

Enforcement Advisory Council

Solid Waste Management through Partnership

Meeting Minutes

August 25, 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
Beronica Slattengren	Co-Vice Chair, Bay Area Roundtable
Absent	North Central Roundtable
Deep Sidhu	South Central Roundtable
Dee Hanson-Lugo	South Western Roundtable
Vacant	Northern City LEAs
David Thompson	Southern City LEAs
Kristian Lucas	CCLHO
Jeffrey Marshall	CCDEH
Mark de Bie	CalRecycle
Paulina Lawrence	CalRecycle
Carley Bartlett	CalRecycle
Cathy Blair	CalRecycle
Jeff Esquivel	CalRecycle
Jeff Hackett	CalRecycle
Kate Wilkins	CalRecycle
Lea Gibson	CalRecycle
Marcus Santillano	CalRecycle
Sharon Anderson	CalRecycle

Brian Souza is no longer with San Jose City LEA, and the Northern City LEA chair is thus vacant. Kristian is no longer Chair of the Bay Area Roundtable; thus he has stepped down from his chair as the Bay Area Roundtable and CCLHO chairs (he is filling in today as CCLHO representative). Beronica Slattengren is the new Bay Area Roundtable LEA Chair and is now representing that region. Beronica is with the San Francisco LEA.

Dr. Sara Levin has accepted the CCLHO slot and will be available for the next EAC meeting (in November). Some discussion that the CCLHO chair at the EAC may be on an internal rotation. Dr. Levin is also the Chair of the Environmental Health Committee of CCLHO.

EAC Resolution 2021-01: A resolution thanking Kristian Lucas for his service to the EAC as the Bay Area Roundtable chair, CCLHO chair, and EAC Co-Vice Chair was passed by majority vote.

Resolution EAC 2021-002: A resolution thanking Brian Souza for his service to the EAC as the Northern City LEA chair was passed by majority vote.

II. Agenda Review (Late Additions)

Election of a new Co-Vice Chair

III. Approval of Previous EAC Minutes

The March 10th and May 6th meeting minutes are being reviewed and will be available for the next (November) meeting.

IV. EAC Resolutions, Status, & Updates

A. Election of EAC Co-Vice Chair

Beronica Slattengren volunteered to be the new EAC Co-Vice Chair to replace Kristian Lucas.

EAC Resolution 2021-03: A resolution confirming Beronica Slattengren as the EAC Co-Vice Chair was passed by majority vote.

B. Ralph Hunter Memorial Award

2020 Ralph Hunter Memorial Award nominees and voting

There were 2 candidates for the Ralph Hunter Memorial Award: Dee Lugo-Hansen, and Greg Schirle. Dee was asked to briefly step away from the meeting while the Ralph Hunter Memorial Award nominees were discussed, and votes were cast.

Members felt that both nominees would be worthy candidates for the award. Comments were made that there was less supporting information available in one candidate's nomination package. This lack of information made it more challenging for members to fully understand the depth of the nominee's contributions.

Dave provided additional comments on Dee's contributions. Kristian and Beronica provided additional comments on Greg's contributions.

Voting for the 2020 Ralph Hunter Memorial Award recipient:

An error was discovered, in that the CCDEH Solid Waste & Resource Recovery Committee Co-Chairs were not included in emails distributing the nominee's submission packets, and were not able to participate in the discussion or voting at the meeting. Mike and Jeffrey will reach out to the SWRRC Co-Chairs to discuss and solicit feedback.

This item will be placed on the agenda for the November 2021 meeting for finalization and a resolution.

Update to the Ralph Hunter Memorial Award nomination application form

There was also discussion of expanding the nomination application form, as this would assist the nominators by providing a better framework for what supporting documentation may be submitted as part of the application packages (i.e., 3 letters of support by LEAs, CalRecycle staff, etc.). This will also help EAC members during candidate deliberations. Mark mentioned that Leta’s nomination packages were known to be thorough and indicated that they could potentially serve as a sample of additional documents to be included in submission packages. Kim volunteered to work on this and will reach out to Lea as the CalRecycle point of contact for Leta’s sample documents. Draft expanded nomination information will be brought back to the next EAC meeting in November for discussion.

Ralph Hunter Memorial Award Monies

In 2020, the EAC members decided to set up a GoFundMe account so that LEAs could make contributions for the Ralph Hunter Memorial Award plaque for the 2019 award recipient (LEA Roundtables were virtual due to COVID-19). Any funds left over from the purchase of the award will be tracked in the EAC meeting minutes.

Currently:

Original target goal for the GoFundMe	\$120.00
Amount received, less GoFundMe’s portion	\$114.41
Plaque	\$41.48
Shipping	\$23.70
Total remaining	\$49.23

C. EAC Structure and Procedures

A procedural error was discovered in that the EAC Procedures updated language was not put to a vote during the last meeting when it was discussed.

The updated language for the Council’s structure and procedures:
“Meetings ~~will~~ may occur 6 times a year” and “Meetings can be held in-person or virtually.”

EAC Resolution 2021-04: A resolution to approve the updated language to the EAC Procedures was passed by majority vote.

D. Supplemental Environmental Projects

Supplemental Environmental Projects (SEPs) are additional mitigation approaches for supplemental corrections to environmental impacts.

Dee mentioned that as part of a penalty order, environmental projects are a good idea, but are extra work for LEAs (and an administrative burden).

SEP Overview: An SEP may be utilized when an LEA has identified an entity is in violation and has issued Notice & Order that includes penalty assessment. Part of the settlement could include a SEP project (the entity could opt for a SEP in-lieu of paying a portion of the settlement). As part of the penalty, administrative fees could be paid to the LEA or a third-party administrator who oversees the project.

CalRecycle stated that SEPs should be described in the LEAs EPP if this is an option as part of a penalty settlement. CalRecycle stated that there is not sample language for the EPP at this time.

Beronica asked if there is currently guidance for using a SEP as part of a penalty order.

If a SEP is used as part of a penalty order; the operator can request to have a SEP be part of the settlement.

Jeffrey mentioned that Kern County's CUPA uses administrative orders.

CalRecycle stated that other CalEPA Departments/ State agencies have been using SEPS, however, they are new to CalRecycle; CalRecycle is getting questions from LEAs.

Mark provided additional clarification: a SEP could be used as a portion of the settlement, also that the SEP should not be a financial burden to the LEA, it could be to the operator; CalRecycle will look into the fact that CUPA's are using this already (feedback from the LEAs will be helpful in this).

EAC Chair stated that SEPs should be included on the agendas for the upcoming Roundtables for LEA comments: feedback on what do LEAs want ie: training/ clarification, also LEAs can reach out to their CUPA staff to see if their CUPAs are using SEPs.

E. SB 1383 Implementation Best Practices and Feedback

Many LEAs will begin to see/ hear various practices for compliance with Senate Bill (SB) 1383 (i.e.: sampling protocol, waste characterizations). The EAC is looking for feedback as to what works well, also some of the challenges faced by the LEAs with SB 1383 implementation. The expectation is that after about a year Best Management Practices (BMP) will be better known, and EAC is looking forward to working with CalRecycle and helping develop guidance for LEAs (similar to the LEA Advisories).

SB 1383 Implementation Best Practices (and Problems/ Issues) should be included on the agendas for the upcoming Roundtables for LEA feedback.

Additional SB 1383 training will be rolling out soon on regulations training; and should be accessible to people interested in seeing the trainings (i.e.: for LEAs to show/ send to operators).

Dave Thompson (City of Los Angeles LEA) and CalRecycle are working on a related project: complex methodology on sampling and sampling techniques.

V. CalRecycle Discussion Items

A. Deputy Director's Report

Wildfire Recovery

Sequoia Complex Fire: 140 properties debris removal (metals, concrete, ash, contaminated material) Tulare County: debris removal continues
Creek Fire: properties debris removal in Fresno and Madera Counties.

Web-link provided to the State Fire Debris Dashboard:

<https://experience.arcgis.com/experience/b9096c9f106e4b90937618e49235d9c5>

CalRecycle Director Rachel Wagner met with California Conservation Corps.

Director Wagner and CalRecycle Staff had a Roundtable meeting with members of the California Conservation Corps.

California Conservation Corps is involved with cleanup of illegal dumping and with bottle/ can recycling.

Web-link to the panel discussion provided:

<https://www.youtube.com/watch?v=kJthUaPeWQY>

Extended Producer Requirements Enforcement

CalRecycle was involved with enforcement on Mattress extended producer responsibility (EPR) involving Valley Mattress. The case was started in 2018, and a \$63,000 penalty was imposed by CalRecycle because the business was pocketing the EPR fee money rather than using the money to actually recycle the mattresses.

Web-link provided to the article: <https://www.calrecycle.ca.gov/NewsRoom/2021/07July/05>.

Requirement for EPR plans for carpet, paint and sharps/ pharma will be implemented in 2022.

CalRecycle & California Department of Food and Agriculture

Efforts by CalRecycle and the California Department of Food and Agriculture (CDFA) on ties between solid management and CDFA on handling of meat scraps and carcasses; if something disrupts the rendering process (i.e.; disaster, emergency), what can be done with the carcasses and how can they be handled.

CalEPA's webpage: <https://calepa.ca.gov/disaster/animals/>

Partnership regarding farm composting; CDFA & CalEPA/ CalRecycle working on projects like manure management (reduction of manure); an interactive mapping tool (dashboard of the regulatory structure & who handles permits for on farm composting) and BMP's.

Animal Feed is a viable pathway for organics diversion (away from disposal) for SB 1383 requirements.

Food Safety

E. coli outbreaks in lettuce; CalRecycle and CDFA working on source of the E.coli—i.e.; soil amendments, compost; sampling methodologies (samples need to be representative of 'what is in' the compost—no contamination).

Environmental Justice Composting Initiative

Data is being gathered—baseline sampling measurements; also new composting sites shouldn't impact the surrounding communities.

Biosolids

CCDEH is raising issues for discussion with CalRecycle, CDFA, State Water Boards—land application of biosolids should be well governed by the Federal 503 Standard and the Water Board General Order. Increase in land application of biosolids resulting from SB 1383.

Development of On-Farm Composting:

Draft BMPs are being developed for permissible composting during an emergency/ disaster

The EAC Chair asked if these could be available for EAC review. The EAC Chair noted, Agricultural Waste Management Standards in Title 14 may be applicable livestock carcass management on a farm.

CalRecycle noted that the Shot-hole Borer project was noted as a similar collaborative effort including LEAs and CDFA.

B. Regulation Updates

Web-link with all current SW/ Recycling bills was provided:

<https://calrecycle.ca.gov/Laws/Legislation/PriorityRpt>

SB 619 Spot bill; in suspense file at this time

SB 1219 State Dept. meetings; amount of time given when the public is allowed to speak (public comment) at a public meeting, a person using a translator will be given twice as much time to speak. Bill signed by the Governor in July.

SB 1383 Website Updates

Web-link provided to the SB 1383 Solid Waste Facilities Q&A page:

<https://www.calrecycle.ca.gov/organics/slcp/faq/swf>

New question added regarding rendering on the Q&A webpage.

Other new webpages included for:

- Elected Officials
- Waste Haulers
- CalGreen & Model Water Efficient Landscape Ordinance (MWELo)
- Article 2 (note: CalRecycle is not accepting applications for this yet)
- Jurisdictional Exemptions
- Permit Toolbox
- Guidance to Sampling Protocols

C. Illegal Dumping Update

Illegal Dumping Technical Advisory Committee (TAC) meetings are now quarterly. TAC Meeting today will include Caltrans, Clean CA Initiative, Grant Dollars.

Google litter insights:

- trash & debris buildup
- illegal dumping
- locating hot spots (aid in targeting funding/ clean up campaigns)

Bill Prinz (now retired) was on the Illegal Dumping TAC; they are looking for a new member from CCDEH.

Web-link to the Illegal Dumping Resources page provided:

<https://www.calrecycle.ca.gov/IllegalDump>

There is a link to today's meeting on the webpage.

D. Training Update

SB 1383 Training Trilogy.

- Part One: Training sessions have already been offered (last class Aug 18, 2021)
- Part Two: Solid Waste Permitting Actions; Solid Waste Facility Permitting; coming in October
- Part Three: "Everything Else" not yet covered; includes questions from the first two trainings

Web Trainings are for LEAs (limited class sizes); a power point of the trainings is emailed to the attendees after the class for sharing (ie: with operators).

Solid Waste Technical Documents Training
Will be a user directed training with a live class following

EPP Training will be an upcoming stand-alone training

VI. Public Comment Period

No public comments.

VII. Schedule Next EAC Meeting and Close Meeting

Next EAC meeting date: November 10, 2021

It was also noted that the current term for the EAC Chair will end in November 2021.