

# **Enforcement Advisory Council**

## Solid Waste Management through Partnership

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### **Meeting Minutes**

**January 27, 2021**

**Virtual/Teleconference**

**Meeting Called to Order at 9:00 A.M**

#### **I. Introductions:**

Michael Condon	Chair, Southern Roundtable
Kim Haas	Co-Vice Chair, Northern Roundtable
Kristian Lucas	Co-Vice Chair, Bay Area Roundtable, CCLHO
Will Scheffler	North Central Roundtable
Absent	South Central Roundtable
Vacant	South Western Roundtable
Bryan Sousa	Northern City LEAs
David Thompson	Southern City LEAs
Vacant	CCDEH
Mark de Bie	CalRecycle
Paulina Lawrence	CalRecycle
Jeff Hackett	CalRecycle
Lea Gibson	CalRecycle
Martin Perez	CalRecycle
Cathy Blair	CalRecycle
Nevin Yeates	CalRecycle
Leta Forland	CalRecycle
Carley Bartlett	CalRecycle
MaryKay Shafer	CalRecycle
Wes Mindermann	CalRecycle

#### **II. Agenda Review (Late Additions)**

Temporary Transfer Operations  
COVID-19 and LEA ability to conduct inspections  
LEA Evaluations

#### **III. Approval of Previous EAC Minutes**

The December 9, 2020 meeting minutes were not available at the time of the meeting but should be available by the end of the week.

#### **IV. EAC Resolutions, Status, & Updates**

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

The EAC Chair confirmed that Kathy Cross (2018) received her plaque and Jeffrey Marshall was notified he is the 2019 recipient. Both awards will be presented at the upcoming Technical Training Series. The Chair will confirm with Sean Debley and John Wells if there are additional funds from 2019 for the new plaques. Will Scheffler is working on a GoFundMe account for the plaque with a goal of \$60. Any remaining funds will be rolled into future Ralph Hunter Memorial Awards. Roundtable chairs were requested to include the GoFundMe information on Round Table agendas (goal of \$12/ per region, including cities, which works out to \$0.25/person). The 2020 nomination period is set for April 1 – June 30. EAC members will vote on nominees during the July-Aug meeting.

##### **B. EAC Structure and Procedures**

Review of structure and procedures in light of COVID-19 (likely to continue virtual meetings). Kristian Lucas proposed to officially reduce the meeting frequency due to much of the information being repeated at the regional roundtables as well. It was suggested that some items could be resolved with an email without necessitating meetings. A point was raised that public access to the meetings would be diminished if the meetings are not held (email updates only).

Regulations were checked with no set statute found regarding meeting frequency. The EAC meetings are under the Brown Act. Paulina Lawrence stated she would check with CalRecycle management regarding if meeting frequency needs the input of CalRecycle or just EAC members.

Guidelines were suggested for virtual meetings. The EAC chair would present the proposed procedures at the next EAC meeting.

##### **C. 2021 EAC Meeting Schedule**

###### **Tentative schedule as follows:**

January 27, 2021

March 10, 2021

April 27, 2021

August 25, 2021 (Ralph Hunter Memorial Award Selection)

November 10, 2021

##### **D. Late Addition Discussion Items**

## COVID-19 & LEA Ability to Conduct Inspections (Kristian)

Contra Costa has had approximately 39 staff taken to be used for Covid response. Of the three LEA staff, there is 1 left to handle LEA items. They may not be able to conduct routine inspections (even with CalRecycle suggested protocols, (ie: virtual inspections, etc). Concern was voiced regarding the LEA Evaluation because of reduced staffing. This issue is also being voiced by other Bay Area counties. Mary Kay & Cathy mentioned CalRecycle's messaging: Evaluation staff will consider LEA workloads. Don't hesitate to contact MaryKay (or your Points of Contact) to discuss. CalRecycle reassured LEAs—keeping in contact/ communication with CalRecycle regarding Covid/ staffing issues is critical.

## LEA Evaluations (Bryan)

San Jose is going through their LEA evaluation now, they had a good meeting but the permitting/ review requirements were surprising. Retirements there are an issue (ie: historical knowledge). Issues with non-water release of corrective action plans being referred to CalRecycle for review, then the LEA also needs to review again. Threshold level for meeting expectations: 98% of inspections were done, but involvement is required because of issues with the non-water CAPs. Wes Mindermann and Paulina will follow up with Bryan after the EAC meeting to discuss issues prior to the evaluation exit call being scheduled. After the LEA draft evaluation is provided is the best time to discuss potential issues or concerns.

Dave Thompson stated that LA area LEAs are being utilized for Covid work and counties are concerned with meeting their inspection frequencies. Sometimes harsh language (ie: "failure to meet") is used in the evaluations, perhaps this wording can be modified; we all want to work together and support each other. The issue was raised that Sunshine Canyon Landfill missed their CalRecycle 18-month inspection. Mark deBie asked that counties talk with CalRecycle early regarding inspections (if it is going to be an issue). Also, late 18-month inspections will be addressed. Kristian asked if CalRecycle could talk at the Round Tables: LEAs should talk with CalRecycle about inspection frequencies if it is going to present an issue.

## **V. CalRecycle Discussion Items**

### **A. Deputy Director's Report**

Rachel Wagner has been appointed to the position of CalRecycle Director.

Governor's Budget: The budget is due January 27<sup>th</sup> with a proposed \$ 127.2 billion budget and \$ 164.5 billion special funds; significant information on Covid-19 impacts and future relief efforts. Three budget change proposals by CalRecycle, the largest is \$5 million for beverage container recycling in response to statutory changes; pilot study to find innovative ways to redeem cans (price for commodities is decreasing). New legislation last year: 50% post-consumer content in plastic bottles.

SB 1383: CalRecycle is receiving additional staff resources (new staff and staff shifting internally); workload is increasing with the implementation of SB 1383. There will be no changes to Permitting Staff.

2020 Wildfire Cleanup: Statewide cleanup and hazard trees, Bay Branch: 64% done (1200 sites); Inland Branch: 37% done; (14000 sites); North Branch 60% done (1238 in the program); South Branch 44% done (823 sites, 428 in the program)

Illegal Dumping Technical Advisory Committee: recurring meetings to discuss how the group can help governments with illegal dumping.

## **B. Regulation Updates**

SB 212: regulations were approved by the Office of Administrative Law (OAL) on January 7, 2021. Safe and convenient collection sites for home generated sharps and pharmaceuticals.

Farm & Ranch Cleanup and Abatement Grant- Applicable sites have to be zoned or authorized as agricultural lands. Applications were submitted last fall. A second submittal period is open until Feb 4<sup>th</sup>, 2021. Stephanie Becker is a good point of contact for this grant opportunity.

## **C. Treated Wood Waste Update**

CalRecycle continues to be in close communication with Department of Toxic Substances Control (DTSC) on this issue. DTSC has a Treated Wood Waste (TWW) webpage set up. An all-LEA email was sent out: DTSC intends to pursue issuing variances (check DTSC website). Feb 16<sup>th</sup> applications for variances will be available on February 16 with DTSC to begin issuing them on Mar 1. Six (6) different types/ level of variances will be available (Disposal Facility is currently being developed)

Solid Waste permits: Hazardous Material vs TWW variance; TWW has always been a hazardous waste with alternative handling standards (procedures to handle and dispose of TWW); those handling standards are (now) no longer in place.

CalRecycle stated there is a prohibition on the acceptance of hazardous wastes in SWFPs, it is how the LEA interprets hazardous waste in the solid waste permit (i.e.: permit conditions) that may impact enforcement. CalRecycle is alright with the previous handling standards: if sites (landfills) were handling TWW in the past, they should be alright with handling it again.

A question was raised asking what LEAs should do with sites that take TWW (how to take it, how long will the TWW be stored at the landfill); CalRecycle is continuing to check and will get information out to the EAC. CalRecycle also commented that prohibition template language in the permit: “except as described in the JTD/ RFI” as a method of receiving and disposal of the TWW while complying with the SWFP.

## **D. Solid Waste Information System Update**

Jeff Hacket presented a PowerPoint presentation of the SWIS update, presentation will also be shared at the Round Tables. There are 8 LEA testers (includes Michael Condon and David Thompson); David stated that he believed the new report system will be great, Michael stated he liked the ability to add a comment to a regulation section rather than just as a violation or area of concern. Published documents include +124,000 public internet documents, including all LEA published documents statewide.

#### **E. Senate Bill 1383 – Implementation, Web Page Update**

New SB 1383 webpage also includes new model tools. FAQs are posted on the left side of each SB 13831 webpage. There will be upcoming Q & A regional webinars (Feb 2, Feb 4, Feb 10). These will also be recorded and posted to the website. procurement tool has been posted to the website, webinar on the procurement tool will be Feb 9.

#### **F. LEA/CalRecycle Technical Training Series Update**

Virtual Technical Training Series (TTS) will be on Apr 13/14 and 21/22. Breakout sessions are being developed. An introduction to Google Docs will be presented at the Round Tables.

### **VI. Public Comment Period**

No public comments.

### **VII. Schedule Next EAC Meeting and Close Meeting**

Next EAC meeting is set for March 10, 2021

Tentative future EAC meeting dates:

4/27/21

8/25/21

11/25/21

Four (4) items were requested to be on the Winter Roundtable Agendas:

1. Emerging Solid Waste Issues:
  - App based disposal
  - Emergency recovery sites
  - Inert debris/ sand mining sites)
2. A web link for the Ralph Hunter Memorial Award