

MS. MILLER: Thank you.

16                   Next up we have Chuck White.

17                   MR. WHITE: Thank you very much. I'm Chuck White  
18 with Waste Management.

19                   I really don't have any formally prepared  
20 comments, but I just wanted to come and mention one area  
21 that we think would be helpful, and we think it would be  
22 good for you to move towards a strategic enforcement  
23 policy that's in written form. A key component would be  
24 with respect to the incentives for voluntary disclosure or  
25 self-reporting of violated conditions.

1 Cal/EPA has a recommended guidance for incentives  
2 for voluntary disclosure, but as some previous speaker  
3 mentioned, is not binding on ARB. And it's unclear from  
4 any of the documents you have or your website whether or  
5 not you give credence to this Cal/EPA policy. So it would  
6 be helpful if you would.

7 And I would -- this is, like, an old document.  
8 It's about six years old, October of 2003. Several other  
9 states, state of Washington, state of Oregon, U.S. EPA all  
10 have similar policies. In fact, U.S. EPA just recently  
11 amended their policy with respect to acquisitions. The  
12 waste industry is constantly going through divestiture and  
13 acquisitions.

14 And one of the issues with the U.S. EPA policy,  
15 as is true with Cal/EPA's policy, you have a 21-day window  
16 to report after discovery a violated condition in order  
17 for that policy to take effect.

18 With respect to acquisitions, the EPA recently  
19 amended their policy to allow a 45-day window. Even  
20 though we do due diligence every time we purchase a new  
21 site or acquisition or fleet, invariably we do find  
22 problems -- not all the time, but many times. So a little  
23 more flexibility for us to understand what the previous  
24 owner was doing with respect to their operation and be  
25 able to then disclose the violated conditions and

1 hopefully have some level of consideration under a  
2 self-reporting, self-disclosure policy which we would  
3 certainly encourage you to develop.

4           So the only other comment is proportionate to  
5 harm to air quality. I would certainly encourage some  
6 kind of policy that's proportionate to harm. Paperwork  
7 violations sometimes seem to have greater penalties  
8 associated with them, even though there may not be any  
9 direct harm. But if there is direct harm, certainly that  
10 is a different matter.

11           So, in summary, I encourage you to have a written  
12 policy as many other states have done, as Cal/EPA has  
13 done, as U.S. EPA has done, and particularly with respect  
14 to the issue of voluntary disclosure and self-reporting  
15 that I think that is key to encourage people to continue  
16 to operate and complete compliance. Waste Management does  
17 try to reach 100 percent compliance, although we know  
18 that's more of a goal than an actual fact. But we're  
19 working hard to achieve that goal.

20           Thank you very much.

21           MS. MILLER: Thank you.