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MEETING

CALIFORNIA WASTE MANAGEMENT BOARD

CONSIDERATION OF THE KERN COUNTY)
SOLID WASTE MANAGEMENT PLAN)
(CoSWMP))
_____)

COPY

HEARING ROOM

KERN COUNTY BOARD OF SUPERVISORS

1415 TRUXTON AVENUE

BAKERSFIELD, CALIFORNIA

MONDAY, JUNE 6, 1988

10:10 A.M.

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MEMBERS PRESENT

Sherman E. Roodzant, Chairman
Sam Arakalian
Phillip Beautrow
Ginger Bremberg
John E. Gallagher
E.L. "Skeet" Varner

MEMBERS ABSENT

Les Brown
James W. Calloway
John P. Moscone

STAFF PRESENT

George T. Eowan, Executive Officer
Robert F. Conheim, General Counsel
Alan Oldall
Cy Armstrong
Connie Dunn, Board Secretary

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P R O C E E D I N G S

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3 CHAIRMAN ROODZANT: Good morning. We'll call
4 the meeting of the California Waste Management Board to
5 order.

6 I want to extend our appreciation to the County
7 of Kern for inviting us to come down from Sacramento today to
8 discuss with the county and any other interested members of
9 the public the matter of the Kern County Solid Waste
10 Management Plan.

11 The Chair will be happy now to recognize
12 the Chairman of the Board of Supervisors, the Honorable
13 Roy Ashburn.

14 SUPERVISOR ASHBURN: Thank you very much,
15 Mr. Chairman and members of the Board. It's a pleasure
16 on behalf of the Kern County Board of Supervisors to extend
17 an official welcome. We want to thank you for accepting
18 our invitation to be here.

19 I would point out to you that every member of
20 the Kern County Board of Supervisors is present here this
21 morning. I think that emphasizes the concern that we have
22 over our waste management plan and over waste disposal
23 in Kern County.

24 I know that there are some significant issues
25 that are of grave concern to your Board that are of equal

1 or greater concern to our Board as we work together to
2 provide sufficient capacity for the safe disposal of waste
3 within our county.

4 And we appreciate very much, given the magnitude
5 of the issues that are facing us, that you would take the
6 time to come here to receive information from our staff
7 and from your staff, and also to hopefully engage in a
8 dialogue so that together we can be more effective in
9 meeting this challenge.

10 Thank you again for being here. We appreciate
11 it very much.

12 CHAIRMAN ROODZANT: Thank you, Mr. Chairman.

13 For the benefit of the public and those who
14 haven't followed our Board, we generally have a procedure
15 where we ask the interested public to notify the secretary
16 here of your intention to speak on any issue.

17 Obviously, that may be unworkable today as
18 there's only one issue on the agenda today, and that's
19 the consideration of the plan.

20 I don't expect any action to be taken, other
21 than hearing testimony, although the Board members are
22 obviously free to make any motions that they choose to.

23 Could I, for the benefit of operating a timely
24 and well-run meeting today, get an indication of how many
25 people do wish to speak? We have two and a half hours

1 allocated today for this meeting, and I would like to
2 structure the meeting such as everybody has an opportunity
3 to be heard.

4 Can I have a show of hands?

5 UNIDENTIFIED VOICE IN AUDIENCE: Does that
6 also include the presentation by the county?

7 CHAIRMAN ROODZANT: That includes presentation
8 by the county and presentation by our staff. I see about
9 six hands up. Okay. Thank you.

10 We will then proceed with first our staff's
11 presentation and then the county's staff presentation, and
12 then go into representatives from the general public.

13 Mr. Eowan?

14 MR. EOWAN: Thank you, Mr. Chairman and members.
15 Mr. Cy Armstrong of our staff, who's assigned to this
16 county, will give a presentation on the background and the
17 key issues regarding the Kern County Solid Waste Management
18 Plan.

19 MR. ARMSTRONG: Good morning, Mr. Chairman and
20 Board members. Again, I'm Cy Armstrong of the local
21 Planning Division.

22 If you'll pull Attachment 1 out of your
23 packet this morning, we will take a look at the current
24 system of the County Solid Waste Management Plan.

25 Setting the stage just a little bit, Kern County

1 is the third largest county in the State of California.
2 It has a population of about 472,000 people. Agriculture
3 and oil production and related industries make up the
4 background of the economy in this county.

5 The administrative responsibilities for solid
6 waste management in this county ultimately lie with the
7 County Board of Supervisors, who have delegated
8 responsibility for overseeing the county's landfills
9 and transfer stations to the Department of Public Works.

10 The County Department of Environmental Health
11 has been designated as the enforcement agency to enforce
12 local and State ordinances relating to solid waste matters.

13 The financing of the county system here is
14 done largely by general fund monies. The county has not
15 had to resort either to borrowing or utilization of bonds
16 or long-term borrowing to support their solid waste
17 system here.

18 Waste generation in the county involves about
19 800,000 tons of domestic, industrial, and commercial
20 waste generated annually. Undetermined amounts of
21 agricultural waste are also generated here, but do not
22 enter the conventional waste stream.

23 Undetermined amounts also of wastes from out
24 of oil fields are also disposed of in special disposal
25 facilities, and again do not enter the domestic waste

1 stream.

2 Solid waste is collected by a system of 18
3 licensed collectors throughout the county. In addition,
4 the Cities of Bakersfield, Delano, and Arvin operate their
5 own collection crews.

6 Currently, as far as transfer of solid waste
7 in the county, there are seven transfer stations serving
8 the needs of the county. Information regarding the
9 transfer system is summarized in your packet.

10 There are facilities at Bear Valley, Caliente,
11 Keene, Lorraine, Pine Mountain, Randsberg, and Stallion
12 Springs. These serve mostly rural areas with small volumes
13 of waste that would not be economically feasible to haul
14 directly to a landfill.

15 They are serviced by mostly commercial
16 haulers and are disposed of in places that -- mostly
17 Tehachapi, and Ridgecrest, and Lebec landfills.

18 A county this large, of course, must have a large
19 disposal system. Currently, the county operates 14
20 landfills in various areas of the county. A summary of
21 information on the landfills is again in your packet.

22 The largest facility, one of the largest is
23 Arvin, taking 163,000 tons a year of waste per year, with
24 a closure date of 1991.

25 Boron has a closure date of 2021. Buttonwillow

1 will last till 2013. China Grade, which is a major
2 landfill, is going to run out of capacity in about 18
3 months. It's listed here as closing in about 1990.

4 Glennville has a capacity till about 1987,
5 so they're just about -- Kern Valley, a smaller site,
6 will be open to the year 2034.

7 Lebec, again, till 2025, and is a small site.
8 Lost Hills has a long capacity to the year 2048, but again
9 takes just a small amount of waste.

10 McFarland will last till the year 2010; the
11 Mojave landfill till approximately 1998, Shafter until
12 2020, Taft until 2005, and Tehachapi till about the year
13 2000.

14 Septic tank pumpings in the county are disposed
15 of either by landspreading or sewage treatment plants,
16 which is a common practice throughout the State of
17 California.

18 The Arvin landfill is now in the process of
19 being expanded by approximately 160 acres. And the county
20 is now going through the necessary land purchases to
21 provide long-term disposal sites here.

22 A major site to replace the China Grade landfill,
23 which will close, as I mentioned, in about 18 months, is
24 now being sought. Three sites are being studied. The new
25 facility will serve the metropolitan area of Bakersfield,

1 hopefully, for a long, long time.

2 The litter management in the county is done
3 by trustees from the county jail, and the incorporated
4 cities also do a litter cleanup within their jurisdictions,
5 while Caltrans -- the Department of Transportation --
6 maintains litter along county rights-of-way.

7 Resource recovery in the county, the major
8 resource recovery system in the county is conducted by
9 a private entity called the Bakersfield Association for
10 Retarded Citizens. This entity recycles a large volume of
11 materials, such as cardboard, aluminum, and paper, while
12 several beverage distributors also buy aluminum cans.

13 The Salvation Army, Goodwill, St. Vincent de Paul,
14 and other thrift stores have an extensive system of
15 recycling clothing and used furniture, and provide a major
16 recycling effort in the county.

17 Future facilities. As we mentioned, the
18 major need is a replacement for the China Grade landfill
19 to serve the Bakersfield metropolitan area. There are
20 three potential sites now under consideration, and an
21 environmental impact report has been done on these three
22 sites.

23 The enforcement program, as I mentioned, is
24 done by the County Environmental Health Department, who I
25 see is with us today.

1 A total of three fulltime positions are allocated
2 to enforcement activities, which include inspections of
3 the landfills, transfer stations, responding to citizen
4 complaints, and inspection of solid waste vehicles.

5 The sole facility on the Board's Resource
6 Conservation Act open dump list, as we call it, is the
7 now closed City of Bakersfield landfill. They have a gas
8 migration and emission problem, which is being worked on
9 with the enforcement agency.

10 It is my understanding a gas control system has
11 been put in place and is now somewhat being fine-tuned.

12 The following issues pertaining to the waste
13 management program are currently being considered: Again,
14 the aforementioned long-term disposal site to serve the
15 Bakersfield area after China Grade does close in 1990.

16 Expansion of the Arvin landfill, which will
17 provide a long-term disposal for the Arvin area.

18 Compliance with Calderon Act and Subchapter 15
19 requirement is now being finalized, and abatement of the
20 gas emission problems at now closed Bakersfield landfill.

21 There have been a number of improvements since
22 the plan was revised three years ago. For instance, the
23 installation of monitoring wells at the county landfills,
24 which has been required by Subchapter 15. Landscaping has
25 been completed at the Arvin, Mojave, and Tehachapi

1 landfills.

2 An installation of a new water well at the
3 Kern Valley landfill.

4 Moving back to the first part of our agenda
5 today, the key issues for consideration of the county
6 solid waste management plan are that on April 27th of '85,
7 the county submitted a plan review report summarizing
8 their solid waste management system in Kern County.

9 The county indicated that a revision was
10 necessary; that the plan has been outdated, and specifically
11 mentioned that there were a number of items or areas in the
12 plan that they intended to revise.

13 They included identification of solid waste,
14 storage and collection of waste, and updating of the
15 disposal and processing area of the plan, an updating
16 of the resource recovery recycling area of their plan,
17 and again an updating of their economic feasibility section
18 of the county solid waste management plan.

19 The implementation schedule is also going to be
20 updated. In addition to the six areas that the county has
21 indicated they would revise, Board staff, after evaluation
22 of the plan review report, the current plan, and visiting
23 this county and talking with county officials, collectors,
24 and visiting the solid waste system, we felt that a
25 household hazardous waste section should be added to the

1 revision, and also a section on disposal of asbestos
2 waste, and also a mention in the enforcement plan of
3 what steps are going to be done to resolve the gas
4 emission problem at the aforementioned Bakersfield City
5 landfill.

6 Discussed in a little more detail in your packet
7 are the specific items that were addressed in each of the
8 revision areas, and it was either addressed by the county
9 in their plan review report or by Board staff.

10 In the identification of solid waste, the
11 volumes of waste generated currently and projected,
12 including the oil field waste, would be updated.

13 Storage and collection of waste in the county
14 again would be amplified in the plan revision. A general
15 update on the information in these two elements would be
16 done.

17 Under the disposal and processing area,
18 information on waste received at the landfills, remaining
19 capacities at these smaller landfills, the areas served,
20 the hours of operation, contract agreements, and ground
21 water monitoring systems that are now in place at the
22 landfills would be updated and placed in the revision.

23 Also, information on the replacement of the
24 major needs of the county, which is replacement of the China
25 Grade landfill, would be placed in the revision.

1 Some current information on plans for
2 expansion of the Arvin landfill, and compliance with the
3 Subchapter 15 monitoring of the landfills would also be
4 placed in the plan revision.

5 The resource recovery section would be updated,
6 both as far as the short-term and long-term feasibility
7 of recycling, which is now going to have to show a goal
8 of approximately 20 percent of the waste generated within
9 the county to comply with recent legislation.

10 As far as economic feasibility, the plan will
11 be updated to show such things as economic changes,
12 insurance costs, and costs resulting from certain things,
13 such as the monitoring requirements. The cost summaries
14 for landfills and transfer stations would also be
15 included. In addition, costs for waste to energy would
16 be again reevaluated.

17 An implementation schedule, as required by law,
18 would be updated. And this shows key and timely dates and
19 progressions in the events that are going to be done in the
20 solid waste management plan. And it would show replacement
21 sites, for instance, how these will be done. It will
22 show the current events and the dates in order to get the
23 Arvin landfill expanded, and other tasks necessary to
24 accomplish the future goals in the plan.

25 In addition to this, the areas mentioned by

1 the Board staff in making their presentation to you last
2 June, would include identifying a household hazardous
3 waste program in the plan, which is now required by recent
4 legislation effective January of this year.

5 Disposal of asbestos waste. Again, this is
6 caused by recent legislation, which is now asking that
7 all -- or requiring that all solid waste management
8 plan revisions will address the disposal of asbestos waste,
9 which is going on pretty much throughout California in
10 old buildings in updating these buildings and removing
11 this waste, and showing about how much is generated in the
12 county annually.

13 And, of course, this will be taken to -- some
14 counties will dispose on sites within counties, and some
15 counties will export it to other counties where it's
16 disposed of. This will be a part of the plan revision.

17 The enforcement program. We are asking that
18 this program include again the plans and the efforts that
19 will be needed to abate the gas emission situation at the
20 Bakersfield landfill.

21 The Board members will recall at the last
22 June 18th Board meeting in 1987, the Board accepted the
23 plan review report and directed the county to revise the
24 plan in the six areas that the county identified, and
25 also in the three areas the Board staff had identified,

1 which is mostly because of the recent legislation.

2 This item has been prepared to give to the
3 Board, and the Board of Supervisors and other interested
4 people in the audience today an update of the county
5 solid waste management plan process and conditions
6 existing in the county today.

7 These are things that have happened since the
8 Board accepted the county solid waste management plan
9 in June of 1987. Since the plan review report was
10 accepted by the Board, the new legislative requirements
11 that were enacted has occurred. The information relating
12 to this plan revision is summarized before -- below.

13 Excuse me.

14 These are requirements of legislation referred
15 to as AB 1462. And, as I mentioned, these requirements
16 would include listing or indicating or showing that the
17 county has at least eight years combined disposal
18 capacity for solid waste in the county.

19 If the eight year remaining capacity cannot be
20 met, then the county solid waste management plan would
21 have to show a scheme, program, or plan to meet this
22 requirement so that there is at least eight years disposal
23 capacity remaining within the county for the county's
24 solid waste.

25 If this cannot be done, an alternative program,

1 which would be approved by this Board, would have to be
2 included in the plan.

3 Also, again, because of the legislation of
4 1492 -- 1462, excuse me, a 20 percent recycling goal
5 must be shown by the county that would attempt to
6 recycle at least 20 percent of all the domestic waste
7 generated within Kern County.

8 Since this revision has come into being after
9 January 1st of this year, the new requirements would apply
10 to the document that's now being prepared.

11 Preliminary information received on the
12 remaining disposal capacity indicates that Kern County
13 will be out of disposal capacity in 1996 or before. If
14 this figure does fall below the eight years, again, the
15 eight-year provision must be met.

16 In the existing county solid waste management
17 plan, while there is a recycling element, there is no
18 20 percent goal or plan to implement that goal in the
19 plan. The revision must now include this requirement.

20 We have with us today, Mr. Dale Mills, who's
21 the Director of Public Works for Kern County, who wishes to
22 make a presentation.

23 He will be introducing, I believe, Mr. Evan
24 Edgar of his staff, who will make the presentation.

25 MR. MILLS: Thank you, Mr. Chairman.

1 I'm Dale Mills, Director of Public Works for the
2 County of Kern. We're here to give you an update of where
3 we are. And Mr. Evan Edgar of my staff has prepared
4 an informational document, which we'll be passing out to
5 your Board so that you can follow along when we make our
6 presentation.

7 Evan?

8 MR. EDGAR: Good morning. My name is Evan
9 Edgar, a civil engineer with the County of Kern. I'm the
10 project manager of the county solid waste management plan.

11 In front of you is the package regarding the
12 current status of our CoSWMP and the actions Kern County
13 has taken towards submitting that plan to your Board.

14 Kern County has always recognized the
15 importance of a solid waste management plan and has always
16 been committed to a program that ensures that solid waste
17 is stored, collected, transported, processed, and disposed
18 of in a safe, sanitary, aesthetically acceptable,
19 environmentally sound, and economical manner.

20 In fact, in August of 1968, prior to SB 5,
21 Kern County had already prepared the Kern County Solid
22 Waste Master Plan. And then when SB 5 took effect, we
23 updated that plan in 1975 and again in 1983.

24 Just recently, Kern County has been able to
25 provide the best possible disposal service at a cost of

1 only \$3.50 per ton.

2 However, the new legislative requirements for
3 ground water monitoring and clay liners to contain
4 possible pollutants have just started to increase the cost
5 of disposal here in Kern County.

6 We'll be reviewing our economic feasibility
7 in our CoSWMP in order to pay for these new improvements
8 at our landfills.

9 Kern County is dedicated to implement these new
10 environmental programs, to update our county solid waste
11 management plan, and to continue to offer the best
12 possible disposal service to our citizens of Kern County.

13 Your Board accepted Kern County's plan review
14 report in June of 1987 meeting (sic) and directed the
15 county to submit a revised CoSWMP by March 17th, 1988.

16 Kern County has recognized the importance of
17 CoSWMP, but at the time were dedicated to avoiding a waste
18 crisis in Bakersfield. All the staff resources were
19 diverted to the siting of a replacement metropolitan
20 Bakersfield landfill site for the China Grade landfill,
21 which is scheduled to close in 18 months. What few moments
22 staff had to take away from the siting of a Bakersfield
23 landfill replacement site, we were concentrating on
24 implementing the new environmental program, such as
25 installing ground water wells and designing clay liners.

1 Seeing that staff resources were very limited
2 and the CoSWMP was not being done in a timely manner,
3 we decided to go out to an outside consultant for the
4 first time. In 1968, we were able to do it inhouse; in
5 1975, in 1983. We feel we are the best people to do our
6 own plan, but due to all these new legislative requirements,
7 we feel that we must go outside and we have selected
8 Resource Management International, Inc. of Sacramento,
9 California to aid in the preparation of the CoSWMP.

10 We are proposing an aggressive time schedule to
11 get the CoSWMP to your Board by October 11th, 1988. This
12 would follow the minimum statutory guidelines under Title
13 14 as well as CEQA. We will keep the incorporated cities
14 informed along the way, and we have scheduled a public
15 meeting out in the community to get all parties interested.

16 We've been in contact with the cities back
17 in December, '86, when you first took the CoSWMP under
18 consideration, and again back in March. So we are
19 considering an aggressive time schedule. Already,
20 Resource Management has provided an administrative draft
21 outline.

22 The six specific CoSWMP revision areas
23 identified by the Kern County plan review report include
24 identification of solid waste, the storage and collection
25 of waste, disposal and processing, resource recovery,

1 economic feasibility, and implementation schedule.

2 And the three areas identified by the Board
3 upon receipt of the plan report include household
4 hazardous waste, disposal of asbestos waste, and enforcement
5 program. All of these areas will be addressed in the
6 CoSWMP revision.

7 We have just entered week number four of the
8 contract with RMI, and we will have a preliminary draft
9 plan to review by the Board by July 22nd, 1988.

10 We have already started the CEQA process. And
11 we hope we can get a mitigated negative declaration that
12 will be adequate to comply with CEQA. In 1975, we did have
13 an environmental impact report as part of the original
14 county solid waste management plan.

15 Since the plan review report was accepted by the
16 Board, new legislative requirements for the CoSWMP were
17 enacted. Your Board notified the county on October 8th,
18 1987, that we must comply with AB 1462, which says that
19 after January 1st, 1988, all counties must include
20 additional information concerning remaining solid waste
21 facility disposal capacity in the next CoSWMP revision.

22 If the county determines that its combined
23 landfill capacity will be exhausted within eight years
24 of the CoSWMP, then the county must designate expansions
25 to existing facilities or areas for new facilities in the

1 CoSWMP.

2 When your Board determined that eight years of
3 disposal was necessary, it was based upon a factual
4 scenario that it takes about eight years to site, acquire,
5 permit, and construct a disposal facility.

6 In fact, back in 1982, Kern County Public
7 Works had the vision to start to site a new facility
8 within eight years, because the China Grade facility
9 was going to close in 1990.

10 If you look at the map on the wall over
11 there, our Planning Department in 1982 started siting
12 a facility. They went through that decision based upon
13 land use, about shallow ground water, to floodplains, to
14 residential, commercial areas. And the areas up there in
15 orange are areas that were identified as potential
16 landfill areas.

17 Back in 1982, they identified 21 different
18 sites. So, this eight-year disposal capacity was based
19 upon something that we were on time. We were right on
20 schedule. In fact, we were hoping to have a Bena site
21 operation by -- operational by 1990. We have looked at
22 over 26 different sites. We looked at the 21 here, plus,
23 we went out beyond that scope. We had to go even further.

24 And that's when, in 1985, we included -- we had
25 the Planning Department do another study, which expanded

1 the scope, and that's when we found the Bena site.

2 And those two other sites are up on the board
3 over here. We looked -- in 1987, we did an EIR, and we
4 looked at three different sites. And as Cy said in his
5 introduction, the information that he presented to you
6 was as of the plan review report in 1987, and we have
7 selected the site, and that is Bena.

8 And without the initiative and referendum
9 process, we'd be right on schedule.

10 Currently, the county has only 5.7 years left
11 in the disposal capacity countywide.

12 Attached to your document here, I have a chart
13 and a map showing the combined capacity and the
14 individual respective capacity of each landfill.

15 Without Bena, we have 5.7. And with Bena,
16 we'll have about 36 years of disposal capacity.

17 With regards to the recycling portion of AB 1462,
18 Kern County has been credited with recycling up to 11
19 percent of their waste as of 1985. We'll be setting a
20 goal in the CoSWMP to recycle 20 percent. In next year's
21 budget, we have monies to have a Kern County recycling plan
22 to implement that goal of 20 percent.

23 We are forging ahead with our recycling plan.
24 Kern County will be able to adequately address the six
25 areas identified by the county in the plan review report,

1 the three areas identified by your Board, and the goal
2 of recycling.

3 However, should the siting of a solid waste
4 facility at Bena fail tomorrow, Kern County would be at a
5 loss. We have spent over five and a half years, looked
6 at 26 different sites over a thousand square miles, and
7 spent a half million dollars.

8 In reality, we have no place else to turn.
9 If we were to have a tentative plan in our CoSWMP, we don't
10 know what that plan would be at this time. We've gone to
11 the bounds of the county.

12 Thank you.

13 CHAIRMAN ROODZANT: Thank you. Any questions?
14 Mr. Arakalian.

15 BOARD MEMBER ARAKALIAN: I'm a little perplexed
16 here. I didn't know about what was happening here until
17 today, frankly. And I'm looking at this -- if my addition
18 is correct, I add up the tonnage that you're presently
19 taking annually, and it comes to about 1850 ton annually
20 going to your present landfills.

21 But in 1990, the load is 435, which is when
22 China Grade stops. That leaves you down to 380 in 1990.
23 And in 1991, the load is 163, which is Arvin, stops. And
24 after 1991, leaves you 217.

25 Well, I don't know what the heck you people

1 intend to do with your trash, but in a couple more years,
2 you're going to have only 217 ton of capacity, annual
3 capacity, and you must be generating 815, because what's
4 what you're presently dumping. You're considerably short,
5 when you only have capacity for 200 and you need to dump
6 800.

7 Now, you could look at all the rest of the
8 mandatory things that bother you, whether they be mandatory
9 or by your wish of waste to energy or recycling, and
10 whatever 20 percent recycling -- all this is good and
11 dandy, but I hope you understand that you're never going
12 to recycle enough or even burn enough, nor use any
13 technology to make up for 600 tons in your county. You
14 just aren't.

15 First off, you talked about 20 percent of
16 recycling. 20 percent is a criteria you're trying to
17 reach. It doesn't necessarily mean you're going to reach
18 it. You're attempting to reach it.

19 And when you do and if you do -- let's hypo-
20 thetically say you do. That doesn't mean 20 percent of
21 800 tons is coming up. That would be true if you were
22 recycling zero today. Obviously, there's plenty of
23 recycling going on now. I don't know what you're recycling
24 in this county.

25 But just for the sake of an arithmetic problem,

1 let's say you're doing 10 percent now. And you go to 20
2 percent. You've only improved it by 10. You haven't
3 improved it by 20.

4 So, looking for these alternative methods to solve
5 your problem is not realistic, you know, you're sitting
6 on a euphoric bubble. And anybody who wanted you to do
7 that would be as euphorically unsound as you would be.

8 So, it seems to me that the State tells you
9 this, but even without the State telling you that it will
10 be mandatory that you have some kind of a plan for eight
11 years away, you better darn well have it, because what's
12 going to happen, aren't you going to haul trash out of
13 Kern County anymore?

14 MR. EDGAR: We understand that.

15 BOARD MEMBER ARAKALIAN: And what are these
16 people going to do?

17 MR. EDGAR: We understand that. That's why
18 we wanted -- we are compacting. And in our operational
19 agreements at the landfills, we will be compacting. We're
20 trying recycling. And we're trying to make the most
21 efficient use out of our landfills. And we realize that
22 we don't have eight years' capacity.

23 But what we do have, we're trying to use as
24 wisely as possible.

25 BOARD MEMBER ARAKALIAN: Well, you talked about

1 a new landfill you're trying to site. And I understand,
2 from what I'm hearing now, that there's a possibility that
3 that could be stopped.

4 Well, if that were to happen, what's your
5 alternative going to be?

6 MR. EDGAR: Fall back and regroup, because we --
7 we went through -- the last six years, we've been looking
8 at various sites.

9 We finally arrived -- the Board of Supervisors
10 adopted a site that would take care of a major landfill
11 in the urban area of Bakersfield. And this is the ideal
12 site. If that is not available to us, then we're going to
13 have to look at other things very quickly.

14 BOARD MEMBER ARAKALIAN: And the terrible thing
15 is you only have about two or three years at most and,
16 if you found the site today -- which you haven't found
17 yet -- it would take more than that to get the necessary
18 work to make it work. I mean, you don't just say, "We
19 found a site," and six months later it's ready. Between
20 the engineering, the EPA things, and whatever else, you've
21 got -- normally, what is it? -- a rule of thumb, about
22 five years after you site that it could even be opened?

23 You don't have any time left. You better darn
24 well do whatever you can to make this one work. Because
25 without it, you're in deep wheat.

1 MR. EDGAR: We understand that.

2 CHAIRMAN ROODZANT: Mr. Gallagher?

3 BOARD MEMBER GALLAGHER: Thank you, Mr. Chairman.

4 Thanks for inviting us to Kern County.

5 I'm concerned. As I tried to follow along here with dates
6 and times, I understand that Kern, like other counties,
7 are an entity unto themselves. But this Board has to be
8 concerned with all the counties in California.

9 And the matter of having timely response to
10 dates and deadlines is extremely important. We have faced
11 a Herculean task in trying to insist that CoSWMPS be
12 brought up to date and kept up to date, because they are
13 a planning document on which so many other things depend.

14 And the fact that you, at the moment, do not
15 have a CoSWMP is of great concern to me, because there are
16 people who need permits and things like that can't be
17 worked upon or acted upon until you have a CoSWMP here in
18 place.

19 And we're going back now into a year. And if
20 I take a look at what I see in these documents, either our
21 staff has not been kept informed and they have not kept us
22 informed so that some help can be given in the decision-
23 making process. You're in the fourth week of a contract
24 with your new consultant. I'm identifying that from your
25 presentation.

1 MR. EDGAR: Correct.

2 BOARD MEMBER GALLAGHER: And yet, that comes
3 after the deadline for the submission of the plan
4 originally. It was to be completed and in our hands by
5 March 17th.

6 The question I have of you, sir, was our staff
7 notified well in advance that you were going to delay
8 any action until after the date you were supposed to have
9 the plan back to us?

10 See, I come into this thing very cold. We're
11 sitting up there expecting we're going to get a plan on
12 March 17th, and then we find out that you've decided, which
13 is your prerogative, of course --

14 MR. EDGAR: I know.

15 BOARD MEMBER GALLAGHER: -- that you're not
16 going to have us a plan. You're going to hire a consultant
17 at that date.

18 MR. MILLS: We've worked very well with your
19 staff. And we're not pointing any fingers at anything.
20 We recognize everything hinges on Bena. If we had a
21 plan today and we don't have Bena, we do not have an
22 approved plan, because we don't have the eight-year
23 capacity.

24 BOARD MEMBER GALLAGHER: I understand that.

25 MR. MILLS: So, we -- it wasn't until September

1 that -- that the Site C, Bena site was actually approved.
2 We got a CUP and everything. Immediately, we got
3 concerned about making sure that our CoSWMP was met. We
4 spent a lot of staff time on Bena. And we recognized --
5 and I think you'll find out, in February, we discussed it
6 with the staff. In fact, as I recall, we discussed it
7 with your staff.

8 We hurried --

9 BOARD MEMBER GALLAGHER: That's one month
10 before it's due, you know.

11 MR. MILLS: I understand, sir. You have to
12 understand, from September to February, we're still
13 collecting information on Bena. I understand that.

14 We're as concerned about this as you are. If
15 we don't have Bena, we don't have a plan.

16 BOARD MEMBER ARAKALIAN: Excuse me, Mr. Chairman.

17 BOARD MEMBER GALLAGHER: It doesn't seem to me
18 that -- I'm certainly not trying to chastise anybody. I'm
19 trying to impress upon the necessary improvement in
20 communications, because if we had been -- at least in my
21 case -- informed that you weren't going to even attempt
22 to put together a program until after the deadline, I
23 might have had an entirely different feeling about it than
24 I do now.

25 But you concentrated all your staff time on an

1 effort to discover a new landfill site, and did nothing to
2 address any of these other five issues that were involved
3 until after the deadline for the new plan, which now means
4 you're going to be another year, for all intents and
5 purposes, before you have a plan.

6 And I'm just very concerned that all the
7 counties understand the importance of this lag time and
8 what it does to us, as a State agency, in keeping -- being
9 sure that the counties of this State are adequately
10 addressing the issues and have in place a plan which we can
11 point to and say, "There's a plan."

12 And I'm just concerned about the timing. I know
13 the counties are having a lot of difficulties. But it
14 seems to me that to have completely ignored all of the
15 six issues except one until after the deadline is really
16 not good planning.

17 That's my concern. And I understand your
18 dilemma about the landfill site. And I can further tell
19 you, you're going to have a lot more dilemma if you don't
20 have an approved plan pretty damn quick. Because without
21 that CoSWMP being in place and approved, there's a lot of
22 other things that depend upon it. You're not going to be
23 able to exercise your rights in that regard.

24 MR. MILLS: We understand that, sir. We had
25 asked in a letter in February -- recognizing it was one

1 month before the deadline, for an extension, recognizing
2 at that time -- we were just becoming aware of the
3 potential problem of having an election on Bena.

4 We felt fairly comfortable that we had a site.
5 We had a willing seller. We had a site that we had gone
6 through the environmental impact review. We had numerous
7 meetings to look at this potential site. Everything was
8 on go for us.

9 And then, we're at a -- we're in a holding
10 situation. And recognizing that, that did have some impact
11 on the CoSWMP.

12 I understand what your concerns are. And I've
13 talked to my counterparts up and down the valley and
14 throughout the State with regards to their problems with
15 trying to site landfills. And it is tough. And it's going
16 to get tougher and tougher and tougher.

17 I felt very comfortable in September, after
18 we made the site. In fact, I was kind of bragging to my
19 cohorts that, well, Kern County finally located a site
20 and we're on our way.

21 Well, that isn't the case.

22 BOARD MEMBER GALLAGHER: Well, I am happy to
23 see, after having said what I did, that you are making
24 an effort to improve the date so that you'll have
25 something in our hands to take a look at by July. That

1 I compliment you on. But I just want to express for the
2 record the importance of staying on top of these things
3 and not ignoring them until the deadline is here, and then
4 all of a sudden having to go into some sort of crash mode
5 in order to bail yourselves out.

6 MR. MILLS: I don't think, Mr. Gallagher, we
7 were ignoring it. If you look at our -- our report to
8 you, we -- Kern County is gravely concerned about disposal
9 of the solid waste.

10 We feel we have a very good solid waste program
11 in this county, a very economical solid waste program.

12 We got out of the burning business many years
13 ago, and we did it very effectively. And we recognize
14 what your concerns are. And I would hope you would
15 recognize our concerns when it comes to trying to find
16 someplace to dispose of --

17 BOARD MEMBER GALLAGHER: Unfortunately, I'm
18 inclined to recognize your concerns more than you think.
19 But, on the other hand, I still have to be a responsible
20 public servant, and impress upon you the importance of
21 time frames along with everything else.

22 And I wish you good luck.. I think you've -- and
23 all the counties have a lot of problems in the matter of
24 solid waste disposal. And the people had better start
25 looking at it. And I'm not sure that the fact you have a

1 real economical one does not work to your disadvantage.
2 Because when the citizens of this county or any county
3 begin to recognize the true cost of solid waste management,
4 they may not be so eager to sit back and refuse to let
5 them site landfills or put in waste to energy plants and
6 that sort of thing.

7 So, I think maybe having an economical system
8 may be working to your disadvantage. When they really have
9 to start paying the bill for what it really costs, they
10 may have a different attitude.

11 CHAIRMAN ROODZANT: Miss Bremberg.

12 BOARD MEMBER BREMBERG: Yes, Mr. Chairman,
13 thank you.

14 First of all, I would very much like to
15 congratulate the five elected supervisors in this
16 county for having the courage of decision-making and taking
17 care of, immediately and with dispatch after a very --
18 and being an elected official myself, I know exactly how
19 you're damned if you do and damned if you don't when you
20 make a decision that's right. I think the supervisors are
21 to be commended.

22 I also wish to echo what Mr. Gallagher said
23 about the true costs. That was one of the reasons I
24 wanted to talk to you. I do not believe that you have
25 indicated what your subsidy is on your landfills. And I

1 would very much like to ask you -- one of you gentlemen
2 to go to that map and point out to us where the other
3 two sites that were listed in your report are, and indicate
4 to me why they were not selected as being as desirable
5 as the one that the supervisors selected.

6 MR. MILLS: Well, I think -- if I may,
7 Mr. Chairman, this map over here probably depicts best
8 the three sites that were considered and an environmental
9 impact report was developed on all three sites.

10 BOARD MEMBER BREMBERG: Three reports or one?

11 MR. MILLS: One report, three sites. We had
12 numerous hearings in the area to consider these three
13 sites.

14 And as it turned out, the decision by the
15 Board of Supervisors was based on an environmentally sound
16 site, which was Site C, which is the one right there,
17 out of all the three sites.

18 And it was the site that, after the
19 environmental impact report was accomplished, we also did
20 an economical feasibility study for the Board of
21 Supervisors, and that was the site that was selected.

22 There was no ranking, if you will, one, two,
23 three, four. The site was selected and that was it.

24 BOARD MEMBER BREMBERG: Because of the
25 potential percolation, or what?

1 MR. MILLS: Well, we went through the whole
2 scenario of geotechnical information. It does not have a
3 fault on the site, which in Kern County we have all kinds
4 of faults.

5 BOARD MEMBER BREMBERG: Don't we all.

6 (Laughter.)

7 MR. MILLS: I understand. It's away from
8 schools. It's away from houses. And it's away from
9 everything. And I'm sure that the Board, in their wisdom
10 in selecting that site, took all those things into
11 consideration.

12 MR. EDGAR: One of the key issues about it is
13 that it offers 65 years of capacity; whereas, other sites
14 only offer 26 years and 28 years.

15 BOARD MEMBER BREMBERG: Thank you very much.

16 CHAIRMAN ROODZANT: Mr. Beautrow?

17 BOARD MEMBER BEAUTROW: Mr. Mills, you mentioned
18 that there was no contingency plans. Again, one of the
19 elements in the CoSWMP is some sort of contingency plan.
20 You have to have a contingency plan. We don't need to get
21 into the politics aspect of it, but are you saying that,
22 in effect, you do not have any contingency plans whatsoever
23 because -- is there any way that additional life could be
24 squeezed out -- higher, wider, you know -- or whatever.
25 But, you know, contingency planning is an element that

1 needs to be considered. Would you elaborate, please?

2 MR. MILLS: When we did the study, the idea was
3 to move from China Grade in 1990. We have, since that
4 time, in the new contract for the operator -- of the
5 future operator, within the next couple of months at
6 China Grade required the land be filled compacted,
7 which we figure we can pick up probably 15 to 20 percent
8 compaction by using the compactor.

9 Now, you have to understand that there's a lot
10 of discussion about whether a landfill compactor will give
11 you any more than what you get when you run a D-9 over
12 the top of the material.

13 There is some acquisition of oil wells and
14 various other things. You might get a year or so. And
15 that would be, you know, very minimal as far as that.

16 In my opinion, you would be looking at a new
17 site someplace in order to take care of the eight-year
18 requirement.

19 BOARD MEMBER BEAUTROW: Well, are you saying
20 that the other two sites that were evaluated, that if you
21 had to start all over again, you could not go back and
22 reevaluate those, or just not suitable, or --

23 MR. MILLS: I didn't say that. I said that
24 all three sites were looked at. All three sites were
25 evaluated at cost, economical cost, transportation cost.

1 For example, the site up at Site B has a hundred
2 owners in it to deal with, to acquire the land. Can you
3 imagine trying to acquire that? That's extremely difficult.

4 The other site, Site 2, which is Breckenridge,
5 has a fault that runs through the center of it. We would
6 have to set back -- and, you know, working with the --
7 with Water Quality Control Board or -- they won't tell
8 you exactly how far you set back until you get all the
9 geotechnical information.

10 I'm not saying that we just don't have some
11 ideas. But I don't have those ideas to present to you
12 today, sir.

13 BOARD MEMBER BEAUTROW: Thank you.

14 BOARD MEMBER ARAKALIAN: Mr. Chairman?

15 CHAIRMAN ROODZANT: Mr. Arakalian.

16 BOARD MEMBER ARAKALIAN: I seem to be real
17 off base here. I completely agree, obviously, with what
18 Mr. Gallagher had to say about your being late with your
19 plan and all. But that's, from what I'm hearing now,
20 rather academic, I mean, whether it was late or going to be
21 on time or going to be late and finished up.

22 And I hear things like, Bena, Benago (pronouncing),
23 this new site you're talking about?

24 MR. MILLS: Bena site, sir, yes.

25 BOARD MEMBER ARAKALIAN: Bena. Okay. I hear a

1 conversation that this was a site you spent all this money
2 on in finding and siting, and waiting to go to. And it
3 seems to be large enough to handle it. Why aren't you
4 using it? Why are you now saying you don't want to use
5 it?

6 I don't understand this. You tell me -- I hear
7 that you do have a plan, and then I hear your plan is
8 going to come in and I'm not too concerned. And then I
9 hear you have a place you spent half a million bucks to
10 get it and now you don't want to use it.

11 MR. MILLS: We have -- on that particular site,
12 there's two initiatives on the ballot tomorrow.

13 BOARD MEMBER ARAKALIAN: What kind of
14 initiatives?

15 MR. MILLS: To overturn the -- what the Board
16 of Supervisors has done as far as selecting that site.

17 Now, those -- one's a referendum; one's an
18 initiative. And I would defer -- where's my County Counsel?
19 Right there. Come up.

20 Mr. Barmann, who is the expert on this
21 referendum and initiative --

22 BOARD MEMBER ARAKALIAN: It wouldn't do any good
23 to tell me. I wouldn't know the difference.

24 MR. BARMANN: Well, if the county fails tomorrow
25 in having that site upheld, then we don't have a site.

1 BOARD MEMBER ARAKALIAN: Well, the county has
2 now sited that site?

3 MR. BARMANN: Yes, sir.

4 BOARD MEMBER ARAKALIAN: And now there's an
5 initiative where the people vote, that kind of thing?

6 MR. MILLS: Yes.

7 BOARD MEMBER ARAKALIAN: And to stop it? Is
8 that --

9 MR. MILLS: Yes.

10 BOARD MEMBER ARAKALIAN: Oh, that's what I wasn't
11 aware of. That's why it wasn't making any sense to me.

12 MR. MILLS: I'm sorry, sir.

13 BOARD MEMBER ARAKALIAN: You said you had a site
14 and I thought you didn't want to use it anymore.

15 MR. BARMANN: No, no. The County Board of
16 Supervisors has gone through the process and selected
17 a site, a site that is environmentally sound, economical,
18 does not have an earthquake fault. We have done all of
19 the biota studies, everything in the world to say that's the
20 site that we want.

21 Now there is an initiative and a referendum on
22 the ballot tomorrow, and there's two of them. And there's
23 a very complicated reason why there's two, that would
24 overturn the use of that site.

25 BOARD MEMBER ARAKALIAN: I didn't know you did.

1 that with initiatives, that you can overturn -- I --

2 BOARD MEMBER BREMBERG: Sam, you can do anything
3 with an initiative.

4 BOARD MEMBER ARAKALIAN: Yeah. Okay. I don't
5 feel so bad. You're not a bad guy anymore. I just thought
6 you were the bad guys.

7 (Laughter.)

8 BOARD MEMBER ARAKALIAN: I just didn't know.
9 I came without doing my homework I guess. Well, I figured
10 I'm smart enough to listen and catch on. But --

11 MR. MILLS: I don't think we would be so
12 gravely concerned, you know, if that site -- you would
13 have had the CoSWMP by now and we wouldn't be standing
14 here and sitting here and talking about this. You know,
15 it would have been done, because in September, by the time
16 we would have started the CoSWMP inhouse, which we have
17 done before. We've done it ourselves, waste management
18 plans inhouse before. We have the staff to do it. But
19 we've been diverting a lot of our time to analysis of Bena
20 site and things like that.

21 BOARD MEMBER ARAKALIAN: Now, I'm really more
22 concerned. If this happens, then what do you do? We'll
23 have to come back and ball you out and tell you to do it,
24 because you can't do it anymore.

25 MR. MILLS: That's what Mr. Beautrow was asking

1 a question about a fallback position, you know.

2 BOARD MEMBER ARAKALIAN: How long ago did you
3 hear about this?

4 MR. BARMANN: I don't know when the petition
5 carriers started. It's been some time ago.

6 UNIDENTIFIED VOICE IN AUDIENCE: February, March.

7 MR. MILLS: February or March. But there were
8 two petitions handed around. Sir, let me explain to you
9 the best I know --

10 BOARD MEMBER ARAKALIAN: I'd like to know just
11 for the fun of it.

12 MR. MILLS: There were two petitions handed
13 around. One petition was handed around and submitted to the
14 County Clerk supposedly a day after it was due. Okay?

15 That went through the Superior Court to
16 determine whether the petition was valid or invalid.

17 Counsel, I don't mean to step in -- Okay.
18 The Superior Court said the petition was invalid. So, they
19 carried another set of petitions around. And they got
20 those petitions and gave those to the Clerk.

21 In the meantime, the first petition -- the opinion
22 of the Superior Court was appealed to the Fifth District
23 Court of Appeals in Fresno. Okay. So, at that point,
24 we got one -- the second petition is going. It qualified.

25 The Fifth District Court of Appeals tells us to

1 put the first petition on the ballot.

2 So now we've got two petitions on the ballot,
3 A and C, covering the same -- essentially the same item,
4 a little different, but essentially the same item. And you
5 have to vote -- if you want to support the county's
6 position, you vote no on one and yes on the other.

7 And if you want to support the opponent's
8 position, you have to vote yes on one and no on the other.
9 Extremely complicated.

10 And you go out and talk to people out in the
11 county or in the city, it's very confusing. It's of grave
12 concern to us that people of this county know that this is
13 the best site for our solid waste.

14 BOARD MEMBER ARAKALIAN: Are the people who are
15 doing this aware that without this, you'll be up a tree?

16 MR. MILLS: Counsel for them is sitting right
17 over there.

18 BOARD MEMBER ARAKALIAN: Who's that?

19 CHAIRMAN ROODZANT: Maybe we'll hear from the
20 petitioner's counsel later. I'm sure we will.

21 BOARD MEMBER ARAKALIAN: Okay. Because I'm just
22 getting an education. I was unaware.

23 MR. BARMANN: We probably should have covered
24 that more in our presentation.

25 MR. MILLS: You know, we're so close to it, and

1 we get so involved in it, we assume everybody else knows
2 what we're doing.

3 CHAIRMAN ROODZANT: Thank you, Mr. Mills.

4 BOARD MEMBER BREMBERG: Well, the citizens of
5 this area are still going to be generating garbage --

6 MR. MILLS: Each household, seven pounds a day.
7 I guess they can stack it in their back yard.

8 BOARD MEMBER BREMBERG: Maybe their front yards
9 like in New York.

10 BOARD MEMBER ARAKALIAN: They're going to need
11 a real big can to hold all their garbage. A great big one.

12 MR. MILLS: That's right. You can understand
13 why our CoSWMP has to be integrated with that thing, the
14 site, because we don't have a site. We simply don't.
15 We essentially can't produce a CoSWMP to you. We're going
16 to have to come up with something else.

17 BOARD MEMBER GALLAGHER: You're between a rock
18 and a hard spot.

19 MR. MILLS: Yes, sir. We have thought about a
20 couple of options, but it still doesn't get us up to
21 eight years. If China Grade closes in 18 months, we can haul
22 about 36 miles to one of our smaller landfills at Arvin.
23 I don't know exactly the distances. Or we can haul to
24 Wasco-Shafter. Now, these are smaller volume sites. You
25 can probably -- there's a map attached to the back end of

1 that presentation there. It shows the -- 12 is the
2 Shafter-Wasco, up 2020, and then Arvin is 1991. And
3 we're proposing an expansion at Arvin.

4 BOARD MEMBER GALLAGHER: Mr. Chairman?

5 CHAIRMAN ROODZANT: Mr. Gallagher.

6 BOARD MEMBER GALLAGHER: There are one or two
7 things there, too, to physically take that many trucks
8 and bring that many trucks to one site is not always
9 fiscally possible.

10 MR. MILLS: It would require us to renegotiate
11 or rebid the contract for the operation of that landfill
12 and it would probably need some modification of the landfill
13 scheduling. There would be major scheduling problems, yes,
14 sir.

15 BOARD MEMBER GALLAGHER: One of the things that
16 I didn't see in the documents to indicate -- has all due
17 consideration been given to disposal outside the county,
18 such as being done in San Francisco where they're hauling
19 their county and city refuse to the Altamont landfill
20 in Alameda County? I know the adjoining counties are just
21 about out of landfills, but it should be documented that
22 you have explored all those options.

23 MR. MILLS: I think two other counties, Tulare
24 to the north has its own problems. San Luis Obispo
25 County to the west has its own problem. L. A. County to the

1 south. my grandfather.

2 BOARD MEMBER BREMBERG: My goodness, real problems.

3 BOARD MEMBER ARAKALIAN: You can take it to
4 Glendale.

5 (Laughter.)

6 CHAIRMAN ROODZANT: Are there any other
7 questions before asking for —

8 BOARD MEMBER ARAKALIAN: Aren't we going to
9 break for a cigarette or something?

10 CHAIRMAN ROODZANT: All right. I saw a number
11 of hands raised earlier of people who would like to
12 address the Board on this issue.

13 Whoever wants to be next, please come forward.
14 Nobody next?

15 Well, there being no further business -- here,
16 we have one.

17 MR. BARMANN: Mr. Chairman, I'm Bernie Barmann,
18 County Counsel. I have a couple of questions I'd like to
19 put to your Board.

20 One is a point of clarification. I note in a
21 letter to Supervisor Ashburn, who is here, of May 23
22 from Mr. Eowan, that the Kern County matter of compliance
23 with the solid waste management plan has been referred
24 to the Attorney General.

25 I would like to clarify that point as to where
that stands today.

1 CHAIRMAN ROODZANT: Counsel?

2 MR. CONHEIM: Mr. Chairman. Mr. Barmann, the
3 matter has been referred to the Attorney General formally,
4 and will undergo some assignment procedure through their
5 bureacracy, and in several weeks, I suspect we will begin
6 to analyze it with the Attorney General for further action
7 and recommendation. It has just recently been referred
8 and there has been no contact from the Attorney General
9 back to us.

10 MR. BARMANN: Given our present situation, it
11 would it be fair to say that this county could expect a
12 lawsuit filed by the Attorney General if the Bena site
13 is rejected at the polls tomorrow?

14 MR. CONHEIM: The analysis that the Attorney
15 General and my office would undergo would not specifically
16 be tied to the Bena issue. It would be tied to trying to
17 assess how soon, realistically, the county could complete
18 its solid waste management plan, what would be the best that
19 this Board and the Attorney General could expect even if
20 we sued you yesterday.

21 So, it will be a full analysis in which we
22 try to gather as many facts as possible before any decision
23 is made to actually specifically commence any litigation.
24 I can't comment on the effect of tomorrow's situation.

25 MR. BARMANN: We could anticipate, I gather --

1 the letter to Mr. Ashburn indicated vigorous enforcement
2 by this Board of your obligation here in Kern County.
3 I think we could anticipate that, could we not?

4 MR. CONHEIM: Mr. Barmann, the Board decided in
5 January, 1985, and it has been agreed to ever since, to
6 pursue vigorously every county's solid waste management
7 planning obligation, because the Board considered it to be
8 one of the major -- if not the major vehicle for adequate
9 planning for solid waste management and disposal for
10 every county in California. So, I have to answer, yes,
11 to your question based on the Board's direction.

12 MR. BARMANN: I have one final question,
13 Mr. Chairman. If Bena is rejected tomorrow and we have
14 the Attorney General breathing down our necks here in
15 Kern County, what recommendations or advice do you have
16 at this time for this county in trying to meet its
17 obligations in the current law with respect to the solid
18 waste management plan?

19 CHAIRMAN ROODZANT: Counsel?

20 MR. CONHEIM: That question moves beyond a legal
21 answer. Again, the answer to your question is more complex
22 than any answer I can give you. It would have to be
23 derived from staff's analysis. The Board has directed
24 the staff and my office to proceed to the Attorney General
25 to enforce the obligation to complete your plan, selecting

1 among whatever alternatives you, as a local government,
2 might select. The Board is committed, if you act in a
3 timely manner, to supporting local control and local
4 decision-making, but through the Attorney General, it will
5 be asking you to retrench, regroup, and complete that
6 solid waste management plan. And not completing it will
7 not be a viable answer from you, whatever the results or
8 whatever decision you make.

9 MR. BARMANN: Mr. Chairman, by Mr. Conheim's
10 response, the Attorney General, in consultation with your
11 Board and your staff, will determine what means are
12 reasonable in this county with respect to solving our
13 problems; is that correct?

14 MR. CONHEIM: The Attorney General will make a
15 recommendation, but all decisions over this litigation
16 if such should ensue, with the assistance of the Attorney
17 General -- it is the State Attorney who actually files and
18 proceeds with actual litigation. The Board will make
19 decisions on how to proceed. It will be the Board that
20 makes the final decisions based on the Attorney General's
21 recommendation.

22 MR. BARMANN: I have no further questions.
23 Perhaps the Board has some.

24 CHAIRMAN ROODZANT: Thank you, Mr. Barmann.
25 Mr. Beautrow?

1 BOARD MEMBER BEAUTROW: Your county is
2 probably further ahead than some in this whole issue,
3 but there are other counties that have a similar situation
4 or worse, where there's a deadlock with Boards of
5 Supervisors in the whole siting process.

6 We were somewhat -- I will say this -- lax
7 years ago in making sure that the counties adhered to
8 some kind of meaningful implementation schedule and, you
9 know, the whole issue of responsible solid waste management
10 planning has come to the forefront, oh, in the last five
11 or so when the crisis has arisen.

12 We feel very strong that a county solid waste
13 management plan is very important, and an indication of
14 what is going on. And when these matters do come
15 before us and it's shown that there's a plan report that
16 isn't on time -- we have a schedule that we review every
17 month, and so we have to take the stance that we must make
18 those referrals to the Attorney General. So, we're not
19 just picking on Kern County. This is a statewide concern.
20 I just wanted to elaborate on that. Thank you.

21 BOARD MEMBER BREMBERG: Mr. Chairman?

22 BOARD MEMBER GALLAGHER: Miss Bremberg?

23 BOARD MEMBER BREMBERG: Have you, in your
24 budgeting, considered the invariably higher cost if this
25 whole thing fails tomorrow? If the county has to go back

1 to square one and start over revisiting sites and
2 evaluating new sites, the additional transportation cost,
3 disposal cost, and so forth --

4 MR. BARMANN: I would have to defer to Mr.
5 Mills for a response to that question.

6 MR. MILLS: Of course, the budget for the next
7 year has not been completed yet. They will not be until
8 July. Probably next year we would be okay, because we're
9 still using China Grade.

10 BOARD MEMBER BREMBERG: I was thinking of the
11 hundred owner site, which would require eminent domain,
12 paying the fair market value, and reassessment, and
13 court cases, and so forth. That's what we had to face.

14 MR. MILLS: We have the monies to acquire the
15 site at Bena.

16 BOARD MEMBER BREMBERG: I understand that.

17 MR. MILLS: If we had to go back to another site
18 that was already approved by the Board, it would probably
19 have a less life expectancy than Bena. There's, as I
20 recall, about \$2.3 million that we have set aside for
21 acquisition. I expect that monies would still be
22 available for site acquisition in next year's budget.

23 We're recommending monies be put aside -- placed
24 in the budget in order to start the construction of these
25 improvements of water wells, road, other things in

1 addition to the right-of-way acquisition.

2 If we had to go back to square one and acquire
3 the properties from a hundred different people, my good
4 counsel here would be the one that would have to carry
5 that through with regard to condemnation. I'm sure
6 we wouldn't get agreement from a hundred people.

7 BOARD MEMBER BREMBERG: It would cost you a
8 considerable amount more than the 2.3 million, not looking
9 at the size of the acreage, but just in legal and court
10 costs and so forth, and then the property becomes worth
11 millions of dollars just because the entity wishes to
12 buy it.

13 MR. MILLS: I think that's one of the
14 considerations that you have to, as a member of the Board
15 of Supervisors or a City Council has to take into
16 account. We had a willing seller down here in Bena. And
17 that's unusual when you acquire land. Those things were
18 all part of the considerations as well as the environment
19 that the county took into consideration.

20 BOARD MEMBER GALLAGHER: Mr. Chairman?

21 CHAIRMAN ROODZANT: Mr. Gallagher.

22 BOARD MEMBER GALLAGHER: There is an implication
23 here that you did not anticipate any problem when you
24 decided on the Bena site. If you were to, for whatever
25 reason, be forced to reconsider and go to one of the other

1 sites, would you anticipate equal, not as much, or more
2 opposition to those sites than to the Bena site?

3 MR. BARMANN: Mr. Chairman, if I might, I think
4 we do anticipate substantial problems on the other site.
5 I think it's fair to say -- as I've just been informed --
6 that Site B, there north, there's a price tag on that
7 estimated at \$4 million. Whereas, the Bena site, I think,
8 was at 1.8. Is that correct?

9 MR. EDGAR: That's correct.

10 BOARD MEMBER BEAUTROW: Mr. Chairman?

11 CHAIRMAN ROODZANT: Mr. Beautrow?

12 BOARD MEMBER BEAUTROW: Mr. Barmann, using
13 those numbers sound real big, like 4 million, 2.1 million,
14 and whatever, and the difference being an extra million
15 or more from one site to the other. That's all fine and
16 dandy. But as far as the citizens of Kern County are
17 concerned, you may not be able to move as rapidly as you
18 want or as you'd like regardless of what you spend. And
19 you might be stuck within a year or two to hauling your
20 garbage to far away places. I noticed somewhere that it
21 was \$3.50 cost of hauling the garbage, and it's liable
22 to put the decimal point over a little bit. I wouldn't say
23 raise it \$3.00, I'd say move the decimal point. Those
24 raises will have to be made while you're trying to site
25 this, because there might be a year or two year or five-year

1 year interim looking for a place and getting it going.

2 I wouldn't want to pay Kern County \$30 or
3 more for hauling my garbage, but that's what it could cost.

4 MR. EDGAR: There were five public hearings in
5 the community. And for Site B, we had hundreds and hundreds
6 of people coming out against it. The access route up to
7 Site B, we would have to go up Banner (phonetic), Chester,
8 the airport, and all those residential and some commercial,
9 and go by churches and schools. That's really poor access
10 to Site B, And the public came out against it.

11 And on the Breckenridge site, Site 2, the public
12 came out against that site, too.

13 But over at Site C, Bena site, only four people
14 mentioned opposition to that site, far less than all the
15 other. And that was another main reason, the public
16 opposition was not there on Site C as compared to Oildale
17 and Breckenridge.

18 BOARD MEMBER GALLAGHER: Thank you.

19 MR. EDGAR: So we established the fact that
20 this was the one that had the least public opposition to
21 it. Only four people came out against it.

22 BOARD MEMBER GALLAGHER: Any further questions?
23 Thank you.

24 Is there any other comment?

25 MR. ABBOTT: Yes. Mr. Chairman and members of

1 the Board, my name is Randall Abbott. I'm the Director
2 of Planning and Development Services for Kern County.

3 There's been a lot of discussion publicly
4 locally with regard to the reason why the B site was
5 not developed, due to the lack of capacity, of course, and
6 it's -- and it's related to the CoSWMP, an integral part
7 of the CoSWMP is -- and the potential exists for a ban
8 on development projects and potential construction in
9 Kern County, number one, with the lack of compliance
10 with the CoSWMP and, of course, the lack of capacity for
11 disposal -- that's been argued both ways. Even a member
12 of the Solid Waste Management Board itself says the
13 potential does exist.

14 However, when the CoSWMP was adopted in 1975 in
15 Kern County and the revision was adopted as an element
16 of our county general plan as part of the land use element.
17 We have seen up and down the State over the years many
18 construction bans on development plans based on the
19 determination of the inadequacy of local and county general
20 plans.

21 My concern is that even more so now, that
22 recent legislation requires all CoSWMPs to be consistent
23 with the countywide general plan.

24 And if, in fact, the CoSWMP in Kern County is
25 determined inadequate, then that reflects on the county

1 general plan. And it is not beyond the possibility that a
2 potential construction ban or development ban could occur
3 due to the inadequacy of the county general plan.

4 And if I could have a little clarification
5 of that point, it would certainly be helpful.

6 BOARD MEMBER GALLAGHER: Counsel?

7 MR. CONHEIM: I haven't studied the case law
8 related to the bans that have occurred. What I'm prepared
9 to tell you is that this Board doesn't have any specific
10 authority to address that ban situation under its own
11 statutes or law of the Waste Management Board.

12 But under the CEQA process, this agency is the
13 reviewing State agency, and it has standing in any county
14 in any area to review the development projects. We're on
15 the list, not of your own choosing, but identified by the
16 State Clearinghouse as a reviewing agency. So, we do get
17 information on land development projects and to make
18 comments. So that the vehicle of reviewing environmental
19 documentation, whether it be an environmental impact
20 report, or negative declaration for a land development
21 project could lead to this Board being informed and
22 pursuing its rights and its standing under CEQA.

23 It hasn't done it up to this point, but it's not
24 precluded under that law.

25 MR. ABBOTT: I would perceive that to mean, then,

1 the possibility exists, either through your responsibility
2 as a responsible agency or through some action on the
3 part of the Attorney General if, in fact, the CoSWAMP was
4 determined to be an inadequacy in the county's general
5 plan, that the remedy of a development ban could occur.

6 I'm not saying it will, but it's not beyond
7 possibility.

8 MR. CONHEIM: It's not, based on my understanding
9 of the law, though I have not addressed the situation when
10 it occurs with a CoSWAMP as part of the general plan. All
11 I'm saying is that I'm aware of that, of that situation.
12 I think you have raised an issue where both directly and
13 indirectly those issues can be raised in the future.

14 And the letter signed by the Chairman informed
15 the Board of Supervisors that it would continue, as it has
16 in the past, to look at land development, environmental
17 documentation in Kern and other counties.

18 BOARD MEMBER BEAUTROW: Mr. Chairman?

19 BOARD MEMBER GALLAGHER: Mr. Beautrow.

20 BOARD MEMBER BEAUTROW: I think it's been
21 observed that in the past, many, many municipalities,
22 counties, cities, special districts have imposed bans
23 because of inadequate water supply, and in the case of
24 the City of Los Angeles now, because of inadequate sewage
25 disposal that exists.

1 It's going back to what I said earlier about
2 responsible solid waste management. It would certainly be
3 apparent to me that if you don't have an adequate means
4 to dispose of your garbage, that certainly is an issue
5 that is -- that ranks up there, as far as the protection
6 of the public health, with water supply and sewage
7 disposal. And, unfortunately, it's only come to the
8 forefront recently.

9 We haven't, in California -- although I guess
10 there's kind of a mini-strike going on in San Francisco.
11 But garbage has always kind of magically disappeared.
12 And hopefully, it will continue to magically disappear.

13 But in our minds, adequate waste disposal
14 capacity certainly, in our purview, ranks up there with
15 water and sewage.

16 BOARD MEMBER BREMBERG: Mr. Chairman?

17 CHAIRMAN ROODZANT: Ms. Bremberg.

18 BOARD MEMBER BREMBERG: Phil just triggered
19 an experience I had when we were going to expand our landfill
20 in our city, and the question was: "Where are you going
21 to throw when there's no more away?"

22 And I think that tomorrow your away is going to
23 be determined. And I think it's quite frightening that
24 people who meet the responsibility, the financial
25 capability or the willingness to address the problem, but

1 merely don't want it are to be -- there should be some
2 mechanism where they would be made responsible fiscally,
3 liabilitywise and healthwise to dispose of the waste, but
4 somehow our system doesn't work that way, and our elected
5 supervisors have to make that decision, and I applaud them
6 for making that decision and standing firm with it.

7 But I can see disaster down the line if people
8 do not understand and vote, well, they don't want garbage
9 in their back yard and they aren't willing to provide the
10 away either.

11 It's a dilemma, and no amount of rules or
12 regulations and hearings in the world are going to
13 solve the problem. And good luck.

14 CHAIRMAN ROODZANT: Any other comments?

15 BOARD MEMBER GALLAGHER: Mr. Chairman.

16 CHAIRMAN ROODZANT: Mr. Gallagher.

17 BOARD MEMBER GALLAGHER: That's part of the
18 reason I asked the question a moment ago about the
19 matter of public resistance to this particular landfill.
20 It was to try to establish that you did your homework
21 and you chose a site with little or no opposition, except for
22 some four people appeared at a public hearing.

23 I think it would be interesting if the shoe
24 could be put on the other foot; that these citizens who are
25 opposing this thing had to make this decision themselves.

1 I think you'd probably get an entirely different opinion.

2 It may be interesting some day to get them
3 involved in this kind of a process and let them see how
4 the shoe squeezes, because this issue is not going to go
5 away.

6 And if you were to see some of the effects
7 of the garbage stacking up on the streets in the City of
8 New York when the refuse collectors refuse to pick it up,
9 even though they have places to put it. That's what is
10 going to happen sometime soon if we don't get it through
11 our heads that as long as we create it, we've got to
12 dispose of it.

13 And all this Board is trying to do is to keep
14 that disposal practice safe, sanitary, and organized so
15 that we don't have chaos, so that we don't have epidemics
16 and things like that.

17 It frightens me to think that people are doing
18 themselves in. They're goring their own ox.

19 Thank you for trying.

20 CHAIRMAN ROODZANT: Any other comments or
21 questions. Thank you, Mr. Abbott.

22 MR. ABBOTT: Thank you.

23 CHAIRMAN ROODZANT: Is there any other public
24 testimony?

25 MR. REICHERT: Vern Reichert, Director of

1 Environmental Health for the Kern County Health Department.

2 The magic vanishing of garbage -- we have a lot
3 of open space in Kern County. And I think we could expect
4 that much of this waste would end up in various remote
5 areas of the county in open space, and that we, of course,
6 don't want.

7 We have worked in concert with the Public
8 Works with looking over the environmental documents, and
9 we certainly feel that it's an environmentally safe, sound
10 disposal site, the Bena site, that we have looked at.

11 We, of course, are concerned that if things do
12 not progress as planned, that we will have -- like the open
13 space, we will have litter problems that would be very
14 difficult to cope with. We'll have an enforcement problem.
15 So, we're very concerned, as a local enforcement agency,
16 that we do proceed along the lines that the county has
17 planned.

18 CHAIRMAN ROODZANT: Thank you, Mr. Reichert.
19 Any other comments or questions of Mr. Reichert?

20 Miss Shell?

21 SUPERVISOR SHELL: Thank you. Mary Shell, member
22 of the Board of Supervisors.

23 I have a question. You were asked about the
24 possibility of a moratorium on building if we do not
25 comply with our plan. I need to ask a question of what

1 remedies are available to you, as a Board, to enforce
2 your rules and regulations if a county does not comply?

3 I'm still wondering what -- what is the worst
4 case as far as -- what can you rely upon for enforcement
5 if a county does not comply?

6 CHAIRMAN ROODZANT: There's a whole set of rules
7 that we could follow that generally go through the Attorney
8 General. Mr. Conheim?

9 MR. CONHEIM: Mr. Chairman, members, Madam
10 Supervisor.

11 The mechanism with regard to the county solid
12 waste management plan is to file a mandate action against
13 the county, against the County Board of Supervisors.

14 As that progresses and if litigation is
15 necessary, I think you're well aware that -- as your
16 counsel probably has advised you -- it could result in
17 a court order that it violated -- it could be enforced
18 through the contempt process, which would have a specific
19 effect on county officials, personal effect on county
20 officials.

21 The Board has -- when I say the Board, you have
22 to excuse me. We use the term Board for our Board for
23 so many years, that when we're in a local government I
24 make that mistake.

25 The Waste Management Board, through its

1 Chairman, in its most recent letter, has written to the
2 Chairman of your Board, and has indicated that it's the
3 desire of the Board to use now the CEQA process to keep
4 track of the dovetailing of land development and this
5 solid waste infrastructure issue, which has perhaps been
6 a stepchild to the more well known issues of sewage and
7 other infrastructure issues.

8 But the Board has that capability of using
9 its standing in the CEQA process to exercise its leadership.
10 And it also has specific rights under our statute to
11 sue for violations of any of our rules or statutes.

12 So, those are the main remedies that the Waste
13 Management Board, through the Attorney General, could use
14 at this time.

15 SUPERVISOR SHELL: Thank you.

16 CHAIRMAN ROODZANT: Any other testimony today?

17 Any other comments or questions or discussion
18 from my colleagues?

19 BOARD MEMBER BREMBERG: Mr. Chairman --

20 BOARD MEMBER GALLAGHER: I'd like to ask
21 counsel a question.

22 CHAIRMAN ROODZANT: Mrs. Bremberg?

23 BOARD MEMBER GALLAGHER: Excuse me.

24 BOARD MEMBER BREMBERG: I would really like to
25 say that I'm very, very seriously concerned about this

1 whole problem in Kern County that I've discovered today,
2 along with Mr. Arakalian, that it's not for lack of
3 conscientious and dedicated addressing of the problem by
4 the staff and the Board of Supervisors. But I would hope
5 that everyone would think very carefully as to the
6 future of the county, because it's -- the litigation
7 potential is there, the imposition of a larger governmental
8 agency on -- and I abhor larger governmental agencies
9 imposing their will on local government.

10 I think it is a sin and an abomination that
11 the whims and vagaries of someone out there who determines
12 that decisions are not valid, suddenly find themselves
13 under the heel of Big Brother, or whoever decides to impose
14 something. I would hate to find this Board in a position
15 of being in an antagonistic position with Kern County.

16 I'm working on the assumption that your problems
17 will be solved and we'll go along swimmingly, and you'll
18 have the capacity and your landfill will be permitted
19 right on schedule so that you aren't collecting garbage
20 in front of this building, the Hall of Administration.

21 CHAIRMAN ROODZANT: Mr. Gallagher?

22 BOARD MEMBER GALLAGHER: I'd like to ask
23 Mr. Conheim a question in regard to the last comments you
24 made to Supervisor Shell. Is there not the potential
25 for civil penalties, including fines for failure to

1 adequately address a safe and sanitary disposal of the
2 city solid waste, or the county solid waste?

3 MR. CONHEIM: Mr. Gallagher, Mr. Chairman,
4 and members. The civil penalty provisions of the
5 solid waste law apply to violations of landfill transfer
6 environmental standards.

7 There are no civil penalties that attach to a
8 delinquent county plan situation. It's separated in the
9 law.

10 BOARD MEMBER GALLAGHER: It's strictly on the
11 landfill and transfer stations.

12 MR. CONHEIM: Violation of the State minimum
13 standards statutory remedy includes civil penalties, but
14 not for failure to comply with the solid waste management
15 plan.

16 BOARD MEMBER GALLAGHER: Well, they don't have
17 a plan.

18 MR. CONHEIM: The potential here, although not
19 with civil penalties, that without a plan, future siting,
20 and future planning comes to a halt. And no solutions
21 can be implemented without a valid county solid waste
22 management plan.

23 So, that while there are no civil penalties,
24 there are some real teeth in the way this is enforceable.
25 And without a current valid county solid waste management

1 plan, the disposal of refuse in this county could come to
2 a halt in any organized manner, because you need a
3 CoSWMP to site and to implement and get permits for a
4 facility.

5 BOARD MEMBER GALLAGHER: Thank you.

6 CHAIRMAN ROODZANT: Any other questions or
7 comments? Mr. Beautrow.

8 BOARD MEMBER BEAUTROW: We have centered a lot
9 of our discussion on the disposal element. But I
10 certainly would request that our staff give whatever
11 assistance is feasible and possible to the county. And
12 with this firm, RMI, that you've retained, that you could
13 really be assured that they will meet the commitments and
14 time schedule that you are up against to complete what
15 you have ongoing.

16 In other words, don't give up. Continue to
17 press forward and put whatever emphasis is necessary to
18 meet the time lines that you're trying to commit yourself
19 to now.

20 CHAIRMAN ROODZANT: Mr. Mills?

21 MR. MILLS: Mr. Chairman. Mr. Beautrow, when
22 we contracted with this firm, I had a gun in my hand.
23 And they will meet that schedule or they're in a world of
24 hurt.

25 BOARD MEMBER BREMBERG: Good for you.

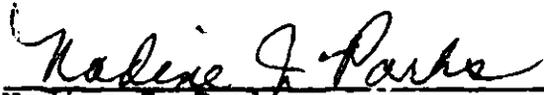
CERTIFICATE OF SHORTHAND REPORTER

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I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting of the Solid Waste Management Board was reported in shorthand by me, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, 1988.


Nadine J. Parks
Shorthand Reporter