

Enforcement Advisory Council

Solid Waste Management through Partnership

Meeting Minutes
March 10, 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 |
| Dee Hanson Lugo | South Western Roundtable |
| Bryan Sousa | Northern City LEAs |
| David Thompson | Southern City LEAs |
| Jeffrey Marshall | CCDEH |
| Mark de Bie | CalRecycle |
| Paulina Lawrence | CalRecycle |
| Wes Mindermann | CalRecycle |
| Kim Sellards | CalRecycle |
| Jeff Hackett | CalRecycle |
| MaryKay Shafer | CalRecycle |
| Nevin Yeates | CalRecycle |
| Martin Perez | CalRecycle |
| Lea Gibson | CalRecycle |
| Carley Bartlett | CalRecycle |
| Sharon Anderson | CalRecycle |
| Dana Hachigian | CalRecycle |

II. Agenda Review (Late Additions)

None

III. Approval of Previous EAC Minutes

December 9, 2020 minutes approved.
January 27, 2021 minutes in review.

IV. EAC Resolutions, Status, & Updates

A. Ralph Hunter Memorial Award

The GoFundMe Goal amount of \$120.00 was reached and the EAC Chair will have the plaque made. The 2020 Ralph Hunter Memorial Award nomination period will be April 1, 2021 to June 30, 2021. The award presentations for the 2018 and 2019 recipients (Kathy Cross and Jeffrey Marshall) will occur at the April 2021 Technical Training Series.

This item will remain on the agenda for follow up at the next EAC meeting.

B. EAC Structure and Procedures

The Chair is updating the EAC Structure and Procedures section to address virtual and in-person meetings moving forward.

This item will remain on the agenda for follow-up at the next EAC meeting.

C. Compost Sample Handling Procedures

Concerns were raised from the Southern/Southwestern roundtable regarding sample validity, timeframe for shipping, and improper handling. CalRecycle stated that a project is being initiated with CDFA regarding compost sampling. Recent E. coli outbreaks occurring in some crops are being investigated for their source. These sources may include water, farm workers, wind driven contamination, or soil amendments or compost. CalRecycle is evaluating current sampling protocols (including the chain of custody procedures).

ASTM standards and US EPA SW846 standards were suggested for compost sample handling. CalRecycle stated that their staff are developing handling standards and procedures. The standards will be emailed out to Roundtables for discussion.

The Chair stated that San Bernardino County and San Diego County LEAs have had sampling issues and would provide feedback. This item was referred to the Roundtable for further discussion.

D. SB 1383 Compliance Sub-Committee

The Southern/Southwestern roundtable discussed initiating a subcommittee with the goal of consistency of permitting and SB 1383 implementation for LEAs in the region. The northern roundtable chair stated that periodic roundtables are used to discuss SB 1383. The Bay Area Chair stated that the use of a regional subcommittee for discussions prevents other roundtables from participating in discussions.

The EAC Chair stated that Ventura County LEAs are taking lead on these discussions. The goal of the subcommittee is twofold. First, the subcommittee's intent is to provide a forum to address

compliance with operators that operate across multiple LEA jurisdictions. Second, the subcommittee would discuss questions related to SB 1383 implementation.

After discussion, it was determined that LEA to LEA discussions regarding interjurisdictional operators should occur and may be raised to roundtables, if necessary. Discussions and subsequent questions regarding SB 1383 implementation should be raised to the local roundtable and EAC as necessary to ensure other roundtables are included in discussions that may have Statewide impact.

This item was referred to the Roundtable for further discussion.

E. Facilities Permitted to Compost Food Waste

The issue was raised during the most recent Southern/Southwestern LEA Roundtable that there are a limited number of sites available that are permitted to recover food waste. A list of sites that may recover food waste was requested to help LEAs provide guidance to operators for where food waste may be shipped.

CalRecycle stated that there is a search feature in the SWIS database that allows searching by waste type. Additional locations where listed waste types may be listed include: on CalRecycle form 37, the transmittal letter from the LEA to the operator, and potentially the RDRS system.

This item is to be taken back to the SWIS update group and roundtable for further discussion.

F. Winter 2021 LEA Roundtable Discussion

Roundtable discussion items were discussed. Inspection frequencies of closed wood waste sites were discussed by the Northern LEA Roundtable. The Bay Area Roundtable discussed staff duties in relation to disaster issues, and the uncertainty regarding treated wood waste management. The North Central LEA Roundtable discussed treated wood waste. The Southern Central Roundtable discussed COVID-19 response and inspections, Creek Fire response, SB 1383, and a request for a new EAC representative for the South Central region.

V. CalRecycle Discussion Items

A. Deputy Director's Report

CalEnviroscreen

Committees are working on tools and guidance related to Environmental Justice. The Office of Environmental Health Hazard Assessment (OEHHA) has updated CalEnviroscreen to version 4.0. California counties impacted by pollution and disadvantaged communities are displayed. There are twenty-one (21) indicators of pollution noted. CalEnviroscreen also provides the overall burden and vulnerability of the population. A new indicator showing children's lead

exposure has been added. The site may be utilized to identify areas impacted by solid waste facilities which may be helpful for determining grants and loans.

A clean water tool provides a baseline for drinking water quality, accessibility, and affordability an area. Access to clean drinking water is considered a human right.

A story map of eight (8) cities (Sacramento, Stockton, San Diego, etc.) present information to the public using photos and text documents describing pollution, prejudice, redlining in the 1930's. Redlining, wages, and environmental factors all impacted economically disadvantaged communities. CalEnviroScreen shows the pollution burden linked to redlined cities. The upcoming Technical Training Series will have a session on environmental justice and redlining.

The Southern Cities Chair asked what LEAs can do proactively in relation to environmental justice since all facilities are treated the same during permitting, inspection, and enforcement processes. CalRecycle stated that evaluating whether a community understands the potential impacts of a permit action rather than just hearing it through the public noticing process may be a place to start. Different approaches to environmental justice will need to be tailored to each facility and jurisdiction differently.

CalRecycle 18-month Inspections

Stay at home orders during 2020 made conducting joint inspections with LEAs difficult. CalRecycle is currently working through a backlog of inspections via desk audit, in-person, and virtual inspections. As of now one-quarter have been completed and finishing the backlog will be complete within 2-3 months.

B. Regulation Updates

AB 881 – Requires that plastics that are exported out of the county no longer qualify as diversion, but disposal.

AB 1201 – Composability/biodegradability of plastic products need to meet specific requirements prior to being labelled compostable/biodegradable.

AB 1027 – Mirrors SB 1383, which requests source reduction relief for no more than one year to cities, counties and other jurisdictions impacted by COVID-19.

SB 619 – Spot bill

SB 759 – Spot bill aimed at SB 1383

AB 318 – Hazardous waste exclusion for green waste

AB 332 – Extends current legislation for Treated Wood Waste

SB 557 and SB 684 – Both Treated Wood Waste bills

AB 659 – Illegal dumping on public roads/public entry

AB 246 – Illegal dumping bill which targets licensed contractors with financial penalties

SB 289 – Lithium batteries stewardship - acceptance and collection of used batteries

SB 244 – Lithium batteries system minimum requirements for takeback of batteries from the customer

AB 620 – CalEPA to streamline the application process and coordinate all boards for permitting on environmental projects. A single web application/form would be used for all departments

applications. A single lead state agency will coordinate the permit process. All state agencies will continue to have their own applications.

C. Technical Training Series Update

Registration is currently live with approximately 300 participants. The date will be April 13-14 and 21-22. Zoom, Google Docs and On24 will be the platforms used. Additional training regarding using the platforms will be provided. REHS CEUs will be provided. SWANA credits may be obtained by submitting a request to SWANA directly.

D. Solid Waste Information System Update

Jeff Hackett presented a PowerPoint presentation of the SWIS update, presentation will also be shared at the Roundtables. 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.

VI. Public Comment Period

No public comments.

CalRecycle stated that the Statewide Illegal Dumping Conference will be held April 12-13 with Alameda County hosting.

The Northern Cities Chair stated that there is a homeless encampment in a closed landfill in San Jose. The homeless have cut into the flare area, the flare went offline, and landfill gas exceeded 5% as a result. A violation was issued for site security. Despite this, each time the fence is repaired, it is torn down again by the homeless. Encampments are currently at closed landfills, active MRFs, and other solid waste sites. There are now concerns about sending out inspectors due to the presence of the homeless population.

CalRecycle responded that this is a problem occurring throughout the State. LEAs are advised to document the issues in LEA inspection reports. LEAs may take enforcement action on the facility owners. Removing the homeless from critical public infrastructure is necessary. The site is not in compliance regarding site security. The owner and operator of these sites must gain compliance.

VII. Schedule Next EAC Meeting and Close Meeting

Next EAC meeting is set for April 28, 2021

Tentative future EAC meeting dates: August 25, 2021, November 25, 2021