

# Agenda Report

**TO:** City Council October 22, 2001

**THROUGH:** Legislative Committee

**FROM:** City Manager

**SUBJECT:** Opposition to the California Integrated Waste Management Board's Decision Declaring Certain Inert Solids Used for Structural Fill at Mine Reclamation Facilities in the San Gabriel Valley be Counted as Disposal for AB 939 Diversion Calculations.

## RECOMMENDATION

It is recommended that City Council authorize the Mayor to send letters to the appropriate authorities stating Pasadena's opposition to the California Integrated Waste Management Board's decision declaring certain inert solids used for structural fill at mine reclamation facilities in the San Gabriel Valley be counted as disposal for AB 939 diversion calculations.

## BACKGROUND

The California Integrated Waste Management Board (CIWMB) at its meeting of July 26, 2001, declared certain inert materials used for structural fill at two mine reclamation facilities in the San Gabriel Valley must be counted as solid waste "disposal" for purposes of diversion calculations.

Five San Gabriel Valley mine reclamation facilities that accept only clean inert material for structural fill were required to obtain a solid waste facilities permit. The facilities are:

- Nu-Way Live Oak Landfill
- Peck Road Gravel Pit
- Reliance Pit #2
- Azusa Land Reclamation
- Roedeffer Reclamation

The facilities are being managed and operated as mine reclamation facilities to ensure that only inert material is used for the purposes of compacted structural fill. The purpose of the structural fill is to reclaim the mined gravel pits to a usable condition for alternative land use once the mine reclamation activities are complete.

The solid waste permits were issued to prohibit the acceptance of materials for structural fill that could be damaging to ground water quality. However, the facility operators and surrounding cities cooperated with securing these permits without fully realizing the AB 939 diversion ramifications of this action.

AB 939 is not intended to include the management nor regulation of inert materials for purposes of complying with the 50 percent disposal reduction goal. No other California mine reclamation facilities similar to those in the San Gabriel Valley are required to have a solid waste permit, nor is the inert tonnage deposited at other sites reported as disposal of solid waste.

Based on the above information, staff recommends that the City of Pasadena oppose the California Integrated Waste Management Board's ruling regarding inert materials deposited at the mine reclamation facilities in the San Gabriel Valley.

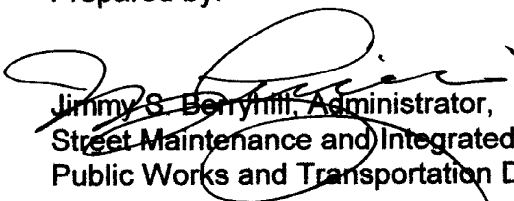
#### **FISCAL IMPACT**

If inert waste taken to mine reclamation facilities is counted as disposal, it will have an impact on the City of Pasadena's ability to meet AB 939 requirements to divert 50 percent of its solid waste from landfills. This could result in the City being subject to a fine of \$10,000 per day.

Respectfully submitted,

  
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