

Priority 1 sites require an in-person inspection; other inspections may be done “virtually”, as a drive through or “desk audit”.

CalRecycle will take into account the COVID-19 Pandemic, but also wants a best effort.

The EAC asked about COVID-19 protocols, the City of Los Angeles mayor has said no inspections without the facility being inspected with adequate PPE protocols in place. CalRecycle then said “desk audits” could be performed, which CalRecycle, as the EA has performed remote inspections. The Chair asked if the operators were still required to provide records, and CalRecycle said “yes”, the records were a way they could check-in with the operators to verify they were complying with state minimum standards. The Chair asked if the guidance document was going to the EAC prior to release to the LEAs. CalRecycle started to say the draft could be provided to the EAC for review, but EAC membership expressed the desire to just get the document to the LEAs quickly, as we have all been waiting on it.

EAC Member stated City of San Jose LEA has had an odor complaint, and questioned depth of response due to social distancing. The City of San Jose LEA is working remotely as best they can, using wind speed and other data. There have been problems getting into SWIS DIP.

EAC Member asked if the inspection time frames have been waived due to local/state emergency. CalRecycle said “no”, but some things like pre-permit inspections have been reconsidered. CalRecycle are also working on how to satisfy social distancing and the public information meetings required for new and revised solid waste facility permits. CalRecycle is working on a proposal review.

Chair asked if there are any enhanced PPE requirements for Priority 1 (Emergency Response) inspections? CalRecycle referenced a “Mitigation Matrix” and said that they haven’t done any in-person inspections since COVID-19, they have been doing virtual/desk type inspections.

EAC Chair asked about any enforcement of the illegal activities? CalRecycle suggested conducting enforcement from off site to maintain social distancing.

EAC Chair also asked if PPE could be provided by CalRecycle, specifically respirators (N95 masks); CalRecycle said “yes” but would have to check; CalRecycle

asked for the LEAs to let them know by sending a request. Sonoma County had shared their N95s with the local hospital. CalRecycle thought they may have some but would check.

EAC Chair asked about emergency waivers to the EAC. Co-vice Chair stated Sacramento County has issued two emergency waiver requests; Karen of Kern said they have issued one and will be issuing two more.

Bryan of San Jose – without prior LEA knowledge, FEMA, State, and local agencies commandeered a closed landfill for placing homeless trailers. Is a waiver needed?

David of City of LA – waiver for loadchecking at 40 different transfer stations? Would like a blanket waiver rather than issuing 40 waivers.

Recyclables going to the landfill: CalRecycle said the recyclables are still to be documented even if for disposal but would be considered “emergency debris”.

EAC member asked about guidance on other “solid wastes” from COVID-19 hospitals, if to use the Federal or OSHA definitions. Are they biohazardous wastes? Sean of Ventura County referenced Sections 117690 and 117665 of the California Health & Safety Code (Medical Waste Management Act), and that Ventura County would require any wastes suspected of being COVID-19 be treated as a biohazardous waste (as suspected to be a communicable disease).

Dave of LA (and Sunshine Canyon) referenced a “Nine Steps for Trash at Home” developed between CSU Northridge and Sunshine Canyon LEA, the link being www.scllea.org

Dave of LA – question about the LEA Grants, which normally have to have purchases against submitted by June 30. Could there be an extension to the purchasing deadline? Mary Kay of CalRecycle to explore and provide guidance.

B. Assembly Bill 2993 Hazardous Waste Exclusion: Green Waste

Any comments/concerns? Cannabis waste was referenced. Sean of Ventura said their DA had gone after illegal disposal, they have not specifically been involved.

Martin of CalRecycle – Beatrice has been tracking this bill.

C. AB 2680 Land Application (Martin is tracking this bill)

Land application is being proposed as an EA Notification Tier activity.

Subject of parcel size: not mentioned in bill. CalRecycle said they use a greater than 5 acres rule. Also, the bill references tonnage which could be a problem since many operators use a volumetric method for materials.

EAC: Why the Notification Tier? What of using existing Land Application regulations?

Chair: LEAs should keep an eye on this bill.

D. Senate Bill 1383 Winter LEA RoundTable Feedback

Consolidation Site or Transfer Operation – request clarification in language/definition; Consolidation Site = no processing,

Transfer station = processing or no processing; but could be a “consolidation” site if no processing.

Loadcheck Reporting Language – what would it look like? Chair asked about the LEA language in the inspection report (example language).

Martin – Inspection report to change, to be updated for state minimum standards.

RFI Amendment or Permit changes? EAC member asked if there was a cheat sheet for the testing protocols; CalRecycle said the operator needed to provide the testing, the LEA needed to understand their methodology.

E. Ralph Hunter Memorial Award

Former Chair has the award at this time. Should he hold on to it? Send it to CalRecycle? Since Technical Training Series has been postponed due to COVID-19, recipient would still like to receive it at the TTS.

F. Landfill Gas Probe Replacement at Closed Sites

EAC member provided background: CalRecycle questioned the validity of the monitoring probes to the closed landfill. Probes installed in the 1990s. This is the same landfill FEMA commandeered for placing temporary trailers to be used for homeless shelters. Do the probes have to be replaced? Argument against CalRecycle by the City of San Jose is that the probes had been agreed to years ago, as well as being very expensive to replace.

CalRecycle asked if these were perimeter monitoring probes. EAC member said that most were to satisfy Title 27, but there were some passive probes.

G. EAC Member Roundtable

South Central roundtable member – asked for clarification about recyclables going to disposal: do they need to be tracked separately? Mark said they should be identified as “disaster debris”. Chair asked about emergency waivers for recyclables. Another EAC member mentioned that following China’s National Sword, an unintended positive aftermath was that their primary recycler had established containers to hold the processed bales. So they can now hold these recyclables. EAC member said the emergency waivers would be for exceeding tonnages not holding times.

CalRecycle said a draft letter was about to go out to the jurisdictions. The LEAs should be engaged in the waiver process, and brought up those facilities which have closed or reduced their hours, and expressed the need for emergency waivers for the cessation or reduction in hours. Furthermore, CalRecycle referenced the SWF Permit and Terms & Conditions of Operation. An EAC member expressed concern, as he has never done an emergency waiver for a reduction in hours, only for when they exceeded the hours. The EAC member referenced a conversation he had years before with permitting and assistance branch of CalRecycle. A permitting and assistance

representative from CalRecycle said the reduction in hours of operation would be within the scope of the permit and would be described in an RFI Amendment.

Final word about Emergency Waivers: Overall, LEAs should be in active communication with facility operators during the processing and management of the Emergency Waiver processing. LEAs should ensure the required reporting documents are provided at the 90-day follow-up, after the end of the emergency waiver period.

V. CalRecycle Discussion Items:

A. Deputy Director Report:

Community Composting for green communities, grant cycle to be extended (beyond April 30, 2020). Debris removal for Camp Fire to be put on hold due to COVID-19.

B. Senate Bill 1383 Regulations – The current revisions will be available for the 15-day comment period: no significant changes. Send comments to Ashlee or Julia.

C. Training Update

- 2020 Technical Training Series – postponed; a follow-up to be sent out. CalRecycle asked if anyone had had problems cancelling hotel or flight arrangements. No LEA comments.
- Online Training Modules – CalRecycle mentioned that with the 2020 Technical Training Series being postponed, and actual date being uncertain, many LEA staff have expressed concern about maintaining their REHS CEUs. And due to the COVID-19 social distancing constraints, CalRecycle asked what types of online training the LEAs might be interested in receiving. EAC member responded with requesting more permit training. Another EAC member requested CEQA and State Minimum Standards training, due to several new staff. Another brought up landfill gas training.
- Field Indicator Method (FIM) Guidance – Were there any other methods for determining the physical contaminant requirements? The volume of the recommended sampling size was mentioned. The increase in sample size was up to the individual LEA. The EAC was asked to review the FIM Guidance on CalRecycle’s website. Chair asked any other alternative field methods have approved. None were mentioned.

VI. Public Comment Period – no comments

VII. Schedule Next EAC Meeting and Close Meeting

Next EAC Meeting tentatively set for July 8.

End of Meeting: 12:30 pm.