



# Memorandum

## MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Reviewed by Whm Date 11/8/07  
General Manager

DATE: November 8, 2007  
TO: General Manager  
FROM: Assistant General Manager  
SUBJECT: Consider Adoption of Punitive Measures for Non-Compliance With Upgraded Waste Screening Program

**RECOMMENDATION:** That the Board of Directors accept a staff report and information regarding the process for the authorization and adoption for implementation of a policy for enforcement of the upgraded Waste Screening Program including punitive measures for customers that do not adhere to the District's hazardous and prohibited waste policy.

### BACKGROUND

On January 4, 2006, the District received a letter from the Monterey County Office of the District Attorney regarding (alleged) violations of the law related to dumping of asbestos at the District facilities. Direction provided from Special Counsel Larry Biegel indicated to the Board that an "upgraded waste screening program" from the current measures in place, could be authorized by the Board to address these concerns. The upgraded program, approved by the Board at the October meeting, goes beyond that which is required by State and Federal regulations for waste screening.

New practices and procedures have been established to develop an upgraded waste screening program. The District's consultant, Larry Sweetser, of Sweetser and Associates, has provided information which recommends a number of changes to the District's waste screening program. Staff has already begun the implementation of this upgraded waste screening program. Additionally, staff has begun to pursue an aggressive customer and public education campaign, performed in cooperation with the local franchised haulers, the County LEA, municipal building departments, local regulatory and enforcement agencies, and other stakeholders and users of the Materials Recovery Facility (MRF) and landfill.

### DISCUSSION

The District has taken several steps to prevent the delivery of hazardous waste to the Monterey Peninsula Landfill. The first action the District undertook was to request that each of our 530 customers sign a "customer certification" related to management of hazardous materials (attached). The certification letter required our customers to sign and return the letter stipulating their acknowledgement and the prevention of delivery of the types of prohibited materials that can be accepted at the landfill. To date, not all of our account customers have signed and returned the letter. Staff is proposing that the Board adopt (at the December meeting) a policy, by resolution, that could include any or all of the following series of measures for customers that fail or refuse to sign the customer certification:

- Refusal of service at District facilities, until the "Customer Certification" is signed by their firm.
- Assessment of a higher disposal fee up to the Problem Waste rate (currently \$68 per ton proposed to go \$90 per ton 1/1/2008).
- Loss of charge account privileges at the District.
- Subject to targeted waste screening.

Staff and Legal Counsel are recommending that the most effective form of ensuring continued on-going compliance up to and including the banning of customers who refuse to follow the prescribed protocol for waste screening, is via the adoption of such a policy. Staff will work with legal counsel to draft the language and present the proposed policy to the Board at the December or January meeting. The date for the public hearing will be set at that time, most likely for the January or February Board meeting.

The implementation of an upgraded waste screening program along with a method of identifying and tracking problem customers (and referring those customers to the LEA), coupled with an aggressive customer and public education and outreach effort, will reduce the potential exposure to District employees and customers for materials that are not acceptable into the District's MRF or landfill.

### **PUBLIC HEARING**

A Public Hearing is not required, but will be considered with adoption of the final resolution for the proposed policy. The program will be intensely scrutinized as to its effectiveness over the next 18 months and staff will report to the Board as requested and necessary.

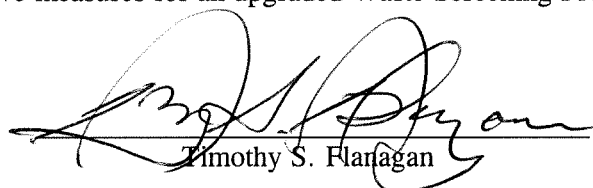
### **STRATEGIC PLANNING IMPACT**

A2b: Revise/update District Guiding Principles, Policies and Procedures.

A6a: Program focus on public awareness, increased diversion of organics and commercial wastes, proper management of hazardous and prohibited materials, litter abatement, and sustainability.

### **CONCLUSION**

Staff recommends that the Board accept the staff report and information regarding the process for the adoption of a policy authorizing the implementation of punitive measures for an upgraded Waste Screening Program.



Timothy S. Flanagan

**HAZARDOUS AND PROHIBITED WASTE POLICY**  
**for the**  
**Monterey Peninsula Landfill and Materials Recovery Facility**

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**Customer Certification**

**Hazardous and other Prohibited Wastes**, as defined under California and federal law, in any amount, may not be disposed at the Monterey Peninsula Landfill (MPL) or the Materials Recovery Facility (MRF). All incoming loads are subject to detailed waste screening procedures by District personnel. If hazardous or prohibited wastes are found in loads, the hauler is responsible for all costs associated with management of the hazardous materials including cost recovery by the District. Companies or individuals who violate the District's Policy on hazardous and prohibited waste may be excluded from the future use of District facilities, including the MPL and the MRF. Furthermore, failure to adhere to this District Policy may result in notification of federal, state, and local regulatory agencies, including the Monterey County District Attorney's office, and the responsible party or parties may be subject to civil or criminal prosecution, or both. The illegal transport and disposal of hazardous waste is subject to penalties of up to **\$25,000 per day**.

Examples of typical hazardous and other prohibited wastes that are not accepted for disposal at the MPL and MRF are listed on the back of this form.

**The MRWMD's Household Hazardous Waste Collection Facility**, located next to the Last Chance Mercantile, accepts hazardous wastes from households (for free) and small businesses (for a fee and by appointment). Contact District staff or visit our website ([www.mrwmd.org](http://www.mrwmd.org)) for more information on eligibility for this program.

If you have any questions on what materials are considered hazardous or prohibited, you can contact the Monterey County Environmental Health Division at (831) 755-4511. Any questions on the District's Hazardous and Prohibited Waste Policy should be directed to District staff at (831) 384-5313.

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**CUSTOMER CERTIFICATION:** As a duly authorized agent for my company, I certify and acknowledge that I have received and read the above District Policy regarding the disposal of hazardous and other prohibited wastes.

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Company Name

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Date

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Company Authorized Agent

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Signature

Monterey Regional Waste Management District

**HAZARDOUS AND PROHIBITED WASTES**  
**for the**  
**Monterey Peninsula Landfill (MPL) and Materials Recovery Facility (MRF)**

**Examples of typical hazardous and other prohibited wastes that are not accepted for disposal at the MPL and MRF are listed below:**

- Friable Asbestos.
- Toxic wastes: pesticides, PCBs (ballasts and transformers), arsenic, mercury (switches, thermometers, thermostats), cleaners, phenols, brine, antifreeze, dry cleaning fluids, chemical and biological warfare agents.
- Corrosive wastes: acids (pool, boric, muriatic, sulfuric, hydrochloric, phosphoric), car batteries, naval jelly, cleaners (ammonia-based, oven, drain, metal, battery terminal), alkaline solutions.
- Reactive wastes: pyrophorics, cyanides, sulfides, explosives (ammunition, fireworks, flares).
- Ignitable wastes: solvents, oil-based paints, gasoline, diesel, kerosene, brake fluid, transmission fluid, flammable liquids, acetone, ethanol, aerosols, lighter fluid, fingernail polish and remover, floor/furniture polish, linseed oil, paint thinners/strippers, turpentine, varnish, wood stain.
- Paint and paint sludge.
- Photographic chemicals.
- Oil, oil filters, and other liquid petroleum products.
- Appliances.
- Whole tires & car bodies.
- Universal wastes: fluorescent lamps, batteries (all types), electronic wastes, CRT's (televisions and computer monitors).
- Propane and other compressed gas tanks.
- Medications and other pharmaceuticals and infectious medical wastes.
- Radioactive materials (glow in the dark watches, smoke alarms) and decommissioned radioactive materials.

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RICHARD NORTON  
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ROBERT WELLINGTON  
COUNSEL



# MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

*Home of the Last Chance Mercantile*

DATE: November 1, 2007  
TO: MBUAPCD Technical Advisory Committee  
FROM: William Merry, General Manager  
SUBJECT: Removal of Rule 424 Exemption of Single Family Residences

**Requested Action:** Removal of Rule 424 exemption which exempts single family (1-4 units) residence demolition from Federal Asbestos NESHAP regulations.

## Background

Management and abatement of asbestos containing material (ACM) is a primary concern in this county. As a result, federal, state and local regulations have been adopted to closely control how it is managed. While commercial buildings are not exempt from Federal regulations, the current Rule 424 single family exemption can allow asbestos containing material in residential buildings to go undetected and unabated during construction and demolition activity.

## Reasons to Remove Exemption

- Asbestos may have been used in the construction of buildings prior to 1980.
- Provide uniformity of regulations between commercial and residential projects.
- Health and safety of construction workers and home owners.
- Health and safety of recycling and waste industry workers, the public, and the environment.
- Will enhance local efforts to increase the recycling of demolition material.

## Regional Cooperation to Improve Communication

On October 19, our board approved an expanded waste screening program. This program is aimed to identify hazardous materials in loads of refuse and to aggressively reach out and inform our customers of hazardous waste law and proper handling. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) can help us to substantially improve management of ACM by establishing communications between the MBUAPCD, city/county building departments, and the waste management facility (landfill) in terms of the disposition of ACM. Doing so, would allow a chain of custody procedure in the management of friable asbestos. We suggest a meeting of all local stakeholders be held to begin to develop such procedures.

The District believes these measures are necessary to provide further protection to construction and waste management employees, customers of the District, and the environment. Thank you for your consideration.