

BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BOARD MEETING)
JANUARY 25, 1990)
_____)

DATE AND TIME: THURSDAY, JANUARY 25, 1990, 9:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
CERTIFICATE NO. 7152

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reporting service

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
 MR. JOHN C. MOSCONE
 MS. GINGER BREMBERG
 MR. E. L. VARNER
 MR. LES BROWN
 MR. JAMES LOCKINGTON
 DR. GEORGE TCHOBANOGLIOUS
 DR. RICHARD GEARHEART (NOT PRESENT)

STAFF PRESENT

MR. GEORGE LARSON, CHIEF EXECUTIVE OFFICER
 MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE
 OFFICER
 MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
 MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
 AND PUBLIC AFFAIRS
 MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. BERNIE VLACH
 MR. JACK MILLER
 MS. MICHELLE MARCONI
 MS. MARTHA VASQUEZ
 MR. CY ARMSTRONG
 MS. DONNAYE PALMER
 MR. STEVEN AULT
 MR. GARY KING
 MS. MARY COYLE
 MS. SHARON ANDERSON
 MR. JIM CROPPER

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2 JANUARY 25, 1990

3
4 CHAIRMAN GALLAGHER: BRING THE MEETING TO ORDER.
5 PLEASE.

6 MR. LARSON, HAVE THERE BEEN ANY CHANGES TO
7 THE AGENDA?

8 MR. LARSON: MR. CHAIRMAN, MEMBERS, IN ORDER
9 THAT THEY'RE PRESENTED IN THE AGENDA, THERE WAS SOME
10 QUESTION AS TO WHETHER WE WOULD HAVE A QUORUM TOMORROW,
11 BUT IT'S BEEN INDICATED THAT WE WILL. HOWEVER, SHOULD
12 THE SITUATION ARISE, ITEM NO. 3 IS NOT AN ACTION ITEM AND
13 COULD BE DEFERRED TO TOMORROW IF IT'S NECESSARY FOR TIME
14 CONSIDERATION.

15 THERE IS A REQUEST FOR ITEM NO. 6 TO BE
16 HEARD TODAY. ITEM NO. 8 AND ITEM NO. 9 HAVE BEEN
17 WITHDRAWN FROM THE AGENDA. ITEM NO. 10, THERE IS A
18 REQUEST THAT IT BE HEARD TODAY, ON THURSDAY. THEN
19 FINALLY, THERE IS A REQUEST ON ITEM NO. 13 ON BEHALF OF
20 EL DORADO COUNTY, THAT THEY COULD HEAR THEIR ITEM IN THE
21 AFTERNOON OF TODAY.

22 THAT'S ALL THE REQUESTS FOR CHANGES TO THE
23 AGENDA.

24 CHAIRMAN GALLAGHER: THANK YOU, MR. LARSON.

25 WE NOW WILL HAVE OUR REGULAR REPORT ON EX

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1 PARTE COMMUNICATIONS. I BELIEVE MR. BROWN HAD ONE.

2 BOARD MEMBER BROWN: MR. CHAIRMAN, ON ITEM NO.
3 2, WHICH IS THE MCCOURTNEY ROAD LANDFILL ISSUE, I WANT TO
4 REPORT THAT I MADE A TRIP ON DECEMBER THE 30TH TO THE
5 SITE, MET WITH SUPERVISOR SCHULTZ AND JANELLE -- I
6 BELIEVE THAT'S THE NAME -- JUVINALL, EXCUSE ME. AND WE
7 TOURED THE SITE, AND I LOOKED AT SOME OF THE ISSUES
8 INVOLVED AND DISCUSSED THEM WITH THE SUPERVISORS.

9 UPON LEAVING THE SITE, WE WENT TO THE CITY
10 PARK AND HAD A LITTLE LUNCH. AND BY 3 O'CLOCK IN THE
11 AFTERNOON, I HAD LEFT AND WAS ON MY WAY. SO THE MEETING
12 BETWEEN ME AND THE SUPERVISORS TOOK PLACE BETWEEN 12 NOON
13 AND 3 P.M.

14 CHAIRMAN GALLAGHER: MS. DUNN, I HAVE ONE HERE
15 FROM JAMES RIVER PAPER COMPANY THAT REFERS TO THE ITEM ON
16 ON YESTERDAY'S AGENDA, THE RULES AND REGULATIONS,
17 EMERGENCY RULES AND REGULATIONS.

18 CAN WE ENTER IT INTO THE RECORD.

19 BOARD MEMBER MOSCONE: I THINK WE HAVE ALL
20 RECEIVED THAT, HAVE WE NOT?

21 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

22 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

23 BOARD MEMBER BREMBERG: NOW, THAT THEY DIDN'T
24 MISSPELL MY NAME; THEY JUST DIDN'T GIVE ME ONE, WHICH IS
25 FINE, SEE, EVERYBODY BUT ME. I'LL READ YOURS.

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1 CHAIRMAN GALLAGHER: HAVING TROUBLE WITH THAT.

2 BOARD MEMBER BREMBERG: YOU BET.

3 CHAIRMAN GALLAGHER: IF THERE ARE NO MORE EX
4 PARTE COMMUNICATIONS, MR. LARSON, ARE WE READY FOR ITEM
5 NO. 2?

6 MR. LARSON: YES, MR. CHAIRMAN. ITEM NO. 2 IS
7 CONSIDERATION OF THE INTENT TO REVOKE THE SOLID WASTE
8 FACILITY PERMIT FOR MCCOURTNEY LANDFILL AND SEEK CIVIL
9 PENALTIES FROM THE COUNTY OF NEVADA FOR FAILURE TO COMPLY
10 WITH NOTICE AND ORDER NO. 89-1.

11 AS THE BOARD RECALLS AND THOSE IN
12 ATTENDANCE, FOR YOUR INFORMATION, THIS ITEM WAS CONTINUED
13 TO THE JANUARY BOARD MEETING FROM THE DECEMBER BOARD
14 MEETING FOR FURTHER CONSIDERATION.

15 AT THIS TIME, I'D LIKE TO TURN PRESENTATION
16 OF THE ITEM OVER TO CHIEF DEPUTY EXECUTIVE OFFICER, HERB
17 IWAHIRO.

18 MR. IWAHIRO: AS MR. LARSON INDICATED, THIS IS A
19 CARRY-OVER ITEM, PRIMARILY, AND OUR ENFORCEMENT STAFF HAS
20 BEEN WORKING, ALONG WITH OTHER AGENCIES, WATER BOARD, AIR
21 DISTRICTS, AND THE LEA, AND THEY'RE READY TO GIVE AN
22 UPDATE ON THE ITEM.

23 AND THEN I WOULD SUGGEST THAT THERE'S A
24 NUMBER OF PEOPLE, I'M SURE, HERE TO TESTIFY ON THIS
25 MATTER. AND SO AFTER BERNARD VLACH AND HIS STAFF GIVE A

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1 RUNDOWN AND UPDATE ON THE SITUATION THERE, WE'LL BE
2 PROBABLY WELCOME TO ENTERTAIN ANY COMMENTS FROM THE
3 PUBLIC.

4 CHAIRMAN GALLAGHER: THANK YOU.

5 MR. VLACH.

6 MR. VLACH: MR. CHAIRMAN, MEMBERS OF THE BOARD,
7 THE STAFF HAS BEEN WORKING SINCE THE BOARD MET LAST TO
8 IMPLEMENT BOARD NOTICE AND ORDER 89-1. IN THAT EFFORT WE
9 HAVE BEEN COMMUNICATING WITH THE COUNTY OF NEVADA AND
10 BEEN MAKING WEEKLY INSPECTIONS AND HAVE MADE SUPPLEMENTAL
11 INSPECTIONS DURING PERIODS WHEN THERE WAS INCLEMENT
12 WEATHER.

13 THE COUNTY HAS RESPONDED TO THE BOARD BY
14 PROVIDING SUBSTANTIAL INFORMATION. SIGNIFICANT
15 INFORMATION HAS COME IN JUST YESTERDAY AND EVEN SOME THIS
16 MORNING. SO THE STAFF IS GOING TO RESPOND AS BEST THEY
17 CAN TO SOME OF THESE SUBMITTALS. IN CASES WHERE WE ARE
18 NOT CERTAIN ABOUT THE EXACT COMPLIANCE WITH THE NOTICE
19 AND ORDER, WE WILL INDICATE THAT.

20 SO AT THIS TIME, WHAT I WOULD LIKE TO DO IS
21 HAVE MR. JACK MILLER OF THE STAFF GIVE YOU A SYNOPSIS OF
22 THE ACTIVITIES THAT HAVE OCCURRED SINCE THE LAST BOARD
23 MEETING, AND THEN I WILL TURN IT BACK TO THE CHAIRMAN FOR
24 FURTHER TESTIMONY AND GIVE THE RECOMMENDATION AT THE END.

25 MR. MILLER: MR. CHAIRMAN, MEMBERS OF THE BOARD,

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1 AS YOU ARE ALL AWARE A SIGNIFICANT LEACHATE CONTROL
2 PROBLEM WAS DISCOVERED -- WAS MADE -- COME TO THE STAFF'S
3 ATTENTION AT THE MCCOURTNEY ROAD LANDFILL IN MARCH OF
4 LAST YEAR.

5 ON MAY 4, 1989, THE BOARD ISSUED NOTICE AND
6 ORDER NO. 89-01 DIRECTING NEVADA COUNTY TO IMPLEMENT
7 SPECIFIED CORRECTIVE ACTIONS TO RESOLVE THE LEACHATE
8 CONTROL PROBLEM. THIS WAS FOLLOWED BY A COMPLAINT FOR
9 CIVIL PENALTIES FILED ON BEHALF OF THE BOARD BY THE
10 ATTORNEY GENERAL'S OFFICE ON MAY 5, 1989.

11 IN RESPONSE TO THE BOARD'S ORDER, THE
12 COUNTY SPENT APPROXIMATELY \$3 MILLION REGRADING THE
13 LANDFILL FOOTPRINT, COVERING THE FOOTPRINT WITH A FOOT OF
14 CLAY, PARTIALLY INSTALLING A DRAINAGE AND EROSION CONTROL
15 SYSTEM, AND INSTALLING A PERIPHERY LEACHATE COLLECTION
16 SYSTEM. THE OPERATOR ALSO INSTALLED A LINE WINTER
17 DISPOSAL AREA AT THE DIRECTION OF THE CENTRAL VALLEY
18 REGIONAL WATER QUALITY CONTROL BOARD.

19 HOWEVER, BEFORE IMPLEMENTING THESE
20 CORRECTIVE ACTIONS, THE COUNTY FAILED TO GET BOARD
21 APPROVAL FOR PERTINENT CONSTRUCTION PLANS. IN MOST
22 INSTANCES, CONSTRUCTION WAS ALREADY WELL UNDERWAY BEFORE
23 PLANS WERE SUBMITTED TO THE BOARD FOR APPROVAL.
24 UNFORTUNATELY, MANY STAFF MEMBERS DID NOT AGREE WITH THE
25 COUNTY'S BASIC APPROACH TO SOLVING SOME ASPECTS OF THE

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1 LEACHATE CONTROL PROBLEM.

2 FOR EXAMPLE, MANY STAFF MEMBERS CONCLUDED
3 THAT THE COUNTY SHOULD HAVE SPENT ITS MAIN LEACHATE
4 CONTROL EFFORTS IN DETERMINING THE EXTENT OF LEACHATE
5 GENERATION PROBLEM AS ORDERED BY THE BOARD, WITH CONTROL
6 EFFORTS BE AIMED AT DEWATERING THE LANDFILL MASS. THIS
7 APPROACH WOULD HAVE DIRECTED EFFORTS MORE TOWARDS CURING
8 THE LEACHATE CONTROL PROBLEM, RATHER THAN DEALING WITH
9 THE SYMPTOMS AS DOES THE EXTENSIVE PERIPHERY LEACHATE
10 CONTROL SYSTEM.

11 IN ADDITION, THE COUNTY DID NOT ADEQUATELY
12 ADDRESS ALL THE CORRECTIVE ACTIONS MANDATED BY NOTICE AND
13 ORDER 89-01. THE STATUS OF COMPLIANCE WITH THE BOARD'S
14 NOTICE AND ORDER IS DOCUMENTED IN THE AGENDA.

15 OF PARTICULAR IMPORTANCE IS THE FACT THAT
16 THE COUNTY HAS FAILED TO INITIATE THE SITE HYDROLOGY
17 STUDY, WHICH WAS ORIGINALLY DUE ON AUGUST 1, 1989. ALSO,
18 THE COUNTY HAS BEEN SLOW TO DEVELOP THE REQUIRED
19 CONTINGENCY PLAN FOR THE CONTINUING LEACHATE ON SITE,
20 PARTICULARLY DURING LARGE STORM EVENTS.

21 SUBSEQUENTLY, ON NOVEMBER 25, 1989, DURING
22 THE FIRST MAJOR STORM EVENT OF THE WET SEASON, THE
23 OPERATOR'S FAILURE TO INSTALL ADEQUATE LEACHATE PUMPING
24 CAPACITY RESULTED IN A SIGNIFICANT SPILL OF LEACHATE TO
25 FRENCH RAVINE CREEK.

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1 AT ITS REGULAR MEETING ON DECEMBER 15TH,
2 THE BOARD HEARD TESTIMONY REGARDING THE SPILL AND THE
3 STATUS OF THE COUNTY'S EFFORTS TO COMPLY WITH NOTICE AND
4 ORDER 89-01. THE BOARD THEN VOTED TO CONTINUE THIS ITEM
5 UNTIL THIS MORNING. SINCE THIS ITEM WAS INITIALLY
6 PRESENTED TO THE BOARD IN DECEMBER, THERE HAVE BEEN
7 SEVERAL DEVELOPMENTS.

8 FIRST, STAFF HAS MET WITH THE OPERATOR,
9 TOGETHER WITH OTHER CONCERNED REGULATORY AGENCIES, ON TWO
10 OCCASIONS. AT THE FIRST MEETING HELD ON DECEMBER 18TH,
11 THE REGULATORY AGENCIES IDENTIFIED AND DISCUSSED ISSUES
12 THAT THE COUNTY STILL NEEDED TO ADDRESS. THE COUNTY
13 AGREED TO SUBMIT A COMPLIANCE SCHEDULE FOR ADDRESSING
14 THESE ISSUES AND, FOR THE MOST PART, HAS DONE SO.

15 IN ADDITION TO SUBMITTING THE AGREED-UPON
16 COMPLIANCE SCHEDULE, THE COUNTY ALSO HAS APPROVED A
17 CONTRACT OF \$51,000 TO FUND AND FINISH THE DELINQUENT
18 SOLID WASTE ASSESSMENT TEST.

19 THEY HAVE CONTRACTED TO CLEAN UP OIL AND
20 DIESEL FUEL SPILL AT THE SITE.

21 THEY HAVE HOOKED UP AN AUXILIARY LEACHATE
22 SUMP PUMP CAPABLE OF PUMPING 8,000 GALLONS PER MINUTE AND
23 HAVE PURCHASED ANOTHER PUMP TO USE AS STANDBY EQUIPMENT.

24 THEY'VE INSTALLED A RETAINING WALL AT THE
25 PUBLIC UNLOADING AREA, HIRED THE SERVICES OF A PART-TIME

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1 CONSULTING ENGINEER, INITIATED CLEANUP WITH A METAL
2 SALVAGE AREA AND SUBMITTED AN ACCEPTABLE PRELIMINARY
3 CLOSURE AND POSTCLOSURE MAINTENANCE PLAN.

4 THE OPERATOR HAS ALSO VOTED TO FUND A
5 CONTRACT REPAIR, A ONE- TO FIVE-YEAR OPERATING PLAN FOR
6 THE SITE.

7 ON JANUARY 10, 1990, BOARD STAFF AGAIN MET
8 WITH THE OPERATOR AND THE OTHER CONCERNED REGULATORY
9 AGENCIES TO DISCUSS THE COUNTY'S RECENT SUBMISSIONS AND
10 PROPOSALS. SINCE THE FIRST MEETING WITH THE OPERATOR IN
11 DECEMBER, THE COUNTY HAS SUBMITTED A BARRAGE OF
12 CORRESPONDENCE TO THE BOARD, MUCH OF IT COMING IN IN THE
13 LAST 48 HOURS. THE SHEER VOLUME OF THIS CORRESPONDENCE
14 HAS LIMITED STAFFS' ABILITY TO COMPLETELY EVALUATE AND
15 RESPOND TO THE COUNTY SUBMITTALS.

16 HOWEVER, STAFF BELIEVES THAT, WHILE THE
17 COUNTY HAS ATTEMPTED TO ANSWER THE ISSUES RAISED BY BOARD
18 STAFF AND OTHER REGULATORY AGENCIES, THE QUALITY AND
19 COMPLETENESS OF SOME OF THE DOCUMENTS SUBMITTED TO DATE
20 IS POOR AND NOT ALWAYS RESPONSIVE TO SPECIFIC REQUESTS.

21 IN ADDITION, THE COUNTY EXPERIENCED A MINOR
22 LEACHATE SPILL ON FRIDAY, JANUARY 12, 1990. ACCORDING TO
23 THE LANDFILL PERSONNEL, A 1,000 GALLON PER MINUTE
24 AUXILIARY PUMP DEVELOPED A VAPOR LOCK, CAUSING ABOUT 100
25 GALLONS OF LEACHATE TO FLOW OFF SITE.

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1 BOARD STAFF VISITED THE SITE ON SATURDAY
2 MORNING WHILE THE STORM WAS STILL CONTINUING, AND
3 LEACHATE WAS UNDER CONTROL AT THAT TIME. THERE WERE SOME
4 DRAINAGE AND EROSION CONTROL PROBLEMS IDENTIFIED AT THE
5 SITE DURING THE VISIT.

6 IN SUMMARY, THE COUNTY HAS CONTINUED TO
7 MAKE A CONCERTED EFFORT TO ADDRESS MANY OF THE UNRESOLVED
8 ISSUES IDENTIFIED BY THE BOARD. HOWEVER, THE COUNTY HAS
9 TENDED TO CONCENTRATE ITS IMMEDIATE EFFORTS ON RESOLVING
10 THE LESS COMPLEX ISSUES, WHILE DELAYING CONCRETE ACTION
11 ON A LARGER, MORE COMPLEX ISSUE, SUCH AS INITIATING A
12 VERY IMPORTANT SITE HYDROLOGY STUDY.

13 IT SEEMS THAT THE COUNTY ALSO HAS A
14 DEFINITE PERSONNEL PROBLEM. THEY -- IT IS OUR
15 UNDERSTANDING THAT THERE ARE THREE VACANT POSITIONS,
16 ENGINEERING POSITIONS, IN THE DEPARTMENT OF SANITATION.
17 THIS SHORTFALL IS ONE OF THE CONTRIBUTING FACTORS IN WHY
18 THE COUNTY HAS NOT MET THE BOARD'S NOTICE AND ORDER.

19 THE COUNTY HAS HIRED AN OUTSIDE CONSULTING
20 ENGINEER ON A PART-TIME BASIS AND ANOTHER LOCAL ENGINEER
21 ON A PART-TIME BASIS. I THINK THIS IS ONE OF -- A
22 CONTRIBUTING PROBLEM TO THE RESPONSIVENESS OF THE COUNTY.

23 MR. VLACH: MR. CHAIRMAN, THAT CONCLUDES THE
24 STAFF'S PRESENTATION, AND I KNOW THAT THERE ARE MEMBERS
25 OF THE COUNTY AND THE LOCAL ENFORCEMENT AGENCY AND THE

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1 PUBLIC HERE TO SPEAK ON THE ISSUE, AND THE STAFF WILL
2 RETURN TO THE CHAIR AT ITS PLEASURE.

3 CHAIRMAN GALLAGHER: THANK YOU, GENTLEMEN. AND
4 I WOULD, AS MUCH AS I HATE REDUNDANCY, OFFER THE
5 OPPORTUNITY TO THE PEOPLE FROM NEVADA COUNTY, THE COUNTY
6 SUPERVISORS, COUNSEL, OR WHOMEVER, THE FIRST OPPORTUNITY
7 TO MAKE ANY COMMENTS THAT THEY WANT TO MAKE.

8 MR. CURTIS: LADIES AND GENTLEMEN OF THE BOARD,
9 I'M JAMES CURTIS, COUNTY COUNSEL. I THINK WE WOULD LIKE
10 TO DEFER, IF YOU WOULD, UNTIL AFTER YOU'VE HEARD FROM THE
11 MEMBERS OF THE PUBLIC.

12 CHAIRMAN GALLAGHER: ALL RIGHT. THANK YOU.

13 WE CUT THIS TESTIMONY OFF IN THE MIDDLE OF
14 THE TESTIMONY FROM MEMBERS OF THE PUBLIC OF NEVADA
15 COUNTY. WE'RE READY TO PICK UP WHERE WE LEFT OFF. WHICH
16 OF YOU WANTS TO BE FIRST? I DON'T KNOW YOU BY NAME, SO I
17 DON'T KNOW IF YOU REPRESENT THE COUNTY OR WHAT HAVE YOU.
18 OUR FIRST ONE WAS A MR. ROBERT BERGMAN. ARE YOU FROM THE
19 COUNTY OF NEVADA OR ARE YOU A RESIDENT?

20 MR. BERGMAN: I'M A RESIDENT. I REPRESENT
21 HIDDEN VALLEY RESIDENTS.

22 MR. CHAIRMAN, LAST TIME I SPOKE FOR A SHORT
23 TIME AT YOUR MEETING, AND I WAS SEEKING A DEGREE OF
24 COOPERATION AND COMPASSION FROM BOTH THIS BOARD AND FROM
25 THE ASSORTED OFFICIALS OF NEVADA COUNTY FOR MY CLIENTS.

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1 THE RESIDENTS OF HIDDEN VALLEY.

2 I ASKED THAT THE BOARD CONSIDER THE
3 COUNTY'S LACK OF BOTH OF THESE COMPONENTS AND, AT
4 MINIMUM, ASSURE ME THAT THE COUNTY WOULD BE COMPELLED TO
5 COMMENCE A COMPREHENSIVE HYDROGEOLOGY STUDY IMMEDIATELY.
6 AS I BELIEVE EVERYBODY KNOWS, AND CERTAINLY STAFF HAS
7 INDICATED JUST A MINUTE AGO, THE PURPOSE OF SUCH A TEST
8 IS TO DETERMINE THE EXTENT OF GROUNDWATER CONTAMINATION
9 RESULTING FROM THE COUNTY'S OPERATION OF THE DUMP.

10 I THINK IT'S BEYOND QUESTION THAT EACH OF
11 THE RESIDENTS OF HIDDEN VALLEY, AS WELL AS THE
12 NEIGHBORING PROPERTY OWNERS, HAVE A RIGHT TO KNOW THE
13 SCOPE OF THE HEALTH RISK PRESENTED BY THE DUMP AS IT HAS
14 BEEN BUILT AND OPERATED.

15 AT THE CONCLUSION OF THE BOARD'S MEETING, I
16 WAS LEFT WITH STRONG WORDS OF ASSURANCE FROM ALL
17 CONCERNED, BOTH AT THE STATE AND COUNTY LEVEL, THAT THE
18 TESTS WOULD, IN FACT, BE PERFORMED AS REQUIRED BY THE
19 ORDER OF THE REGIONAL WATER QUALITY CONTROL BOARD. THERE
20 WAS A FIXED AND FIRM DEADLINE TO COMPLETE THE STUDY THAT
21 WAS CONTINUED FROM AUGUST 1ST TO APRIL 1ST. I WAS TOLD
22 THAT I COULD RELY ON THE ASSURANCE. IT WAS MY
23 UNDERSTANDING THE DEADLINE WAS NONNEGOTIABLE.

24 I ALSO LISTENED TO COMFORTING WORDS FROM
25 THE TWO SUPERVISORS PRESENT, MR. WEIR AND MR. SCHULTZ

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LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 ABOUT THE COUNTY'S 100 PERCENT COMMITMENT TO DO ALL THAT
 2 IS NECESSARY TO FIX THE DUMP. I LISTENED TO YET MORE
 3 WORDS ABOUT WORKING WITH THE HIDDEN VALLEY RESIDENTS, MY
 4 CLIENTS, ABOUT BRINGING THEM INTO THE PROCESS OF FINDING
 5 AN ACCEPTABLE SOLUTION TO THE ENORMOUS PROBLEM AT HAND.

6 AND THEN I LISTENED TO MR. CURTIS GO ON AND
 7 ON AND ON ABOUT THE EFFORTS OF HIS EMPLOYER, THE SMALL
 8 IMPOVERISHED COUNTY. SADLY, ALL OF IT APPEARS TO HAVE
 9 BEEN EMPTY RHETORIC, DESIGNED, I SUSPECT, SIMPLY JUST TO
 10 ASSUAGE THE MEMBERS OF THIS BOARD AND REACH THE
 11 SUPERVISOR'S CONSTITUENCY.

12 ASSUREDLY, WHAT THEY ARE LOOKING TO DO IS
 13 DIVERT ATTENTION FROM THE FUNDAMENTAL PREMISE THAT THE
 14 DUMP CANNOT, UNDER ANY CIRCUMSTANCES, BE OPERATED SAFELY,
 15 ESPECIALLY BY WHAT APPEARS TO BE AN INCOMPETENT OPERATOR.

16 IN TRUTH, THE COUNTY DID NOT UNDERTAKE TO
 17 DO ALL THAT WAS NECESSARY OR EVEN A SUBSTANTIAL PART OF
 18 IT. RATHER, THE COUNTY HAS CONTINUED TO DO AS LITTLE AS
 19 IT POSSIBLY COULD TO GET AWAY WITH AS MUCH AS IT COULD
 20 AND, FRANKLY, AS MUCH AS THE BOARD WOULD LET IT.

21 ON BEHALF OF MY CLIENTS AND THE RESIDENTS
 22 IN NEVADA COUNTY AS A WHOLE, I ASK THAT THIS BOARD NOT
 23 LET THE COUNTY GET AWAY WITH THE MALFEASANCE ANY LONGER.

24 THE COUNTY'S EMPLOYEES, AT LEAST THOSE WHO
 25 ARE AT THE UPPER LEVELS OF MANAGEMENT AND, OF COURSE.

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Barristers'
reporting service

1 INVOLVED WITH THE DUMP, ESPECIALLY THE SUPERVISORS LED BY
2 THEIR NEW CHAIRMAN, MR. JUVINALL, HAVE ATTEMPTED TO
3 DISCREDIT THE CLAIMS OF THE HOMEOWNERS IN THE AREA AND TO
4 CHARACTERIZE THEM AS ALL THE CRANKS AND INCOMPETENTS.

5 AND BY SIDE NOTE, AFTER YOUR LAST MEETING
6 IN DECEMBER, AT THE VERY NEXT SUPERVISOR'S MEETING, MR.
7 WEIR TOOK IT UPON HIMSELF TO ADMONISH THE BOARD, AND I
8 BELIEVE DIRECTLY MR. JUVINALL, FOR THE ILL-ADVISED
9 REMARKS HE MADE. REMARKS THAT ONE OF YOU HAD PICKED UP
10 AND DISCUSSED ABOUT THE MIND-SET OF THE COUNTY AND THEIR
11 REFERENCES TO, ESSENTIALLY, PENCIL PUSHING, MEDDLING
12 STATE OFFICIALS.

13 AND AT THE CONCLUSION OF THOSE REMARKS, IT
14 APPEARS MR. JUVINALL JUST COULDN'T HOLD HIS TONGUE. HE
15 STEPPED RIGHT IN AND SAID THAT THE COUNTY HAD SPENT
16 ENOUGH ON THIS PROJECT, THAT THE WORK'S BEEN DONE. IT'S
17 TIME TO PUT THE ISSUE TO REST. AND THEN HE SAID, IN WHAT
18 APPEARED TO ME TO BE A RATHER TRANSPARENT REMARK, A
19 COUPLE OF TIMES, "I'M NOT GOING TO TELL YOU WHAT I REALLY
20 THINK," AND HE LEFT IT WITH THAT.

21 AND I ASK IF THERE'S QUESTIONS THAT BEG TO
22 BE ASKED HERE. IS HE OR ANY MEMBERS OF THE SUPERVISORS
23 CAPABLE OF GOOD FAITH AND FOLLOWING UP ON THE RHETORIC
24 THAT THEY'VE BEEN THROWING OUT HERE ABOUT COOPERATION AND
25 SOLVING PROBLEMS?

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1 IT SEEMS MORE LIKELY THAT WHAT THEIR
2 DIRECTION HERE IS DELAY AND DECEPTION AND DOING WHATEVER
3 IS NECESSARY TO KEEP THE DUMP OPEN AND OPERATING,
4 REGARDLESS, REGARDLESS OF CONSEQUENCE TO HEALTH AND
5 REGARDLESS OF THE HIDDEN VALLEY RESIDENTS. THEY'VE BEEN
6 TREATED AS LITTLE MORE THAN ANNOYANCES, UNNECESSARY AND
7 UNWELCOME PESTS.

8 I BELIEVE SOME TIME AGO, WELL BEFORE THE
9 DECEMBER MEETING, IT WAS MR. JUVINALL WHO SAID -- AND I'M
10 PARAPHRASING -- WITHOUT THEM, NONE OF THIS WOULD HAVE
11 COME TO LIGHT.

12 THERE'S THREE AREAS THAT I THINK SHOULD
13 COME TO THE BOARD'S ATTENTION RIGHT NOW. THE FIRST IS
14 THAT THE COUNTY IS ATTEMPTING TO EXPAND THE SIZE OF THE
15 LANDFILL FROM 140 ACRES TO WHAT THEY'RE CLAIMING IS 260
16 ACRES. THEY SUBMITTED AN APPLICATION TO REVISE THE
17 PERMIT AND THE COUNTY'S ATTEMPTING TO EXTEND THE
18 BOUNDARIES IT'S NEARLY 100 PERCENT.

19 THE BOARD SHOULD NOTE THAT PART OF THIS
20 EXPANSION INCLUDES PROPERTY THAT IT OWNS IN A RESIDENTIAL
21 SUBDIVISION. AND THE RESIDENTIAL SUBDIVISION IS
22 CURRENTLY SUBJECT TO A SERIES OF COVENANTS THAT RESTRICT
23 DEVELOPMENT IN THE SUBDIVISION TO RESIDENTIAL USE.

24 YESTERDAY, ON BEHALF OF A NUMBER OF THE
25 PROPERTY OWNERS OF THE SUBDIVISION, I FILED A LAWSUIT TO

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1 ENJOIN THE COUNTY FROM INCLUDING THE DUMP IN THE
2 LANDFILL'S PERMITTED AREA.

3 PRIOR TO SUBMITTING THE APPLICATION, THE
4 COUNTY HAS DONE ABSOLUTELY NOTHING TO DETERMINE WHETHER
5 THERE'S ANY IMPACT AT ALL ON THE SUBDIVISION BY INCLUDING
6 THAT AREA.

7 ANOTHER POINT TO NOTE IS THE COUNTY'S IN
8 THE PROCESS OF ATTEMPTING TO CONSTRUCT A 5,000 SQUARE
9 FOOT ANIMAL SHELTER ON ONE OF THESE PARCELS, ONE OF THE
10 PARCELS IN THE SUBDIVISION THAT IT'S TRYING TO INCLUDE
11 INTO THE PERMITTED SITE AREA. AND I QUESTION WHETHER
12 THAT'S SOMEWHAT INCONSISTENT WITH THE COUNTY'S ONGOING
13 REPRESENTATION THAT THAT PROPERTY, IF THEY WERE TO
14 INCLUDE IT, WOULD BE USED AS A BUFFER ZONE.

15 NEXT AREA I WANTED TO FOCUS ON WAS THE LEA.
16 THE LEA IN THIS CASE, I THINK, HAS BEEN AND CONTINUES TO
17 BE GENUINELY INEFFECTIVE. AS YOU MAY OR MAY NOT KNOW,
18 THE LEA FINALLY RESPONDED TO THE COMPLAINT THAT WAS
19 SERVED ON IT AT THE CONCLUSION OF THE LAST MEETING. EVEN
20 THOUGH THEY WERE GIVEN 15 DAYS TO DO IT, IT TOOK THEM
21 ROUGHLY 30 OR 31 TO FINALLY GET IT -- TO GET IT DONE.

22 DISREGARDING THE UNTIMELINESS OF THE
23 DOCUMENT, THE RESPONSE, IF NOTHING ELSE, I THINK, IT
24 FULLY INDICATES THE TRUE ATTITUDE OF THE LEA IN THIS
25 CASE.

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1 THE MOST TELLING EXAMPLE IS FOUND IN NO. 1
2 AT PAGE 2 OF THIS RESPONSE -- AND I BELIEVE THAT A COPY
3 HAS BEEN SENT TO THE BOARD SOME TIME AGO BY THE LEA -- IN
4 WHICH THE LEA CHOSE TO EXTRACT A SMALL PORTION OF A
5 REPORT THAT WAS PREPARED ON ONE OF MY CLIENT'S SPRINGS,
6 AFTER SHE HAD MADE A COMPLAINT TO THE STATE. AND THE
7 REPORT WAS DONE UNDER THE SUPERVISION OF WENDY COHEN OF
8 REGIONAL WATER QUALITY CONTROL BOARD.

9 WHAT THE LEA HAS DONE IS, RATHER THAN CITE
10 THE MOST DISTURBING INFORMATION OF THE REPORT, WHICH I'LL
11 GET TO IN A MINUTE, THE LEA SELECTED, AND I THINK QUITE
12 PURPOSEFULLY, THE MOST EXCULPATORY -- PARDON ME -- AND
13 COUNTY SERVING LANGUAGE, USING IT OUT OF CONTEXT TO
14 SUPPORT A CONCLUSION I DON'T BELIEVE WAS THERE. THE
15 LANGUAGE SEEMS TO INDICATE THAT AT PRESENT THERE IS NO
16 DEFINITIVE CAUSAL LINK BETWEEN THE DUMP'S EFFLUENTS AND
17 THE SPRING LOCATED ON MY CLIENT'S LAND.

18 WHEN USED, AS THE LEA DOES, SUCH LANGUAGE
19 INFERS THAT THERE IS ESSENTIALLY NO PROBLEM VIS-A-VIS
20 GROUNDWATER CONTAMINATION. OF COURSE, THE REASON THAT
21 THERE IS NO DEFINITIVE EVIDENCE IN THIS INSTANT IS THAT
22 THE COUNTY HAS YET TO INITIATE THE HYDROGEOLOGY STUDY
23 THAT'S BEEN MANDATED AND EXTRAORDINARILY NECESSARY.

24 THE LANGUAGE THAT THE LEA SHOULD HAVE
25 EMPHASIZED IN THIS IS FOUND AT PAGES 2 AND 3 OF MS.

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1 COHEN'S REPORT. AND IT FOCUSED ON A REMARKABLE PARALLEL
2 AND SAMPLING RESULTS TAKEN FROM THE MOST CONTAMINATED OF
3 THE OFF-SITE MONITORING WELLS AND THE LAUSCHE SPRINGS.
4 AND THAT'S MY CLIENT.

5 AND I QUOTE FROM THAT, IT'S "CHLORIDE,
6 SULFATE, SPECIFIC CONDUCTANCE, AND NITRATE LEVELS FOUND
7 IN MRS. LAUSCHE'S SPRINGS ALSO ARE REMARKABLY SIMILAR TO
8 THE LEVELS FOUND IN DOWNGRADIENT AND GROUNDWATER
9 MONITORING WELLS NOS. 1, 4, AND 4-A, SHOWING SIGNS OF
10 WATER QUALITY DEGRADATION. VOLATILE ORGANIC COMPOUNDS
11 HAVE BEEN DETECTED IN THESE WELLS DURING THE WINTER WHEN
12 GROUNDWATER LEVELS ARE SIGNIFICANTLY HIGHER AND MAY COME
13 INTO CONTACT WITH GARBAGE."

14 THIS PARALLEL IS EXTREMELY DISTURBING AND
15 CERTAINLY RAISES THE SPECTER OF A LINK BETWEEN THE DUMP
16 AND THE GROUNDWATER BENEATH THE ADJOINING PROPERTIES.

17 I ASK, AGAIN, SHOULDN'T THE LEA HAVE BEEN
18 FOCUSING ON THIS ASPECT RATHER THAN ON THE SOMEWHAT
19 POLICING LANGUAGE. SADLY, IT APPEARS THAT THE LEA HAS
20 ELECTED TO, IN A FASHION, BE IN BED WITH THE COUNTY.
21 IT'S A DEPARTMENT OF THE COUNTY, AND I DON'T BELIEVE THAT
22 IT CAN EFFECTIVELY SUPERVISE THE PROBLEM.

23 I ASK YET ANOTHER QUESTION. IF THE DUMP
24 WERE UNDER THE AEGIS OF A PRIVATE OPERATOR, I THINK THAT
25 THE MATTER WOULD BE MUCH DIFFERENT. I THINK THE LEA

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1 WOULD BE EXTRAORDINARILY AGGRESSIVE AND PROBABLY HAVE
2 BEEN MUCH MORE IN SUPPORT OF CLOSING IT DOWN IMMEDIATELY.

3 NEXT POINT IS THE HYDROGEOLOGY STUDY.
4 DESPITE THE MANDATE OF THE REGIONAL WATER QUALITY CONTROL
5 BOARD AND ASSURANCES MADE BY THE COUNTY TO WASTE
6 MANAGEMENT STAFF, THE HYDROGEOLOGY STUDY WON'T BE
7 COMPLETED BY THE DEADLINE, APRIL 1ST.

8 MR. CURTIS, COUNTY COUNSEL, DIRECTLY
9 ASSURED ME THAT PROPOSALS, IN ADDITION TO THE ONE I'VE
10 GIVEN THEM -- AND THAT WAS PRIOR TO THE LAST MEETING. I
11 GAVE THEM A COMPREHENSIVE PROPOSAL BY GROUNDWATER
12 TECHNOLOGIES, SUMMARIZING THE WORK THAT IT BELIEVED
13 NECESSARY. THERE WAS SOME COMMENT BACK AND FORTH ABOUT
14 WHETHER OR NOT THEY WANTED TO USE MY EXPERT. I INDICATED
15 THAT THEY CERTAINLY WEREN'T MY EXPERT. I JUST BELIEVED
16 THEY WERE COMPETENT.

17 THE CONCLUSION OF OUR CONVERSATION, MR.
18 CURTIS ASSURED ME THAT OTHER CONSULTANTS WOULD BE REACHED
19 AND PROPOSALS WOULD BE SOUGHT, WE'D SIT DOWN AND WE'D
20 COMPARE THEM, AND ONE WOULD BE SELECTED IMMEDIATELY.
21 TRUTH IS, ABSOLUTELY NOTHING'S HAPPENED. NO PROPOSALS
22 HAVE BEEN SOUGHT. NOTHING HAS MOVED FORWARD AT ALL.

23 IT'S NOT AS THOUGH THEY'VE TRIED AND FAILED
24 OR TRIED AND IT'S TAKING LONGER THAN THEY EXPECT; THEY
25 SIMPLY HAVEN'T BEGUN THE PROCESS. AND IF THEY HAVEN'T

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1 OPENLY REFUSED AT SOME POINT TO PERFORM THESE TESTS,
2 THEIR ACTIVITIES CERTAINLY INDICATE THAT THAT'S WHAT
3 THEY'RE TRYING TO DO. IT'S CLEAR THAT THE COUNTY HAS
4 DEMONSTRATED THAT IT'S FUNDAMENTALLY UNCONCERNED WITH
5 LEARNING THE EXTENT OF PRESENT GROUNDWATER CONTAMINATION.

6 PERHAPS, IT BELIEVES, AS I DO, THAT THE
7 RESULTS OF THESE KINDS OF TESTS WILL BE SUFFICIENTLY
8 DAMNING THAT IT WILL COMPEL IMMEDIATE CLOSURE OF THE
9 LANDFILL. THERE'S ANOTHER THING TO CONSIDER. MR.
10 CURTIS, I THINK, LAST TIME HERE SAID HE DOESN'T WANT TO
11 PROVE MY CASE. I THINK THEY'RE AFRAID OF THE TEST
12 BECAUSE, AS SUPPORTED BY THE LANGUAGE FROM MS. COHEN'S
13 REPORT, IT APPEARS THAT THERE'S A CAUSAL LINK.

14 NOW, UNTIL THE STUDY IS DONE, UNTIL THE
15 COUNTY GETS THE INFORMATION NECESSARY, THE INFORMATION
16 CONVEYED TO STAFF, NOBODY, OF COURSE, CAN ESTABLISH WHAT
17 IT'S LIKE OUT THERE. BUT IT APPEARS TO BE A CONSIDERABLE
18 PROBLEM. EVERYBODY TO WHOM I'VE SPOKEN TO INDICATES THAT
19 IT'S JUST A MATTER OF DRILLING WELLS, GETTING A
20 SUFFICIENT SAMPLING DATA BASE, AND EVALUATING THE HEALTH
21 RISK OF THE MOVING LEACHATE BEFORE THEY'LL HAVE A
22 RECOMMENDATION TO MAKE.

23 ANOTHER THING TO CONSIDER ABOUT THE POINT
24 IS HERE IT IS VIRTUALLY THE BEGINNING OF FEBRUARY.
25 NOTHING IS DONE TO INITIATE A TEST TO DATE, AND THE PRIME

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1 FACTUAL BASE THAT'S NEEDED, IN THIS CASE THE WINTER
2 INFORMATION, IS LOST FOR YET ANOTHER YEAR. SO EVEN AT
3 BEST, IF THEY STEP UP AND SAY THEY WANT TO COMPLY NOW,
4 THEY CAN'T COMPLETE THE TEST FOR ANOTHER SEASON.

5 MY UNDERSTANDING IS THAT THE TESTING
6 ITSELF, WERE THEY TO START TODAY, WOULD TAKE THREE TO
7 FOUR MONTHS. AGAIN, NOTHING'S HAPPENED.

8 ANOTHER THING THAT WAS SPREAD AROUND
9 LIGHTLY, I SUPPOSE, WAS COMMITMENTS TO COMMUNICATE AND
10 INTERACT WITH MY CLIENTS, THE HIDDEN VALLEY RESIDENTS, TO
11 BRING THEM INTO THE PROCESS. DESPITE REPRESENTATIONS TO
12 THE CONTRARY, THE COUNTY HASN'T INITIATED ANY WORTHWHILE
13 CONTACT OR COMMUNICATION WITH THE PROPERTY OWNERS
14 AFFECTED BY THE SAD CONDITIONS OUT THERE.

15 DOCUMENTS AND MATERIALS HAVE ALWAYS BEEN
16 HARD TO GET. COUNTY STAFF HAVE BEEN DIRECTED NOT TO
17 SPEAK TO ANYBODY, PARTICULARLY ME. AND I UNDERSTAND THE
18 FACT THAT I'M IN AN ADVERSARIAL POSITION, BUT WE'RE
19 TRYING TO GATHER INFORMATION. WE'RE TRYING TO FIND OUT
20 THE TRUTH.

21 THE COUNTY HAS BEEN CONCERNED AND REMAINS
22 CONCERNED WITH A NARROW ASPECT OF THE PROBLEM. THEY'RE
23 GOVERNED SOLELY BY THE COSTS INVOLVED, THE COST OF
24 REMEDIAL WORK, THE RISKS OF EXPOSURE FROM POTENTIAL
25 LITIGATION. THEY'VE NEVER APPEARED TO CARE ABOUT DAMAGE

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1 TO OTHERS, WHETHER ECONOMIC OR HEALTH DAMAGES. RATHER,
2 THE COUNTY IS WORRIED ONLY OVER ITS EXPENDITURES AND
3 POTENTIAL LIABILITIES.

4 ANOTHER EXAMPLE, RECENTLY THE COUNTY
5 ADOPTED, VIA AN EMERGENCY ENACTMENT, A POLICY FORBIDDING
6 HIDDEN VALLEY RESIDENTS FROM COMING ONTO THE SITE WITHOUT
7 FIRST SIGNING IN AT THE GATE. THE RATIONALE UNDERLYING
8 THIS WAS NOT SO MUCH THESE PEOPLE CAN BE HURT OR HARMED.
9 THE RATIONALE WAS, MY GOODNESS, THE COUNTY COULD FACE
10 LIABILITY IF SOMEBODY TRIPS AND FALLS AND BREAKS THEIR
11 LEG.

12 IT'S NOT SO MUCH THAT THAT MIGHT NOT BE A
13 POSSIBILITY AND THERE AREN'T HEALTH QUESTIONS OR SAFETY
14 QUESTIONS INVOLVED. I THINK WHAT IT IS IS ANOTHER
15 INDICATION OF THE COUNTY'S MIND-SET. THEY DON'T CARE
16 ABOUT THE OTHERS. THEY SIMPLY CARE ABOUT COSTS TO THE
17 COUNTY AND POTENTIAL RISKS.

18 IT'S MUCH AKIN TO THE HYDROGEOLOGY STUDY.
19 IF THEY DON'T HAVE THE INFORMATION, AND THEY KNOW THE
20 COST OF THIS KIND OF A TEST, SOMETHING IN THE
21 NEIGHBORHOOD OF HALF A MILLION DOLLARS -- IT'S CERTAINLY
22 WELL BEYOND THE MEANS OF MY CLIENTS -- THAT THEY LIKELY
23 WILL SLIP THROUGH THE WHOLE PROBLEM. IF THEY CAN TALK
24 WELL ENOUGH AND GIVE ENOUGH PROMISES, THE COUNTY BELIEVES
25 IT WILL BE ABLE TO GET AWAY WITH IT.

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1 IT'S -- I THINK IT'S VERY APPARENT, FROM MY
2 CLIENTS' POINT OF VIEW AND FROM MY INVOLVEMENT IN THE
3 SITUATION, THAT THE COUNTY COULD GET AWAY WITH WHAT IT'S
4 DONE TO DATE AND SHOW THAT ALL THIS MONEY SPENT HAS BEEN
5 THEIR GOOD FAITH EFFORT. THE FACT THAT THERE'S NOW A
6 COVER ON THE THING MAKES IT LOOK PRETTIER. THAT THERE'S
7 A SERIES OF DRAINS THAT CHANNEL WATER SOMEWHAT AROUND
8 THAT THROUGH A SPILLWAY AND IN VAST QUANTITIES OUT INTO
9 HIDDEN VALLEY, THAT THAT SOMEHOW IS OKAY. IF YOU CAN'T
10 SEE THE PROBLEM, MEANING THE UNDERGROUND PROBLEM, THE
11 GROUNDWATER CONTAMINATION PROBLEM, THEN IT WON'T MATTER.

12 LAST TIME YOU PUT A DEGREE OF FEAR IN THEM.
13 YOU INDICATED THERE WAS A POTENTIALITY THAT YOU WOULD
14 BEGIN THE REVOCATION PROCESS. AFTER THAT, THE VERBIAGE
15 CAME OUT. THE TWO SUPERVISORS WHO WERE HERE INDICATED
16 THAT THEY WANTED TO COOPERATE. THEY WANTED TO DISCUSS
17 IT. WE OUGHT TO WORK THIS THING OUT. WE'RE COMMITTED
18 100 PERCENT.

19 AS THE WEEKS WENT ON, LESS AND LESS
20 HAPPENED. TALK BECAME EMPTIER AND TALK, YOU KNOW,
21 ESSENTIALLY HAS CHANGED FROM WE HAVE TO FIX THE PROBLEM,
22 WE WANT TO WORK WITH THE PEOPLE, TO EVERYTHING'S DONE,
23 EVERYTHING'S OKAY, IT'S JUST WORKING PERFECTLY OUT THERE.

24 IT ALMOST DOESN'T REPAIR REPEATING BECAUSE
25 IT'S SO OBVIOUS THAT THE COUNTY IS FALLING FAR, FAR SHORT

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1 OF THE GUARANTEE THAT IT GAVE THE BOARD IN DECEMBER. THE
2 SAME SENTIMENT, I EXPECT, WAS EXPRESSED TO THE STAFF AS
3 WELL DURING THE SEVERAL MIRAC MEETINGS.

4 IN PARAPHRASING, THE RESOURCES OF THE COUNTY
5 WERE SUPPOSED TO BE DEDICATED TO DO EVERYTHING NECESSARY
6 TO REMEDY THE PROBLEMS AT THE DUMP. WITHOUT QUESTION,
7 THE COUNTY'S GUARANTEE WAS WORTHLESS. THE WORDS GIVING
8 RISE TO IT WERE FALSE AND LIKELY DELIBERATELY MISLEADING,
9 EXPRESSED ONLY TO APPEASE YOU. THE COUNTY HAS NO
10 INTENTION OR INTEREST IN LEARNING THE TRUE SCOPE OF THE
11 PROBLEMS OF THE DUMP. I BELIEVE THAT'S GENUINELY TRUE.

12 RATHER THAN DOING EVERYTHING POSSIBLE TO
13 INVESTIGATE THE SITUATION AND PROTECT THE NEARBY
14 RESIDENTS, THE COUNTY, IN TRUTH, IS TRYING TO GET AWAY
15 WITH AS LITTLE AS POSSIBLE TO GET AWAY WITH AS MUCH AS
16 POSSIBLE.

17 THE ATTITUDE OF THE COUNTY, IT'S BEEN
18 DEMONSTRATED BY THE INACTION OF THE LEA AND THE POSTURING
19 OF THE SUPERVISORS, HAS BEEN CONTINUOUSLY UNACCEPTABLE,
20 AND THIS BOARD SHOULD NO LONGER CONDONE IT OR BE SEDUCED
21 BY IT.

22 I THINK YOU'VE BEEN SORELY INSULTED,
23 INSULTED AS THE RESIDENTS OF HIDDEN VALLEY HAVE BEEN
24 INSULTED. IT KIND OF REMINDS ME OF AN OLD ADAGE: FOOL
25 ME ONCE AND IT'S YOUR FAULT; FOOL ME TWICE AND IT'S MINE.

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1 I WOULD SUGGEST THAT THE COUNTY HAS FOOLED THE BOARD AND
2 ITS STAFF COUNTLESS TIMES AND FULLY INTENDS TO CONTINUE
3 TO DO SO AS LONG AS IT THINKS IT CAN GET AWAY WITH IT.

4 IT'S INCUMBENT ON YOU, MEMBERS OF THE
5 BOARD, TO STOP LISTENING TO THE HOLLOW PLEAS, TO
6 REAUTHORIZE ACTIVE ACTIVITY ON THE LITIGATION TO SEEK
7 CIVIL PENALTIES, AND TO BEGIN THE REVOCATION PROCESS TO
8 TERMINATE OPERATIONS AT THE DUMP. YOU SHOULDN'T DO
9 ANYTHING LESS, AND I DON'T THINK ANYTHING LESS WILL DO.
10 THANK YOU.

11 CHAIRMAN GALLAGHER: THANK YOU, MR. BERGMAN, FOR
12 YOUR VERY COMPREHENSIVE TESTIMONY.

13 BOARD MEMBER BREMBERG: MR. CHAIRMAN, MAY I ASK
14 MR. BERGMAN A QUESTION?

15 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

16 BOARD MEMBER BREMBERG: YOU SAID THAT THE HIDDEN
17 VALLEY RESIDENTS ARE REQUIRED TO REGISTER BEFORE ENTERING
18 THE LANDFILL. DOES EVERYONE IN THE COUNTY HAVE TO
19 REGISTER BEFORE ENTERING THE LANDFILL?

20 MR. BERGMAN: YEAH. I THINK IT'S
21 NONDISCRIMINATORY. THE PURPOSE OF IT IS THE SATURDAY,
22 THE RAINY SATURDAY, JANUARY 13TH, I THINK, A NUMBER OF
23 THE RESIDENTS WERE OUT AT THE LANDFILL TO SEE WHAT WAS
24 HAPPENING. I WAS ONE OF THEM. IN THE AFTERNOON, I WAS
25 MARCHING AROUND ALL BY MYSELF IN MY HIP BOOTS TO SEE WHAT

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1 THE EFFECT OF A MODERATE RAIN WAS AT THE TIME. IT WAS
2 SQUISHY, IT WAS WET, YOU SEE AN ENORMOUS CHANNELING --

3 BOARD MEMBER BREMBERG: WELL, I SAW THE
4 PICTURES. I JUST WONDERED IF THEY WERE -- ISSUED AN
5 ORDER THAT WAS DISCRIMINATORY AGAINST ONE PARTICULAR SET
6 OF RESIDENTS.

7 MR. BERGMAN: TO THE BEST OF MY KNOWLEDGE, NO.

8 BOARD MEMBER BREMBERG: THANK YOU.

9 MR. BERGMAN: I THINK THAT WAS THE INTENT.

10 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS OF MR.
11 BERGMAN?

12 BOARD MEMBER VARNER: MR. BERGMAN, YOU REFERRED
13 TO THIS AS YOUR CLIENT. ARE YOU AN ATTORNEY?

14 MR. BERGMAN: YES.

15 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS BY THE
16 BOARD?

17 I'D LIKE TO TAKE THE OPPORTUNITY, SINCE MR.
18 BERGMAN REPRESENTS HIDDEN VALLEY HOMEOWNERS, AND HE HAS
19 MADE SOME RATHER COMPREHENSIVE TESTIMONY, THAT IN THE
20 INTEREST OF TIME AND TO REDUCE REDUNDANCY, AND I DON'T
21 KNOW WHETHER OR WHO ARE MEMBERS OF THE HIDDEN VALLEY
22 GROUP, BUT PLEASE TRY TO KEEP YOUR REPEATING REMARKS DOWN
23 IF YOU WILL.

24 WE WANT TO HEAR AS MUCH TESTIMONY AS WE
25 CAN, BUT WE DON'T WANT TO HEAR A LOT OF HARANGUE. SO

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Barristers'
reporting service

1 UNLESS YOU HAVE SOME NEW TESTIMONY TO ADD ADDITIONAL
2 POINTS THAT MR. BERGMAN MAY OR MAY NOT CONSIDER GERMANE.
3 PLEASE KEEP IT SHORT.

4 OUR NEXT REQUEST COMES FROM A MRS. JOANNE
5 OWENS.

6 MS. OWENS: MR. CHAIRMAN, MEMBERS OF THE BOARD,
7 MY NAME IS JOHANNE OWENS. I'M A MEMBER OF THE CONSORTIUM
8 OF CONCERNED CITIZENS. WHILE MEMBERS OF THE HOMEOWNERS
9 GROUPS WHO ARE MOST IMPACTED BY THE MCCOURTNEY LANDFILL
10 PROBLEMS, WE'RE, OF NECESSITY, FOCUSED ON THE IMMEDIATE.

11 NEVADA COUNTY ELECTED OFFICIALS AND THE
12 PERTINENT STAFF WERE, OF COURSE, TRYING TO RESPOND AS
13 QUICKLY AS THEY COULD TO THE FIXES REQUIRED. OUR GROUP
14 WAS FORMED AS A RESULT OF SUBSTANTIAL CONCERN OVER WHO
15 WAS LOOKING AT THE TOTAL CHALLENGE AND DOING SOME ADVANCE
16 PLANNING RELATIVE TO WHERE NEVADA COUNTY NEEDS TO LEAD
17 RELATIVE TO ITS SOLID WASTE MANAGEMENT.

18 THE CREDENTIALS OF THIS CONSORTIUM ARE
19 SUBSTANTIAL. THE GROUP REPRESENTS A BROAD SPECTRUM OF
20 NEVADA COUNTY CITIZENS SIMILAR, IN FACT, TO THE CITIZENS
21 ADVISORY COMMITTEE THAT'S MANDATED BY AB 939.

22 TWO QUALIFICATIONS WERE A MUST FOR
23 APPOINTMENT TO THIS GROUP. ONE, THAT THEY HAD
24 DEMONSTRATED, PROVEN MANAGEMENT SKILLS EITHER IN THE
25 PRIVATE OR PUBLIC SECTOR AND A GREATER THAN AVERAGE

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1 KNOWLEDGE AND/OR EXPERIENCE IN WASTE MANAGEMENT ISSUES.

2 THE FOCUS OF THIS CONSORTIUM HAS BEEN TO
3 GAIN A NEUTRAL, HOPEFULLY, OBJECTIVE PERSPECTIVE OF THE
4 LANDFILL HISTORY WITH SIGNIFICANT REALITIES OF TODAY AND
5 TO ASSIST IN THE EVALUATION OF ALTERNATIVE SOLUTIONS TO
6 MEET THE NEEDS OF TOMORROW, ALL WITHIN THE CONTEXT OF
7 WHICH CHOICES WILL NOT JUST ONLY MEET MINIMUM
8 REQUIREMENTS, BUT CAN DO THE JOB OVER THE LONG RANGE IN
9 THE MOST COST-EFFECTIVE WAY.

10 THERE IS NO QUESTION IN ANYONE'S MIND THAT
11 THE HOMEOWNERS IMPACTED OVER THE YEARS BY LANDFILL
12 FAILURES HAVE BEEN PHENOMENALLY PATIENT, FOLLOWING PROPER
13 PROTOCOL ALL THE WAY IN THEIR SEARCH FOR ASSISTANCE AND
14 RELIEF. IT APPEARS THAT ONLY WHEN ONE LEVEL OF THE
15 SYSTEM WAS UNRESPONSIVE, THEIR OPTIONS EXHAUSTED, DID THE
16 HOMEOWNERS MOVE TO THE NEXT HIGHER LEVEL OF AUTHORITY.
17 FRUSTRATED IS A MILD TERM, I'M SURE, TO DESCRIBE HOW THEY
18 HAVE FELT.

19 ON THE OTHER HAND, IN REVIEWING THE COUNTY
20 MANAGEMENT OF THE LANDFILL AND ASSOCIATED WASTE
21 MANAGEMENT REQUIREMENTS, THERE IS, AGAIN, NO QUESTION
22 MISGUIDED MANAGEMENT SEEMS TO HAVE BEEN THE ORDER OF THE
23 DAY. NOT BY DESIGN, BUT BECAUSE OTHER ISSUES RELATIVE TO
24 THE VERY RAPID GROWTH OF NEVADA COUNTY WERE MORE VISIBLE,
25 AND COMMUNITY DEMANDS KEPT PREVIOUS BOARDS OF DIRECTORS

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1 AND STAFF FOCUSED IN THOSE DIRECTIONS.

2 THE HOMEOWNERS REFER TO THE LANDFILL AS AN
3 OPEN SORE. A SORE OFTEN FESTERS FOR LONG PERIODS OF TIME
4 WHEN YOU MAY NOT SEE OR EVEN FEEL THE PROCESS. THEN ONE
5 DAY THE SORE SURFACES AND YOU HAVE SOMETHING YOU CAN SEE
6 AND FIX. WE ARE NOT DENYING EVIDENCE WITHIN THE COUNTY
7 THAT THERE WERE SYMPTOMS OF SOMETHING FESTERING THROUGH
8 THE NONCOMPLIANCE REPORTS FROM THE LEA THROUGHOUT THE
9 YEARS.

10 UNABLE TO MOVE BEYOND THE IMMEDIATE TO LOOK
11 AT WHAT MIGHT HAVE BEEN HAPPENING. HAMPERED BY LACK OF
12 FINANCIAL RESOURCES AND MINIMAL MANPOWER, THE RESPONSIBLE
13 DEPARTMENT DID NOT, PERHAPS COULD NOT, PREPARE A
14 CONTINGENCY PLAN.

15 NOW WE ADD THE INTEGRATED WASTE MANAGEMENT
16 BOARD TO THE EQUATION, AND YOU'VE HAD IT WITH NEVADA
17 COUNTY. WE REALLY DON'T BLAME YOU. RECALCITRANT
18 CHILDREN NEED TO BE GROUNDED WHEN THEY APPEAR TO HAVE
19 REPEATEDLY IGNORED THE RULES. BASED ON ALL THE MEETINGS,
20 REPORTS, AND STUDIES, YOUR STAFF MAY RECOMMEND THAT THE
21 PRUDENT RESPONSIBLE ACTION ON YOUR PART IS TO REQUIRE
22 NEVADA COUNTY TO CEASE USING THEIR LANDFILL.

23 AGAIN, I DON'T BELIEVE THAT ANYONE INVOLVED
24 WITH THE GARBAGE ISSUE WOULD DISAGREE THAT THE LIFE SPAN
25 OF OUR LANDFILL IS AT MOST IN THE THREE TO FIVE RANGE,

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1 AND THEN ONLY IF WE TAKE ON VERY AGGRESSIVE RECYCLING
2 YESTERDAY.

3 THE QUESTION TODAY, I BELIEVE, IS HOW MUCH
4 TIME YOU CAN PRUDENTLY GIVE TO NEVADA COUNTY TO TAKE THE
5 NECESSARY STEPS TO ARRANGE FOR ALTERNATIVE METHODS OF
6 WASTE DISPOSAL. THE FINANCIAL BURDEN TO THE CITIZENS OF
7 NEVADA COUNTY HAS ALREADY INCREASED OVER THIS ISSUE AND
8 WILL INCREASE EVEN MORE AS WE TAKE APPROPRIATE ACTION.
9 WE NEED SUFFICIENT TIME, THAT IN A COOPERATIVE
10 ATMOSPHERE, WHICH, AS NAIVE AS IT MAY SOUND, I BELIEVE,
11 AND OUR CONSORTIUM BELIEVES, IS THERE; AND WHETHER IT'S
12 THE RESULT OF ALL THE ACTIVITIES THAT OCCURRED OVER THE
13 LAST YEAR OR NOT, IT IS THERE.

14 I BELIEVE IT IS A REALITY: OUR CONSORTIUM
15 BELIEVES IT'S A REALITY, THAT SHORT, INTERMEDIATE, AND
16 LONG-RANGE GOALS, STEPS TO IMPLEMENT AND CONTINGENCY
17 PLANS CAN BE COMPLETED. HOWEVER, IT IS IMPERATIVE THAT
18 WE DO NOT PUT IMPULSIVE SHORT-TERM SOLUTIONS INTO PLACE
19 WITHOUT IT FITTING INTO THE INTERMEDIATE AND LONG-RANGE
20 ACTIVITIES.

21 NEVADA COUNTY'S FINANCIAL RESOURCES CANNOT
22 HANDLE ANY REINVENTING THE WHEEL OR REDOS AS WE GO FROM
23 TODAY. NEVADA COUNTY DOES HAVE THE RESOURCES, BOTH IN
24 THE PRIVATE SECTOR AND THE PUBLIC SECTOR, TO MEET THIS
25 CRISIS.

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1 OUR CONSORTIUM'S REPORT, ALONG WITH
2 RECOMMENDATIONS, IS ABOUT READY FOR SUBMITTAL TO THE
3 COUNTY AND TO THE PUBLIC. INCLUDED IN THAT REPORT IS A
4 STRONG RECOMMENDATION TO USE PROVEN PRIVATE SECTOR
5 RESOURCES, WHICH ARE CURRENTLY AVAILABLE IN OUR
6 COMMUNITY. IT WILL NOT ONLY GET THE JOB DONE, BUT IT
7 WILL KEEP THE MONEY AT HOME.

8 WHILE THE PRIVATE SECTOR FIRMS ARE
9 DIVERTING THE WASTE, RECYCLING AT THE MAXIMUM LEVEL,
10 COUNTY OFFICIALS CAN GET ON WITH THE SEALING UP OF THE
11 MCCOURTNEY LANDFILL, SITING A NEW LANDFILL, HOPEFULLY
12 LOOKING AT POSSIBLE REGIONAL SOLUTIONS, DEVELOPING
13 POLICIES RELATIVE TO CITIZEN INVOLVEMENT IN RECYCLING,
14 AND PLANNING FOR 100 PERCENT COMPLIANCE WITH AB 939.

15 ALL OF THESE ACTIVITIES ARE MEASURABLE.
16 THEY CAN BE MONITORED BY THE INTEGRATED WASTE MANAGEMENT
17 BOARD AND LOCAL -- OUR LOCAL CONSORTIUM OR PERHAPS
18 ANOTHER SELECTED TASK FORCE, SORT OF LIKE BEING ON
19 PAROLE, IF YOU WILL. BUT WE NEED TIME.

20 THE SECOND ISSUE ON THE AGENDA TODAY IS
21 WHETHER OR NOT YOU WILL IMPOSE FINES ON NEVADA COUNTY.
22 WE RESPECTFULLY REQUEST THAT YOU CONSIDER SERIOUSLY, IF
23 THIS DOES COME ABOUT, PLACING THESE FUNDS IN AN ESCROW
24 ACCOUNT TO BE DISBURSED BACK TO NEVADA COUNTY, AT THE
25 DISCRETION OF YOUR BOARD, TO ASSIST IN THE VERY EXPENSIVE

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1 JOB AHEAD OF US.

2 THE HOMEOWNERS NEED TO HAVE SATISFACTION.
3 NEVADA COUNTY NEEDS TO MANAGE ITS WASTE IN A MUCH MORE
4 EFFECTIVE MANNER. AND THE CITIZENS OF NEVADA COUNTY NEED
5 TO BE AN INTEGRAL PART OF THAT PROCESS, BOTH BY RECYCLING
6 TO THE MAX, AS WELL AS BEING WILLING TO SHARE IN THE
7 COST.

8 BUT, PLEASE, LET'S NOT MAKE THE FINANCIAL
9 BURDEN ANY WORSE THAN IT ALREADY IS. THANK YOU VERY
10 MUCH.

11 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

12 MR. BROWN.

13 BOARD MEMBER BROWN: MRS. OWENS, THE GIST OF
14 WHAT YOU ARE SAYING IS TO, THROUGH GOOD BUSINESS AND
15 MANAGEMENT PRACTICES, POSSIBLY PRIVATIZATION, BUY THE
16 TIME NECESSARY TO REMEDY THE SITUATION AT THE CURRENT
17 LANDFILL AND POSSIBLY SITE A NEW LANDFILL ON THE PART OF
18 THE COUNTY. AM I READING YOU CORRECTLY?

19 MS. OWENS: YES.

20 BOARD MEMBER BROWN: THANK YOU.

21 CHAIRMAN GALLAGHER: MS. BREMBERG.

22 BOARD MEMBER BREMBERG: DOES YOUR CONSORTIUM
23 REPORT INCLUDE THE IMPLEMENTATION OF THE MANDATORY
24 COLLECTION?

25 MS. OWENS: WE ARE, AT THIS POINT, TRYING TO

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1 COME TO CONSENSUS ON THAT. MY OWN PERSONAL DESIRE IS
2 THAT THAT IS WHERE IT WILL BE. THE REASON THAT REPORT
3 HASN'T BEEN PUT INTO EFFECT AT THIS POINT AND SUBMITTED
4 TO THE COUNTY IS THERE IS ONE OR TWO ITEMS THAT WE'RE
5 STILL WORKING TO CONSENSUS ON, AND THAT, QUITE FRANKLY,
6 HAPPENS TO BE ONE OF THEM, BUT WE'RE GETTING CLOSER.

7 BOARD MEMBER BREMBERG: I WOULD LIKE TO SUGGEST
8 THAT THAT HAD BETTER BE --

9 MS. OWENS: THE CITY OF GRASS VALLEY, I BELIEVE,
10 HAS MADE THAT DECISION, AND I BELIEVE THAT EVERYONE ELSE
11 WILL FOLLOW SUIT.

12 BOARD MEMBER BREMBERG: THANK YOU.

13 CHAIRMAN GALLAGHER: MR. VARNER.

14 BOARD MEMBER VARNER: MRS. OWENS, YOU MADE
15 REFERENCE IN YOUR -- THIS CONSORTIUM YOU HAD, THAT YOU
16 HAD A NUMBER OF KNOWLEDGEABLE PEOPLE IN THE WASTE
17 MANAGEMENT AREA.

18 MS. OWENS: YES, SIR.

19 BOARD MEMBER VARNER: COULD YOU GIVE ME SOME
20 EXAMPLES OF WHAT YOU ARE TALKING ABOUT?

21 MS. OWENS: FOR INSTANCE, ONE OF THE GENTLEMEN
22 THAT'S IN THE CONSORTIUM IS A GENTLEMAN BY THE NAME OF
23 MR. KEN MYERS, AND HE IS -- WELL, HE'S FACILITIES MANAGER
24 FOR GRASS VALLEY GROUP, AND THEY HAVE DONE A PHENOMENAL
25 JOB OF TURNING THEIR RECYCLING AROUND FROM 75 PERCENT

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1 BEING DISPOSED OF TO NOW 25 PERCENT DISPOSED OF, AND THAT
2 HAS BEEN SOLEY BECAUSE OF THE EFFORTS OF MR. MYERS OVER
3 THE PAST SEVERAL YEARS.

4 WE HAVE A GENTLEMAN BY THE NAME OF PAUL
5 CLINTON WHO HAPPENS TO OWN A -- IT'S A WOOD CHIPPING
6 PROCESS THAT IS BEING USED ALL OVER THE UNITED STATES
7 CURRENTLY, AND THAT'S AN EXAMPLE OF THE TYPE OF PEOPLE
8 THAT ARE ON THIS CONSORTIUM.

9 BOARD MEMBER VARNER: SO WHEN YOU ARE SAYING THE
10 GRASS VALLEY GROUP, ARE THEY THE ONES THAT ARE IN THE
11 BUSINESS OF HAULING WASTE?

12 MS. OWENS: THEY -- THE GRASS VALLEY GROUP IS A
13 DIVISION OF TECTRONICS OUT OF PORTLAND, OREGON, AND THEY
14 DESIGN AND MANUFACTURE TELEVISION SWITCHING EQUIPMENT.
15 THEY ARE THE LARGEST EMPLOYER IN THE COUNTY, AND THEY
16 HAVE TREMENDOUS BY-PRODUCTS OF WHAT THEY DO, NOT ONLY
17 NORMAL PAPERS AND THINGS THAT YOU WOULD NORMALLY FIND IN
18 A BUSINESS, BUT METALS AND ALL THESE THINGS. AND THEY
19 HAVE GONE TO GREAT LENGTH AND EXPENSE TO ACCOMPLISH THIS.
20 IT HAS BEEN UNDER THE GUIDANCE AND DIRECTION AND THE
21 EFFORTS OF MR. MYERS THAT THIS HAS BEEN DONE.

22 BOARD MEMBER VARNER: DO YOU HAVE ANYBODY THAT'S
23 INVOLVED IN THE WASTE DISPOSAL IN EITHER GRASS VALLEY OR
24 NEVADA CITY INVOLVED?

25 MS. OWENS: WE DO NOT. WE HAVE THEM AS



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1 TECHNICAL ADVISORS. AND THE REASON WE DO NOT IS BECAUSE
2 IT COULD BE CONSTRUED AS CONFLICT OF INTEREST TO HAVE
3 THEM ON THAT CONSORTIUM. THEY ARE CALLED IN ON A FAIRLY
4 REGULAR BASIS IN ORDER TO RESPOND TO QUESTIONS AND TO
5 GIVE US A SENSE OF SECURITY. IN FACT, THEY DO HAVE MANY
6 OF THE ANSWERS THAT WE NEED.

7 BOARD MEMBER VARNER: BUT YOU USE THEM AS
8 TECHNICAL ADVISORS?

9 MS. OWENS: YES.

10 BOARD MEMBER VARNER: THANK YOU.

11 CHAIRMAN GALLAGHER: THANK YOU. I'D LIKE TO ASK
12 YOU ONE. IS YOUR CONSORTIUM PREPARED TO EXPLAIN TO YOUR
13 MEMBERSHIP THE CONSEQUENCES OF IMMEDIATE CLOSURE OF THAT
14 FACILITY? ARE YOU ABLE TO EXPLAIN SATISFACTORILY THE
15 SHORT-TERM AND MEDIUM-TERM CONSEQUENCES OF CLOSING THAT
16 LANDFILL TO NEVADA COUNTY PEOPLE?

17 MS. OWENS: WE COULD EX -- YES, WE COULD
18 EXPLAIN. WE KNOW THE RAMIFICATIONS OF WHAT WILL HAPPEN
19 IF THE LANDFILL IS CLOSED TOMORROW VERSUS IF IT'S
20 CLOSED -- OR WE HAVE, SAY, A THREE-YEAR TO A FIVE-YEAR
21 TIME FRAME.

22 I WOULD, QUITE FRANKLY, NOT LIKE TO HAVE TO
23 TRY TO DEAL WITH THAT AT THE LOCAL LEVEL. IF IT'S CLOSED
24 TOMORROW AND HAS TO BE CLOSED TOMORROW, WE'RE TRYING TO
25 FIGURE OUT TOMORROW WHERE WE'RE GOING TO TAKE THE WASTE.

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1 BUT IF IT'S A CASE WHERE THE DECISION OF THIS BOARD IS
2 THAT, YES, WE ARE GOING TO CLOSE THE LANDFILL AND WE ARE
3 GOING TO CLOSE IT AND WE ARE GOING TO WORK OUT A
4 REASONABLE TIME FRAME, AND THAT THE COUNTY IS, AS A
5 WHOLE, IS GOING TO HAVE TO ABIDE BY THAT AND HAVE TO PAY
6 FOR IT, YES, I BELIEVE WE HAVE THE CONSTITUENCY THAT CAN
7 DO THAT IN AN EFFECTIVE WAY.

8 CHAIRMAN GALLAGHER: YOUR GROUP, THEN, IS NOT
9 RECOMMENDING IMMEDIATE CLOSURE OF THE LANDFILL?

10 MS. OWENS: NO, NOT IMMEDIATE CLOSURE. WE FEEL,
11 QUITE FRANKLY, THAT THE ECONOMIC IMPACT OF THAT RIGHT NOW
12 WOULD BE DEVASTATING, BUT THAT WE NEED TO MOVE AHEAD IN
13 THAT PROCESS. AND WE'RE WILLING TO WORK WITH THAT.

14 CHAIRMAN GALLAGHER: THANK YOU. ANY OTHER
15 QUESTION OF MS. OWENS? THANK YOU.

16 OUR NEXT PERSON REQUESTING TO ADDRESS THE
17 BOARD IS MR. JIM HEATH.

18 MR. HEATH: GOOD MORNING, MR. CHAIRMAN AND
19 MEMBERS OF THE BOARD. I'M A LITTLE NERVOUS, SO BEAR WITH
20 ME AND ALLOW ME TO --

21 CHAIRMAN GALLAGHER: I'M NERVOUS, TOO, SO
22 EVERYTHING'S FINE.

23 MR. HEATH: I'M NOT A PUBLIC SPEAKER. I'M A
24 BUILDING INSPECTOR, SO GETTING UP IN FRONT OF A GROUP AND
25 TRYING TO EXPLAIN SOMETHING IS A LITTLE OUT OF MY FIELD.

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1 AND I CERTAINLY COULDN'T SAY IT AS WELL AS MR. BERGMAN
2 DID. I THINK HE PRESENTED A PRETTY GOOD CASE FOR CLOSING
3 THE LANDFILL AND A GOOD OVERVIEW OF WHAT'S OCCURRING OUT
4 THERE.

5 AND NOT BEING A PUBLIC SPEAKER, I WAS
6 INVOLVED IN THE PRODUCTION OF THIS REPORT, AND I WAS
7 WONDERING IF THE BOARD HAD, IN FACT, RECEIVED IT AND IF
8 MEMBERS OF THE BOARD HAD HAD TIME TO REVIEW THE REPORT,
9 AND IF THERE WERE ANY QUESTIONS REVOLVING AROUND THE
10 REPORT. ALSO, MR. CHAIRMAN, WITH YOUR PERMISSION, I HAVE
11 SOME OTHER PICTURES I'D LIKE TO PRESENT TO THE BOARD. I
12 HAVE TWO SETS OF COPIES ON ABOUT FIVE PAGES.

13 CHAIRMAN GALLAGHER: THANK YOU. I CAN ANSWER A
14 PART OF YOUR FIRST QUESTION. YES, THEY HAVE RECEIVED
15 YOUR REPORT. I CAN'T ANSWER IF ALL OF THEM HAVE REVIEWED
16 IT IN ITS ENTIRETY. IF THERE'S ANY SPECIFIC PARTS OF IT
17 YOU WANT TO CALL TO THEIR ATTENTION, YOU CERTAINLY HAVE
18 THE OPPORTUNITY TO DO IT NOW.

19 MR. HEATH: OKAY. MAY I APPROACH THE BOARD WITH
20 SOME OF THE PICTURES?

21 CHAIRMAN GALLAGHER: YES, CERTAINLY.

22 MR. HEATH: MR. CHAIRMAN, I HAVE TWO SETS.

23 CHAIRMAN GALLAGHER: FINE, THANK YOU. LET'S
24 TAKE TIME OUT HERE SO WE CAN LOOK AT THESE PICTURES.

25 (PAUSE.)



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1 CHAIRMAN GALLAGHER: I THINK -- YES, MR.
2 MOSCONE.

3 BOARD MEMBER MOSCONE: WERE THESE PICTURES THAT
4 YOU HAVE PRESENTED TAKEN AT ABOUT THE SAME TIME THAT
5 THESE THAT WE HAVE IN THIS BOOKLET?

6 MR. HEATH: BASICALLY, A FEW DAYS SUBSEQUENT TO
7 THE THIRD REPORT.

8 I'M GLAD MR. BROWN GOT TO COME OUT TO THE
9 LANDFILL. I ONLY WISH THAT I HAD KNOWN HE WAS GOING TO
10 BE THERE. I WOULD HAVE LOVED TO HAVE GIVEN HIM A TOUR
11 MYSELF. I WOULD HAVE TAKEN HIM TO A TOXIC WASTE SPILL
12 WHICH IS LOCATED NEAR MONITORING WELL NO. 3, WHICH
13 APPARENTLY HAS BEEN THERE SEVERAL YEARS, THAT THE LEA
14 APPARENTLY HAS GONE PAST ON SEVERAL OCCASIONS AND
15 NEGLECTED TO DO ANYTHING ABOUT.

16 THE ONLY TIME ANY ACTION HAS TAKEN PLACE
17 WAS A RESULT OF THE LAST REPORT TO YOU, THE BOARD, AND I
18 THINK THAT'S AN EXAMPLE OF WHAT'S GOING ON OUT THERE.
19 THE LEA HAS BEEN RELUCTANT TO ENFORCE THE CODES THAT
20 THEY'RE SUPPOSED TO BE ENFORCING.

21 I'D LIKE TO HAVE SHOWN MR. BROWN THE
22 DRINKING WELLS THAT SHOW LEVELS OF CHLOROFORM AND HIGH
23 LEVELS OF COLIFORM THAT ARE ROUGHLY 1,000 FEET FROM
24 MONITORING WELLS 4 AND 4-A, AND THE NEW WELLS THAT HAVE
25 NEVER BEEN TESTED, WHERE PEOPLE ARE LIVING AND DRINKING

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1 THE WATER, WE HAVE NO IDEA WHAT'S IN THEIR WATER. THOSE
2 WELLS HAVE NEVER EVER BEEN TESTED.

3 ALSO, UNFORTUNATELY, HE WAS THERE IN THE
4 AFTERNOON. I WOULD LIKE TO HAVE SOMEBODY OUT THERE EARLY
5 IN THE MORNING. FOR EXAMPLE, WE LEFT THIS MORNING -- WE
6 LEFT OUR HOUSE AT ABOUT 6:30 AND WALKED OUT THE FRONT
7 DOOR, AND I CAN BEST DESCRIBE -- I LIVE A MILE FROM THE
8 LANDFILL. I CANNOT SEE THE LANDFILL. THERE IS A PORTION
9 OF AMERICAN HILL IN THE WAY.

10 IF YOU'VE EVER BEEN TO A CAMPGROUND AND
11 BEEN INTO ONE OF THE PRIVIES OR THE BATHROOMS AT A
12 CAMPGROUND, THE ODOR THAT YOU GET INSIDE THAT BOX IS
13 ROUGHLY THE SAME ODOR YOU GET WHEN YOU WALK OUT THE FRONT
14 DOOR OF MY HOME. LET ME TELL YOU, IT IS NOT A PLEASANT
15 SMELL. I KNOW YOU'RE NOT AIR RESOURCES BOARD, BUT IT'S
16 AN INDICATION OF THE PROBLEM WE HAVE OUT THERE.

17 THAT LANDFILL HAS CONTINUALLY LEAKED. THEY
18 HAVE THREE MILLION GALLONS OF LEACHATE STORED IN A TANK
19 THAT'S BEING AERATED. THE GARBAGE IS NOT BEING COVERED
20 ON A DAILY BASIS DESPITE ALL THE ACTIONS TAKEN ON THE
21 PART OF YOUR STAFF. YOUR STAFF -- I UNDERSTAND MR. RAMOS
22 IS OUT THERE EVERY WEEK, AS EVIDENCED BY THE PICTURES.
23 AND I'M GOING TO GO THROUGH HERE VERY QUICKLY.

24 OUR REPORT IS BROKEN INTO A COUPLE OF
25 DIFFERENT SECTIONS. IN THE INTRODUCTION, THE FIRST

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1 PICTURE WAS TAKEN THE DAY AFTER SUPERVISOR JIM WEIR AND A
2 RADIO INTERVIEW PROGRAM HAD REFERRED TO THE MCCOURTNEY
3 ROAD LANDFILL AS A COMPLETELY DECENT OPERATION. AND I
4 WOULD REFER YOU TO THE PICTURE ON PAGE 1. AND I THINK
5 THAT SINCE I'M NOT AN ACCOMPLISHED SPEAKER AND I'M NOT AN
6 ATTORNEY, I'LL LET THE PICTURES DO THE SPEAKING FOR ME,
7 IF THAT'S OKAY WITH YOU.

8 THAT'S THE INTRODUCTION TO OUR REPORT. THE
9 REPORT IS BROKEN INTO VIOLATIONS OF THE ORIGINAL
10 OPERATING PERMIT, AND I'D LIKE TO EMPHASIZE TO THE BOARD,
11 THAT WE HAVE A COPY OF THE ORIGINAL OPERATING PERMIT IN
12 THE APPENDIX OF THIS REPORT, AND THE OPERATOR OF THE
13 LANDFILL HAS VIOLATED EACH AND EVERY TERM OF THE
14 OPERATING PERMIT REPEATEDLY AND IS CURRENTLY VIOLATING
15 THE TERMS OF THAT PERMIT.

16 AND THAT'S WHAT WE'RE ASKING -- THAT'S ONE
17 OF THE REASONS WHY WE'RE ASKING FOR THE REVOCATION.
18 DESPITE ALL THE ENFORCEMENT ACTION, THEY'RE STILL
19 VIOLATING THAT OPERATING PERMIT.

20 NEXT SECTION WERE VIOLATIONS THAT WE NOTED:
21 GROUP OF NEIGHBORS, AS WE TOURED THE LANDFILL ON TWO
22 SUBSEQUENT WEEKENDS DURING THE FIRST TWO WEEKENDS IN
23 JANUARY, INCLUDING CONTACT WITH WATER WHERE TRASH IS
24 BEING DEPOSITED IN WATER WHERE THERE IS NO LINER, AND
25 WE'LL GET TO THAT PICTURE IN A MINUTE.

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1 VECTOR AND BIRD CONTROL, TRAFFIC CONTROL,
2 LITTER CONTROL, DRAINAGE, NUISANCE, AFTER-HOURS DUMPING,
3 WHICH I'D LIKE TO EMPHASIZE.

4 DAILY COVER, WHICH I'D LIKE TO EMPHASIZE.
5 ODOR CONTROL, WHICH I'VE ALREADY DISCUSSED. STORAGE OF
6 SALVAGE AND TOXIC WASTE APPARENTLY HAS BEEN DEPOSITED --
7 I SAY ALLEGEDLY DEPOSITED IN THAT FACILITY.

8 PONDED LIQUIDS AND SITE SECURITY. WHEN I
9 REFER TO SITE SECURITY, I DON'T MEAN RESIDENTS WALKING
10 OUT ON THE LANDFILL.

11 ALSO, WE REVIEWED THE SOLID WASTE
12 MANAGEMENT PLAN, AND THERE ARE MANY HOLES IN IT. IN
13 FACT, WE BELIEVE THAT THERE'S SO MANY FAULTS IN THE PLAN
14 THAT IT REALLY HAS NO VALUE. IT CLAIMS THAT THERE'S A
15 22-YEAR LIFE LEFT TO THE LANDFILL. IF YOU RUN THEIR
16 SPREADSHEET AND PUT IN NUMBERS THAT ARE RELATIVELY
17 ACCURATE, I THINK ANY REASONABLE PERSON WOULD UNDERSTAND
18 THAT THERE IS NO 22 YEARS THERE; AND, IN FACT, WE CAN
19 MAKE A CASE MAKING IT LESS THAN EIGHT.

20 AND I WOULD AGREE WITH MRS. OWENS THAT, IF
21 YOU LOOK AT THE LANDFILL OBJECTIVELY AND HONESTLY, THERE
22 ISN'T EIGHT YEARS THERE, THERE ISN'T 22 YEARS THERE.
23 THEY'RE MAKING THE CASE THAT THERE IS; BUT, IN FACT,
24 THERE ISN'T. IT'S ALL SMOKE AND MIRRORS AND MOVING THE
25 NUMBERS AROUND, AND I CAN DO THAT ON A SPREADSHEET AS

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1 WELL AS ANYBODY.

2 NOW, I'LL MOVE THROUGH THIS REAL QUICKLY
3 BECAUSE I KNOW I'VE BEEN ON THE SCHOOL BOARD, I'VE
4 LISTENED TO PEOPLE GIVE TESTIMONY. I WAS ON A BOARD FOR
5 FIVE YEARS, AND I KNOW WHAT IT'S LIKE TO SIT THERE AND
6 LISTEN TO THE SAME THING OVER AND OVER AGAIN, AND I'LL
7 FOLLOW THE CHAIRMAN'S INSTRUCTIONS.

8 PAGE 1 IS A PICTURE THAT I TOOK IN JANUARY
9 DURING A DOWNPOUR AND WATER FLOWING FROM AMERICAN HILL,
10 WOLF MOUNTAIN ROAD, FLOWING THROUGH WHAT APPEARS TO BE A
11 METAL PILE, INCLUDING WHAT'S KNOWN AS A STERILIZER FROM
12 THE HOSPITAL WHICH WAS DUMPED THERE. AND I DON'T KNOW
13 WHAT WAS IN IT, OR WHETHER OR NOT IT'S CLEAN. ENGINE
14 PARTS, PROPANE BOTTLES, ALL KINDS OF THINGS ARE LYING
15 WITH WATER FLOWING THROUGH THAT, AND FROM THERE ON
16 TOWARDS SIXBY RANCH ESTATES AND ON INTO HIDDEN VALLEY.
17 AND I'LL COME BACK TO THAT PAGE AS MY CONCLUSION.

18 PAGE 3 OF OUR REPORT ADDRESSES, FROM THE
19 ORIGINAL OPERATING PERMIT 72-185, THE REQUIREMENTS OF
20 THAT PERMIT: DISCHARGE SHALL NOT CAUSE POLLUTION; SHALL
21 NOT BE A NUISANCE; SHALL BE LIMITED TO CLASS II, AT THAT
22 TIME, NOW CLASS III MATERIALS.

23 DISCHARGE SHALL NOT CONTAIN ANY TOXIC
24 CHEMICALS; SURFACE RUNOFF AND GROUNDWATER SHALL BE
25 EXCLUDED FROM THE SITE. AND I'LL HAVE PICTURES TO

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1 DEMONSTRATE THAT'S NOT HAPPENING.

2 THERE SHALL BE NO DISCHARGE OF LEACHATE
3 FROM THE LANDFILL. WE HAVE LETTERS DATING BACK TO 1978
4 FROM WASTE MANAGEMENT BOARD STAFF INDICATING THAT THERE
5 WERE LEACHATE SPILLS, AND THEY HAD CONTINUED EVERY YEAR
6 SINCE THEN, INCLUDING TWO WEEKENDS AGO ON THE 12TH.

7 THE DISCHARGE SHALL BE REPORTED PROMPTLY TO
8 THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD.
9 THOSE THINGS HAVE NOT HAPPENED.

10 AND I'D LIKE TO EMPHASIZE THE NEXT ITEM,
11 ACCORDING TO THE ORIGINAL PERMIT, LEACHATE WILL BE
12 PREVENTED FROM LEACHING TO THE GROUNDWATER BY THE PLACING
13 OF A TWO-FOOT LAYER OF FAIRLY IMPERVIOUS CLAY, TEN TO THE
14 MINUS SIX OR TEN TO THE MINUS SEVEN.

15 THAT CLAY, ACCORDING TO THE SITE MANAGER,
16 TOM DAVISSON, WAS PUT DOWN AND THEN DUG UP. AND THE
17 REASON WHY IT WAS DUG UP IS IT WAS USED FOR COVER
18 MATERIAL. THE SITE DOES NOT HAVE A LOT OF COVER
19 MATERIAL, SO THEY STARTED DIGGING UP IN FRONT OF THE FILL
20 AREA AND USING THAT FOR DAILY COVER.

21 I CAN TELL YOU THE DAILY COVER DOESN'T
22 OCCUR DAILY, OR DIDN'T AT THAT TIME, BUT I WANT TO
23 EMPHASIZE THE POINT THAT A LINER WAS REQUIRED IN THE
24 ORIGINAL PERMIT. THE LINER IS NO LONGER THERE. WE HAVE
25 AN OPEN LANDFILL WITH NO GATEHOUSE, NO GATE, JUST A ROPE

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1 ACROSS FOR YEARS WHERE YOU WENT IN AND DUMPED WHATEVER
2 YOU WANT.

3 AND I WILL ALSO TELL YOU, LADIES AND
4 GENTLEMEN, THAT I WOULD BE HAPPY TO RIDE THROUGH THE
5 LANDFILL RIGHT NOW WITH MY PICKUP TRUCK, AND WE CAN DRIVE
6 RIGHT ON IN THERE. AND I'LL PUT 55-GALLON DRUMS FULL OF
7 WHATEVER YOU WANT TO PUT IN THE BACK, AND YOU'LL BE ABLE
8 TO DUMP IT IN THAT LANDFILL. AND YOU WILL NOT BE STOPPED
9 AT THE GATE. YOU WILL NOT BE STOPPED AT THE DEPOSITING
10 AREA, EITHER. YOU WILL SIMPLY BE ASKED AS YOU GO
11 THROUGH -- THERE'S A GUY SITTING ON A CHAIR -- DO YOU
12 HAVE HOUSEHOLD WASTE? IF YOU SAY YES, ON IN YOU GO.

13 AS ONE PERSON WHO STUDIED THE SITE TOLD ME,
14 WE HAVE AN INFINITE AMOUNT OF TOXIC AND HAZARDOUS WASTE
15 IN THAT LANDFILL. WE HAVE NO LINER. IT'S LEAKING OUT
16 THE BOTTOM. AND THE PROOF OF THAT IS THE MONITORING
17 WELLS. THE PRELIMINARY SWAT REPORT CONTAINED REPORTS ON
18 MONITORING WELLS 1, 4, AND 4-A. THE FINAL DRAFT THAT WAS
19 SUBMITTED TO THE STATE, GUESS WHAT PAGES WERE MISSING?
20 THOSE REPORTS.

21 CONTINUING ON VERY QUICKLY. PAGE 5 IS A
22 PICTURE I TOOK -- ON PAGE 5 IS A PICTURE I TOOK ON
23 JANUARY THE 7TH. I SCOOPED UP SOME OF THE WATER, TOOK IT
24 UP TO MY NOSE, IT STUNK, IT FOAMED, IT LOOKED LIKE
25 LEACHATE. THE LEA THAT WAS OUT THERE SUBSEQUENT TO THIS

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PICTURE SAW THE FOAM AND FAILED TO TAKE A WATER SAMPLE.
CONTINUING ON TO PAGE 8, ONE OF THE
REQUIREMENTS OF THE OPERATING PERMIT WAS THAT WATER WAS
NOT SUPPOSED TO FLOW ONTO THE SITE. THIS IS A PICTURE
TAKEN FROM WOLF MOUNTAIN ROAD AS I DRIVE DOWN TO MY HOME
WHICH IS A MILE DOWN THE ROAD. YOU CAN CLEARLY SEE WATER
FLOWING THROUGH A CULVERT. THE RAIN HAD STOPPED AT THAT
POINT, I BELIEVE. AND YOU CAN CLEARLY SEE WATER FLOWING
TOWARDS THE METAL PILE.

NOW, ALLEGEDLY, AND I DON'T KNOW --
ALLEGEDLY, UNDERNEATH THE METAL PILE -- I'VE HAD TWO
PEOPLE -- ONE PERSON TELL ME, IT WAS MIKE HANSON, THAT HE
PARTICIPATED IN THE BURYING OF 55-GALLON DRUMS CONTAINING
TOXIC MATERIAL BEHIND THAT METAL PILE. I HAVE NO
KNOWLEDGE OF THAT. ALL I CAN DO IS TELL YOU WHAT HE TOLD
ME. HE HAS ASKED FOR IMMUNITY FROM PROSECUTION FROM THE
STATE AND IS WILLING TO TURN OVER THE EVIDENCE THAT HE
HAS THAT THAT'S WHAT OCCURRED. AT THAT TIME, HE WAS
WORKING AS A CONTRACTOR, AS I UNDERSTAND IT, WITH THE
COUNTY AT THE SITE. AND AS YOU CAN SEE, THAT FLOW OF
WATER IS RIGHT INTO THAT SITE.

ON PAGE 9, YOU CAN SEE HOW, AT THE TIME I
TOOK THIS PICTURE, TRASH IS BEING DEPOSITED ON VIRGIN
SOIL. THERE IS NO LINER UNDER THAT LOCATION. THERE WAS
PAVEMENT. IT ERODED BECAUSE THERE WAS NOTHING TO SUPPORT



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1 THE EMBANKMENT. THE TRASH WAS BEING DEPOSITED INTO THE
2 WATER, AND I THINK THE DAY MR. BROWN WAS THERE HE
3 PROBABLY SAW THE SAME THING.

4 PAGE 10 IS A PICTURE OF HIDDEN VALLEY ROAD.
5 MAYBE WE SHOULD CALL IT HIDDEN VALLEY RIVER. THE
6 RESIDENT TRYING TO CROSS THAT ROAD COULDN'T. HE STOPPED
7 HIS TRUCK AND SAT THERE, AND THIS IS FLOW FROM THE
8 LANDFILL. AS YOU CAN SEE, IT'S SILTY, IT SMELLS, AND IT
9 FOAMS WHEN IT GOES OVER ROCKS.

10 THE COUNTY WILL TELL YOU THIS IS AN
11 ABSOLUTELY DECENT OPERATION, AND I REALLY DOUBT THAT IT
12 IS.

13 ON PAGE 11, THIS IS A PICTURE TAKEN INSIDE
14 THE LANDFILL AS YOU DRIVE DOWN THE DRIVE. ON THE
15 LEFT-HAND SIDE THERE'S AN AREA WHERE WATER PONDS AND
16 STANDS, AND THIS IS PART OF THE FLOW OFF OF WOLF MOUNTAIN
17 ROAD. IT SPLITS AND APPEARS TO GO TWO DIRECTIONS, ONE
18 DIRECTION TOWARD SIXBY RANCHES, THE OTHER DIRECTION
19 TOWARDS THE FILL AREA.

20 BOARD MEMBER MOSCONE: WAS THIS PREVIOUSLY
21 FILLED LAND?

22 MR. HEATH: NO, SIR.

23 BOARD MEMBER MOSCONE: PAGE 11?

24 MR. HEATH: NO, SIR, NOT YET. IT'S NOT PART OF
25 THE LANDFILL FOOTPRINT. IT'S NOT SUPPOSED TO BE AN AREA

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1 WHERE -- AS I UNDERSTAND, LOOKING AT THE TOPO MAPS AND
2 THE RDSI, IT'S NOT AN AREA WHERE TRASH IS GOING TO BE
3 DEPOSITED. THIS IS A TYPICAL OCCURRENCE AFTER A RAIN.
4 AT THE TIME WE TOOK THIS PICTURE, THERE HAD BEEN ABOUT AN
5 INCH OF RAIN, ACCORDING TO THE SITE MANAGER.

6 DESPITE ALL THE ENFORCEMENT ACTIVITY, AND
7 MR. RAMOS FROM STAFF HAS BEEN OUT THERE EARLY IN THE
8 MORNING, PAGE 12 IS A PICTURE OF WHAT WAS OCCURRING THE
9 DAY AFTER HIS VISIT. AND THIS IS A DAILY OCCURRENCE, AND
10 WE HAVE A LOG THAT ONE OF THE RESIDENTS IN THE AREA IS
11 KEEPING AS TO WHO'S GOING IN.

12 I HAVE INCORRECTLY -- AND I WILL APOLOGIZE
13 TO GRASS VALLEY DISPOSAL -- I HAVE INCORRECTLY IDENTIFIED
14 THE TRUCK AS A GRASS VALLEY DISPOSAL TRUCK. IT WAS NOT.
15 IT WAS NEVADA CITY DISPOSAL, WHICH, AS I UNDERSTAND, IS A
16 PRIVATE CONCERN. THEY WERE DUMPING TRASH IN THE LANDFILL
17 AN HOUR BEFORE IT OPENS.

18 AND ALONG THOSE LINES, ON A DAILY BASIS,
19 THE GATE IS LEFT UNLOCKED. YOU CAN GO IN THERE AFTER
20 IT'S CLOSED, AND YOU CAN DUMP YOUR SEPTAGE AT THE UNLINED
21 PONDS AT THE BACK. BY DOING THAT, A COUPLE OF THINGS
22 OCCUR. ONE, THE SEPTAGE HAULER IS NOT PAYING A FEE FOR
23 WHAT HE'S DEPOSITING IN THE LANDFILL; AND, TWO, THERE IS
24 NO RECORD OF WHAT GOES IN THERE.

25 AND WHILE WE'RE ON THE SUBJECT OF THOSE



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1 UNLINED PONDS AT THE REAR OF THE LANDFILL WHICH OVERLOOK
2 HIDDEN VALLEY AND THAT'S -- I TOOK ONE OF THOSE PICTURES
3 WHERE YOU'RE LOOKING DOWN INTO A LITTLE BIT OF A CANYON,
4 THAT WAS TAKEN FROM THE AREA OF THE PONDS. THERE'S FOUR
5 UNLINED PONDS. AND DURING THE RAIN, AND I WAS SOAKED TO
6 THE BONE, I WENT OUT THERE. THE FIRST POND IS FLOWING
7 INTO THE SECOND POND, AND THE SOLIDS SETTLE OUT AND THE
8 WATER FLOWS THROUGH A CULVERT TO THE SECOND ONE AND THEN
9 DOWN TO THE THIRD ONE AND THEN DOWN TO THE FOURTH ONE,
10 AND THE FLOW IS FAIRLY SIGNIFICANT.

11 I COULDN'T SEE WHERE THE FOURTH POND WAS
12 GOING TO. THERE WAS NO PUMP CONNECTED AT THE TIME. THE
13 ONLY THING I CAN TELL YOU IT WAS EITHER FILTERING INTO
14 THE SOIL OR RUNNING INTO HIDDEN VALLEY. AND I THINK THAT
15 MAY BE PART OF THE LEACHATE THAT WE SEE COMING OUT IS
16 WHAT IS -- THE UNLINED SEPTIC PONDS THAT ARE USED ON A
17 DAILY BASIS. WE HAVE NO RECORD AS TO HOW MUCH IS GOING
18 IN THERE BECAUSE A LOT OF THE DUMPING OCCURS AFTER HOURS;
19 AND, TWO, THE PONDS ARE LEAKING.

20 AS EVIDENCE, THE GATE'S LEFT UNLOCKED. I
21 WAS DRIVING HOME, LOOKED OVER, GRABBED MY CAMERA -- AND
22 HERE'S ANOTHER MISTAKE. I HAD DATED THIS DECEMBER 30,
23 1990, AND YOU WILL EXCUSE ME, BUT THAT WAS DECEMBER 30,
24 1989, AND THAT MAY BE WISHFUL THINKING ON MY PART.
25 THE -- CLEARLY, LADIES AND GENTLEMEN, YOU CAN LOOK AT THE

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1 PICTURE AND SEE WHERE THE SUN IS. IT WAS APPROACHING
2 SUNSET; AND, OBVIOUSLY, THE GATE IS WIDE OPEN. AND IF
3 YOU WANT TO DRIVE IN THERE AND DUMP YOUR SEPTAGE AT THE
4 BACK OF THE DUMP, YOU'RE WELCOME TO DO THAT. IN THE
5 NARRATIVE I'VE DESCRIBED WHAT VEHICLES WENT IN AND DUMPED
6 WITHOUT BEING CHALLENGED.

7 AS MY LAST -- NEXT TO LAST PICTURE ON PAGE
8 14, THIS IS A PICTURE OF -- THIS IS TAKEN DURING SOME
9 RAIN. AND YOU CAN SEE TRASH DAYLIGHTING AND IT'S LEFT
10 UNCOVERED. AND I'LL ASK YOU WHAT THAT PRODUCES. I
11 BELIEVE IT PRODUCES LEACHATE. IT WAS SUPPOSED TO HAVE
12 BEEN COVERED. I BELIEVE MR. RAMOS HAD BEEN THERE THAT
13 MORNING OR THE DAY BEFORE, AND I GUESS THE COUNTY FELT
14 LIKE THEY DIDN'T HAVE TO COVER IT BECAUSE NOBODY WAS
15 GOING TO BE BACK.

16 AGAIN, AFTER ALL OF THE THINGS THAT HAVE
17 GONE ON AT THE LANDFILL, TO NOT, AT LEAST, COVER THE
18 TRASH EVERY DAY, THAT'S NOT OCCURRING.

19 IN 15 IS APPROXIMATELY WHERE -- ON PAGE 15
20 IS APPROXIMATELY WHERE AN INDIVIDUAL, MIKE HANSON, TOLD
21 ME THAT TOXIC WASTE WAS BURIED IN 55-GALLON DRUMS.

22 AND PAGE 16, WHICH IS THE LAST OF THE
23 PICTURES, I BELIEVE, WAS A PICTURE THAT WE PRESENTED IN
24 THE PRIOR REPORT TO THE BOARD. AGAIN, THIS IS THE SEPTIC
25 POND THAT'S UNLINED WHERE SEPTIC HAULERS DUMP THEIR

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1 WASTE. AND, AGAIN, YOU SEE TRASH AND THOSE ARE PENNZOIL
2 BOTTLES FLOATING ON THE SEPTAGE.

3 AND HAS THE LEA RESPONDED TO THAT? HAS THE
4 LEA DONE ANY INVESTIGATION AS TO WHAT'S IN THAT POND?
5 HAS THE LEA TAKEN ANY ACTION WITH REGARD TO THIS
6 MATERIAL? THAT IS SUPPOSED TO BE A SEPTIC POND WHERE
7 SEPTIC PUMPINGS GO INTO. WE'VE ALSO HAD ALLEGATIONS FROM
8 TWO DIFFERENT SOURCES THAT ARE UNPROVEN AND
9 UNSUBSTANTIATED, THAT A LOCAL COMPANY HAS BEEN HAULING
10 ITS MATERIAL FROM CLEANING ENGINES OUT TO THAT SITE AND
11 DUMPING IT.

12 ALSO TELL YOU A LITTLE STORY THAT OCCURRED
13 TO ME ONE DAY AS I WAS DRIVING INTO WORK IN THE MORNING.
14 HERE'S A TRUCK SITTING OUT IN FRONT OF THE DUMP. I HAVE
15 TO GO BY THERE ON THE WAY DOWN THE ROAD. IT'S LIKE 7
16 O'CLOCK IN THE MORNING. WHAT IN THE WORLD IS THIS GUY
17 DOING HERE? THIS PLACE DOESN'T OPEN FOR AN HOUR. AND I
18 GUESS HE DIDN'T KNOW HE COULD JUST LIFT THE CHAIN AND GO
19 RIGHT ON IN. HE WASN'T THAT SMART.

20 WHAT TURNS OUT, HE'S FROM ROSEVILLE. I
21 STOPPED AND ASKED HIM WHAT IN THE WORLD HE WAS DOING
22 THERE. HE WAS WAITING FOR IT TO OPEN. AND I ASKED HIM
23 WHY HE DROVE UP FROM ROSEVILLE TO DUMP IT. BECAUSE
24 NOBODY CHECKS. AND HE RAN AN AUTO PARTS DEALER WHERE
25 THEY REPAIRED AND REBUILT, AND HE HAD A WHOLE TRUCKLOAD

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1 FULL OF ALTERNATORS AND GENERATORS AND PUMPS AND
2 BATTERIES AND ALL KINDS OF STUFF. AND GUESS WHERE HE WAS
3 HEADING? HE WAS WAITING FOR THE DUMP TO OPEN SO HE COULD
4 GO ON IN AND DUMP IT.

5 AND I'LL SWEAR TO THAT STATEMENT, AND
6 THAT'S EXACTLY THE WAY IT OCCURRED. AND YOU CAN IMAGINE.
7 I TOLD HIM TO TAKE HIS TRASH ON DOWN THE ROAD, AND I
8 FOLLOWED HIM OUT TO HIGHWAY 49, WHERE HE PROCEEDED
9 SOUTHBOUND. THOSE ARE THE KINDS OF THINGS THAT OCCUR AT
10 OUR LANDFILL ON A DAILY BASIS.

11 THIRD PORTION OF OUR REPORT IS OUR REVIEW
12 OF THE SOLID WASTE MANAGEMENT PLAN. AND I RAN THE
13 NUMBERS AND I SPENT QUITE A BIT OF TIME LOOKING AT THE
14 SPREADSHEET WHERE THEY CAME UP WITH THE 22 YEARS, AND
15 I'LL TELL YOU, IT IS SMOKE AND MIRRORS. THEY'VE --
16 DURING THE -- YOU CAN STOP ME IF YOU'VE ALREADY READ
17 THIS -- BUT DURING THE YEARS THEY TOOK AERIAL PHOTOGRAPHS
18 IN 1988 AND 1989. DURING THAT PERIOD OF TIME, 181,000
19 CUBIC YARDS OF TRASH -- OF FILL OCCURRED IN THE LANDFILL.
20 SO THE COMPANY DOING THE STUDY ATTRIBUTES 50,000 CUBIC
21 YARDS OF THAT, OR ROUGHLY 28 PERCENT, AS COVER MATERIAL.
22 THEY WERE CITED REPEATEDLY FOR NOT COVERING THE MATERIAL.
23 M.E. ASSOCIATES RECOGNIZE ABOUT 25 PERCENT COVER.

24 SO IT DOESN'T SEEM REASONABLE TO ME TO
25 ATTRIBUTE THAT LARGE A NUMBER OF WHAT WENT IN THERE AS



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1 FILL. AND I KNOW FOR A FACT THIS TRASH WASN'T COVERED
2 FOR TWO AND THREE DAYS AT A CRACK BECAUSE I SAW IT. NOT
3 KNOWING BETTER AT THE TIME. IF I HAD KNOWN WHAT I KNOW
4 NOW, IT WOULD HAVE BEEN MORE ACCURATE AT THAT TIME.

5 IN DOING THAT, THE RESULT IS THEY COME UP
6 WITH ROUGHLY 5 POUNDS OF TRASH GENERATED PER PERSON.
7 THAT'S WHAT THE CALCULATION ON PAGE 19 SHOWS. THAT'S
8 INCONSISTENT WITH THE STATE AVERAGE. INCONSISTENT WITH
9 WHAT OCCURS IN TRUCKING. IN FACT, I DON'T BELIEVE IT'S
10 AN HONEST NUMBER.

11 BY UNDERSTATING HOW MUCH TRASH IS GENERATED
12 PER PERSON PER DAY IN NEVADA COUNTY, AND BY UNDERSTATING
13 THE POPULATION OF THE COUNTY, AND BY OVERSTATING THE
14 AMOUNT OF AREA LEFT IN THAT LANDFILL, YOU GIVE IT 22
15 YEARS. M.E. DID A STUDY IN 1986 AND SAID THERE WERE 3.4
16 MILLION CUBIC YARDS. RMI DOES A STUDY BASED ON THE SAME
17 PLAN AND SAYS, WELL, NOW THERE'S SIX MILLION CUBIC YARDS.
18 WHERE DID IT COME FROM? THERE'S NO EXPLANATION IN THE
19 SOLID WASTE MANAGEMENT PLAN.

20 AS A LAST POINT, AND I'LL BRING THIS TO AN
21 END, WHAT WE'RE CONTENDING WITH IS GROUNDWATER
22 CONTAMINATION, AND I'D LIKE TO READ TO YOU VERY QUICKLY
23 THE MINUTES FROM THE MEETING OF THE BOARD OF SUPERVISORS
24 OCTOBER 17, 1988.

25 "SUPERVISOR JUVINALL QUESTIONED MR. TOM

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1 UNSELL, DIRECTOR OF ENVIRONMENTAL HEALTH AND THE LOCAL
2 ENFORCEMENT AGENCY FOR THIS PROJECT, WHETHER THERE HAD
3 BEEN AN ONGOING MONITORING OF WELLS BELOW THE LANDFILL
4 SURROUNDING THE LANDFILL FOR LEACHATE CONTAMINATION AND
5 WHAT RESULTS HAD BEEN ACHIEVED; I.E., HAD THERE BEEN ANY
6 APPRECIABLE CHANGES SINCE THE WORK BEGAN.

7 "MR. UNSSELL STATED THAT THE BOARD DID WATER
8 WELL SAMPLING IN 1989, MARCH. AFTER THE IDENTIFICATION
9 OF LEACHATE PROBLEMS ENTERING THE LANDFILL, THE
10 MONITORING WAS RELATED TO DOMESTIC WELLS WITHIN THE
11 SURROUNDING AREA AND AMOUNTED TO 19 DIFFERENT SITES. THE
12 SITES WERE TESTED FOR BACTERIA AS WELL AS THE SOLID WASTE
13 ASSESSMENT TEST, WHICH ARE SPECIFIC FOR MONITORING
14 POTENTIAL CONTAMINATION OF GROUNDWATER RELATIVE TO THE
15 LANDFILL.

16 "HE STATED THAT THIS WAS A ONE-TIME SHOT,
17 AND THOSE TESTING RESULTS INDICATED THERE WAS NO EVIDENCE
18 OF GROUNDWATER CONTAMINATION." FLIES IN THE FACE OF
19 EVERYTHING ELSE WE KNOW. THOSE RESULTS WERE CONCURRED.
20 HE SAID, WITH REGIONAL WATER QUALITY.

21 IN MY REPORT, I PRESENTED THE RESULTS OF
22 GROUNDWATER TESTING AS IT OCCURRED AT THE SITE. NEVADA
23 COUNTY HAS KNOWN FOR NOW FOUR YEARS THAT THERE WAS
24 OFF-SITE -- LET ME EMPHASIZE THAT, TOO.

25 IN 1986 THEY DRILLED SOME WELLS AND FOUND

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1 THAT THREE WERE CONTAMINATED. AND I GIVE YOU
 2 DOCUMENTATION IN HERE, AND I'LL GIVE YOU COPIES OF THE
 3 REPORT. IN FACT, I THINK THEY'RE IN THE APPENDIX OF THE
 4 PRIOR REPORT. WHAT WAS NEVADA COUNTY'S RESPONSE? THEY
 5 BOUGHT THE LAND FROM US FOR BRANCH. SO NOW WHAT WAS
 6 OFF-SITE CONTAMINATION IS NOW PART OF THE LANDFILL AREA.
 7 ALTHOUGH IT'S NOT BECAUSE THEIR PERMIT IS FOR 138.4
 8 ACRES. AND ALTHOUGH THEY HAVE OWNERSHIP OF IT, THE
 9 CONTAMINATED WELLS ARE 1,000 FEET OFF SITE.

10 AND THAT IS ONE OF THE THINGS I'D LIKE TO
 11 HAVE SHOWN MR. BROWN, TO SAY, OKAY, HERE'S A MONITORING
 12 WELL, ABOUT 1,000 FEET OVER THERE IS THE LANDFILL. NOW,
 13 YOU TELL ME THERE'S NOT OFF-SITE CONTAMINATION.

14 SURE, THE COUNTY'S PURCHASED THE PROPERTY.
 15 WE CAN ONLY SPECULATE AS TO THE REASON FOR PURCHASING IT.
 16 THEY CLAIMED IT WAS FOR A BUFFER. I DON'T BELIEVE THAT.
 17 THEY HAD KNOWLEDGE FOR ABOUT A YEAR BEFORE THEY BOUGHT
 18 THE PROPERTY THAT THE MONITORING WELLS WERE COMING UP
 19 DIRTY. SOME OF THE CONSTITUENTS IN THE MONITORING WELLS
 20 WERE AT OR NEAR STATE ACTION LEVELS, AND YET NO ACTION
 21 WAS TAKEN.

22 LADIES AND GENTLEMEN, WHAT WE NEED IS A NEW
 23 LANDFILL. WE NEED TO DO RECYCLING. WE NEED TRANSFER
 24 STATIONS. WE NEED AN EFFICIENT, CLEAN, STATE-OF-THE-ART
 25 OPERATION. AND THE ONLY WAY WE'RE GOING TO GET THAT IS



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1 IF YOU REVOKE THE PERMIT. NEVADA COUNTY WILL NOT MOVE ON
2 ITS OWN. YOU CANNOT CAJOLE THEM. YOU CAN'T PUT YOUR ARM
3 AROUND THEM AND SAY, "COME ON, FOLKS. WE'VE GOT TO DO
4 THIS." YOU HAVE TO FORCE THEM TO DO IT.

5 THAT LANDFILL IS ALMOST AT CAPACITY. IT'S
6 LEAKING. IT STINKS. IT'S A HAZARD. THEY'RE VIOLATING
7 EVERY TERM OF THEIR OPERATING PERMIT. THE ONLY WAY WE'RE
8 GOING TO GET A NEW LANDFILL IS IF YOU ACT NOW BY REVOKING
9 THEIR PERMIT.

10 THERE ARE AREAS IN NEVADA COUNTY THAT
11 RECEIVE SUBSTANTIALLY LESS RAIN. THEY'RE AT A LOWER
12 ELEVATION, HAVE WIDE OPEN SPACES. IN FACT, LOOKING AT
13 THE ASSESSOR'S RECORDS, WE FOUND A SITE OF ROUGHLY 800
14 ACRES THAT APPARENTLY HAS COMMON OWNERSHIP, THAT'S DOWN
15 AT A LOWER ELEVATION NEAR BEALE AIR FORCE BASE, THAT
16 WOULD WORK AS A LANDFILL. IT'S NOT FAR. FROM THE ROAD
17 OUT TO THE SITE IS GREAT.

18 THEY CAN CONSTRUCT A TRANSFER STATION IN A
19 COMMERCIAL AREA WITHIN THE COUNTY TO HANDLE THE DAILY
20 TRASH BROUGHT BY INDIVIDUALS AND TRUCK THE REST OF IT OUT
21 THERE. THEY COULD DO THE RECYCLING PART, WHICH IS
22 MANDATED NOW BY STATE LAW -- THANK GOD FOR THAT -- AT THE
23 TRANSFER STATION.

24 THE ONLY WAY WE'RE GOING TO GET THAT, AND
25 THE ONLY WAY WE'RE GOING TO GET A CLEANUP OF WHAT'S GOING

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1 ON AT OUR LANDFILL IS FOR YOU, GENTLEMEN AND LADY, TO
2 ACT. WE BEG YOU. WE PLEAD, PLEASE, DO IT. THANK YOU.

3 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

4 CHAIRMAN GALLAGHER: YES.

5 BOARD MEMBER MOSCONE: WHAT IS THE ELEVATION AT
6 THE LOW AND HIGH POINTS?

7 MR. HEATH: OF THE CURRENT LANDFILL?

8 BOARD MEMBER MOSCONE: YEAH.

9 MR. HEATH: IT'S APPROXIMATELY 2200 FEET. AND
10 FROM TOP TO BOTTOM, IT PROBABLY VARIES A COUPLE HUNDRED
11 FEET. ELEVATION. IT'S AT 2200 FEET.

12 BOARD MEMBER MOSCONE: WELL, MY COMPLIMENTS TO
13 YOU. DESPITE THE FACT THAT YOU CUT YOURSELF DOWN, I
14 THINK YOU'RE AN EXCELLENT PUBLIC SPEAKER.

15 MR. HEATH: ARE THERE ANY OTHER QUESTIONS ABOUT
16 THAT?

17 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS OF THE
18 BOARD OF MR. HEATH?

19 THANK YOU, SIR.

20 MR. TOM SCHENCK. PLEASE IDENTIFY YOURSELF
21 AND WHO YOU REPRESENT FOR THE RECORD, PLEASE.

22 MR. SCHENCK: MY NAME IS TOM SCHENCK. I'M
23 CITIZEN OF -- RESIDENT OF NEVADA COUNTY AND PRESIDENT OF
24 SOLUTION RESOURCES WHICH IS A PLANNING COMPANY.

25 GOOD MORNING. I APPRECIATE THE OPPORTUNITY



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1 TO PRESENT SOME THINGS TO THE BOARD HERE TODAY AND STAFF.
 2 I'LL BE VERY BRIEF BECAUSE I THINK A LOT OF THINGS HAVE
 3 BEEN PRESENTED HERE TODAY. JUST SUM UP SOME THINGS, MY
 4 COMPANY WAS INVOLVED WITH THE -- WE PUBLISHED A PRIVATELY
 5 COMMISSIONED REPORT ON NEVADA COUNTY, WHICH WAS RELEASED
 6 BACK IN NOVEMBER, WHICH WAS CALLED "SOLID WASTE
 7 MANAGEMENT RECYCLING IN NEVADA COUNTY." THE STAFF -- I
 8 KNOW THAT MR. IWAHIRO AND GEORGE EOWAN, AND, I THINK, MR.
 9 CONHEIM IS FAMILIAR WITH THAT REPORT.

10 ANYWAY, THE PURPOSE OF THAT REPORT WAS TO
 11 ESSENTIALLY DO A COMPREHENSIVE ANALYSIS OF WHAT -- WHERE
 12 THE COUNTY WAS IN TERMS OF ITS MANAGEMENT -- SOLID WASTE
 13 MANAGEMENT PRACTICES TO DATE; AND, IN ADDITION TO THAT,
 14 REALLY LOOKING FORWARD TO WHAT NEEDS TO BE ADDRESSED IN
 15 TERMS OF ADVANCE PLANNING FOR THE COUNTY. AND IT ALSO
 16 ADDRESSED -- INCLUDED THE CURRENT ISSUES THAT ARE BEING
 17 DEBATED HERE TODAY, OR DISCUSSED, HAVING TO DO WITH THE
 18 HOMEOWNER GROUP'S CONCERNS, ETC.

19 BUT I JUST WANT TO ECHO HERE TODAY THAT
 20 THE -- TO THE BOARD THE IMPORTANCE OF WHATEVER ACTION IS
 21 TAKEN HERE TODAY, IT'S DONE SO IN A WAY THAT WILL
 22 FACILITATE VIABLE AND REALISTIC IMPLEMENTATION OF
 23 CONTINGENCIES, BOTH SHORT-, MEDIUM-, AND LONG-TERM FOR
 24 THE COUNTY, WHICH -- IN OTHER WORDS, WHATEVER ACTION IS
 25 TAKEN, IS DONE IN SUCH A WAY THAT WE CAN MAKE SOMETHING



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1 WORK HERE.

2 IF, IN FACT, THE PERMIT DOES HAVE TO BE
3 REVOKED, THERE'S A LOT OF FACTORS THAT ARE -- MS.
4 BREMBERG MENTIONED THAT THE IDEA REGARDING MANDATORY
5 RECYCLING, WHICH I CONCUR -- EXCUSE ME -- MANDATORY
6 COLLECTION, WHICH WE CONCUR IS A VERY CRITICAL COMPONENT
7 OF MANAGEMENT OF THE REFUSE DISTRIBUTION CHANNELING FOR A
8 COUNTY WHICH THAT COULD BE DONE.

9 BUT WE HAVE THE OTHER AREAS OF RURAL --
10 SIGNIFICANT PORTIONS OF RURAL -- DISPERSED AREAS OF THE
11 COUNTY THAT WOULDN'T BE ABLE TO BE PLUGGED INTO THAT
12 COLLECTION VERY EASILY. SO WE WOULDN'T WANT TO HAVE A
13 SITUATION WHERE THE LANDFILL CLOSED AND THESE PEOPLE HAD
14 NO OTHER -- IT WOULD BE EVERYBODY WOULD BE GOING OUT TO
15 TRY TO FIND A NEW PLACE TO CONDUCT THIS THING WHETHER IT
16 BE PLACER COUNTY OR WHATEVER.

17 SO WHAT I'M TRYING TO ADDRESS IS WHATEVER
18 ACTION IS TAKEN, IT NEEDS TO BE DONE IN SUCH A WAY THAT
19 PROPER TIME, WHATEVER THAT IS DETERMINED TO BE, CAN BE
20 ALLOWED FOR CONTINGENCY PLANNING ON A LOCAL OR REGIONAL
21 BASIS FOR DEALING WITH OUR WASTE ISSUES.

22 I THINK, AS MS. OWENS MENTIONED, THERE
23 IS -- WE DO HAVE SIGNIFICANT RESOURCES IN THE COUNTY,
24 BOTH IN THE PRIVATE SECTOR -- WELL, PARTICULARLY I'LL
25 HIGHLIGHT THE PRIVATE SECTOR; IN OTHER WORDS, EXPERTISE

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1 TO KEEP BUILDING AND HELP SOLVE PART OF THE PROBLEM. I
2 THINK WHAT NEEDS TO BE DONE IS FACILITATING MORE
3 COOPERATION IN DEVELOPMENT OF THAT AREA. BECAUSE IN
4 ORDER FOR US TO MEET THE CHALLENGES, WE'RE GOING TO HAVE
5 TO HAVE THAT TYPE OF ATMOSPHERE AND COOPERATION.

6 SO, ANYWAY, THAT'S JUST ESSENTIALLY THE
7 FOCUS OF MY COMMENTS IS THAT YOU CONSIDER THOSE ASPECTS
8 IN TERMS OF WHATEVER DECISIONS YOU MAKE.

9 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?
10 THANK YOU VERY MUCH.

11 MR. LARRY PINCKNEY.

12 MR. PINCKNEY: GOOD MORNING, FOLKS. MY NAME IS
13 LARRY PINCKNEY. I SPOKE TO YOU A COUPLE OF MONTHS AGO.
14 I'M A RESIDENT AND A PROPERTY OWNER IN HIDDEN VALLEY,
15 GRASS VALLEY FOR THE LAST 13 YEARS.

16 I DID SPEAK TO YOU ABOUT OUR LANDFILL
17 PROBLEMS AND SOME POSSIBLE SOLUTIONS. SINCE THEN MY
18 WATER WELL HAS NOT ONLY BEEN CONTAMINATED WITH FECAL AND
19 COLIFORM BACTERIA, BUT ALSO TRACES OF THE CARCINOGEN
20 CHLOROFORM. AND AS THE RAINS INCREASE, SO DOES MY
21 CONTAMINATION LEVELS. THERE ARE MONITORING WELLS OR TEST
22 WELLS LOCATED IN A BUFFER ZONE ADJACENT TO MY PROPERTY.
23 THESE WELLS WERE SINGLED OUT IN A BLACK AND VEATCH REPORT
24 AND ARE KNOWN AS WELLS 4 AND 4-A. THEY CONTAIN LARGE
25 AMOUNTS OF BENZENE, METHYL CHLORIDE, AND GOD KNOWS WHAT

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1 ELSE.

2 SINCE MY WELL IS IN LINE WITH THESE WELLS,
3 IT'S A LOGICAL ASSUMPTION THAT GROUNDWATER CONTAMINATION
4 IS ON THE MOVE. THE LANDFILL LEA HAVE INSURED ME -- HAVE
5 INSTRUCTED ME NOT TO USE MY WELL WATER OR MY FAMILY TO
6 USE THAT WELL WATER. WE HAVE SINCE BEEN SUPPLIED WITH
7 BOTTLED DRINKING WATER PAID FOR BY THE COUNTY OF NEVADA,
8 BUT WE STILL HAVE TO USE IT FOR WASHING, WHICH IN ITSELF
9 POSES A HEALTH HAZARD, PROBABLY MORE SO THAN DRINKING IT.
10 NO FILTER SYSTEM HAS BEEN MENTIONED OR OFFERED.

11 OUR COUNTY OFFICIALS SEEM TO HAVE MANY
12 SIDES TO THE MOUTHS THEY SPEAK FROM. IN OUR LOCAL
13 NEWSPAPER, WE READ SOME STATEMENTS SAYING ALL IS WELL.
14 THE MILLIONS BEING SPENT TO INSURE PROTECTION FOR THE
15 SURROUNDING RESIDENTS IS WORKING; AND, ACCORDING TO PLAN,
16 WILL ALLOW THE LANDFILL TO MEET THE COUNTY'S NEEDS FOR
17 MANY YEARS TO COME.

18 THIS UNPLANNED AND ILLEGALLY OPERATED DUMP
19 HAS MET NO STATE DEADLINES OR EVEN COME UP TO MINIMUM
20 STANDARDS, AND NO EFFORT HAS BEEN MADE TO SITE A NEW
21 LANDFILL. IT'S A CRIME THAT HAS TO BE STOPPED, IF NOT BY
22 THIS SOLID WASTE BOARD, THEN MAYBE BY THE FEDERAL
23 GOVERNMENT.

24 OUR NEW SELF-APPOINTED BOARD SUPERVISOR
25 CHAIRMAN HAS STOPPED ALL PHOTOS, VIDEOS, AND INSPECTIONS

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1 BY CONCERNED CITIZENS TO SEE JUST HOW OUR TAX DOLLARS ARE
2 BEING SPENT. WHAT ARE THEY TRYING TO HIDE? IF NOT FOR
3 THESE CONCERNED CITIZENS, WE WOULDN'T KNOW THE EXTENT OF
4 THE MESS WE ARE NOW DEALING WITH.

5 CERTAIN PEOPLE'S JOBS ARE ALSO BEING
6 THREATENED BY THE NOW BOARD OF SUPERVISORS FOR THEIR
7 PARTICIPATION IN THE UNCOVERING OF THE ATROCITIES WE'RE
8 DEALING WITH. SOUNDS A BIT LIKE HITLER AND THE GESTAPO
9 TO ME.

10 THIS LANDFILL CANNOT NOW FUNCTION ON RAINY
11 DAYS OR WINDY DAYS. THE WALLS ARE COLLAPSING AS WE
12 SPEAK, AND ONLY ONE CAR AT A TIME CAN DUMP TRASH. WE'VE
13 BEEN TOLD A NEW SITE ISN'T NECESSARY. ALL IS WELL.
14 EIGHT TO 20 MORE YEARS OF LIFE IS LEFT IN THIS HOLE IN
15 THE SIDE OF A HILL. IT'S BEEN DOCUMENTED THAT GARBAGE
16 AND LEACHATE IS STILL LEAVING THE LANDFILL, NOW MORE THAN
17 EVER.

18 SO, PLEASE, FOLKS, LET'S DO THE RIGHT
19 THING. STOP THE INCOMPETENCE, STOP ONGOING WASTE OF OUR
20 TAX DOLLARS, AND STOP THE CANCER THAT IS MOVING INTO OUR
21 NEIGHBORHOODS BEFORE VIOLENCE TAKES THE PLACE OF COMMON
22 SENSE. WE NEED YOUR HELP BECAUSE WE'RE NOT GETTING ANY
23 FROM OUR COUNTY OFFICIALS WHO SEEM TO BE NOTHING BUT
24 SELF-SERVING POLITICIANS, WHO CARE NOT A DAMN FOR THE
25 HEALTH AND WELFARE OF THE CITIZENS OF NEVADA COUNTY.

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1 THANK YOU.

2 CHAIRMAN GALLAGHER: THANK YOU, MR. PINCKNEY.
3 ANY QUESTIONS OF MR. PINCKNEY?

4 WE'RE GOING TO TAKE ONE MORE WITNESS, IF
5 OUR RECORDER CAN HANDLE IT, AND THEN WE'RE GOING TO CALL
6 A RECESS SO THAT SHE CAN CHANGE THE PAPER IN HER MACHINE.

7 THE NEXT WITNESS IS MS. PAULINE KEALEY.

8 MS. KEALEY: GOOD MORNING. I'M A RESIDENT OF
9 HIDDEN VALLEY. MY NAME IS PAULINE KEALEY. I LIVE AT
10 13222 HIDDEN VALLEY ROAD, GRASS VALLEY. WE ARE LOCATED
11 AT THE LOWER BACK HALF OF THE MCCOURTNEY ROAD LANDFILL.
12 SO I'M VERY FAMILIAR WITH WHAT'S GOING ON.

13 IF YOU LOOK IN YOUR OPEN SORE BOOK ON PAGE
14 10, THAT'S MY HUSBAND'S TRUCK, AND THAT WILL BE THE AREA
15 I'M GOING TO SAY A LITTLE BIT ABOUT.

16 ON JANUARY 12, 1990, AFTER THE FIRST
17 RAINFALL OF THE NEW YEAR, MY HUSBAND AND I WERE COMING
18 HOME ABOUT 10 P.M. WE HAVE TO CROSS THE STREAM THAT
19 FLOWS FROM THE LANDFILL DOWN INTO FRENCH RAVINE. THERE
20 WAS SUCH A FLOW OF WATER, IT HIT THE FRONT OF OUR TRUCK
21 AND WE STALLED. THE SMELL WAS SO OVERWHELMING, WE KNEW
22 IT WAS LEACHATE.

23 IT WAS TOLD TO THE UNION NEWSPAPER BY THE
24 COUNTY OFFICIALS THAT NO LEACHATE HAD LEFT SITE. BUT THE
25 NEXT DAY, JANUARY 13TH, TOM UNSELL TOLD MY HUSBAND, ART

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1 KEALEY, THAT LEACHATE HAD LEFT THE SITE AND GONE INTO
2 FRENCH RAVINE.

3 THIS TYPE OF DECEIVING IS WHY WE HAVE
4 ABSOLUTELY NO FAITH IN THE BOARD OF SUPERVISORS AND THE
5 PEOPLE THEY HAVE PUT IN CHARGE OF THE ILL-FATED
6 MCCOURTNEY ROAD LANDFILL. WE HAVE OWNED OUR PROPERTY FOR
7 30 YEARS, AND WE HAVE SEEN THE ATROCITIES THAT HAVE
8 HAPPENED.

9 WHEN WE DECIDED TO RETIRE ABOUT TEN YEARS
10 AGO, WE BUILT A HOME ON THAT PROPERTY. AT THAT TIME, YOU
11 COULD DRINK OUT OF THAT STREAM THAT YOU SEE THERE. BUT
12 AS THE POPULATION HAS GROWN IN GRASS VALLEY, ALSO HAS THE
13 TRASH. AND WE CAN TELL YOU, NOTHING HAS CHANGED BECAUSE
14 I LOOK OUT THERE ALL THE TIME AND I SEE IT. WE HAVE TEN
15 ACRES THAT HAS BEEN RENDERED ABSOLUTELY USELESS. AND
16 WHEN YOU TAKE ALL YOUR RETIREMENT TO BUY LAND. AND THIS
17 IS WHAT HAPPENS TO IT, IT'S TERRIBLE. YOU ARE CONSTANTLY
18 THINKING OF WHAT'S GOING TO HAPPEN TO YOUR HEALTH.

19 WE HAVE A POLLUTED WELL. WE WERE TOLD NOT
20 TO EVEN RUN OUR TOOTHBRUSH UNDER THE WATER. AND THEN
21 I'VE HEARD NOW THAT OSMOSIS FROM THE WATER SITTING ON
22 YOUR SKIN IS EVEN WORSE.

23 SO I BEG YOU TO PLEASE PULL THE OPERATING
24 PERMIT AND PLEASE, PLEASE CLOSE THAT LANDFILL BECAUSE,
25 AFTER ALL THESE YEARS, NOTHING HAS CHANGED.

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1 THANK YOU VERY MUCH.

2 CHAIRMAN GALLAGHER: THANK YOU, MS. KEALEY. ANY
3 QUESTIONS? THANK YOU.

4 IF THERE ARE NO QUESTIONS FROM THE BOARD,
5 WE'RE GOING TO RECESS THIS MEETING UNTIL 25 MINUTES TO
6 ELEVEN. PLEASE BE PROMPT IN GETTING BACK. WE HAVE A
7 LARGE AGENDA AHEAD OF US.

8 (A BREAK WAS TAKEN.)

9 CHAIRMAN GALLAGHER: BACK TO ORDER, PLEASE.

10 CHAIR CALLS THE HONORABLE TODD JUVINALL,
11 COUNTY SUPERVISOR CHAIRMAN FROM NEVADA COUNTY.

12 MR. JUVINALL: THANK YOU, MR. CHAIRMAN,
13 HONORABLE BOARD. I'M THE INFAMOUS BIG MOUTH ON THE BOARD
14 OF SUPERVISORS THAT YOU READ SO MUCH ABOUT, AND I'VE BEEN
15 PARAPHRASED SO MUCH ABOUT TODAY. ACTUALLY, I'D PREFER,
16 IF IT WOULD BE ALL RIGHT, THAT MR. CURTIS, OUR COUNSEL,
17 WHO HAS PREPARED SOME OPENING STATEMENTS BE ALLOWED TO
18 SPEAK, AND THEN I WOULD LIKE TO SPEAK AFTER HE IS DONE,
19 IF THAT IS ALL RIGHT.

20 CHAIRMAN GALLAGHER: PROCEDURALLY, IT'S FINE.

21 LET ME ASSURE YOU. SINCE I HAVE NEVER
22 LEARNED TO READ OR WRITE, I DIDN'T TAKE ANY OFFENSE TO
23 YOUR COMMENTS.

24 MR. JUVINALL: MY EMOTION IS A LITTLE CLOSER TO
25 THE SURFACE AT OUR BOARD LEVEL, SO I GET QUOTED A LOT AND

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1 PARAPHRASED A LOT.

2 CHAIRMAN GALLAGHER: MR. CURTIS.

3 MR. CURTIS: THANK YOU. LADIES AND GENTLEMEN,
4 WE WANT TO MAKE A VERY SHORT STATEMENT TO YOU TODAY. AND
5 I THINK I'D LIKE TO START OFF BY SAYING IT'S VERY
6 DIFFICULT FOR US, AS WELL AS YOU, AND I RECOGNIZE THE
7 HOMEOWNERS IN THE PRESENT FORUM THAT WE HAVE, BUT FROM
8 THE STANDPOINT OF THE COUNTY, WE ARE HAVING SOME
9 DIFFICULTY RESPONDING TO ALL THE ALLEGATIONS WHEN WE ARE
10 TOLD WHAT THEY ARE AT THE LAST MINUTE. AND I THINK YOU
11 CAN APPRECIATE THAT THIS IS BECOMING AN ADVERSARIAL
12 PROCEEDING.

13 INHERENT IN ANY ADVERSARIAL PROCEEDING IS
14 THE NEED TO REALLY -- THROUGH THE TESTIMONY OF BOTH
15 SIDES, TRY TO DISTILL WHAT THE FACT IS. I THINK WE ARE,
16 IN PART, FRUSTRATED FROM THE VERY NATURE OF HEARING
17 NUMEROUS ALLEGATIONS AT THE LAST MINUTE, TO BE ABLE TO
18 PREPARE, TO REALLY SHOW YOU THAT IT'S NOT THE CASE.
19 IT'S NOT TO SAY THAT THERE HASN'T BEEN PROBLEMS OUT
20 THERE. WE'VE ACKNOWLEDGED IT ALL ALONG.

21 I FIND THAT I'M ALSO SOMEWHAT BECOMING
22 INFAMOUS FOR THE STATEMENT THAT I MADE TO YOU LAST TIME,
23 "IT LEAKED LIKE A SEIVE." THAT REFERENCE WAS BACK TO THE
24 MARCH 1989 WHEN WE HAD THE 30 PLUS INCHES OF RAIN AND THE
25 LANDFILL DID LEAK SUBSTANTIALLY. IT DOESN'T CONTINUE TO

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1 LEAK SUBSTANTIALLY. AND I THINK THOSE THAT WOULD WANT TO
2 KEEP REPEATING THAT TYPE OF COMMENT ARE TRYING TO TAKE IT
3 OUT OF CONTEXT TO PROVE SOMETHING THAT DOES NOT PRESENTLY
4 EXIST.

5 WE WOULD ASK THAT, AS YOU HAVE READ THE
6 HOMEOWNERS' MOST RECENT COMPLAINT THAT WAS SUBMITTED TO
7 YOU, THAT YOU BEAR IN MIND THAT WE HAVE A DIFFERENCE OF
8 OPINION AS TO HOW WELL THAT LANDFILL HAS OPERATED, GIVEN
9 THE RESULTS OF THE LAST TWO RAINSTORMS, WHICH HAVE BEEN
10 FAIRLY SIGNIFICANT, FROM WHAT I'M TOLD, APPROXIMATELY SIX
11 PLUS INCHES OUT AT THE LANDFILL.

12 AND OTHER THAN PERHAPS A HUNDRED GALLONS
13 THAT WELLED UP OUT OF THE SUMP WHEN THE DIESEL PUMP AIR
14 LOCKED FOR A MINUTE AND BEFORE IT COULD BE RESTARTED,
15 WHICH LEACHATE, I AM TOLD, DID NOT LEAVE OFF SITE FROM
16 THOSE PEOPLE THAT WERE PRESENT. THERE HAS NOT BEEN
17 LEACHATE SPILLED SINCE WE LAST TALKED TO YOU AND MADE
18 PLEDGE THAT THE COUNTY BOARD WAS COMMITTED TO DOING
19 EVERYTHING POSSIBLE TO RESPOND TO THE PROBLEM TO INSURE
20 THAT THE LANDFILL WOULD GET THROUGH THE SUMMER.

21 WE WOULD ASK THAT, AS YOU GO THROUGH THAT
22 HOMEOWNERS' COMPLAINT, THAT YOU TURN TO YOUR OWN STAFF,
23 TO THE LEA, WHO WAS OUT THERE WITH A GREAT DEAL OF
24 FREQUENCY, ASK THE SITE OPERATORS THEMSELVES. WE HAVE A
25 NUMBER OF PEOPLE FROM THE COUNTY THAT ARE HERE, INCLUDING

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1 THE LANDFILL MANAGER, THE DEPARTMENT OF SANITATION, THE
2 ENGINEER IN CHARGE. ASK THEM POINTED QUESTIONS, IF YOU
3 CHOOSE, AS TO WHAT HAPPENED.

4 DON'T TRY US ON THE BASIS OF ASSERTIONS.
5 JUDGE US ON THE BASIS OF WHAT CAN BE PROVEN FACTUALLY.
6 WE ARE CONCERNED THAT A LOT OF THESE ALLEGATIONS ARE NOT
7 ACCURATE, BUT ARE OUT OF CONTEXT. FOR EXAMPLE, THE
8 ASSERTION THAT THE DOMESTIC WELLS ARE POLLUTED. THE
9 DOCUMENTATION THAT WE HAVE, THAT HAS BEEN SUBMITTED TO
10 YOUR STAFF, HAS SHOWN THAT OF THE SAMPLING THAT HAS BEEN
11 DONE OF THE DOMESTIC WELLS, THAT IS OF THOSE PRIVATE
12 WELLS WHICH ARE BEING USED FOR DOMESTIC PURPOSES BY THE
13 IMMEDIATE NEIGHBORS, HAVE NOT SHOWN ANY DIRECT EVIDENCE
14 OF GROUNDWATER CONTAMINATION FROM THE LANDFILL.

15 THERE WAS HIGH FECAL COLIFORM AND OTHER
16 COLIFORM ORGANISMS IN SOME OF THE WELLS. THE ANALYSIS
17 THAT I'M TOLD THAT WAS DONE WAS OF SUCH A LEVEL OF
18 CONTAMINATION THAT THE MORE LIKELY CAUSE WAS FROM
19 NONHUMAN ORGANISMS, SUCH AS ANIMALS AND OTHER RODENTS.

20 THE LEA IS HERE, CAN PROVIDE YOU WITH
21 THAT -- I'M SORRY -- THE WATER QUALITY BOARD ENGINEERS
22 HAVE ALSO REVIEWED THAT DATA AND CAN SPEAK TO THAT. I
23 BELIEVE THAT IS ALSO BORNE OUT, IN PART, IN THE ANALYSIS
24 FROM THE WATER QUALITY BOARD DATED JANUARY 3D. I WOULD
25 ASK IF YOU HAVE COPIES OF THIS. I WOULD LIKE TO SUBMIT

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1 COPIES TO YOU BECAUSE WE HAVE HIGHLIGHTED SEVERAL OF THE
2 PASSAGES OF THIS REPORT. AND I THINK THEY ARE QUITE
3 APPROPRIATE AND PERTINENT TO YOU.

4 MAY I PASS THEM OUT, MR. CHAIRMAN?

5 MR. BERGMAN FELT THAT IT WAS IMPORTANT TO
6 READ YOU ONE PASSAGE HERE WHICH SUGGESTED THERE MAY BE
7 SOME TYPE OF LINK BETWEEN THE LANDFILL AND POLLUTION IN
8 THE SPRING THAT WAS TESTED. IN FACT, THERE WERE TWO
9 SPRINGS THAT WERE TESTED.

10 IF I UNDERSTAND CORRECTLY, AT AN EARLIER
11 HEARING LAST FALL, YOU WERE SHOWN A SAMPLE OF WATER
12 PURPORTEDLY TAKEN FROM ONE OF THESE SPRINGS THAT WAS
13 DISCOLORED. I BELIEVE THAT YOU WILL FIND THAT THAT IS
14 DESCRIBED IN THIS REPORT. THIS REPORT IS FROM THE
15 SAMPLING DONE ON OCTOBER 20TH, IN SAMPLING DONE OCTOBER
16 25, 1989, OF THE TWO SPRINGS ON THE LAUSCHE RESIDENCE.

17 THE FIRST PAGE DESCRIBES THE NATURE OF THE
18 TEST AND WHERE THE SPRINGS WERE LOCATED AND SAYS THE
19 SPRINGS WHICH WERE SAMPLED WERE APPROXIMATELY 200 FEET
20 WEST OF THE LAUSCHE SWIMMING POOL. THERE WAS NO
21 DISCERNABLE ODORS EMANATING FROM EITHER SPRING, BUT A
22 REDDISH ORANGE PRECIPITATE FLOCK AND A SHEEN WERE PRESENT
23 IN ONE OF THE SPRINGS.

24 I TOLD MRS. LAUSCHE THAT THESE CONDITIONS
25 WERE MOST LIKELY CAUSED BY A FERROUS IRON BEING OXIDIZED

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1 TO HYDROXIDE IN THE PRESENCE OF IRON BACTERIA RATHER THAN
2 PETROLEUM PRODUCTS. WATER SAMPLES COLLECTED FROM THE
3 SPRING WERE ANALYZED FOR GENERAL MINERALS TETROCHLORINE
4 HYDROCARBONS, BENZENE, TOLUENE, XYLENE, AND ETHYLBENZENE
5 TO VERIFY IF THIS WAS ACTUALLY THE CASE.

6 ANOTHER SPRING-FED POOL CONTAINED A FINE
7 BLACK MATERIAL WHICH SETTLED ON SOME OF THE LEAVES AT THE
8 BOTTOM OF THE POOL. I COLLECTED A WATER SAMPLE WITH SOME
9 OF THE SETTLE MATTER FROM THIS STREAM AND REQUESTED OUR
10 LABORATORY PERFORM A MICROSCOPIC EXAMINATION ON THIS
11 SEDIMENT.

12 NEXT PAGE. THERE'S NO INDICATION FROM
13 THESE ANALYSES THAT THE SPRINGS HAS BEEN CONTAMINATED BY
14 PETROLEUM PRODUCTS.

15 MOVING DOWN TO THE NEXT PARAGRAPH. THE
16 REDDISH ORANGE PRECIPITATE APPEARS TO BE FERRIC HYDROXIDE
17 OR IRON MANGANESE PRECIPITATE, ESPECIALLY SINCE THE
18 DISSOLVED IRON LEVEL WAS .03 MILLIGRAMS PER LITER;
19 WHEREAS, THE TOTAL IRON CONCENTRATE WAS 21.9 MILLIGRAMS.

20 I'VE HIGHLIGHTED MOST OF THIS. I WON'T
21 BORE YOU WITH READING EACH AND EVERY OF THE PASSAGES
22 WE'VE HIGHLIGHTED OR THE ENTIRE THING. YOU'RE CERTAINLY
23 CAPABLE OF DOING THAT YOURSELF. BUT I WOULD LIKE TO CALL
24 OUT TO YOUR ATTENTION THE FINAL CONCLUSION. THERE IS NO
25 INDICATION AT THIS TIME THAT MRS. LAUSCHE'S WELL OR

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1 SPRINGS HAS BEEN CONTAMINATED.

2 THE FINAL PARAGRAPH NOTES THERE IS A NEED
3 FOR MORE ACCURATE GROUNDWATER MONITORING AND REQUIRED
4 HYDROLOGIC STUDIES ARE NEEDED TO DETERMINE ACTUAL
5 HYDROLOGIC CONDITIONS AROUND THE LANDFILL. AT THIS TIME,
6 HOWEVER, WE CANNOT SAY -- THAT IS WE CONCLUDE THAT THE
7 LANDFILL HAS DEGRADED THE WATER QUALITY IN SPRINGS ON THE
8 LAUSCHE PROPERTY.

9 THIS IS CONTRARY TO THE ASSERTIONS THAT YOU
10 ARE HEARING THAT THERE IS POLLUTION. NO ONE HAS COME
11 FORWARD AND SHOWN DIRECT EVIDENCE OF POLLUTION. AND, IN
12 FACT, THE EVIDENCE AT THIS TIME IS THAT THERE IS NOT THAT
13 CAUSAL LINK.

14 GRANTED. ADDITIONAL STUDY IS WARRANTED. WE
15 ARE COMMITTED TO ADDITIONAL STUDY. WE CANNOT MOVE QUITE
16 AS FAST AS WE WOULD LIKE TO. I BELIEVE YOU WILL HEAR
17 FROM OUR OTHER OFFICIALS TODAY THAT SOME OF THE REASONS
18 WHY WE HAVEN'T GOT THOSE GROUNDWATER STUDIES COMPLETED.

19 BUT IT IS AWFULLY NAIVE FOR ANYONE TO
20 ASSERT THAT THE COUNTY THINKS AT THIS POINT, WITH THIS
21 MAGNITUDE OF FOCUS ON IT, THAT IT'S GOING TO BE ABLE TO
22 STICK ITS HEAD IN THE SAND AND AVOID DOING WHATEVER IS
23 NECESSARY TO BOTH DETERMINE WHAT PROBLEMS EXIST OUT THERE
24 AND TO CORRECT SAME. WE NEED TIME. WE HAVE ATTEMPTED TO
25 WORK AS RAPIDLY AS OUR RESOURCES WOULD ALLOW US TO DO THE

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1 THINGS THAT WE HAD DETERMINED. AND WE THOUGHT WITH YOUR
2 STAFF'S CONCURRENCE. WERE NECESSARY AS THE IMMEDIATE FIX.
3 AND I'M REFERRING TO THE \$3 MILLION PLUS THAT WE SPENT
4 LAST SUMMER IN DOING THE GRADING. THE DRAINAGE WORK. AND
5 THE CAPPING OF THE LANDFILL TO AVOID FURTHER
6 CONTAMINATION OF THE SURFACE WATER FROM LEACHATE THIS
7 WINTER.

8 WE BELIEVE THAT IT'S WORKING AT THIS POINT:
9 AND WE, AGAIN, WOULD ASK THAT YOU INQUIRE FROM YOUR OWN
10 STAFF AS TO THE EFFECTIVENESS OF THOSE MEASURES. I
11 BELIEVE MR. MILLER'S REPORT WAS NOT A SCATHING
12 CONDEMNATION OF THE LANDFILL AS IT PRESENTLY EXISTS, A
13 NOTATION THAT IT IS WORKING FOR THE MOST PART, BUT WITH
14 THE ACKNOWLEDGMENT THAT ADDITIONAL THINGS NEED TO HAPPEN.
15 WE ACKNOWLEDGE THAT. WE'RE WORKING TOWARD THOSE GOALS.

16 IN CONCLUDING. I MENTIONED THAT WE HAVE A
17 NUMBER OF OFFICIALS FROM THE COUNTY. THEY ARE HERE TO
18 ANSWER YOUR QUESTIONS. IF I DETECT YOUR SENTIMENT
19 CORRECTLY AND THE NATURE OF THESE PROCEEDINGS. IT WOULD
20 NOT BE APPROPRIATE TO SPEND HOURS TRYING TO REFUTE EACH
21 AND EVERY ONE OF THESE POINTS. TO ENGAGE IN AN
22 ADVERSARIAL EVIDENTIARY TYPE OF HEARING.

23 RATHER. WE WILL LEAVE IT TO YOU TO ASK
24 THOSE QUESTIONS OF SUCH STAFF AS YOU DEEM APPROPRIATE AS
25 TO WHERE WE REALLY STAND AND WHAT NEEDS TO BE DONE.

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1 MR. JUVINALL WOULD LIKE TO ADDRESS THE
2 BOARD AT THIS TIME.

3 CHAIRMAN GALLAGHER: THANK YOU. MR. CURTIS.

4 MR. JUVINALL.

5 BOARD MEMBER BROWN: MR. CHAIRMAN. JUST ONE
6 QUICK QUESTION, MR. CURTIS. WHAT CIRCUMSTANCES HAS
7 PROMPTED THE COUNTY, THEN, TO SUPPLY MR. PINCKNEY, I
8 BELIEVE, WITH BOTTLED WATER?

9 MR. CURTIS: I BELIEVE, MR. BROWN, THAT STEMS
10 FROM THE ORIGINAL PROBLEMS THAT WE ENCOUNTERED LAST
11 SPRING, WHEN WE HAD THE 33 INCHES OF RAIN. WHEN WE
12 ACKNOWLEDGED THAT WE PROBABLY HAD MILLIONS OF GALLONS OF
13 CONTAMINATED WATER FLOWING OFF THE SITE BECAUSE OF THE
14 PROBLEMS WITH THE LANDFILL AT THAT TIME.

15 THE BOARD OF SUPERVISORS MADE A
16 DETERMINATION TO OFFER AND TO PROVIDE THOSE PEOPLE THAT
17 WANTED IT, IN THE IMMEDIATE VICINITY DOWNSTREAM, BOTTLED
18 WATER. WITHOUT ANY QUESTIONS OF NEED FOR PROOF OF
19 CONTAMINATION AS A DIRECT CAUSATION. WE JUST SAID LET'S
20 DO IT. LET'S REMOVE THIS AS A POTENTIAL ISSUE.

21 AS WE MOVE ALONG, AS WE GET MORE AND MORE
22 EVIDENCE BACK, WE MAY BE QUESTIONING WHETHER OR NOT
23 THERE'S A NEED TO CONTINUE THAT. THE LEA HAS TOLD US
24 THAT THE BACTERIAL CONTAMINATION THAT HAS BEEN FOUND IN
25 SEVERAL OF THE WELLS DOES NOT SHOW A DIRECT CAUSATION TO

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1 THE LANDFILL; BUT, IN FACT, IS PROBABLY FROM ANIMALS AND
2 INAPPROPRIATELY SEALED WELLS. THEY CAN SPEAK TO THAT.

3 AGAIN, I BELIEVE THE WATER QUALITY BOARD
4 HAS ALSO SEEN THOSE REPORTS, AND I DON'T KNOW IF THEY'VE
5 CONCURRED ENTIRELY, BUT I DON'T BELIEVE THAT THEY HAVE
6 DISAGREED WITH THE RESULTS. YOU'D HAVE TO ASK THEM.

7 BOARD MEMBER VARNER: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: MR. VARNER.

9 BOARD MEMBER VARNER: MR. CURTIS, THEN FROM WHAT
10 I UNDERSTAND, YOU ARE SAYING THAT THE WELLS ARE
11 CONTAMINATED, BUT YOU ARE JUST DENYING WHERE THE
12 CONTAMINATION COMES FROM?

13 MR. CURTIS: MR. VARNER, AS I UNDERSTAND IT AND,
14 AGAIN, I'M NOT THE EXPERT AND PERHAPS YOU WOULD CHOOSE TO
15 ASK THE APPROPRIATE PEOPLE.

16 BOARD MEMBER VARNER: THAT SEEMED TO BE WHAT YOU
17 WERE SAYING.

18 MR. CURTIS: WE UNDERSTAND THAT THERE IS SOME
19 CONTAMINATION. BUT BECAUSE OF THE NATURE OF THE
20 ORGANISMS SHOWING UP, THE VARIOUS RATIOS AS DESCRIBED IN
21 THE WATER QUALITY REPORT THAT WE JUST PASSED OUT, WHEN
22 YOU HAVE VARIOUS RATIOS OF FECAL COLIFORM VERSUS OTHER
23 TYPES OF COLIFORM, THOSE ARE INDICATIONS OF WHAT SOURCE
24 OF THE CONTAMINATION WOULD BE. POINTING TO ANIMAL
25 SOURCES AS OPPOSED TO HUMAN SOURCES, WHICH WOULD BE MORE



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1 LIKELY FROM THE SEPTAGE PONDS AS PART OF THE LANDFILL
2 CONTAINING HUMAN WASTE, WHICH IS NOT WHAT IS SHOWING UP
3 IN THESE WELLS.

4 BOARD MEMBER VARNER: I UNDERSTAND THAT. MY
5 QUESTION WAS JUST THIS: IT SEEMS TO INDICATE THAT YOU DO
6 SAY THAT THE WELLS ARE CONTAMINATED. IT'S JUST WHERE THE
7 CONTAMINATION COMES FROM. THAT'S MY POINT. SO THE WELLS
8 ARE CONTAMINATED AND, THEREFORE, WOULD NOT BE GOOD FOR
9 DRINKING WATER. YOU WOULDN'T ADVISE THEM TO DRINK.

10 MR. CURTIS: OUR LEA HAS TOLD THEM THAT.

11 IF I CAN MAKE ONE LAST POINT ON THAT, THE
12 RANGE OF CONTAMINANTS HAS ALSO BEEN SOMETHING THAT I AM
13 TOLD IS AN INDICATION OF WHAT THE SOURCE OF CONTAMINATION
14 IS COMING FROM. IF THE GROUNDWATER MONITORING WELLS,
15 WHICH THE COUNTY HAS SITED ON ITS OWN PROPERTY, SHOWED
16 VARIOUS LEVELS OF CONTAMINATION OF CERTAIN COMPONENTS OF
17 CONTAMINATION, AND THOSE SAME COMPONENTS ARE NOT SHOWING
18 UP IN OFF-SITE WELLS, WHICH YOU'RE SEEING DIFFERENT TYPES
19 OF CONTAMINATION, THEN THERE IS A LOGICAL ASSUMPTION THAT
20 IT'S NOT DIRECTLY RELATED.

21 FROM WHAT I'M HEARING FROM THE TECHNICAL
22 EXPERTS, THAT'S WHAT WE'RE SEEING IS OTHER TYPES OF
23 CONTAMINATION WHICH DO NOT HAVE THE SAME IDENTIFYING
24 CHARACTERISTICS AND THE SAME NATURE.

25 AGAIN, I'M NOT THE EXPERT. PLEASE FEEL

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1 FREE TO ASK THOSE PEOPLE THAT COULD GIVE YOU A MORE
2 TECHNICAL EXPLANATION.

3 CHAIRMAN GALLAGHER: MS. BREMBERG.

4 BOARD MEMBER BREMBERG: YES, MR. CHAIRMAN.

5 MR. CURTIS, ARE YOU THE ONE THAT DID THE
6 YELLOW HIGHLIGHTING ON THIS REPORT?

7 MR. CURTIS: YES, WE ARE.

8 BOARD-MEMBER BREMBERG: OKAY. THEN WHY DID YOU
9 NOT FOLLOW THROUGH ON YOUR HIGHLIGHTING WHERE THE
10 SENTENCE READS AT THE BOTTOM OF PAGE 2. "THESE WELLS HAVE
11 ELEVATED CHLORIDE, SULFATE, NITRATE, AND OTHER SPECIFIC
12 CONDUCTANCE LEVELS COMPARED TO BACKGROUND WELL 1 AND SOME
13 OF THE OTHER DOWNGRADE MONITORING WELLS 3, 9, AND 6-A"?

14 WHY IS THAT NOT PART OF THE ENTIRE -- YOU
15 DIDN'T THINK THAT WAS IMPORTANT?

16 MR. CURTIS: WELL, I -- I STILL, AGAIN, AS A
17 PERSON READING --

18 BOARD MEMBER BREMBERG: I ASKED YOU FIRST IF YOU
19 WERE THE ONE WHO HIGHLIGHTED.

20 MR. CURTIS: YOU BETCHUM.

21 BOARD MEMBER BREMBERG: OKAY. THEN WOULD YOU --
22 DON'T SAY, I AM -- OUT OF IGNORANCE. I DIDN'T WANT TO DO
23 IT.

24 MR. CURTIS: OH, NO. WE DID IT.

25 BOARD MEMBER BREMBERG: OKAY. THEN WHY DIDN'T



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1 YOU DO THE REST?

2 MR. CURTIS: I WAS TRYING TO HIGHLIGHT FOR YOU
3 WHAT I DETERMINED TO BE THEIR FINAL CONCLUSION.

4 ASK MR. WAGGONER HOW IMPORTANT THAT
5 STATEMENT IS IN COMPARISON TO DERIVING HIS FINAL
6 CONCLUSION. WE READ IT AND FELT THE FINAL CONCLUSION WAS
7 A CLEAR INDICATION THAT THERE IS NO DIRECT LINK. THAT'S
8 WHAT I DETERMINED TO BE WHAT HE WAS SAYING. GRANTED.
9 THERE IS SOME INDICATIONS THAT MORE GROUNDWATER TESTING
10 IS WARRANTED. WE'VE ALWAYS ACKNOWLEDGED THAT.

11 BOARD MEMBER BREMBERG: BUT YOU HIGHLIGHTED
12 "GROUNDWATER LEVELS ARE SIGNIFICANTLY HIGHER IN THE
13 WINTER AND MAY COME INTO CONTACT WITH GARBAGE. THESE
14 WELLS HAVE ELEVATED -- I'M JUST FOLLOWING ALONG ON THE
15 SENTENCE STRUCTURE. WHY DO YOU SAY IT'S NOT SIGNIFICANT?

16 MR. CURTIS: ASK MR. WAGGONER IF HE BELIEVES
17 THAT THAT'S THE SOURCE OF THE CONTAMINATION.

18 CHAIRMAN GALLAGHER: NOW, MR. JUVINALL.

19 MR. JUVINALL: THANK YOU. MR. CHAIRMAN, WE
20 DON'T WANT TO APPEAR TO BE COMBATIVE BECAUSE I DON'T
21 THINK THAT'S WHY WE'RE HERE.

22 TO ANSWER REAL QUICKLY THE -- ARE THE WELLS
23 CONTAMINATED? WE TESTED 18 WELLS LAST YEAR THREE TIMES
24 AND THEY WERE INSPECTED. MOST OF THE WELLS THAT HAD A
25 PROBLEM WERE IMPROPERLY SEALED. AFTER THEY WERE SEALED.

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1 THEY WERE RETESTED AFTER THEY HAD BEEN CLEANED OUT WITH
2 CHLORINE AND WHATEVER OTHER INGREDIENTS. CAME BACK. TWO
3 WELLS, AFTER ALL THE 18. SHOWED CHLOROFORM.

4 I WANT TO POINT OUT IN THIS DOCUMENT THAT
5 YOU GOT IN THE RED BINDER TODAY. THAT THE LEVELS -- I'M
6 GOING FROM MY RECOLLECTION. THE LEVELS THAT ARE SHOWN FOR
7 THE TWO, THE PINCKNEY RESIDENCE AND THE LAFLUER
8 RESIDENCE, THAT IF THE ALLOWABLE LEVEL OF CHLOROFORM IS
9 100, THE WELLS CAME BACK -- AND I THINK IT IS STATE
10 LEVELS -- CAME BACK AT FIVE.

11 AND SO IT'S 20 TIMES LESS THAN WHAT THE
12 MINIMUM ALLOWABLE LEVELS ARE FOR CHLOROFORM. AND IT WAS
13 UNCLEAR WHETHER IT WAS -- THAT LEVEL WAS CREATED BY
14 CHLORINATING THE WELLS AND NOT BEING PUMPED BACK OUT
15 TOTALLY OR NOT. SO WE HAVE ASKED FOR ANOTHER ROUND OF
16 TESTS. I WANT THAT POINT TO BE CLEAR BECAUSE THOSE
17 LEVELS ARE NOT ACCURATELY REFLECTED BY ANY STRETCH OF THE
18 IMAGINATION IN THIS REPORT THAT YOU GOT TODAY.

19 I JUST WANT TO SAY A FEW THINGS THAT I
20 THINK -- WE'VE BEEN IN BATTLE THIS WHOLE YEAR, THIS LAST
21 YEAR, THE BOARD OF SUPERVISORS, AND A LOT OF TIMES
22 RIGHTLY SO. WE GET ELECTED OUT OF OUR CONSTITUENCIES TO
23 TRY TO DO A GOOD JOB. AND SOMETIMES WE DON'T DO AS GOOD A
24 JOB AS SOMEBODY ELSE. BUT I THINK WE'RE TRYING TO DO THE
25 BEST JOB WE CAN. WE TOOK ON A BIG BURDEN LAST YEAR. AND

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1 THAT WAS TO TRY TO RAISE THE MONEY TO COME UP WITH THE
2 REPAIRS AND FIXES THAT WERE ORDERED BY THIS BOARD. I
3 THINK WE TRIED OUR BEST TO FULFILL THAT.

4 I THINK WHAT WE FOUND, THOUGH, IS THAT WE
5 CAME UP SHORT IN A COUPLE OF THINGS. THAT WAS ALL THE
6 MONEY WE NEED TO DO ALL OF THE IMPLEMENTATION AND THE
7 TIME THAT WE NEED TO FINISH THAT. AND I'M NOT GOING TO
8 STAND HERE AND TELL YOU THERE WEREN'T ABUSES IN THE PAST
9 OR THINGS THAT HAPPENED THAT PERHAPS WEREN'T TAKEN AS
10 SERIOUSLY AT THAT TIME AS WE TAKE THEM NOW. SOMETIMES IT
11 DOES TAKE THESE KINDS OF THINGS FOR HOMEOWNERS TO GET
12 UPSET TO GET THEIR ELECTED LEADERS MOTIVATED.

13 BUT I THINK THAT YOUR BOARD, JUST AS ON OUR
14 BOARD, AS I WAS -- IT WAS TESTIFIED THAT I WAS A
15 SELF-APPOINTED CHAIRMAN. WELL, I HAVE TO GET ELECTED BY
16 MY PEERS. I WANT TO MAKE THAT CLEAR FOR THE RECORD.
17 THAT WE TAKE PUBLIC TESTIMONY AND WE HAVE TO PICK AND
18 CHOOSE THE PARTS THAT WE FEEL PERSONALLY ARE BELIEVABLE
19 OR SUPPORTED WITH THE FACTS IN ORDER TO MAKE OUR
20 DECISIONS. AND I THINK WE'VE BEEN DOING THAT ALL YEAR
21 LONG AND TRYING TO DO WHAT'S RIGHT.

22 WHEN THERE WAS A QUESTION, WHEN THE
23 HOMEOWNERS ORIGINALLY TALKED TO US ABOUT THE POTENTIAL
24 THAT THEIR WELLS MAY BE CONTAMINATED, OUR BOARD DIDN'T
25 HESITATE. THEY INSTANTLY SAID SUPPLY THOSE PEOPLE WITH

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1 BOTTLED WATER. TEST THOSE WELLS. AND WE WANT TO BE SURE
2 THAT THEY ARE PROTECTED IN THAT PARTICULAR INSTANCE OF
3 THEIR DRINKING WATER UNTIL WE CAN PROVE THAT YES OR NO
4 THIS IS THE CASE. CONTAMINATION OR NO. WE DIDN'T
5 HESITATE. WE DIDN'T HESITATE IN A LOT OF OTHER THINGS
6 THAT WE DID THIS YEAR.

7 AND I THINK THE PERCEPTION SOMETIMES IS
8 WE'RE NOT ACTING FAST ENOUGH, AND THAT'S PROBABLY TRUE
9 BECAUSE WE ALL KNOW GOVERNMENT DOESN'T ACT AS FAST AS
10 PEOPLE IN PRIVATE BUSINESS OR IF THERE'S OTHER MOTIVES
11 INVOLVED. BUT I THINK FOR OUR SAKE AND BENEFIT, THE TIME
12 THAT WE SPENT IN THIS HAS BEEN RATHER RAPID IN GOVERNMENT
13 TIME.

14 MR. BROWN DID COME OUT, AND I THINK THAT
15 WAS WONDERFUL THAT HE DID, TO MAKE A SITE INSPECTION.
16 AND HE CAME QUITE A WAYS OUT OF HIS WAY TO DO THAT. HE
17 MET WITH SUPERVISOR SCHULTZ AND MYSELF. WE TOURED THE
18 LANDFILL. WE DID TOUR ALL ASPECTS OF THE LANDFILL. AND
19 I THINK MR. BROWN LOOKED AT THE THINGS THAT WERE OF
20 IMPORTANCE TO HIM TO MAKE MENTAL NOTES AND COME BACK AND
21 HOPEFULLY HAVE A BETTER UNDERSTANDING OF WHAT WE HAVE
22 TRIED TO ACHIEVE AT THE LANDFILL.

23 WHEN WE HAD THAT SPILL OF 100 GALLONS OR
24 LESS BACK ON THE 12TH -- I THINK IT WAS THE 12TH OF
25 JANUARY, A FRIDAY NIGHT. I WAS RESTING. SLEEPING IN MY

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1 BED VERY PEACEFULLY THAT NIGHT WHEN I GOT A CALL FROM THE
2 SITE SUPERINTENDENT THAT WE HAD A SPILL. I LAID THERE
3 AND WRESTLED WITH IT. AND MY WIFE WOKE UP AND SAID,
4 "WELL, MAYBE YOU SHOULD GO OUT AND TAKE A LOOK." I SAID,
5 "OKAY, I WILL." SO I WENT OUT AND STAYED UNTIL 2 O'CLOCK
6 IN THE MORNING, RAINING THE WHOLE TIME. WITH MR. UNSELL,
7 OUR ENVIRONMENTAL HEALTH DIRECTOR AND TOM DAVISSON, JAN
8 CHRISTIAN, AND THE TWO SITE FELLOWS THAT MAN THE PUMPS.

9 WHAT HAPPENED WAS WHAT HAD BEEN TOLD YOU BY
10 YOUR STAFF TODAY. THERE WAS AN AIR BUBBLE. THERE WAS A
11 SLIGHT SURGE, THE WATER, ABOUT A QUARTER OF AN INCH DEEP,
12 20 BY 20, WENT ONTO THE GROUND OUT OF THAT BIN AND SOAKED
13 INTO THE GROUND, AND I WAS THERE. AFTER THE FACT, BUT I
14 CAN TELL BY ALL THE TESTIMONY FROM THE FELLOWS THAT WERE
15 WORKING THERE WHAT HAPPENED. IT DIDN'T REACH THE WATER
16 COURSE. THE SYSTEM DID WORK. WE WERE PUMPING 1,000
17 GALLONS A MINUTE. WE'VE GOT BACK-UP SYSTEMS, AND WE'VE
18 GOT A NUMBER OF OTHER THINGS IN THE WORKS. WE ARE TRYING
19 TO TAKE CARE OF ALL THESE PROBLEMS.

20 WE'VE GOT SOME IDEAS. ONE OF THE IDEAS
21 CAME FROM MR. BROWN, AND THAT WAS ABOUT VECTOR CONTROL.
22 WE'VE HAD A BIG PROBLEM WITH SEAGULLS UP THERE. AND THE
23 IDEA WAS TO PUT A COUPLE POLES UP WITH A FILAMENT LINE
24 BETWEEN THEM, AND IT'S APPARENTLY WORKED IN OTHER AREAS.

25 WELL, WE'VE STARTED THE PROCESS TO DO THAT.

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1 THE PURCHASE ORDERS TO GET THE MATERIALS TO INSTALL THAT.
2 JUST ONE ITEM. WE HAVE, I BELIEVE, TRIED IN GOOD FAITH
3 TO FULFILL OUR OBLIGATIONS TO YOUR BOARD AND TO THE
4 RESIDENTS AROUND THE LANDFILL TO TAKE CARE OF THESE
5 PROBLEMS. BUT WE ARE LACKING IN A LOT OF THINGS, AND WE
6 ARE TRYING TO ADDRESS THOSE.

7 I WOULD HOPE THAT YOUR BOARD WOULD LISTEN
8 TO OUR FOLKS TO SEE THAT, YES, THE THINGS THAT WE ARE
9 TRYING TO DO AND THAT WE ARE GOING TO GET THOSE
10 IMPLEMENTED. WE NEED THE TIME. WE NEED TO BE ABLE TO
11 RAISE MORE MONEY. WE ARE A SMALL COUNTY, AND \$500,000 OR
12 \$3 MILLION THAT WE RAISED WAS A BIG HUNK OF MONEY FOR A
13 LOT OF FOLKS IN OUR COUNTY, BUT WE DID IT. AND IF WE
14 HAVE TO RAISE MORE MONEY FOR FURTHER REPAIRS, WE ARE
15 GOING TO DO THAT, BUT WE NEED TIME.

16 WE NEED THE TECHNICAL ASSISTANCE WHICH YOUR
17 ORGANIZATION NEEDS TO GIVE US. AND WE NEED YOUR
18 UNDERSTANDING AND YOUR HELP. AND I THINK WE CAN SATISFY
19 ALL THE HEALTH AND SAFETY CONCERNS OF THE FOLKS THAT LIVE
20 AROUND THE LANDFILL OVER TIME. MAYBE NOT ALL OF THEM
21 BECAUSE THERE ARE SOME THINGS THAT ARE UNSOLVABLE OR
22 THERE ARE THINGS THAT YOU JUST CANNOT HELP SOMETIMES.

23 AND IF YOU CAN GIVE US THAT UNDERSTANDING,
24 THAT HELP, AND THAT TIME, WE'LL DO THE REST. AND WE'LL
25 GET IT TAKEN CARE OF. WE JUST NEED THAT. THANK YOU.

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1 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS
2 OF --

3 BOARD MEMBER VARNER: YES. I THINK YOU MADE A
4 COUPLE OF SIGNIFICANT STATEMENTS. YOU SAID YOU HAD DONE
5 YOUR BEST, AND I'M NOT GOING TO CHALLENGE THAT. I HAVE
6 NO REASON TO KNOW WHETHER YOU'VE DONE YOUR BEST OR NOT.
7 BUT THE THING THAT BOTHERS ME IS THERE'S BEEN VIOLATIONS
8 THAT GO BACK QUITE A LONG WAYS, THAT STILL HAVE NOT BEEN
9 MITIGATED.

10 THE STATEMENTS MADE, WE HAVEN'T HAD A
11 CHANCE TO MEET ALL THESE NEW ALLEGATIONS. THESE ARE ON
12 TOP OF WHAT HAS ALREADY TAKEN PLACE. AND POSSIBLY THE
13 THING SEEMS TO ME, THAT YOU MAY HAVE BEEN DOING YOUR
14 BEST, BUT YOU MAY NOT HAVE THE ADEQUATE THINGS TO HANDLE
15 THIS THING IN ORDER TO PROTECT THE PUBLIC. AND THIS IS
16 WHAT WE'RE LOOKING AT, THAT THERE IS AN ABSOLUTE
17 CONTINUING OF VIOLATIONS THAT GOES WAY BACK.

18 AND IF I'M NOT MISTAKEN, THE STAFF CAN
19 CORRECT ME, BUT A LOT OF THEM THAT WERE ADDRESSED A YEAR
20 OR MORE AGO STILL HAVEN'T BEEN TAKEN CARE OF. THEY KEEP
21 PILING UP. AND IT'S NOT OUR JOB HERE TO DETERMINE
22 WHETHER ALL OF THESE DIFFERENT THINGS ARE ABSOLUTELY TRUE
23 OR NOT, BUT THERE'S JUST AN ABUNDANCE OF PROBLEMS HERE
24 THAT NEED TO BE ADDRESSED IN ORDER TO PROTECT THE PUBLIC.

25 THERE ARE PEOPLE HERE OBVIOUSLY WITH --



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1 REGARDLESS OF WHO'S CONTAMINATING WHAT, THERE'S NO DOUBT
2 THAT LEACHATE COMES OFF THE THING. THERE'S WATER
3 STANDING THERE THAT SHOULDN'T BE ON ANY LANDFILL. AND SO
4 THESE THINGS SOMEWHERE ALONG THE LINE HAVE TO BE STOPPED.

5 AND MAYBE YOU NEED TO LOOK TO SOME OTHER
6 DIRECTION FOR SOMEBODY WHO'S ADEQUATE TO TAKE CARE OF
7 THESE PROBLEMS FOR YOU.

8 MR. JUVINALL: I DON'T KNOW IF THAT WAS MORE OF
9 A STATEMENT OR QUESTION, BUT I CAN SAY THAT I THINK
10 YOU'RE RIGHT. WE'RE TRYING TO LOOK AT ALL THE
11 ALTERNATIVES. WE'RE NOT LOCKED INTO ANY PARTICULAR
12 METHOD OF CORRECTION. AND I WILL SAY THAT CERTAINLY WE
13 HAVE HAD A LOT OF VIOLATION IN THE PAST, AND WE PROBABLY
14 HADN'T OVER THE YEARS PUT THE IMPORTANCE ON THE LANDFILL
15 AS WE HAVE ON OTHER ISSUES. AND I THINK THAT HAS NOW
16 COME TO THE FOREFRONT. THAT'S ALL WE'VE DONE FOR THE
17 LAST YEAR IS DEAL WITH THIS LANDFILL. SO I THINK IT HAS
18 BEEN THE NO. 1 ISSUE IN OUR COUNTY.

19 BUT OUR OPTIONS ARE OPEN IN ORDER TO TRY TO
20 RESOLVE THESE ONGOING VIOLATIONS. WE'RE GOING TO HAVE
21 SOME PROBLEMS WITH SOME OF THEM. IT'S GOING TO BE VERY
22 DIFFICULT IN THE CONDITIONS THAT WE HAVE IN OUR COUNTY.
23 RAINWISE AND -- AND FOR A NUMBER OF OTHER REASONS, TO --
24 AND WE'RE GOING TO DO OUR BEST, AND HAVE TRIED, I THINK,
25 TO COVER EVERY DAY. THAT'S VERY DIFFICULT UP THERE.

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1 BUT I THINK WE'RE TRYING TO MAKE A
 2 CONCERTED EFFORT. I THINK WE HAVE CREATED A DEPARTMENT
 3 OF SANITATION. WE HAVE BEEN UNSUCCESSFUL IN TRYING TO
 4 GET PEOPLE TO WORK FOR THAT DEPARTMENT FROM ALL OVER THE
 5 STATE BECAUSE THERE'S A GREAT DEMAND FOR ENGINEERS AT
 6 OTHER PLACES THAT PAY MORE MONEY. THAT'S WHAT WE'RE
 7 FINDING OUT TO DEAL WITH THIS.

8 SO WE'VE HAD STAFFING PROBLEMS, TRYING TO
 9 GET UP TO SPEED TO DEAL AND IMPLEMENT THE BOARD'S
 10 REQUESTS, BUT WE ARE STILL WORKING ON THAT. WE ARE
 11 FINALLY GETTING SOMEWHERE. SO I THINK WE'RE GOING TO
 12 ADDRESS IT. I KNOW WE'RE GOING TO ADDRESS IT, BUT IT'S
 13 JUST GOING TO HAVE TO TAKE SOME TIME AND A LITTLE BIT,
 14 MAYBE, OF UNDERSTANDING.

15 CHAIRMAN GALLAGHER: MR. MOSCONE.

16 BOARD MEMBER MOSCONE: SUPERVISOR, HAS YOUR
 17 BOARD GIVEN ANY SERIOUS THOUGHT TO TRYING TO ACQUIRE
 18 ANOTHER SITE? WITH ALL OF THE PROBLEMS THAT ARE ON THIS
 19 SITE, ARE YOU GIVING ANY THOUGHT TO LOOKING FOR ANOTHER
 20 SITE FOR THE NEAR FUTURE OR HALFWAY DOWN THE LINE,
 21 WHATEVER IT MIGHT BE?

22 MR. JUVINALL: MR. MOSCONE, YES, WE HAVE. AND I
 23 THINK ABOUT TWO YEARS AGO, WE HAD IDENTIFIED AN 800-ACRE
 24 SITE DOWN FROM GRASS VALLEY, BETWEEN GRASS VALLEY AND A
 25 LITTLE COMMUNITY OF PIN VALLEY AS BEALE INLANDS,

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1 POTENTIALLY A SITE FOR A NEW LANDFILL. AND WE HELD SOME
2 PUBLIC HEARINGS AND HUNDREDS OF PEOPLE. INCLUDING THE
3 CITY OF GRASS VALLEY SAID NO WAY. THERE IS NO WAY YOU
4 ARE GOING TO PUT THIS HERE.

5 THEN WE HAVE CREATED SOME OTHER COMMITTEES
6 CONTAINING THE TWO CITIES THAT ONE OF THE CHARGES IS WE
7 NEED TO START PUTTING THE CRITERIA TOGETHER FOR AN
8 ALTERNATE SITE. SO WE DID TRY AND FIND AN ALTERNATE
9 SITE. IT FAILED. WE ARE STILL TRYING TO FIND AN
10 ALTERNATE SITE. AND THAT IS ONE OF THE MANY THINGS WE'RE
11 LOOKING AT. WE'RE LOOKING AT PERHAPS WORKING WITH
12 ADJACENT COUNTIES IN A JPA, IF POSSIBLE. TO ALL PUT OUR
13 TRASH TOGETHER, SUCH AS STANISLAUS COUNTY. A COGENERATION
14 PLANT, AND A NUMBER OF OTHER THINGS. SO, YES, WE ARE
15 DEFINITELY.

16 CHAIRMAN GALLAGHER: MR. LOCKINGTON.

17 BOARD MEMBER LOCKINGTON: I WANTED TO ASK WHERE
18 DO YOU STAND IN RELATIONSHIP TO MRS. OWENS' COMMITTEE AND
19 THE THINGS THAT SHE HAD TO TELL US. DO YOU CONCUR IN
20 WHAT THEY'RE COMING UP WITH? DO YOU KNOW? SHE SAID
21 THERE'S, BASICALLY, EIGHT YEARS. WE HEAR 22 YEARS. WHAT
22 IS YOUR RELATIONSHIP TO THAT? IT SEEMS LIKE THAT'S A
23 CITIZEN'S COMMITTEE THAT SEEMS TO BE PRETTY RATIONAL AND
24 REASONABLE.

25 MR. JUVINALL: WELL, TO RESPOND TO THAT, THE

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1 PEOPLE THAT THEY HAVE ON THEIR COMMITTEE -- AND I'M NOT
2 FAMILIAR WITH ALL THE FOLKS -- I THINK IT'S THE SAME
3 COMMITTEE THAT I WAS ASKED TO COME SPEAK AT A COUPLE OF
4 WEEKS AGO. IT'S AN ARM OF THE BUSINESS ASSOCIATION, A
5 SUBCOMMITTEE OF BUSINESS ASSOCIATION, AND THEY'RE
6 CONCERNED ABOUT IT BECAUSE THEY HAVE A GREAT STAKE IN IT
7 AS PRIVATE CITIZENS AND AS PRIVATE BUSINESSES. AND THEY
8 NEED TO HAVE SOME ANSWERS.

9 AND WE'VE ASKED -- NOT WE HAVE ASKED --
10 THEY HAVE DETERMINED THAT THEY SHOULD GET AS MUCH
11 PERTINENT INFORMATION TO US TO HELP US IN OUR
12 DECISION-MAKING PROCESS. I'M OPEN TO THEM, AS I'M OPEN
13 TO OTHER ALTERNATIVES, REASONABLE ALTERNATIVES. BUT I
14 THINK WE'RE GOING TO SEE, AS WE HAVE WITH 939 AND A FEW
15 OTHER THINGS THAT HAVE JUST COME THROUGH, A GREAT CHANGE
16 IN HOW WE DO BUSINESS. WE NEED THEIR INPUT. WE NEED THE
17 CITIZEN'S INPUT.

18 BOARD MEMBER LOCKINGTON: WELL, I GUESS THAT I
19 HEARD FROM HER THAT THEY'RE ACCEPTING THE FACT THAT THIS
20 IS A MESS, ONE WAY OR ANOTHER. AND IT SHOULD BE CLOSED
21 DOWN; AND, IMMEDIATELY, IF NOT SOONER, MOVEMENT HAS TO BE
22 MADE TOWARDS A NEW FACILITY.

23 DO YOU CONCUR IN THAT?

24 MR. JUVINALL: YES, WITH A CAVEAT. AND THAT IS
25 THAT I'M NOT IN CONCURRENCE WITH THEIR TIME FRAME. I

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1 THINK THAT THERE'S A POSSIBILITY THAT IT COULD BE LONGER
2 THAN THAT BASED ON EXAMPLES AROUND THE STATE WHERE IT
3 TAKES A MINIMUM OF FIVE YEARS TO EVEN DETERMINE IF A NEW
4 SITE IS GOING TO BE FEASIBLE. SO I THINK WE HAVE TO BE
5 REALISTIC ABOUT THE TIME. BUT I THINK WE ARE ALL
6 COMMITTED THAT EVENTUALLY WE ARE GOING TO HAVE ANOTHER
7 SITE THAT HAS LESS PROBLEMS TOPOGRAPHICALLY AND
8 HYDROLOGICALLY THAN THIS SITE.

9 BOARD MEMBER LOCKINGTON: I GUESS MY ONLY LAST
10 COMMENT WOULD BE I GUESS WE ALL AGREE ON WHAT SHOULD
11 HAPPEN. IT'S ONLY A QUESTION OF WHEN. THE PEOPLE AT THE
12 LANDFILL, WHO LIVE NEXT DOOR, WOULD LIKE IT TOMORROW OR
13 MAYBE YESTERDAY.

14 MR. JUVINALL: WELL, I JUST WANT TO SAY IN A
15 CLOSING STATEMENT. BASED ON WHAT YOU JUST SAID. THERE'S A
16 LOT OF PEOPLE LIVE IN NEVADA COUNTY. AND I HEAR FROM ALL
17 OF THOSE FOLKS. AND MY DISTRICT IS NOT DIRECTLY,
18 PHYSICALLY CONNECTED WITH THE GROUND TO THAT LANDFILL
19 AREA, BUT ALL THOSE PEOPLE USE THAT LANDFILL.

20 AND I AM -- ON A PRACTICAL AND A POLITICAL
21 BASIS, THE PEOPLE THAT ELECTED ME HAVE TO HAVE A PLACE TO
22 PUT THAT TRASH. AND WHAT I HEAR FROM THEM. IN MY
23 DISTRICT, IS THAT WE WANT YOU TO TAKE CARE OF THAT
24 PROBLEM UP THERE. AND WE'RE HAPPY TO PAY FOR IT, WHICH
25 THEY HAVE BEEN. BUT DON'T CLOSE IT DOWN BECAUSE WE HAVE

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1 TO HAVE A PLACE TO PUT OUR REFUSE.

2 SO I'VE GOT TO BALANCE ALL THAT AS AN
3 ELECTED OFFICIAL IN MY COUNTY JUST AS YOU HAVE TO BALANCE
4 THOSE KINDS OF QUESTIONS. IT'S NOT AS EASY ON ITS FACE
5 TO SAY CLOSE IT DOWN TOMORROW. AS WE ALL KNOW. AND WHEN
6 YOU ARE AFFECTING 84,000 PEOPLE. SO I HAVE TO TO BE
7 COGNIZANT OF ALL OF THAT.

8 CHAIRMAN GALLAGHER: MR. BROWN.

9 BOARD MEMBER BROWN: SUPERVISOR, SOMEONE
10 EARLIER -- I'M GOING TO THINK IT WAS MR. HEATH -- ALLUDED
11 TO SOME LAND. I THINK THEY ALSO SAID IT WAS 800 ACRES
12 OUT NEAR BEALE AIR FORCE BASE, THAT THEY THOUGHT MIGHT BE
13 THE SITE OF ANOTHER LANDFILL.

14 IS THAT THE SAME 800 ACRES THAT YOU JUST
15 SPOKE TO WITH RESPECT TO THE FOLKS RISING UP AGAINST?

16 MR. JUVINALL: I DON'T BELIEVE SO BECAUSE -- IT
17 WOULD HAVE TO BE A DIFFERENT SITE.

18 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?

19 BOARD MEMBER BREMBERG: MR. GALLAGHER.

20 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

21 BOARD MEMBER BREMBERG: MR. JUVINALL, I, TOO, AM
22 AN ELECTED OFFICIAL, AND I SERVE A CITY OF 170,000 PEOPLE
23 WITH A LANDFILL, SANITATION DEPARTMENT, PUBLIC WORKS,
24 PLANNING, THE WHOLE THING. CHARTER CITY. I DON'T LIKE
25 WHAT I'M HEARING FROM YOU BECAUSE I KNOW THE POLITICAL

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1 JARGON.

2 WHEN YOU SAY WE HAVE TO ACHIEVE A BALANCE
3 BETWEEN, AMONG, AROUND, IT MEANS YOU ARE DELAYING
4 DECISIONS. THAT'S THE EASIEST THING FOR A POLITICIAN TO
5 SAY. AND I KNOW BECAUSE I'VE SAID IT, AND I WILL
6 CONTINUE TO SAY IT WHEN I WISH TO STALL MAKING A
7 DECISION.

8 I DON'T THINK YOU ARE WILLING TO MAKE A
9 HARD AND FAST DECISION, ONE, WE'RE GOING TO OPERATE
10 ACCORDING TO LAW; TWO, WE'RE GOING TO FINANCE IT AND SEE
11 TO IT THAT WE'RE NOT CREATING A WORSE MESS. WE'RE GOING
12 TO STOP TRYING TO RATIONALIZE AND JUSTIFY AND TAP DANCE
13 AROUND THE ISSUE WITH LOTS OF REPORTS. MAKE THE DECISION
14 AND DO THE JOB.

15 CHAIRMAN GALLAGHER: MR. BROWN.

16 BOARD MEMBER BROWN: MRS. BREMBERG, YOU SHOULD
17 KNOW THAT SUPERVISORS ARE INFINITELY MORE RESPONSIBLE
18 THAN CITY COUNCIL PERSONS. SHE ALWAYS FORGETS THAT PART.

19 CHAIRMAN GALLAGHER: MR. VLACH.

20 MR. VLACH: MR. CHAIRMAN, SMALL POINT I WANTED
21 TO CLARIFY. I BELIEVE MR. -- SUPERVISOR JUVINALL
22 REQUESTED TECHNICAL SUPPORT FROM THE BOARD, TECHNICAL
23 ASSISTANCE WITH REGARD TO THE LANDFILL. AND THE STAFF
24 HAS BEEN PROVIDING TECHNICAL ASSISTANCE TO THE COUNTY.
25 BUT THE KIND OF TECHNICAL ASSISTANCE WE CAN PROVIDE IS

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1 GOING TO BE LIMITED TO MAKING INSPECTIONS AT THE SITE.
2 ADVISING THEM OF VIOLATIONS OF STATE STANDARDS. REVIEWING
3 THEIR OPERATIONS PLANS AND THEIR DESIGN PLANS. BUT WE
4 CAN'T BE IN A POSITION OF BECOMING THE COUNTY CONSULTANT
5 AND DESIGNING THE LANDFILL FOR THEM.

6 CHAIRMAN GALLAGHER: THANK YOU. GLAD YOU MADE
7 THAT POINT.

8 MR. JUVINALL: DO YOU HAVE ANY MONEY?

9 CHAIRMAN GALLAGHER: MR. ALBAUGH, DO YOU STILL
10 WANT TO MAKE A STATEMENT AFTER YOUR BOSS HAS MADE HIS?

11 MR. ALBAUGH: NORMALLY, I WOULDN'T. I SEE MR.
12 DECKER IS HERE, CITIZEN FROM OUR COUNTY. AND I KNOW HE'S
13 EXCITED ABOUT IT. ONE OF THE THINGS I DID WANT TO SAY
14 WHILE I WAS HERE. THOUGH, I WANTED TO COMMEND THE STAFF,
15 YOUR STAFF OF THE WASTE BOARD. IT HAS BEEN VERY HELPFUL
16 WITH US IN THE PAST FEW WEEKS. THEY ARE VERY CANDID. AND
17 COUPLE MONTHS AGO I THOUGHT IT WAS A VERY ADVERSARIAL
18 RELATIONSHIP UNTIL WE UNDERSTOOD SOME OF THE THINGS THAT
19 OCCURRED IN THE PAST WITH COUNTY STAFF.

20 I ALSO WANTED TO COMMEND THE STAFF OF THE
21 REGIONAL WATER QUALITY CONTROL BOARD. THEY'VE BEEN VERY
22 HELPFUL, AND I EXPECT WE'LL BE DEALING WITH THOSE FOLKS
23 DOWN THE LINE PROBABLY AS MUCH OR MORE THAN WE HAVE BEEN
24 WITH YOUR BOARD. AS WELL AS HELP FROM THE ATTORNEY
25 GENERAL'S PEOPLE.

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WE HAVE HAD A PROBLEM OUT THERE AT THE LANDFILL. AND I DON'T THINK ANYBODY HAS PUBLICLY APOLOGIZED FOR THE CRAP THAT THE NEIGHBORS HAVE HAD TO PUT UP WITH OUT THERE FROM THE COUNTY IN THE PAST. I RECOGNIZE IT, AT LEAST, SINCE MAY OF THIS PAST YEAR. I THINK WE HAVE TO PUT THAT IN PERSPECTIVE OF WHERE WE WERE BEFORE MAY OF THIS YEAR, WHEN WE GOT THE WASTE BOARD.

TO MY KNOWLEDGE, AND I WOULD SWEAR TO THIS UNDER OATH, AS FAR AS I KNOW, NO VIOLATIONS FROM THE STATE BOARD HAD EVER FILTERED DIRECTLY TO THE BOARD OF SUPERVISORS, THE COUNTY CLERK OF THE BOARD OF THE COUNTY ADMINISTRATOR'S OFFICE UNTIL THIS PAST MAY. I AM SURE THAT HAD THOSE KIND OF VIOLATIONS BEEN MADE KNOWN TO PAST BOARDS, THERE WOULD HAVE BEEN ACTION ON IT WELL BEFORE THIS.

AND ONE OF MY SUGGESTIONS TO YOUR STAFF IN OUR MOST RECENT MEETING WAS TO MAKE SURE THAT WHEN THESE VIOLATIONS GO OUT, SOMEBODY HIGHER THAN THE DEPARTMENT THAT DEALS WITH THESE VIOLATIONS GETS NOTICE OF THESE THINGS BECAUSE THAT ASSURES ACTION AND CLOSSES THAT LOOP.

I JUST HAVE A COUPLE OTHER THINGS I THINK I NEED TO RESPOND TO HERE FOR, IF NOTHING ELSE, JUST TO CLARIFY WITH SOME OF THE PEOPLE WHO ARE HERE FROM AROUND THE LANDFILL.

WE HAVE -- STATE WASTE BOARD HAS FOUND US



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1 IN VIOLATION OF WHAT THEY BELIEVE IS REASONABLE SECURITY
2 OF THE LANDFILL. AND PART OF THE ORDINANCE. EMERGENCY
3 ORDINANCE THAT WE WORKED ON THIS PAST WEEK WAS TO BEGIN
4 TO IMPLEMENT THAT. BUT NOT FOREGO PEOPLE AROUND THE
5 LANDFILL CONTINUING THEIR, WHAT I THINK IS, GOOD CITIZEN
6 SURVEILLANCE OF THAT LANDFILL UNTIL THEY'RE SATISFIED
7 THAT WE'RE DOING IT PROPERLY OR WE CLOSE THAT PLACE OUT.

8 WE'VE HAD GREAT DIFFICULTY IN RECRUITING
9 ENGINEERS AT TIMES. THIS HAS GONE ON NOT ONLY IN
10 SANITATION, BUT ALSO IN THE AREA OF OUR PUBLIC WORKS
11 DEPARTMENT, AND IT'S GOING ON IN OTHER COUNTIES. TWO OF
12 OUR BEST ENGINEERS, HOWEVER, RECENTLY CAME TO WORK FOR
13 THE STATE OF CALIFORNIA.

14 WE'VE ASKED FOR TECHNICAL ASSISTANCE.
15 MAYBE YOU CAN'T GIVE IT TO US. BUT MAYBE WE COULD GET
16 THOSE PEOPLE OR SOME OTHER PEOPLE BACK FROM THOSE OTHER
17 DEPARTMENTS OF THE STATE TO ASSIST US IN SOME OF THESE
18 THINGS UNTIL WE STAFF UP.

19 WE HAVE HAD LONG AND -- RECRUITMENTS WHERE
20 WE SPENT THOUSANDS OF DOLLARS TO GET ENGINEERS. VERY
21 LITTLE RESPONSE. WE'VE HAD VERY GOOD SUCCESS. HOWEVER.
22 RECENTLY AN ARTICLE ON THE -- IN THE NEWSPAPER AS WELL AS
23 ON THE RADIO ABOUT ASKING SOME RETIRED PEOPLE IF THEY
24 WOULD BE INTERESTED IN WORKING PART TIME. AND WE HAVE
25 BEEN -- RESPONSE THERE HAS BEEN TERRIFIC. LOT OF PEOPLE.

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I THINK WE'VE BEEN DERELICT SOMEWHAT. I HAVE FOUND, IN RESPONDING TO WASTE BOARD'S REQUEST FOR INFORMATION. ON THE OTHER HAND, I ASK MYSELF THE QUESTION THERE IF WE SHOULD BE DIRECTING OUR EFFORTS TO DOING SOME FIXES OR DOING THE PAPERWORK RELATED TO IT, AND I KNOW THAT WE'VE BEEN SENDING A TON OF WORK DOWN THIS PAST MONTH. I HAVE TO REVIEW THAT ALONG THE WAY, AND IT'S ALMOST IMPOSSIBLE TO KEEP UP WITH IT ON A DAY-TO-DAY BASIS.

I KNOW STAFF HAS RECOMMENDED A FINE. YEAH, I THINK A FINE OF SOME SORT WAS DESERVED. NEVADA COUNTY LANDFILL REALLY EARNED IT. BUT WE PROBABLY SHOULD HAVE BEEN HIT AND HIT HARD BACK IN MAY WHEN THE VIOLATIONS SURFACED.

THE PEOPLE THAT ARE WORKING ON THIS PROJECT NOW, NONE OF THEM HAVE BEEN WORKING FOR THE DEPARTMENT OF SANITATION OR IN THIS AREA VERY LONG. OUR DIRECTOR OF SANITATION HAS BEEN WITH US ABOUT 150 DAYS. WE HAVE MADE A CONSIDERABLE PROGRESS IN THAT AREA. BUT I FIND A HARD TIME THINKING THAT A FINE IS DESERVED AT THIS POINT BECAUSE IT WILL REFLECT ON THE COUNTY STAFF THAT'S BEEN TRYING TO FIX THIS.

I ALSO THINK THAT ANY ACTION, CLOSURE OF THE LANDFILL AT THIS TIME WOULD CREATE A SERIOUS HEALTH HAZARD IN NEVADA COUNTY. WHAT I PICTURE HAPPENING IS

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1 THAT -- IT'S A RURAL AREA. YOU CAN DRIVE OUT ON A COUNTY
2 ROAD AND DUMP NOW. IF YOU WANT. THAT'S GOING TO HAPPEN
3 IF YOU CLOSE IT DOWN. PEOPLE ARE NOT GOING TO PAY THE
4 ADDITIONAL COST TO TAKE IT OUT. WE WOULD DEVELOP A
5 SERIOUS HEALTH HAZARD. AND I THINK ANY COUNTY IN
6 CALIFORNIA THAT CLOSSES A LANDFILL, UNLESS THEY HAVE AN
7 ALTERNATE SITE UP AND READY TO WORK, WOULD HAVE A SERIOUS
8 HEALTH HAZARD DEVELOP FROM THAT.

9 I WOULD INVITE THE WASTE BOARD AND
10 ENCOURAGE THEM TO VISIT THE LANDFILL AS MR. BROWN HAS
11 DONE. I THINK TO VIEW THAT SITE WITH THE NEIGHBORS AND
12 LET THEM POINT OUT ANY REMAINING DEFICIENCIES THAT IT MAY
13 HAVE.

14 THE LANDFILL IS OUTSIDE OF GRASS VALLEY.
15 IT'S ABOUT AN HOUR'S DRIVE FROM SACRAMENTO. I THINK
16 WHERE WE'RE HEADED ON THIS IS THAT ONCE THAT LANDFILL IS
17 UP, IT'S GOING TO BE PROBABLY ONE OF THE BEST LANDFILLS
18 IN THE STATE. AND I WANTED TO COMMEND YOUR WASTE BOARD
19 FOR -- AND GIVE YOU SOME OF THE CREDIT FOR GETTING IT
20 THAT WAY. I DON'T THINK IT -- AND PROBABLY OTHER
21 LANDFILLS THROUGHOUT CALIFORNIA WOULD MOVE AS RAPIDLY AS
22 WE HAVE ON TRYING TO OVERCOME THE VIOLATIONS AND PUT OUR
23 SHIP IN ORDER AS FAR AS THIS GOES.

24 I WOULD INVITE YOU. AS JIM CURTIS HAS DONE.
25 TO QUIZ YOUR STAFF ON SOME OF THE ACCUSATIONS OR SOME OF

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1 THE THINGS THAT CAME UP TODAY. I DON'T THINK THE PEOPLE
2 UNDERSTAND THE PROGRESS THAT HAS BEEN MADE HERE. PERHAPS.
3 AND I THINK THEY COULD REINFORCE THE COUNTY'S POINT OF
4 VIEW. THE LAUSCHE WELL. AS AN EXAMPLE. I DON'T THINK THE
5 PEOPLE KNEW OF THE LATEST OR THE -- NOT THE WELL. BUT THE
6 SPRINGS THERE, THE LATEST TESTS ON THAT INDICATE
7 SOMETHING OTHER THAN WHAT EVERYBODY HAD BEEN THINKING IN
8 THE PAST.

9 AND I WOULD ALSO INVITE YOU TO TALK TO
10 OTHER PEOPLE AROUND THE LANDFILL. NOT ONLY THIS GROUP.
11 AND SEE IF THEY ARE SATISFIED WITH THAT. I SUGGEST
12 ARLENE BRIGGS, WHO HAS WORKED ON A COUNTY AD HOC
13 COMMITTEE, AS WELL AS FRANK GATES IS A NEIGHBOR OF THE
14 LANDFILL WHO HAVE ALSO BEEN ACTIVE IN IT. AND I WANT YOU
15 TO KNOW PAULINE, WHO WAS UP HERE EARLIER IN THE DAY
16 TESTIFYING, THAT SHE HAD TO WALK THROUGH THE CREEK ON
17 HIDDEN VALLEY ROAD, DID NOT SAY TO ME ON SATURDAY MORNING
18 BRIGHT AND EARLY THAT THAT STUNK. SHE TOLD ME WHAT IT
19 STUNK LIKE.

20 WITH THAT. I WILL ASK THAT JIM APPERSON
21 FROM OUR STAFF, AT LEAST, PROVIDE YOUR CLERK WITH THE
22 INFORMATION FOR THE PUBLIC RECORD OF OUR RESPONSES TO THE
23 AGENDA ITEMS THAT YOU'VE HAD BEFORE YOU. AND I WOULD
24 CLOSE AND ANSWER ANY QUESTIONS IF I MAY.

25 CHAIRMAN GALLAGHER: MR. VARNER.



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1 BOARD MEMBER VARNER: I DIDN'T GET WHAT YOUR
2 CAPACITY WAS WITH THE COUNTY.

3 MR. ALBAUGH: I'M THE COUNTY ADMINISTRATOR, MR.
4 VARNER.

5 BOARD MEMBER VARNER: YOU SAID THAT UNTIL ABOUT,
6 WHAT WAS IT, ABOUT A YEAR AGO OR WHENEVER OUR STAFF MADE
7 INSPECTIONS AND FOUND SERIOUS VIOLATIONS, THAT YOU DIDN'T
8 KNOW ABOUT THEM PREVIOUSLY.

9 MR. ALBAUGH: IN MAY -- ACTUALLY, IT WAS MARCH
10 WHEN THE FLOODS BEGAN TO COME DOWN. I THINK WE HAD OVER
11 30 INCHES OF RAIN THAT MONTH. AND, YEAH, WE BEGAN TO
12 HEAR IT FROM THE PEOPLE.

13 BOARD MEMBER VARNER: DO YOU HAVE A LOCAL
14 ENFORCEMENT OFFICER?

15 MR. ALBAUGH: THERE IS A LOCAL ENFORCEMENT
16 OFFICER THERE, YES.

17 BOARD MEMBER VARNER: IT SEEMS TO ME THAT,
18 OBVIOUSLY, WHEN WE FIRST FOUND THESE VIOLATIONS, THEY
19 WEREN'T SOMETHING THAT JUST HAPPENED YESTERDAY. AND THE
20 LOCAL ENFORCEMENT OFFICER, IF HE'S QUALIFIED TO DO HIS
21 JOB, SHOULD HAVE BEEN BRINGING THESE THINGS TO YOUR
22 ATTENTION FROM WAY BACK WHEN; AND, THEREIN LIES ONE OF
23 THE BIG PROBLEMS.

24 BY THE TIME THE STATE GOT AROUND TO FINDING
25 OUT THE THING, YOU HAD YEARS AND YEARS AND YEARS OF



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1 PROBLEMS BUILT UP: AND, OBVIOUSLY, YOU ARE NOT GOING TO
2 SOLVE THEM OVERNIGHT. IF YOU CLOSE THE LANDFILL, YOU'RE
3 NOT GOING TO SOLVE IT OVERNIGHT, SO YOU'VE GOT A HELL OF
4 A MESS THAT SOMEBODY HAS GOT TO START TO TAKE SOME ACTION
5 HERE TO FORCE THE THING SOMEHOW OR ANOTHER; AND THEREIN
6 LIES A BIG PART OF THE PROBLEM, AS I STATED BEFORE TO THE
7 SUPERVISOR.

8 IT SEEMS LIKE -- I WILL ACCEPT YOUR
9 STATEMENTS THAT YOU ARE DOING THE BEST YOU CAN; BUT,
10 OBVIOUSLY, THERE'S A GREAT BIG GAP THERE OF WHAT YOUR
11 BEST IS AND WHAT NEEDS TO BE DONE TO NOT ONLY ADHERE TO
12 THE LAW, BUT TO PROTECT THE CITIZENS IN YOUR COUNTY.

13 MR. ALBAUGH: MR. VARNER, AFTER OUR DECEMBER
14 18TH MEETING WITH THE REGULATORY AGENCIES, I WENT BACK
15 AND CHECKED FILES GOING BACK ONLY TO 1982. THE REPORT
16 THAT YOU GOT FROM THE CITIZENS AROUND THE LANDFILL WENT
17 BACK, I GUESS, TO '78.

18 THERE'S NO QUESTIONS THAT THE LEA, STATE
19 WASTE BOARD, REGIONAL WATER QUALITY CONTROL BOARD HAD LET
20 THE COUNTY DEPARTMENT KNOW THAT WAS HANDLING THOSE THINGS
21 THAT WE HAD PROBLEMS. THEY'RE ON THE RECORD. WHAT I WAS
22 TRYING TO EMPHASIZE IS THOSE DIDN'T GO FAR ENOUGH UP. WE
23 HAD NO OVERSIGHT. THEY DIDN'T GET TO THE BOARD LEVEL.

24 BOARD MEMBER VARNER: HOW DO WE KNOW NOW THAT
25 IT'S GOING TO GO FAR ENOUGH UP AGAIN? YOU SEE, IN OTHER

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1 WORDS, WE HAVE THE PROMISE OF IT. BUT YOUR PAST HISTORY
2 CERTAINLY DOES NOT GIVE VERY MUCH ENCOURAGEMENT THAT IT
3 WILL HAPPEN.

4 MR. ALBAUGH: WELL. I AM ON THE RECORD. I'VE
5 WORKED ON THIS COMMITTEE WITH SOME OF THE CITIZENS, AND I
6 KNOW THE PROBLEM, AND I'M NOT GOING TO BACK OFF AS COUNTY
7 ADMINISTRATOR. I DON'T BELIEVE THE BOARD OF SUPERVISORS
8 WILL, ALTHOUGH THEY CHANGE MORE FREQUENTLY THAN THE CAO'S
9 IN SOME CASES.

10 BUT I HOPE THAT SOME OF THE PEOPLE THAT
11 LIVE AROUND THE LANDFILL AT LEAST BELIEVE I HAVE SOME
12 CREDIBILITY IN SEEING THAT THIS IS ACCOMPLISHED. I'M
13 COMMITTED TO THAT. AND I INTEND TO SEE IT CARRIED OUT.
14 AND I DON'T HAVE ANY POLITICAL BASE. MY JOB IS ON THE
15 LINE EVERY TUESDAY. SOME TUESDAYS, I GET THREE VOTES.
16 THEY VOTE EVERY TUESDAY. PROBLEM I HAVE HAS BEEN A
17 DIFFERENT THREE VOTES RECENTLY.

18 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?

19 MR. VLACH: MR. CHAIRMAN, I WOULD LIKE TO, IN
20 REGARD TO MR. VARNER'S COMMENT REGARDING THE LEA, I
21 THINK, FOR THE RECORD, IT SHOULD BE NOTED THAT IT WAS THE
22 LEA THAT BROUGHT -- THAT INITIALIZED -- INITIATED THE
23 NOTICE AND ORDER THAT BROUGHT THE MATTER TO THE COUNTY'S
24 ATTENTION, AND THEN THE LEA WAS UNABLE TO GET ANY RELIEF
25 WORKING THROUGH THE COUNTY AND THEN CAME TO THE BOARD AND

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1 ASKED THE BOARD TO SUPPLEMENT HIS WORK.

2 SO THE LEA HAS BEEN EFFECTIVE IN SOME
3 RESPECT. I THINK THE BOARD UNDERSTANDS THE DIFFICULT
4 POSITION THAT A LOCAL ENFORCEMENT AGENCY IS PLACED IN
5 WHEN THEY ARE TRYING TO ENFORCE ON A PUBLICLY OPERATED
6 FACILITY.

7 BOARD MEMBER VARNER: THANK YOU, BERNIE. IN
8 OTHER WORDS, I'M NOT TRYING TO MAKE JUDGMENT EXACTLY
9 WHO'S RESPONSIBLE. ULTIMATELY, IT'S THE OFFICIALS IN
10 NEVADA COUNTY. BUT, CERTAINLY, YOU HAVE AN ONGOING
11 DERELICTION OF DUTY. AND EXACTLY WHO'S CULPABLE, THAT
12 PROBABLY WOULD TAKE A LOT MORE TIME THAN WE HAVE TO
13 DECIDE WHO IT IS, BUT IT'S A CLEAR PATTERN. THAT IT
14 DIDN'T HAPPEN JUST A YEAR AGO. IT WENT WAY BACK.

15 BUT EVEN THERE, AGAIN, AND I REALIZE THE
16 PROBLEMS WITH LOCAL ENFORCEMENT AGENTS. AND IT'S NOT THE
17 FIRST TIME THAT IT'S HAPPENED. ALTHOUGH, THIS IS BEING
18 CORRECTED SIGNIFICANTLY WITH SOME OF THE NEW THINGS TO
19 MAKE THEM MORE RESPONSIVE TO AS SOON AS THEY KNOW THAT
20 LAWS ARE BEING VIOLATED. THEN THEY MAKE AN ISSUE OF IT
21 RIGHT THEN.

22 AND I REALIZE THE PROBLEM THAT SOME OF THEM
23 HAVE BEEN UNDER BECAUSE THEY HAVE TO GO TO THEIR OWN BOSS
24 TO MAKE THE THING; AND, THEREFORE, THEY DON'T DO
25 ANYTHING. AND THAT'S HOW THINGS GET IN THIS KIND OF A

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1 TERRIBLE SITUATION. SO IT'S JUST ANOTHER PART OF THE
2 ONGOING PROBLEM, THAT SOMETHING DRASTIC IS GOING TO HAVE
3 TO BE DONE TO GET SOMEBODY'S ATTENTION.

4 MR. VLACH: MR. VARNER, THANK YOU FOR THAT
5 INSIGHT. AND THE STAFF WILL BE ADDRESSING THOSE KIND OF
6 PROBLEMS WITH LOCAL ENFORCEMENT AGENCIES AND THEIR
7 RELATIONSHIP WITH THE COUNTIES WHEN WE DEVELOP
8 REGULATIONS FOR THE LEA CERTIFICATION PROGRAM.

9 MR. ALBAUGH: I WOULD HOPE THAT, JUST
10 REITERATING, THAT IF YOU WOULD ASK YOUR STAFF ON SOME OF
11 THESE PARTICULAR VIOLATIONS ABOUT THE PROGRESS THAT THE
12 COUNTY HAS MADE AND, PERHAPS, TALK TO PEOPLE LIKE ARLENE
13 BRIGGS OR FRANK GATES OR NEIGHBORS AS WELL. THANK YOU.

14 CHAIRMAN GALLAGHER: THANK YOU. WE'VE SPENT
15 ABOUT TWO AND A HALF HOURS ON THIS ISSUE. I HAVE A VERY
16 LATE REQUEST FROM SOMEONE TO ADDRESS THIS BOARD. I DON'T
17 KNOW WHERE THE PERSON WAS WHEN THE PEOPLE WHO WERE
18 ADVOCATING CLOSURE OF THIS DUMP WAS. I HATE TO GO BACK
19 AND REOPEN ALL OF THAT. UNLESS THERE IS SOME NEW
20 ENLIGHTENING INFORMATION, I'M GOING TO BE VERY TOUGH ON
21 HOW MUCH TIME WE ALLOT FOR ANOTHER SPEAKER.

22 THIS PERSON IS A MR. BILL DECKER. WHERE
23 WERE YOU WHEN WE WERE TAKING THE TESTIMONY FROM THE
24 PROPONENTS, MR. DECKER?

25 MR. DECKER: SITTING HERE.



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1 CHAIRMAN GALLAGHER: WHAT PROMPTED THE LATE
2 RESPONSE?

3 MR. DECKER: FINANCES.

4 CHAIRMAN GALLAGHER: ALL RIGHT. WE'RE GOING TO
5 GIVE YOU FIVE MINUTES IF YOU COME UP HERE --

6 MR. DECKER: I CAN DO IT IN TWO.

7 MY NAME IS BILL DECKER, AND I'M THE
8 TREASURER OF THE COMMITTEE FOR RESPONSIBLE GROWTH OF
9 NEVADA COUNTY.

10 WE RECENTLY FORMED THE -- AS PART OF THAT
11 COMMITTEE, THE INCUMBENT -- THE NEVADA COUNTY INCUMBENT
12 REMOVAL COMMITTEE, AND THERE WILL BE AN INITIATIVE FILED
13 THE FIRST PART OF JUNE, AFTER THE JUNE ELECTION, TO CLOSE
14 THE LANDFILL AT NEVADA COUNTY BECAUSE WE CANNOT AFFORD
15 THE WASTEFUL MONEY MANAGEMENT THAT WE HAVE BEEN GETTING.
16 WE'VE GOT MILLIONS IN THIS THING.

17 MR. ALBAUGH DECLARED AN EMERGENCY, PUT \$3
18 MILLION INTO A CONTRACT WITHOUT LETTING ANYBODY VOTE ON
19 IT. AND THE EMERGENCY HAPPENED BACK IN '73. SO THERE IS
20 NO EMERGENCY. THIS HAS BEEN GOING ON FOR A LONG TIME.
21 AND WE ARE ALSO GOING TO HAVE A RECALL PETITION FILED
22 AGAINST THREE SUPERVISORS. THANK YOU.

23 CHAIRMAN GALLAGHER: THANK YOU.

24 YES, SIR?

25 MR. GATES: MY NAME IS FRANK GATES. MY NAME WAS



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1 QUOTED. MIGHT I HAVE 30 SECONDS?

2 CHAIRMAN GALLAGHER: COME TO THE MICROPHONE.

3 MR. GATES: MY NAME IS FRANK GATES. IF YOU HAVE
4 QUESTIONS YOU'D LIKE TO ASK ME, I'D BE HAPPY TO ANSWER
5 THEM. BUT ONE COMMENT I WANT TO TAKE ISSUE WITH IS THE
6 ONE THAT BERNIE MADE: NAMELY, HOW THIS CAME TO YOUR
7 ATTENTION.

8 THE PERSON -- THE MAN WHO WAS PRINCIPALLY
9 INVOLVED IN THIS WAS MICHAEL CARTER. HE NO LONGER LIVES
10 IN THE COUNTY. HE LIVED AT THAT TIME ABOVE THE LANDFILL.
11 HE TOOK A VIDEO CAMERA DOWN. HE VIDEOTAPED ALL THE
12 STUFF. HE CALLED THE HEAD OF THE TOXIC WASTE SECTION OF
13 THE DEPARTMENT OF HEALTH BACK IN, I BELIEVE, WASHINGTON,
14 D.C. THAT'S HOW THIS THING CAME TO ACT.

15 I WAS A MEMBER OF THE AD HOC INVESTIGATIVE
16 TASK FORCE OF THE LANDFILL IN MARCH AFTER THE PROBLEM
17 OCCURRED. THE TASK FORCE UNANIMOUSLY AGREED THAT THE
18 COUNTY OFFICIALS, WITH THE PROBABLY EXCEPTION OF DR.
19 ZARRIELLO, THE DIRECTOR OF HEALTH, HAD REALLY NOT EVER
20 ATTEMPTED TO HANDLE THE PROBLEM AT THAT TIME. HOW MUCH
21 THE HIGHER-UPS ACTUALLY KNEW, WE DIDN'T GET THAT HIGH UP.
22 WE GOT TO THE DEPARTMENT HEADS, BASICALLY.

23 SINCE THAT TIME, I PERSONALLY AM CONVINCED
24 THE COUNTY HAS BEEN TRYING. I THINK SOME OF THE EFFORTS
25 HAVE BEEN INEPT, WHETHER OR NOT THEIR CONSULTANT DID THE

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1 KIND OF JOB THAT ONE MIGHT EXPECT A CONSULTANT TO DO. I
2 DON'T HAVE ALL THE BACKGROUND. THERE'S AREAS I HAVE
3 SEEN. I INSPECT THE LANDFILL FREQUENTLY. THAT I WOULD
4 NOT HAVE DONE IN THAT FASHION.

5 I THINK WITH THAT, I'VE USED MY 30 SECONDS.

6 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE
7 WITNESS? THANK YOU. AGAIN.

8 MR. VLACH. YOU WANT TO SUMMARIZE?

9 MR. VLACH: MR. CHAIRMAN. BASED ON THE TESTIMONY
10 FROM THE BOARD'S DECEMBER MEETING AND THE TESTIMONY HERE
11 TODAY, THE STAFF IS PREPARED TO MAKE A RECOMMENDATION.
12 THE RECOMMENDATION WILL BE SOMEWHAT LENGTHY BECAUSE I
13 THINK IT'S IMPORTANT TO READ INTO THE RECORD THE DETAILS
14 OF THE RECOMMENDATION.

15 AFTER I COMPLETE THE RECOMMENDATION, I'D
16 LIKE TO ASK STAFF COUNSEL TO PLEASE SUPPLEMENT IN LEGAL
17 TERMS SOME OF THE IMPLICATIONS OF THE RECOMMENDATION.

18 SO I'LL BEGIN.

19 THE STAFF RECOMMENDATION IS:

20 NO. 1, AS A RESULT OF THE DOCUMENTED
21 VIOLATION OF NOTICE AND ORDER 89-01, THAT THE BOARD
22 SHOULD SEEK CIVIL PENALTIES OF \$874,000 FOR 874 VIOLATION
23 DAYS OF THE ORDER.

24 NO. 2. THAT THE BOARD SHOULD AMEND NOTICE
25 AND ORDER NO. 89-01, REQUIRING THE COUNTY TO DO THE

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1 FOLLOWING UNDER PENALTY OF INJUNCTIVE RELIEF AND CIVIL
 2 PENALTY. AND I'M GOING TO LIST THREE CATEGORIES OF ITEMS
 3 THAT THE COUNTY -- THAT THE NOTICE AND ORDER WOULD
 4 INCLUDE:

5 OPERATIONAL PROBLEMS. THAT THE COUNTY
 6 PROVIDE FOR ADEQUATE QUALIFIED PERSONNEL TO OPERATE THE
 7 SITE ON A DAY-TO-DAY BASIS BY MARCH 1, 1990:

8 THAT THE OPERATOR PROVIDE FOR SECURITY AT
 9 THE SITE, INCLUDING PROPER FENCING OF THE SITE BY MARCH
 10 1, 1990;

11 THAT THE OPERATOR COVER REFUSE DAILY:

12 THAT THE OPERATOR COMPLETE THE INTERMEDIATE
 13 COVER, CLAY CAP, BY JUNE 1, 1990, AND EACH YEAR BY THE
 14 BEGINNING OF THE NEW WATER YEAR:

15 THAT THE OPERATOR PROVIDE FOR DRAINAGE AND
 16 EROSION CONTROL FOR THE ENTIRE SITE BY MARCH 1, 1990. AS
 17 DOCUMENTED BY A COMPREHENSIVE DRAINAGE AND EROSION
 18 CONTROL PLAN;

19 THAT THE OPERATOR CLEAN UP AND IDENTIFY
 20 OILY WASTE SPILL AT THE SITE BY JUNE 1, 1990.

21 THE NEXT ITEMS ARE RELATIVE TO DESIGN
 22 PROBLEMS AT THE SITE:

23 THAT THE OPERATOR PROVIDE A COMPLETE RDSI
 24 BY APRIL 1, 1990.

25 THAT THE OPERATOR PROVIDE A COMPREHENSIVE

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1 LEACHATE MONITORING CONTROL COLLECTION AND DISPOSAL
2 CORRECTIVE ACTION PLAN BY APRIL 1, 1990. THE PLAN SHOULD
3 BE BASED ON A THOROUGH ANALYSIS OF LEACHATE GENERATION IN
4 THE LANDFILL, ITS MIGRATION, ITS CHEMICAL PROPERTIES AND
5 CONSTITUENTS, AND A COMPLETE HYDROGEOLOGICAL SURVEY OF
6 THE SITE AND SURROUNDING AREAS THAT MAY BE AFFECTED BY
7 THE LANDFILL;

8 NEXT, THE OPERATOR PROVIDE DESIGN
9 PARAMETERS FOR THE SILTATION BASIN ALREADY CONSTRUCTED BY
10 MARCH 1, 1990;

11 NEXT, THE OPERATOR PROVIDE ADEQUATE
12 DOCUMENTATION FOR THE SELECTION OF THE RUNOFF
13 COEFFICIENTS FOR THE CAPPED PORTION OF THE LANDFILL BY
14 MARCH 1, 1990;

15 THAT THE OPERATOR PROVIDE PUMP TEST AND
16 DEWATERING PROGRAM PLANS FOR THE FIVE LEACHATE DEWATERING
17 WELLS BY MARCH 1, 1990;

18 THAT THE OPERATOR PROVIDE PLANS FOR
19 MEASURING THE VOLUME OF LEACHATE COLLECTED AT THE SITE BY
20 MARCH 1, 1990;

21 NEXT, THE OPERATOR PROVIDE A LEACHATE
22 CONTROL BACK-UP SYSTEM BY MARCH 1, 1990;

23 THAT THE OPERATOR PROVIDE AS-BUILT DRAWINGS
24 FOR THE SILTATION BASIN, DRAINAGE AND EROSION CONTROL
25 SYSTEM, WET WEATHER DISPOSAL AREA, LANDFILL -- AND

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1 LANDFILL DIKE ABUTMENT BY MARCH 1, 1990:

2 THAT THE OPERATOR PROVIDE CALCULATIONS AND
3 DESIGN CRITERIA THAT VERIFY DIKE STABILITY BY MARCH 1,
4 1990;

5 AND THAT THE OPERATOR PROVIDE FOR AN
6 EMPLOYEE HEALTH AND SAFETY PLAN BY FEBRUARY 1, 1990.

7 THE NEXT GROUP OF REQUIREMENTS ARE RELATIVE
8 TO THE VIOLATIONS OF EXISTING SOLID WASTE FACILITY
9 PERMIT:

10 THAT BY APRIL 1, 1990, THE OPERATOR CEASE
11 AND DESIST FROM ACCEPTING MORE THAN 90 TONS OF WASTE PER
12 DAY AND CEASE AND DESIST FROM ACCEPTING INFECTIOUS WASTE
13 AND SEWAGE SLUDGE AT THE SITE;

14 NO. 2, THAT THE OPERATOR SUBMIT A COMPLETE
15 APPLICATION FOR REVISED SOLID WASTE FACILITY PERMIT BY
16 APRIL 1, 1990.

17 THE RECOMMENDATION IS FURTHER THAT THE
18 OTHER TERMS AND CONDITIONS OF THE EXISTING NOTICE AND
19 ORDER 89-01 WOULD REMAIN IN FULL FORCE.

20 AND THAT CONCLUDES THE STAFF
21 RECOMMENDATION, MR. CHAIRMAN. AND AS I MENTIONED, MR.
22 CONHEIM CAN SUPPLEMENT THAT IN LEGAL CONTEXT.

23 ATTORNEY CONHEIM: MR. CHAIRMAN AND MEMBERS, IN
24 ORDER TO ACCOMPLISH THAT, WE'RE RECOMMENDING THAT YOU
25 DIRECT THE STAFF TO AMEND THE NOTICE AND ORDER TO INCLUDE

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SEEKING INJUNCTIVE RELIEF FOR THE OLD NOTICE AND ORDER VIOLATIONS.

NO. 2. TO AMEND THE NOTICE AND ORDER TO INCLUDE SEEKING INCREASED CIVIL PENALTIES FOR ONGOING VIOLATIONS IN THE OLD NOTICE AND ORDER WHICH CONTINUE TO OCCUR AFTER JANUARY 1, 1990. AS YOU KNOW, THE LAW CHANGED AND THE CIVIL PENALTIES AVAILABLE HAVE INCREASED FROM \$1,000 A DAY TO \$10,000 A DAY.

NO. 3, TO AMEND THE NOTICE AND ORDER TO INCLUDE SEEKING CIVIL PENALTIES AND INJUNCTIVE RELIEF FOR ONGOING OPERATIONAL DESIGN AND PERMIT VIOLATIONS. AS MR. VLACH HAS JUST INCLUDED IN HIS RECOMMENDATION. AND THESE WILL BE, OF COURSE, SPECIFICALLY INCLUDED IN AN AMENDED NOTICE AND ORDER.

AND THE POINT OF THESE ABOVE THREE ITEMS THAT I'VE MENTIONED IS THAT THEY ARE REQUIRED TO PROCEED -- THEY MUST PRECEDE AMENDING THE EXISTING LAWSUIT TO SEEK INJUNCTIVE RELIEF AND INCREASE CIVIL PENALTIES.

AND A FIFTH AND FINAL POINT IS THAT IT INCREASED, RATHER -- LET ME START AGAIN.

INJUNCTIVE RELIEF, WHICH WE ARE AMENDING THE NOTICE AND ORDER TO FOLD INTO THE LAWSUIT. IN THE CONTEXT OF THE LAWSUIT, CAN RESULT IN THE SHUTTING DOWN OF THE LANDFILL. IT CAN ALSO RESULT IN MANDATORY



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1 PROVISIONS TO DO CORRECTIVE ACTION WORK AND IN
2 PROHIBITORY PROVISIONS TO STOP CONTINUING CERTAIN
3 VIOLATIONS.

4 AND THAT, I THINK, CONCLUDES. BERNIE, IS
5 THERE ANYTHING MORE THAT YOU NEED ON THAT?

6 MR. VLACH: I NEEDED TO ADD FOR THE RECORD,
7 SUPPLEMENTALLY, THAT THE RECOMMENDATION IS ALSO BASED ON
8 -SUBSTANTIAL- STAFF REVIEW OF MATERIALS SUBMITTED BY THE
9 COUNTY, AS WELL AS SIGNIFICANT INSPECTIONS OF THE SITE
10 AND FIELDWORK.

11 ATTORNEY CONHEIM: WHICH ARE ALL PART OF THE
12 STAFF'S -- AND I WAS GOING TO SAY THAT, TOO. I'D
13 FORGOTTEN THAT -- WHICH ARE ALL PART OF THE OFFICIAL
14 RECORD COMPILED AND MAINTAINED BY THE BOARD IN ITS PERMIT
15 FILES. THANK YOU.

16 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS
17 OF MR. VLACH OR MR. CONHEIM?

18 WE HAVE HEARD STAFF RECOMMENDATION. WILL
19 YOU CALL THE ROLL, PLEASE?

20 BOARD MEMBER BREMBERG: DON'T WE HAVE TO MOVE
21 THE ACCEPTANCE --

22 CHAIRMAN GALLAGHER: YEAH. CERTAINLY SHOULD
23 HAVE A MOTION, SHOULDN'T WE?

24 BOARD MEMBER BREMBERG: I -- I, MR. CHAIRMAN, I
25 WOULD MOVE THE ADOPTION OF THE STAFF RECOMMENDATION IN

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1 ITS ENTIRETY.

2 BOARD MEMBER TCHOBANGOLOUS: SECOND.

3 CHAIRMAN GALLAGHER: MOVED AND SECOND.

4 NOW. WILL YOU CALL THE ROLL. PLEASE.

5 BOARD MEMBER BROWN: MR. CHAIRMAN. ON THE
6 MOTION.

7 CHAIRMAN GALLAGHER: YES, MR. BROWN.

8 BOARD MEMBER BROWN: JUST AN OBSERVATION THAT I
9 STILL -- EVEN THOUGH I SUPPORT THE BOARD'S ACTION AND
10 WILL VOTE ACCORDINGLY. CIVIL PENALTIES DON'T SEEM TO ME
11 TO BE APPROPRIATE HERE. HOWEVER, THE NATURE OF THE WAY
12 THEY'RE COLLECTED AND DEPOSITED AND INTEREST BEAR AND SO
13 FORTH DOES NOT REPRESENT A BURDEN TO THE COUNTY IN THE
14 MAGNITUDE THAT IT WOULD APPEAR ON THE SURFACE. I JUST
15 THINK IT'S AN UNNECESSARY PART OF THIS WHOLE PROCEEDING.

16 HOWEVER, I UNDERSTAND. AND I MIGHT HAVE
17 MORE TO SAY IN A FEW MINUTES. THANK YOU.

18 CHAIRMAN GALLAGHER: THANK YOU. ANY FURTHER
19 COMMENTS ON THE MOTION?

20 PLEASE CALL THE ROLL.

21 SECRETARY DUNN: BOARDS MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN?

24 BOARD MEMBER BROWN: YES.

25 SECRETARY DUNN: GEARHEART? ABSENT.

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LOCKINGTON?

BOARD MEMBER LOCKINGTON: AYE.

SECRETARY DUNN: MOSCONE?

BOARD MEMBER MOSCONE: AYE.

SECRETARY DUNN: TCHOBANGOLOUS?

BOARD MEMBER TCHOBANGOLOUS: AYE.

SECRETARY DUNN: VARNER?

BOARD MEMBER VARNER: AYE.

SECRETARY DUNN: CHAIRMAN GALLAGHER?

CHAIRMAN GALLAGHER: AYE.

BOARD MEMBER BROWN: MR. CHAIRMAN.

CHAIRMAN GALLAGHER: YES.

BOARD MEMBER BROWN: I JUST WANTED TO SAY THAT I HOPE THAT BOTH SIDES IN THIS ISSUE WILL SEE THE BOARD'S ACTION IN A WAY THAT HAS TRIED TO HELP BOTH SIDES. I KNOW THAT'S DIFFICULT TODAY. BUT I THINK IN THE DAYS AND WEEKS TO COME, MAYBE THE BOARD OF SUPERVISORS CAN SEE THAT WE HAVE ACTUALLY EXTENDED A HELPING HAND BY SOMEHOW OR OTHER AND, HOPEFULLY, DEPOLITICIZING THIS. I WOULD HOPE THAT THE OPPONENTS CAN SEE THE WISDOM IN NOT SHUTTING THE LANDFILL. BUT IN TRYING TO CORRECT IT AND ALLOW THE BOARD OF SUPERVISORS THE ELBOW ROOM NECESSARY TO ACT IN A RESPONSIBLE WAY.

THIS IS A VERY DEFINITE AND COMPLETE TIME FRAME. THIS BOARD IS, OF COURSE, NOT GOING TO ENTERTAIN

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1 ANY SIGNIFICANT CHANGES IN THAT TIME FRAME. SO I THINK
2 THE BOARD'S ON NOTICE. AND, HOPEFULLY, THE PEOPLE WILL
3 GIVE THE TIME NECESSARY. I REALIZE YOU ALL FEEL LIKE
4 YOU'VE GIVEN MORE THAN ENOUGH TIME.

5 HOWEVER, THE CONSIDERATIONS HERE BY THIS
6 BOARD IN SEEKING SOME KIND OF A MIDDLE GROUND SO THAT
7 THAT BOTH SIDES CAN ALLOW EACH TO MOVE FORWARD IN A
8 POSITIVE WAY REALLY DOES, HOPEFULLY, BRING A SUCCESSFUL
9 CONCLUSION TO THIS ISSUE.

10 WE'RE GOING TO BE WATCHING IT VERY CLOSELY.
11 AND I THINK I REALLY EXPRESSED THE BOARD'S OPINION ON
12 THAT. THANK YOU.

13 CHAIRMAN GALLAGHER: THANK YOU, MR. BROWN.

14 YES, SIR.

15 MR. GATES: I'VE NOT HAD A CHANCE TO DIGEST THE
16 STAFF'S RECOMMENDATIONS ON DATES. AS AN ENGINEER WHO WAS
17 VERY FAMILIAR WITH THIS TYPE OF THING, I WOULD ASK IF YOU
18 MIGHT CONSIDER THOSE -- SOME OF THEM SEEM TO BE
19 EXTRAORDINARILY SHORT IF THE COUNTY IS GOING TO DO A GOOD
20 JOB FOR YOU AND FOR US.

21 CHAIRMAN GALLAGHER: THANK YOU FOR YOUR COMMENT.

22 MR. LARSON, THAT CONCLUDES ITEM NO. 2.
23 ITEM NO. 3, CAN YOU COMPLETE THAT WITHIN THE TIME FRAME
24 OF NOON?

25 MR. LARSON: I DEFER TO MR. IWAHIRO, WHO WILL

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1 PRESENT THE NEXT NUMBER OF ITEMS. PERHAPS YOU HAVE SOME
2 GUIDANCE.

3 MR. IWAHIRO: YES. AGENDA ITEM NO. 3 BE VERY
4 BRIEF. IT'S A REGULAR REPORT. WE CAN HANDLE THAT
5 QUICKLY IF YOU LIKE.

6 CHAIRMAN GALLAGHER: FINE. WE'LL GO AHEAD WITH
7 ITEM NO. 3, THEN.

8 MR. IWAHIRO: MICHELLE MARCONI IS OUR STAFF
9 PERSON THAT WILL BE REPORTING ON THIS.

10 MS. MARCONI: GOOD MORNING, MR. CHAIRMAN,
11 MEMBERS OF THE BOARD. I'M PRESENTING AGENDA ITEM NO. 3.
12 STATUS REPORT OF CLOSURE AND POSTCLOSURE CERTIFICATIONS.
13 ASSEMBLY BILL 939 REQUIRED THE CERTIFICATION OF THREE
14 ELEMENTS, THAT THIS CERTIFICATION BE SUBMITTED TO THE
15 BOARD AND THE LOCAL ENFORCEMENT AGENCY BY JANUARY 31,
16 1990.

17 PREVIOUSLY, THE OPERATORS WERE REQUIRED TO
18 CERTIFY. NOW THE CERTIFICATION CAN BE MADE BY THE OWNER
19 OR OPERATOR OF A SOLID WASTE LANDFILL. HOWEVER, ASSEMBLY
20 BILL 1427 PREEMPTED THE CERTIFICATION PROVISIONS OF
21 ASSEMBLY BILL 939. WHILE THE OWNER OR OPERATORS ARE
22 STILL REQUIRED TO COME INTO COMPLIANCE WITH THE EMERGENCY
23 REGULATIONS, THE JANUARY 31, 1990, DATE IS NO LONGER A
24 STATUTORY REQUIREMENT.

25 STANDARDS AND REGULATIONS DIVISION IS STILL

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1 VIEWING THE JANUARY 31, 1990, DATE AS AN ADMINISTRATIVE
2 DEADLINE, AND MANY OPERATORS ARE SENDING IN
3 CERTIFICATIONS IN COMPLIANCE. STANDARDS AND REGULATIONS
4 DIVISION IS CURRENTLY REVIEWING MANY OF THESE.

5 THE INITIAL COST ESTIMATES NOW ALSO NEED TO
6 BE REVISED TO REFLECT THE CLOSURE AND POSTCLOSURE
7 REGULATIONS, INCLUDING THE FINAL COVER AND LANDFILL GAS
8 MONITORING REQUIREMENT. FURTHERMORE, VERY FEW OF THE
9 FINANCIAL MECHANISMS THAT HAVE BEEN RECEIVED COMPLY WITH
10 THE REGULATIONS. SEVERAL OF THE CERTIFICATIONS WILL HAVE
11 TO BE RESUBMITTED.

12 A TOTAL OF 23 FINANCIAL ASSURANCE
13 MECHANISMS HAVE BEEN EVALUATED IN CONNECTION WITH PAST OR
14 ANTICIPATED PERMIT ACTIONS. DURING THE PERMIT REVIEW
15 PROCESS, NINE OF THESE MECHANISMS HAVE BEEN MODIFIED TO
16 COME INTO COMPLIANCE.

17 IN YOUR AGENDA ITEM, THERE'S A LIST OF
18 OPERATORS WHO HAVE COME INTO COMPLIANCE AND HAVE APPROVED
19 FINANCIAL MECHANISMS. THEY ARE TENNECO LANDFILL, SCHOLL
20 CANYON LANDFILL, PUENTE HILLS LANDFILL, CALABASAS
21 LANDFILL, BEE CANYON LANDFILL, AND TWIN BRIDGES LANDFILL.

22 CERTIFICATIONS FOR SCHOLL CANYON, PUENTE
23 HILLS, AND BEE CANYON AND CALABASAS HAVE BEEN REVIEWED.
24 BUT HAVE NOT BEEN BROUGHT TO THE BOARD FOR CONSIDERATION
25 BECAUSE THEY ARE WAITING FOR EXECUTED AGREEMENTS.

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1 CERTIFICATION OF TWIN BRIDGES LANDFILL IS
2 BEING CONSIDERED BY THE BOARD UNDER AGENDA ITEM NO. 4.
3 BASED ON ALTERNATE CERTIFICATION. THE PFIZER INCORPORATED
4 DISPOSAL SITE HAS BEEN DETERMINED TO BE EXEMPT FROM
5 CERTIFICATION REQUIREMENTS.

6 THAT CONCLUDES MY PRESENTATION. DO YOU.
7 HAVE ANY QUESTIONS?

8 CHAIRMAN GALLAGHER: THANK YOU. ARE THERE ANY
9 QUESTIONS? THANK YOU AGAIN.

10 MOVE TO ITEM NO. 4.

11 MR. IWAHRO: MR. CHAIRMAN. ITEM NO. 4 IS ON AN
12 ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT UP IN
13 SHASTA COUNTY. THIS IS PRIMARILY A PAPER MILL WASTE
14 LANDFILL. OUR PLANNING PEOPLE, AS WELL AS MARTHA VASQUEZ
15 OF OUR PERMITS UNIT, WILL BE PRESENTING THIS ITEM.

16 MS. VASQUEZ: THIS IS A NEW FACILITY WHICH WILL
17 REPLACE THE EXISTING SIMPSON PAPER COMPANY LANDFILL.
18 SIMPSON PAPER COMPANY WILL OWN AND OPERATE --

19 CHAIRMAN GALLAGHER: IS THAT MIKE WORKING?

20 MS. VASQUEZ: THE TWIN BRIDGES LANDFILL WILL
21 REPLACE THE EXISTING SIMPSON PAPER COMPANY LANDFILL. THE
22 SIMPSON PAPER COMPANY WILL OWN AND OPERATE THE TWIN
23 BRIDGES LANDFILL.

24 THIS IS A PROPOSED 160-ACRE FACILITY OF
25 WHICH 21 ACRES WILL BE USED FOR LANDFILL. FIVE ACRES

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1 WILL BE USED FOR LEACHATE AND SEDIMENTATION PONDS. THE
2 FACILITY'S PROPOSED TO RECEIVE 40 TONS OF WASTE PER DAY.

3 PLEASE NOTE THIS IS A CORRECTION FROM THE
4 AGENDA PACKAGE, WHICH STATES THE FACILITY IS PERMITTED TO
5 RECEIVE 30 TONS PER DAY.

6 THE WASTE DISPOSED OF AT THIS SITE IS
7 GENERATED BY THE PAPER MAKING PROCESS FROM THE SIMPSON
8 PAPER MILL IN ANDERSON, CALIFORNIA. APPROXIMATELY 98
9 PERCENT OF THE WASTE WILL CONSIST OF PAPER MILL SLUDGE,
10 AND THE REMAINING 2 PERCENT CONSISTS OF GRITS FROM THE
11 MILL'S CHEMICAL RECOVERY PROCESS.

12 THE LEACHATE GENERATED BY THE FACILITY HAS
13 BEEN CLASSIFIED AS A DESIGNATED WASTE UNDER SUBCHAPTER 15
14 CRITERIA. THE LEACHATE WILL BE TRANSPORTED FROM THE
15 FACILITY TO SIMPSON PAPER COMPANY WASTE TREATMENT PLANT
16 FOR TREATMENT AND DISPOSAL.

17 CY ARMSTRONG OF THE BOARD'S LOCAL PLANNING
18 SECTION WILL NOW ADDRESS THE ENVIRONMENTAL REVIEW.

19 MR. ARMSTRONG: GOOD MORNING, MR. CHAIRMAN,
20 BOARD MEMBERS.

21 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
22 REQUIRES THAT IMPACTS OF ANY PROJECT BE CONSIDERED BY ANY
23 DISCRETIONARY ACTING BOARD, WHICH THE BOARD WILL BE
24 ACTING AS TODAY. THE BOARD MUST, THEREFORE, REVIEW ANY
25 POTENTIAL ENVIRONMENTAL IMPACTS WHICH COULD BE A PART OF

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1 THE IMPLEMENTATION OF THIS PROJECT.

2 THE COUNTY DEPARTMENT OF PLANNING IN SHASTA
3 COUNTY HAS PREPARED AND CIRCULATED AN ENVIRONMENTAL
4 IMPACT REPORT. IN THE REPORT, THE COUNTY FOUND THE
5 PROJECT WITH THE MITIGATION MEASURES LISTED SHOULD NOT
6 CAUSE ANY IMPACTS ON THE ENVIRONMENT. THE COUNTY HAS
7 CERTIFIED THE ENVIRONMENTAL IMPACT REPORT AND HAS FILED A
8 NOTICE OF DETERMINATION WITH THE COUNTY CLERK AND THE
9 STATE CLEARINGHOUSE AS REQUIRED BY LAW.

10 THERE IS A SUMMARY OF POTENTIAL
11 ENVIRONMENTAL FACTORS, POTENTIAL IMPACTS, AND MITIGATION
12 MEASURES PROPOSED ON PAGE 72 THROUGH 75 OF YOUR BOARD
13 PACKET. THESE WERE TAKEN VERBATIM FROM THE ENVIRONMENTAL
14 IMPACT REPORT AS CIRCULATED.

15 PROJECT ALTERNATIVES SUCH AS NO PROJECT,
16 PUBLIC LANDFILLING, COMPOSTING, AND INCINERATION WERE
17 ALSO CONSIDERED; HOWEVER, THE PRESENT PROJECT WAS
18 PERCEIVED AS THE MOST FEASIBLE.

19 BOARD STAFF HAS REVIEWED THE ENVIRONMENTAL
20 DOCUMENT AND FOUND IT TO BE ADEQUATE AND APPROPRIATE FOR
21 THE BOARD'S CONSIDERATION OF THE PROJECT.

22 I'LL TURN THIS BACK OVER TO MARTHA VASQUEZ.

23 MS. VASQUEZ: SIMPSON PAPER HAS SUBMITTED THE
24 REQUIRED DOCUMENTS FOR CLOSURE AND POSTCLOSURE
25 MAINTENANCE. STAFF HAS VERIFIED THAT THE INITIAL COST

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1 ESTIMATE AND FINANCIAL MECHANISM MEET ALL THE LEGAL
2 REQUIREMENTS.

3 THE SOLID WASTE FACILITY PERMIT CONTAINS A
4 CONDITION THAT REQUIRES THE OPERATOR TO SUBMIT A CLOSURE
5 AND POSTCLOSURE MAINTENANCE PLAN BY OCTOBER 1, 1990. THE
6 COST ESTIMATE AND THE FINANCIAL MECHANISM NEED TO BE
7 REVISED AT THAT TIME TO REFLECT THE DEVELOPMENT OF A
8 CLOSURE PLAN.

9 THE GOVERNMENT CODE REQUIRES AN OPERATOR OF
10 A SOLID WASTE FACILITY TO FILE APPLICATION TO OPERATE A
11 LANDFILL ALONG WITH ALL NECESSARY APPROVALS FROM OTHER
12 REGULATORY AGENCIES.

13 THE LEA HAS TRANSMITTED THE APPLICATION
14 PACKAGE TO THE BOARD. STAFF REVIEWED THE APPLICATION AND
15 ALL THE ATTACHED DOCUMENTS AND FOUND THEM TO BE ADEQUATE.

16 THE PROPOSED PERMIT DOES NOT REQUIRE THE
17 USE OF DAILY COVER AT THIS FACILITY. THE LEA HAS
18 DETERMINED THAT DAILY COVER ISN'T NECESSARY BECAUSE OF
19 THE TYPE OF WASTE THAT WILL BE MONOFILLED HERE. THE LEA
20 SUBSTANTIATION IS INCLUDED AS AN ATTACHMENT IN THE AGENDA
21 PACKET. STAFF HAS REVIEWED THE REQUEST FOR CONSIDERATION
22 OF NO DAILY COVER AND FIND IT TO BE ACCEPTABLE.

23 THE LEA HAS MADE THE REQUIRED FINDINGS IN
24 THE GOVERNMENT CODE. AND STAFF HAVE REVIEWED THOSE AND
25 THE PROPOSED PERMIT AND FIND THAT TO BE ACCEPTABLE.

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1 STAFF RECOMMENDS THE BOARD CONCUR IN THE
2 ISSUANCE OF THE PERMIT.

3 THIS CONCLUDES MY PRESENTATION. ARE THERE
4 ANY QUESTIONS?

5 CHAIRMAN GALLAGHER: ARE THERE ANY QUESTIONS ON
6 THE ITEM? IF NOT, MAY WE HAVE A MOTION TO ACCEPT STAFF
7 RECOMMENDATION?

8 BOARD MEMBER MOSCONE: SO MOVED.

9 CHAIRMAN GALLAGHER AND A SECOND.

10 BOARD MEMBER VARNER: SECOND.

11 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
12 ADOPT STAFF RECOMMENDATION AND APPROVE FACILITIES PERMIT
13 90-05, THE SOLID WASTE FACILITIES PERMIT 45-AA-0058.

14 WILL YOU CALL THE ROLL, PLEASE.

15 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

16 BOARD MEMBER BREMBERG: AYE.

17 SECRETARY DUNN: BROWN?

18 BOARD MEMBER BROWN: YES.

19 SECRETARY DUNN: GEARHEART, ABSENT.

20 LOCKINGTON?

21 BOARD MEMBER LOCKINGTON: AYE.

22 SECRETARY DUNN: MOSCONE?

23 BOARD MEMBER MOSCONE: AYE.

24 SECRETARY DUNN: TCHOBANGOLOUS?

25 BOARD MEMBER TCHOBANGOLOUS: YES.

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SECRETARY DUNN: VARNER?

BOARD MEMBER VARNER: AYE.

SECRETARY DUNN: CHAIRMAN GALLAGHER?

CHAIRMAN GALLAGHER: AYE.

FACILITIES PERMIT IS GRANTED. WE'LL MOVE TO ITEM NO. 5.

MR. IWAHIRO: MR. CHAIRMAN, ITEM NO. 5 IS THE RICE ROAD RECYCLERY AND TRANSFER STATION. AND THIS IS A FACILITY IN FRESNO COUNTY, WHICH IS MEETING THE FIVE-YEAR REVIEW REQUIREMENT. AS WELL AS THE FACT THAT THERE'S A CHANGE IN THE OPERATOR. SO THOSE ARE TWO THINGS THAT WILL BE OCCURRING ON THIS PARTICULAR ACTION.

DONNAYE PALMER ALONG WITH, OF COURSE, BERNIE VLACH WILL BE GIVING THIS ITEM.

MS. PALMER: GOOD MORNING, MR. CHAIRMAN AND BOARD MEMBERS. THIS ITEM REGARDS THE PROPOSED PERMIT FOR THE EXISTING RICE ROAD RECYCLERY AND TRANSFER STATION LOCATED IN FRESNO COUNTY.

THE FACILITY IS AN EXISTING LARGE VOLUME TRANSFER STATION, WHICH RECEIVES LANDSCAPE WASTE, WOOD AND PAPER PRODUCTS, CONSTRUCTION AND DEMOLITION WASTES, TIRES, WHITE GOODS, AND METALS. ALL MATERIAL RECEIVED AT THE SITE IS SORTED. AND RECYCLABLE MATERIALS ARE REMOVED. AND THE NONRECYCLABLES ARE PROCESSED AND TRANSFERRED TO AN APPROVED DISPOSAL FACILITY.



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1 THE ITEM INVOLVES PROPOSED CHANGE IN
2 OPERATOR. BROWNING-FERRIS INDUSTRIES HAS APPLIED FOR A
3 PERMIT TO OPERATE THE FACILITY, WHICH IS CURRENTLY
4 OPERATED BY RICE ROAD LAND RECLAMATION COMPANY.

5 THE FRESNO COUNTY DEPARTMENT OF
6 ENVIRONMENTAL HEALTH HAS PREPARED A NOTICE OF EXEMPTION
7 FOR THIS PROJECT. BOARD STAFF HAS CAREFULLY REVIEWED THE
8 NOTICE OF EXEMPTION FOR THE PROJECT AND HAS DETERMINED
9 THAT IT IS APPROPRIATE AND ADEQUATE FOR THE BOARD'S USE
10 IN EVALUATING THIS PROCESS.

11 IN ACCORDANCE WITH PERMITTING REQUIREMENTS
12 OF THE GOVERNMENT CODE, THE OPERATOR OF THE FACILITY HAS
13 SUBMITTED ALL THE APPROPRIATE DOCUMENTS. AND THE LEA HAS
14 MADE ALL NECESSARY FINDINGS. STAFF HAS REVIEWED THE
15 PROPOSED PERMIT AND SUPPORTING DOCUMENTS AND FIND THE
16 PERMIT'S FORM AND CONTENT TO BE ACCEPTABLE.

17 STAFF RECOMMENDS THAT THE BOARD ADOPT SOLID
18 WASTE FACILITIES PERMIT DECISION NO. 90-3, CONCURRING IN
19 THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT NO.
20 10-AA-0145.

21 AND THAT CONCLUDES MY PRESENTATION. IS
22 THERE ANY QUESTIONS?

23 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?
24 WE HAVE STAFF RECOMMENDATION. MAY WE HAVE A MOTION?

25 BOARD MEMBER BROWN: SO MOVE.

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1 BOARD MEMBER LOCKINGTON: SECOND.

2 CHAIRMAN GALLAGHER: IT'S BEEN MOVED. SECOND MR.
3 LOCKINGTON, THAT WE ADOPT STAFF RECOMMENDATIONS AND
4 APPROVE SOLID WASTE FACILITIES PERMIT 90-03 AND PROPOSED
5 FACILITIES PERMIT 10-AA-0145.

6 PLEASE CALL THE ROLL.

7 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

8 BOARD MEMBER BREMBERG: AYE.

9 SECRETARY DUNN: BROWN?

10 BOARD MEMBER BROWN: YES.

11 SECRETARY DUNN: GEARHEART? ABSENT.

12 LOCKINGTON?

13 BOARD MEMBER LOCKINGTON: YES.

14 SECRETARY DUNN: MOSCONE? ABSENT.

15 TCHOBANGOLOUS?

16 BOARD MEMBER TCHOBANGOLOUS: YES.

17 SECRETARY DUNN: VARNER?

18 BOARD MEMBER VARNER: AYE.

19 SECRETARY DUNN: CHAIRMAN GALLAGHER?

20 CHAIRMAN GALLAGHER: AYE.

21 WE'RE GOING TO CALL A RECESS AT THIS POINT
22 FOR LUNCH. WE WILL RECONVENE AT 1:15.

23 (A BREAK WAS TAKEN.)

24 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
25 ORDER. BACK TO ORDER, PLEASE.

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1 WE HAD JUST FINISHED ITEM 5. WE'RE NOW
2 READY TO MOVE TO ITEM 6.

3 BOARD MEMBER TCHOBANOGLIOUS: JOHN, I WOULD LIKE
4 TO SAY FOR THE RECORD THAT I WILL NOT PARTICIPATE IN THE
5 CONSIDERATION OF THIS MATTER, NOR WILL I VOTE, AS I WAS
6 INVOLVED AS AN OUTSIDE CONSULTANT A COUPLE OF YEARS AGO
7 ON SOME ISSUES RELATED TO THIS PARTICULAR TRANSFER
8 STATION.

9 CHAIRMAN GALLAGHER: THANK YOU.

10 MR. IWAHIRO: ITEM NO. 6 IS A COMPOSTING
11 FACILITY IN RIVERSIDE COUNTY. IT'S A BRAND NEW SITE AND
12 COUPLE OF SITES THAT WE HAVE NOT DEALT WITH TOO OFTEN.
13 BUT THIS IS A COMPOSTING FACILITY FOR SEWAGE SLUDGE.

14 STEVEN AULT AND MARTHA VASQUEZ GIVE US THE
15 RUNDOWN ON THIS AND OUR RECOMMENDATION.

16 MS. VASQUEZ: THIS ITEM REGARDS CONSIDERATION OF
17 CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE
18 FACILITIES PERMIT FOR THE TEMESCAL CANYON COMPOSTING
19 FACILITY IN RIVERSIDE COUNTY. THE PROPOSED COMPOSTING
20 FACILITY WILL RECEIVE 500 WET TONS OF SLUDGE AND 200 TONS
21 OF DRY ORGANIC FEED PER OPERATING DAY.

22 THE SLUDGE WILL BE RECEIVED FROM ORANGE
23 COUNTY WASTEWATER TREATMENT, ORANGE COUNTY SANITATION
24 DISTRICT, AND RIVERSIDE COUNTY/LAKE ELSINORE MUNICIPAL
25 WASTEWATER TREATMENT FACILITY. INCOMING SLUDGE WILL BE

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1 MIXED IN EQUAL VOLUME OF DRY ORGANIC BULK MATERIAL AND
2 THEN WINDROWED AND COMPOSTED. THE INITIAL MIXING WILL BE
3 DONE BY FRONT-END LOADERS.

4 THE COMPOSTING PROCESS HAS BEEN DESIGNED TO
5 MEET AND EXCEED THE UNITED STATES ENVIRONMENTAL
6 PROTECTION AGENCY REGULATIONS. FEDERAL REGULATIONS
7 REQUIRE THE MATERIAL BE COMPOSTED FOR AT LEAST 15 DAYS AT
8 A MINIMUM TEMPERATURE OF 131 DEGREES AND WINDROWS BE
9 TURNED AT LEAST FIVE TIMES DURING THE HIGH TEMPERATURE
10 PERIOD.

11 A STERILE COMPOST MACHINE WILL BE USED TO
12 TURN THE WINDROWS AT THE FACILITY. AFTER THE COMPOSTING
13 PERIOD IS COMPLETED, THE FINISHED PRODUCT IS MOVED TO A
14 SEASONING STOCKPILE, AND IT'S HELD THERE FOR APPROXIMATELY
15 60 DAYS. THE MOISTURE CONTENT IS STABILIZED DURING THIS
16 PERIOD AND THE TEMPERATURE IS MONITORED. IF THE
17 TEMPERATURE RAISES, THE MATERIAL IS TO BE RETURNED TO THE
18 COMPOSTING WINDROWS FOR ADDITIONAL COMPOSTING.

19 UPON COMPLETION OF THE SEASONING -- UPON
20 COMPLETION OF THE SEASONING PROCESS, THE MATERIAL IS
21 SHREDDED AND SCREENED FOR SIZING. THE FINISHED MATERIAL
22 IS THEN BULK SHIPPED TO MARKET, AND FUTURE PLANS INCLUDE
23 BAGGING THE COMPOSTED MATERIAL AT THE FACILITY.

24 THE FINAL VERSION OF THE SOLID WASTE
25 FACILITY PERMIT WASN'T COMPLETED WHEN THE AGENDA PACKET

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1 WAS MAILED OUT. THE BOARD HAS BEEN PROVIDED WITH COPIES
 2 OF THIS NEW PERMIT. THERE IS ONE MAJOR DIFFERENCE
 3 BETWEEN THE PERMIT THAT IS INCLUDED IN THE AGENDA PACKET
 4 AND THE PERMIT YOU FIND BEFORE YOU THIS AFTERNOON, AND
 5 THAT IS THAT THE NEW PERMIT DECREASES THE TONNAGE TO --
 6 OR THE ACREAGE TO 10 ACRES AND RESTRICTS DEVELOPMENT TO
 7 PHASE I OR DEVELOPMENT 1.

8 STEVE AULT OF THE BOARD'S LOCAL PLANNING
 9 SECTION WILL NOW ADDRESS ENVIRONMENTAL REVIEW.

10 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

11 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

12 BOARD MEMBER BREMBERG: BECAUSE OF MY COLD,
 13 MAYBE I'M NOT HEARING TOO WELL, BUT I THOUGHT YOU SAID
 14 200 CUBIC YARDS OF WOODWASTE, AND OUR REPORT SAYS 761.
 15 FIVE HUNDRED WET TONS PER DAY.

16 MS. VASQUEZ: YES. AND 200 TONS OF BULKY
 17 MATERIAL. THE 761 CUBIC YARDS --

18 BOARD MEMBER BREMBERG: TRANSLATES TO 200 TONS?

19 MS. VASQUEZ: THAT'S RIGHT.

20 BOARD MEMBER BREMBERG: OH, I SEE. I'M SUCH A
 21 WIZ BANG WITH NUMBERS. I DIDN'T KNOW THAT. THANK YOU.

22 CHAIRMAN GALLAGHER: YOU'RE SUCH A WIZ BANG.
 23 PERIOD.

24 MR. AULT: AS BOARD MEMBERS KNOW, CONCURRENCE IN
 25 THE ISSUANCE OF A SOLID WASTE FACILITIES PERMIT IS ALSO A



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1 DISCRETIONARY ACT UNDER THE CALIFORNIA ENVIRONMENTAL
2 QUALITY ACT: THEREFORE, THE BOARD NEEDS TO CONSIDER
3 WHATEVER POTENTIAL ENVIRONMENTAL IMPACTS THIS PROJECT MAY
4 GENERATE AND THE MITIGATION MEASURES FOR IT.

5 THE COUNTY OF RIVERSIDE PREPARED AN INITIAL
6 ENVIRONMENTAL ASSESSMENT FOR THIS PROJECT AND DETERMINED
7 THAT, INDEED, AN ENVIRONMENTAL IMPACT REPORT WAS
8 NECESSARY. THAT REPORT WAS COMPILED, PREPARED, AND
9 CIRCULATED LOCALLY AND THROUGH THE STATE CLEARINGHOUSE
10 ACCORDING TO CEQA REQUIREMENTS.

11 THE EIR FOR THE PROJECT LISTED SEVERAL
12 POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS AND THEN ALSO
13 LISTED SEVERAL MITIGATION MEASURES IN ORDER TO REDUCE
14 THOSE IMPACTS TO A LEVEL OF INSIGNIFICANCE. I WILL
15 OUTLINE SOME OF THESE IMPACTS BRIEFLY.

16 IN TERMS OF POTENTIAL IMPACTS UPON
17 HYDROLOGY, THE EIR NOTES THAT ANY RUNOFF FROM THE PILES,
18 FROM THE COMPOSTING PILES, WILL BE CONTROLLED THROUGH
19 SITE DRAINAGE TO IMPOUNDMENTS, AND THE RUNOFF WILL BE
20 COLLECTED AND EVAPORATED OR OTHERWISE REMOVED BY A
21 VACUUMING TRUCK FOR TREATMENT AT A WASTEWATER TREATMENT
22 FACILITY.

23 ADDITIONALLY, ANY GRADING AND MINING
24 ACTIVITIES THAT WILL BE UNDERTAKEN AT THE SITE OUTSIDE OF
25 THE AREA, WHICH IS THE COMPOSTING PAD, WILL BE CONDUCTED

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1 ONLY DURING DRY WEATHER PERIODS, WHICH IS MOST OF THE
2 YEAR IN THE RIVERSIDE COUNTY VICINITY.

3 THE OPERATOR WILL ALSO BE CONSERVING THE
4 ALREADY NATURAL LOW PERMEABILITY SOILS ON SITE. THESE
5 SOILS HAVE QUITE AN IMPERMEABLE CHARACTER. THEY HAVE A
6 HIGH CLAY COMPOSITION, AND THERE WILL BE MINIMAL MOVEMENT
7 OF THOSE SOILS. AND ADDITIONAL MOVEMENT OF CLAY SOIL TO
8 COMPACT UPON THE AREA THAT WILL BE USED FOR THE
9 COMPOSTING PAD.

10 IN TERMS OF POTENTIAL HEALTH IMPACTS,
11 HEALTH IMPACTS OF THE PROJECT, THE EIR STATES THAT THE
12 OPERATOR WILL BE CONDUCTING SEVERAL MITIGATION MEASURES.
13 FOR INSTANCE, SLUDGE WILL NOT BE STOCKPILED FOR MORE THAN
14 48 HOURS BEFORE BEING TURNED INTO THE COMPOSTING PILE.

15 INSECT BREEDING, THE BREEDING OF FLIES AND
16 THE LIKE, WILL BE PREVENTED BY TURNING THESE COMPOST
17 PILES ON A SCHEDULE THAT IS SET OUT IN EPA REGULATIONS.

18 ADDITIONALLY, WATER WILL BE SPRAYED ON AN
19 AS-NEEDED BASIS FOR DUST CONTROL DURING BOTH THE
20 CONSTRUCTION AND THE OPERATION OF THE COMPOSTING
21 FACILITIES.

22 AERATION WILL BE MAINTAINED IN COMPOST
23 PILES AND IN WINDROWS BY, AGAIN, THE MANDATORY TURNING
24 REQUIREMENTS SET BY EPA.

25 WINDROW TEMPERATURES WILL BE MONITORED ON A



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1 DAILY BASIS IN EACH WINDROW PILE AT SEVERAL DIFFERENT
2 LOCATIONS, AND THIS DATA WILL BE RECORDED.

3 ADDITIONALLY, THE SURFACE-TO-VOLUME RATIO
4 OF THE PILE WILL BE INCREASED IF THERE IS A POTENTIAL
5 PROBLEM WITH ODORS THAT WOULD BE ARISING. ADDITIONAL
6 MITIGATION MEASURES ARE ALSO LISTED IN THE HANDOUT THAT
7 WE RECEIVED A FEW MINUTES AGO FOR THIS ITEM.

8 AFTER THE COMPLETION OF THE PUBLIC REVIEW
9 OF THE EIR, THE EIR WAS CERTIFIED BY THE RIVERSIDE COUNTY
10 BOARD OF SUPERVISORS IN JANUARY OF THIS YEAR, AND A
11 NOTICE OF DETERMINATION WAS FILED AS REQUIRED BY CEQA.

12 BOARD STAFF HAVE REVIEWED THE ENVIRONMENTAL
13 ASSESSMENT AND THE EIR AND HAVE FOUND THEM TO BE ADEQUATE
14 AND APPROPRIATE FOR THE BOARD'S CONSIDERATION OF THIS
15 PROJECT.

16 I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU
17 MAY HAVE.

18 CHAIRMAN GALLAGHER: MS. BREMBERG.

19 BOARD MEMBER BREMBERG: STEVE, THE FACT THAT
20 THEY'VE REDUCED THE PHASE I TO 10 ACRES. DOES THAT MEAN
21 THEY'LL COME FOR ANOTHER PERMIT FOR THE NEXT 15 ACRES?

22 MR. AULT: THAT IS MY UNDERSTANDING FROM THE
23 OPERATORS, THAT ONCE THE BACKGROUND STUDIES ARE COMPLETED
24 FOR PHASE II, THEN THE OPERATOR WOULD APPLY FOR A REVISED
25 SOLID WASTE FACILITIES PERMIT IN ORDER TO EXTEND THE



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1 PROJECT FROM THE CURRENT 10 ACRES TO THE FULL 25 ACRES.

2 BOARD MEMBER BREMBERG: THANK YOU.

3 CHAIRMAN GALLAGHER: I'D LIKE TO ASK THE
4 APPROXIMATE LOCATION OF THIS TO THE TEMESCAL CANYON
5 LANDFILL. IS IT NEAR THE LANDFILL?

6 MR. AULT: YES. IT IS ONE OF THE TWO CLOSEST
7 PARCELS OF LAND TO, BASICALLY, THE ENTRANCE AREA OF THE
8 LANDFILL. HOWEVER, IT IS HIGH UP. IT IS AS HIGH UP OR
9 HIGHER UP IN ELEVATION THAN THE LANDFILL SITE. IT'S UP
10 ON A, BASICALLY, ON A MESA, A CLAY MESA. MY ESTIMATE OF
11 THE ALTITUDE MIGHT BE ABOUT 900 FEET OR 1,000 FEET,
12 PERHAPS HIGHER. IT'S NOT VISIBLE FROM THE ROADS THAT GO
13 TO TEMESCAL CANYON OR THE FREEWAYS RIGHT BELOW IT.

14 CHAIRMAN GALLAGHER: ARE THEY GOING TO HAVE TO
15 USE THE SAME ACCESS ROAD TO THIS PROPERTY THAT THEY USE
16 TO GET TO THE LANDFILL?

17 MR. AULT: IN PART. THERE IS A FREEWAY OFFRAMP
18 WHICH THE VEHICLES WILL BE TAKING AND AN OVERPASS ACROSS
19 AND THEN AN ENTRY ROAD. HOWEVER, THEY WILL BE TRAVELING
20 ACTUALLY ON THE ROAD THAT WAS BUILT TO TEMESCAL CANYON
21 LANDFILL, TRAVELING ON THAT ROAD PERHAPS A LENGTH OF
22 ABOUT A QUARTER OF A MILE. NO MORE. AND THEN THERE WILL
23 BE A TURNOFF ONTO A ROAD ONTO AN ADJACENT PARCEL ONTO THE
24 SITE. SO THEIR UTILIZATION OF THE EXISTING REFUSE TRAIL,
25 AS IT WERE, TO THE LANDFILL WILL BE MINIMAL.

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1 CHAIRMAN GALLAGHER: IS THIS ESSENTIALLY THE
2 SAME PROCESS THAT'S USED BY THE KELLOGG OPERATION DOWN IN
3 CARSON IN LOS ANGELES?

4 MR. AULT: I'M NOT FAMILIAR WITH THAT PARTICULAR
5 PROJECT, MR. GALLAGHER. BUT THE PROJECT PROPONENTS ARE
6 IN THE AUDIENCE TODAY. AND IF YOU WISH, THEY COULD
7 PERHAPS ANSWER THAT QUESTION.

8 CHAIRMAN GALLAGHER: FINE.

9 MR. AULT: WOULD YOU LIKE TO HAVE THEM?

10 CHAIRMAN GALLAGHER: I DON'T KNOW IF THEY'RE
11 PREPARED WITH ANY PICTURES OR ANYTHING; BUT IF THEY'VE
12 GOT PICTURES OR THINGS THAT CAN BE SHOWN US, IT'S ALWAYS
13 HELPFUL.

14 MR. OHMAN: SIR, MY NAME IS JOE OHMAN. I'M THE
15 TECHNICAL ADVISOR TO MR. BREMER IN RECYC. INC., PROJECT
16 PROPONENT. I'M NOT REAL CERTAIN HOW KELLOGG IS OPERATING
17 PRESENTLY, BUT THE PROCEDURE THAT MR. BREMER WILL BE
18 USING IS AN AEROBIC WINDROW, WHERE THE WINDROW -- THE
19 WIDTH OF THE SITE IS BASICALLY ABOUT 14 FOOT WIDE AND 4
20 FOOT HIGH. HE HAS A MACHINE THAT'S TRAVERSES THE --

21 CHAIRMAN GALLAGHER: A SCARAB MACHINE?

22 MR. OHMAN: VERY SIMILAR TO A SCARAB MACHINE.
23 YES, SIR, AND HE RECEIVES AERATION IN THAT MANNER.

24 CHAIRMAN GALLAGHER: I GUESS WHAT I WAS GETTING
25 AT IS THIS A PROPRIETARY PROCESS OR IS IT --

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1 MR. OHMAN: NO, SIR. IT'S A PUBLIC PROCESS AND
2 HAS BEEN FOR MANY YEARS.

3 CHAIRMAN GALLAGHER: THANK YOU. ANY OTHER
4 QUESTIONS?

5 BOARD MEMBER MOSCONE: YES, MR. CHAIRMAN. I SEE
6 THAT DAILY TEMPERATURE -- THERE WILL BE DAILY TEMPERATURE
7 LOGS. I WAS WONDERING ABOUT THE MOISTURE CONTENT. WHAT
8 WOULD THE MOISTURE CONTENT BE?

9 MR. OHMAN: WHEN THE SLUDGE IS BROUGHT ONTO THE
10 SITE, IT ARRIVES AT ABOUT 80 PERCENT MOISTURE, 20 PERCENT
11 SOLIDS, AND THEN IT'S BULKED TO SOMEPLACE 50 TO 60
12 PERCENT SO THAT IT HAS AN ABILITY TO STAND UP, DEPENDING
13 ON CLIMATIC CONDITIONS AND TIME OF THE YEAR. THE
14 MATERIAL WILL BE TAKEN DOWN TO ABOUT 35 PERCENT, 30
15 PERCENT MOISTURE BEFORE IT'S CONSIDERED TO -- THAT'S WITH
16 A NORMAL COMPOSTING PERIOD.

17 BOARD MEMBER MOSCONE: AT ABOUT THE TIME THAT IT
18 WILL BE BAGGED?

19 MR. OHMAN: YES, SIR, IF THERE WERE A BAGGING
20 OPERATION. AT THIS POINT, SIR, WE'RE NOT INCLUDING THE
21 BAGGING OPERATION, THOUGH. WE'D LIKE TO HOLD THAT OPTION
22 OPEN. MR. BREMER HAS BEEN ABLE TO SELL ALL OF HIS
23 MATERIAL IN BULK UP TO THIS POINT.

24 BOARD MEMBER MOSCONE: THANK YOU.

25 CHAIRMAN GALLAGHER: THE THING I WORRY ABOUT, IF



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1 I CAN JUST VOICE AN OPINION. SINCE I LIVE IN THE AREA.
2 I'M NOT SURE HE'S GOING TO HAVE ANY LEFT. IF IT'S UP
3 THERE ON A MESA AND A SANTA ANA COMES ALONG, IT'S APT TO
4 BE SPREAD ALL OF OVER ANAHEIM HILLS OR ANYTHING CLOSE.

5 MR. OHMAN: ACTUALLY, SIR, HE'S MOVING FROM AN
6 ONTARIO SITE THAT IS -- WHERE THE WIND IS EVEN MORE
7 FOCUSED THAN IT IS IN TEMESCAL CANYON, AND THAT HAS NOT
8 BEEN A PROBLEM.

9 MR. AULT: IF I MIGHT ADD, MR. GALLAGHER, THE
10 DESCRIPTION THAT I GAVE OF A MESA IS ACCURATE. HOWEVER,
11 THE ACTUAL AREA IN WHICH THE COMPOSTING PAD IS LOCATED IS
12 ALSO PROTECTED TO THE NORTH BY SOME SLIGHT RISES. SO IT
13 WILL NOT RECEIVE, I DO NOT BELIEVE, THE FULL IMPACT OF A
14 SANTA ANA.

15 MR. LARSON: MR. CHAIRMAN, I'D LIKE TO MAKE AN
16 OBSERVATION THAT ISN'T TO THE SPECIFICS OF THE PERMIT
17 ACTIVITY REGARDING THIS FACILITY, BUT I LOOKED AT THIS
18 AGENDA ITEM WITH VERY SPECIAL INTEREST IN REFERENCE TO
19 THE ENACTMENT OF AB 939, WHICH, YOU KNOW, IMPOSES VERY
20 SIGNIFICANT RESPONSIBILITIES FOR DIVERSION OF MATERIALS
21 FROM LANDFILLS BY SPECIFIED DATES IN THE LAW.

22 AND THERE IS A GREAT DEAL OF CONTROVERSY
23 AROUND THE ACCEPTABILITY, IF YOU WILL, FOR COUNTING OF
24 CERTAIN TYPES OF MATERIAL THAT ARE DIVERTED FROM
25 LANDFILLS THAT CAN BE DEMONSTRATED TO HAVE BEEN NORMALLY

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1 DISPOSED OF IN LANDFILLS. RIGHT AT THE CENTER OF THIS
2 CONTROVERSY IS THE ISSUE OF SEWAGE SLUDGE. AND YOU ARE
3 PROBABLY AS WELL OR MORE WELL AWARE OF THAT THAN ME.

4 THE REASON I EVEN RAISE THE POINT IS THAT.
5 NOT AS A REGULATORY ISSUE, BUT WITH A CERTAIN --
6 CERTAINLY WITH A GREAT DEAL OF INTEREST, THAT THIS
7 FACILITY AND ALL FACILITIES LIKE THIS ARE GOING TO BE
8 VERY CLOSELY SCRUTINIZED FOR THEIR PERFORMANCE IN
9 PROCESSING THESE TYPES OF MATERIALS. AND I HOPE THAT
10 THERE'S AN UNDERSTANDING ON THE PART OF THE PROPONENTS
11 THAT THIS SCRUTINY IS THERE.

12 WE, AS -- AND I THINK I SPEAK FOR THE
13 POLICY OF THE BOARD -- SEEK TO DIVERT WHATEVER MATERIALS
14 THAT CAN BE USED FOR OTHER PURPOSES FROM LANDFILLS, AND
15 INCLUDED IN THAT LIST IS SEWAGE SLUDGE IF NORMALLY
16 DISPOSED OF. I WOULD LIKE TO SEE THIS FACILITY AND THESE
17 TYPES OF FACILITIES OPERATE SUCCESSFULLY SO THAT IT COULD
18 BE DEMONSTRATED THAT THESE MATERIALS CAN BE SUCCESSFULLY
19 MANAGED AND NOT CAUSE PUBLIC HEALTH AND ENVIRONMENTAL
20 PROBLEMS.

21 MR. OHMAN: THANK YOU, MR. LARSON. AND IF I
22 MIGHT ADD, I THINK THAT RIVERSIDE COUNTY IS SOMEWHAT
23 UNIQUE IN THAT THE SOLID WASTE DIRECTOR HAS WORKED WITH
24 THE PROJECT PROPONENT FROM THE FIRST DAY WITH THE THOUGHT
25 IN MIND OF DIVERTING THE WASTE FROM THE LANDFILL.

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1 I THINK RIVERSIDE COUNTY IS UNIQUE IN THAT
2 PRESENTLY THEY HAVE NOT RECEIVED SEWAGE SLUDGE INTO ANY
3 LANDFILLS, IF I'M NOT MISTAKEN. AND SO THEY'LL NOT BE
4 GAINING CREDITS FOR DIVERTING THAT SLUDGE. BUT THEY
5 CERTAINLY WILL BE FROM THE AMENDING AGENTS. THE WOODWASTE
6 AND THAT SORT OF THING.

7 CHAIRMAN GALLAGHER: IS THIS ALL SLUDGE FROM
8 RIVERSIDE COUNTY?

9 MR. OHMAN: NO, SIR. BECAUSE OF THE UNIQUE
10 GEOGRAPHY IN RIVERSIDE COUNTY AND THE LOCATION OF THE
11 POPULATION CENTERS IN THE WEST END, IN ORDER TO MAKE THE
12 ECONOMICS OF THE PROJECT WORK INITIALLY, MR. BREMER IS
13 BRINGING SOME CONTRACTS WITH HIM; FOR INSTANCE, THE
14 ORANGE COUNTY SANITATION DISTRICT SUPPLYING SLUDGE
15 INITIALLY AND HAS A CONTRACT THAT WILL LAST ABOUT TWO
16 YEARS.

17 IN APPROVING THE PROJECT, THE RIVERSIDE
18 COUNTY BOARD OF SUPERVISORS CONDITIONED THE PROJECT TO
19 CAUSE THE PROPONENT TO OFFER ON AN ANNUAL BASIS TO ALL
20 POTW'S WITHIN THE COUNTY ANY EXISTING CAPACITY, AND THEY
21 FELT THAT THAT PROTECTED THEIR LOCAL INTEREST, AND YET IT
22 GAVE THE PROPONENT AN OPPORTUNITY TO OPERATE A VIABLE
23 PROJECT AND EXPECT AN HONEST RETURN FOR IT.

24 CHAIRMAN GALLAGHER: IT'S ONE OF THE
25 PECULIARITIES, BUT THE REASON I ASKED THAT QUESTION IT

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1 GOES TO THE POINT THAT MR. LARSON WAS MAKING. IN THAT
2 RIVERSIDE COUNTY MAY NOT GET CREDIT FOR SEWAGE SLUDGE
3 BECAUSE THEY'RE NOT TAKING IT TO A LANDFILL.

4 WHAT ABOUT THE COUNTY THAT RIVERSIDE
5 IMPORTS IT FROM? THEY MIGHT VERY WELL BE TAKING IT TO A
6 LANDFILL; AND WOULD, THEREFORE, BE A DIVERSION. SO THIS
7 GETS TO BE A VERY COMPLICATED MATTER. AND I THINK
8 EVERYBODY OUGHT TO LOOK AT IT VERY, VERY CAREFULLY.

9 IT DOESN'T HAVE ANYTHING TO DO WITH THE WAY
10 WE VOTE, I DON'T THINK, ON THE PERMIT. THAT'S NOT THE
11 ISSUE. BUT JUST A WORD TO THE WISE BECAUSE YOU MAY GET
12 YOURSELF INVOLVED IN SOME COMPLICATED BOOKKEEPING AND
13 REPORTING AND THINGS LIKE THAT.

14 MR. OHMAN: BY VIRTUE OF THE VARIOUS PERMITS
15 THAT WE'VE HAD TO SEEK, WE ALREADY ARE UP TO OUR EYES IN
16 VERY COMPLICATED BOOKKEEPING, I THINK. AND I THINK THAT
17 THAT'S A CREDIT TO THE VARIOUS STAFFS THAT WE'VE DEALT
18 WITH, THAT THEY ARE ASKING FOR A RESPONSIBLE PROJECT, AND
19 THAT'S WHAT WE'RE TRYING TO PROVIDE.

20 CHAIRMAN GALLAGHER: ANYTHING FURTHER. STAFF?

21 MS. VASQUEZ: YES. STAFF HAVE REVIEWED THE
22 PROPOSED PERMIT AND SUPPORTING DOCUMENTS AND FIND THEM TO
23 BE ACCEPTABLE. THERE IS, HOWEVER, ONE MINOR PROBLEM.
24 THE LEA HAS INCLUDED AS AN ATTACHMENT A LIST OF
25 MITIGATION MEASURES REQUIRED BY THE ENVIRONMENTAL REVIEW

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1 DOCUMENTS.

2 THE LIST DOESN'T INCLUDE THE MITIGATION
3 MEASURES THAT WERE REQUIRED IN THE FINAL EIR. ONLY THE
4 DRAFT EIR. SO THE LEA WILL BE PROVIDING US WITH A
5 COMPLETE LIST AND THAT WILL BE THE ATTACHMENT TO THE
6 PERMIT.

7 STAFF HAS NO PROBLEM WITH THE LEA'S
8 SUBMITTING THE LIST. AND THE ENTIRE EIR HAS BEEN INCLUDED
9 AS A CONDITIONING DOCUMENT AS PART OF OUR PERMIT.

10 CHAIRMAN GALLAGHER: THANK YOU.

11 ANY FURTHER QUESTIONS OF STAFF?

12 WE HAVE A RECOMMENDATION FROM STAFF THAT WE
13 ADOPT FACILITIES PERMIT 90-2 AND SOLID WASTE FACILITIES
14 PERMIT 33-A-0225. MAY I HAVE A MOTION. PLEASE?

15 BOARD MEMBER MOSCONE: SO MOVED.

16 BOARD MEMBER VARNER: SECOND.

17 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
18 APPROVE FACILITIES PERMIT 90-2 AND SOLID WASTE FACILITIES
19 PERMIT 33-A-0225.

20 CALL THE ROLL. PLEASE.

21 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN? ABSENT.

24 GEARHEART? ABSENT.

25 LOCKINGTON?



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1 BOARD MEMBER LOCKINGTON: YES.

2 SECRETARY DUNN: MOSCONE?

3 BOARD MEMBER MOSCONE: YES.

4 SECRETARY DUNN: TCHOBANGOLOUS?

5 BOARD MEMBER TCHOBANGOLOUS: ABSTAIN.

6 SECRETARY DUNN: VARNER.

7 BOARD MEMBER VARNER: AYE.

8 SECRETARY DUNN: CHAIRMAN GALLAGHER?

9 CHAIRMAN GALLAGHER: AYE.

10 THANK YOU. WE MOVE TO ITEM 10.

11 MR. IWAHIRO: YES. MR. CHAIRMAN, ITEM NO. 10 IS
12 AN ITEM THAT WE'RE BRINGING BACK TO THE BOARD SUBSEQUENT
13 TO AN ACTION BY THE BOARD ON AN EVALUATION OF AN LEA THAT
14 WOULD BE AT RIVERSIDE COUNTY, THE RIVERSIDE COUNTY HEALTH
15 DEPARTMENT. AND WE HAD ASKED THAT CERTAIN THINGS BE
16 CORRECTED AND ADMITTED.

17 AND GARY KING FROM OUR SOUTHERN CALIFORNIA
18 OFFICE WILL SUMMARIZE WHAT'S BEEN DONE, AND I BELIEVE THE
19 LOCAL ENFORCEMENT AGENCY REPRESENTATIVE IS HERE ALSO, SO
20 THEY CAN GIVE YOU THE FULL INFORMATION ON THIS.

21 MR. KING: MR. CHAIRMAN, BOARD MEMBERS, MY NAME
22 IS GARY KING. I'M WITH THE SOUTHERN CALIFORNIA OFFICE.

23 LAST MARCH 1989, WE BROUGHT THE RIVERSIDE
24 COUNTY LOCAL ENFORCEMENT AGENCY BEFORE THIS BOARD IN THE
25 STANDARD LOCAL ENFORCEMENT AGENCY REVIEW PROGRAM. AT

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1 THAT TIME, THE ONLY PROBLEMS WE HAD WITH THIS AGENCY WAS
2 THAT THEY HAD A CONFLICT OF INTEREST AND THAT THEY HAD
3 THE OPERATING UNIT OF A LANDFILL AS PART OF THEIR AGENCY.

4 WE ASKED THE BOARD TO DIRECT THEM TO
5 RESOLVE THIS CONFLICT LOCALLY AND TO COME BACK AND REPORT
6 TO US AT SUCH TIME AS THEY DID. ADDITIONALLY, THEY HAD
7 SOME FIVE-YEAR PERMIT REVIEWS WHICH WERE OUTSTANDING. WE
8 ASKED THEM TO GET THOSE IN ORDER DURING THE SAME PERIOD
9 OF TIME.

10 DURING SEPTEMBER OF 1989, THE COUNTY BOARD
11 OF SUPERVISORS DID ADOPT A RESOLUTION TO APPOINT THE
12 ENVIRONMENTAL HEALTH DIVISION, THE HEALTH DEPARTMENT OF
13 RIVERSIDE COUNTY, AS THE SOLE LOCAL ENFORCEMENT AGENCY
14 FOR THAT COUNTY.

15 SUBSEQUENT TO THAT, THEY WENT OUT TO THE
16 CITIES IN THE AREA, GOT THE REQUIRED STATUTORY APPROVALS
17 FROM THE VARIOUS CITIES THROUGHOUT THE COUNTY. THEY ALSO
18 GOT THE APPROVAL FROM THE DEPARTMENT OF HEALTH SERVICES,
19 WHICH IS REQUIRED UNDER THE CODE. BROUGHT THAT BACK TO
20 US.

21 WE WENT OUT AND TOOK A LOOK AT THEM IN AN
22 ABBREVIATED REVIEW. WE FOUND THAT THERE'S NO REASON WHY
23 WE SHOULDN'T ACCEPT THIS AGENCY AS THE LOCAL ENFORCEMENT
24 AGENCY.

25 THERE IS ONE STIPULATION AND THAT IS THAT

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1 THE AGENCY WILL HAVE TO BE CERTIFIED UNDER THE PROVISIONS
2 OF 939, AND THAT WILL HAVE TO OCCUR ON OR ABOUT OCTOBER
3 1, 1992. IF NOT, THEN THE AGENCY WILL EXPIRE AT THAT
4 TIME. THEY'RE AWARE OF THIS. THERE ARE NO REGULATIONS
5 IN THE LAW RIGHT NOW TO DO ANYTHING ELSE. SO THIS IS A
6 TWO-YEAR DESIGNATION.

7 STEVE SAMANIEGO FROM THE COUNTY IS HERE TO
8 MAKE A SHORT COMMENT, I BELIEVE, AND ANSWER ANY QUESTIONS
9 YOU COULD POSSIBLY HAVE.

10 CHAIRMAN GALLAGHER: ANY QUESTIONS OF GARY?
11 OKAY.

12 MR. SAMANIEGO: MR. CHAIRMAN, BOARD MEMBERS, I'M
13 STEVE SAMANIEGO. I SUPERVISE THE LEA PROGRAM IN
14 RIVERSIDE COUNTY, AND I'M HERE SPEAKING FOR OUR CHAIRMAN.
15 HE WISHES TO APOLOGIZE FOR NOT BEING HERE, BUT THE FOG
16 CANCELED HIS FLIGHT IN.

17 HE DID WANT TO EXPRESS THE FACT THAT WE'RE
18 LOOKING FORWARD TO THIS DESIGNATION UNDER THE HEALTH
19 DEPARTMENT, ENVIRONMENTAL HEALTH SERVICES DIVISION. WE
20 FEEL IT WILL PROVIDE A MORE EFFICIENT ENFORCEMENT PROGRAM
21 LOCALLY, AND IT'S OUR OPINION THAT THIS DESIGNATION WILL
22 WORK BETTER AS AN ENHANCEMENT TO THE LEA PROGRAM LOCALLY.

23 WE ARE ALREADY MAKING FUTURE PLANS WITH THE
24 PROGRAM, AND WE'RE WANTING TO MAKE A BRANCH OUT OF THE
25 LEA SOLID WASTE SECTION AND HIRE A PROGRAM MANAGER AND

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1 ENGINEER AND OTHER CLERICAL STAFF. AND FURTHER EXPAND
2 FROM THERE TO KEEP UP WITH MANAGEMENT OF THE WASTE ISSUES
3 COMING FORWARD TO US TODAY AND IN THE FUTURE. THANK YOU.

4 CHAIRMAN GALLAGHER: THANK YOU.

5 MR. KING: WITH THAT, STAFF OF SOUTHERN
6 CALIFORNIA OFFICE WOULD LIKE YOU TO CONCUR WITH OPTION 1
7 AND ADOPT RESOLUTION 90-9.

8 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR. KING?
9 YOU'VE HEARD THE RECOMMENDATIONS OF THE
10 SOUTHERN CALIFORNIA OFFICE. MAY I HAVE A MOTION, PLEASE?

11 BOARD MEMBER VARNER: SO MOVED.

12 BOARD MEMBER TCHOBANOGLOUS: SECOND.

13 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
14 ADOPT RESOLUTION 90-9.

15 CALL THE ROLL, PLEASE.

16 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

17 BOARD MEMBER BREMBERG: AYE.

18 SECRETARY DUNN: BROWN? ABSENT.

19 GEARHEART? ABSENT.

20 LOCKINGTON?

21 BOARD MEMBER LOCKINGTON: YES.

22 SECRETARY DUNN: MOSCONE?

23 BOARD MEMBER MOSCONE: YES.

24 SECRETARY DUNN: TCHOBANGOLOUS?

25 BOARD MEMBER TCHOBANGOLOUS: YES.

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1 SECRETARY DUNN: VARNER?

2 BOARD MEMBER VARNER: AYE.

3 SECRETARY DUNN: CHAIRMAN GALLAGHER?

4 CHAIRMAN GALLAGHER: YES.

5 THANK YOU, GARY.

6 WE'LL GO NOW TO ITEM 11, WHICH IS
7 CONSIDERATION OF ADOPTION OF THE DELEGATION OF AUTHORITY
8 TO THE BOARD'S CHIEF EXECUTIVE OFFICER.

9 YOU WANT ME TO MAKE THE RECOMMENDATION OR
10 DO YOU WANT TO RECOMMEND IT YOURSELF?

11 MR. LARSON: HAVING CHECKED WITH COUNSEL AS TO
12 WHETHER THAT IS A CONFLICT OF INTEREST, HE SAID THAT IT
13 IS NOT A CONFLICT OF INTEREST, AND I'LL DEFER TO YOUR
14 WISHES. I'LL BE GLAD TO PRESENT IT, IF YOU SO DESIRE.

15 CHAIRMAN GALLAGHER: GO AHEAD.

16 MR. LARSON: UNDER EXISTING PROCEDURES AND
17 PRACTICES OF THE BOARD, THERE ARE CERTAIN AUTHORITIES AND
18 RESPONSIBILITIES DEEMED TO BE OF NOT A SIGNIFICANT NATURE
19 THAT ARE DELEGATED TO THE CHIEF EXECUTIVE OFFICER IN THE
20 EXECUTION OF THE BOARD'S DAILY RESPONSIBILITIES.

21 THE EXISTING AUTHORITY, AS ADOPTED BY
22 RESOLUTION BY THE BOARD, SPECIFICALLY NAMES THE PREVIOUS
23 CHIEF EXECUTIVE OFFICER, GEORGE T. EOWAN, TO BE ABLE TO
24 EXECUTE THOSE. BECAUSE IT IS SPECIFICALLY IN HIS NAME.
25 OF COURSE, IT CANNOT APPLY TO HIS SUCCESSOR. IN



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1 ADDITION -- GEORGE. DO YOU REALLY HAVE TO CHANGE -- I
2 THINK I SUCCEEDED HIM.

3 BOARD MEMBER BREMBERG: HE'S TALKING IN THE
4 THIRD PERSON INVISIBLE.

5 MR. LARSON: I'M TALKING ABOUT MYSELF AND IT'S
6 REALLY DIFFICULT TO DO THAT.

7 HOWEVER, IN ADDITION TO THE CHANGE OF A
8 SPECIFIC REFERENCE TO A NAME OF CHIEF EXECUTIVE OFFICER,
9 IT'S THE RECOMMENDATION BY THIS RESOLUTION THAT THE TERM,
10 "THE CHIEF EXECUTIVE OFFICER," REPLACE THE SPECIFIC NAME
11 OF ANY SINGLE PERSON. IN ADDITION, DUE TO THE FACT THAT
12 WE FACE THE POTENTIAL AT SOME POINT THE LEGISLATURE DEEMS
13 APPROPRIATE TO HAVE AN INCREASED BUDGET AND THAT WE HAVE
14 A LOT MORE RESPONSIBILITIES AS A STATE AGENCY, A STATE
15 BOARD, AND FACTORING IN SUCH THINGS AS INFLATION, SUCH
16 DELEGATIONS OF AUTHORITY TO EXECUTE MONETARY CONTRACT
17 ACTIVITIES IS INCREASED FROM 25,000 TO \$40,000 -- EXCUSE
18 ME -- 25,000 -- \$40,000 FOR CONTRACTS, INTERAGENCY
19 AGREEMENTS, AND LEASES AND ADMINISTRATIVE FUNCTIONS, AND
20 10,000 TO \$25,000 FOR AMENDMENTS TO CHANGE ORDERS TO
21 CONTRACTS AND INTERAGENCY AGREEMENTS.

22 ALSO, I WANT TO NOTE THAT AT ANY TIME THE
23 CHIEF EXECUTIVE OFFICER EXERCISES THIS AUTHORITY VESTED
24 IN THAT PERSON BY THE BOARD, HE OR SHE IS TO REPORT TO
25 THE BOARD AT THE NEXT MEETING THE USE OF SUCH EXERCISE OF

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1 AUTHORITY.

2 SO IT'S A RECOMMENDATION OF STAFF THAT
3 CHANGES TO THE AUTHORITY VESTED IN THE CHIEF EXECUTIVE
4 OFFICER OF THESE POWERS BE APPROVED.

5 CHAIRMAN GALLAGHER: IT IS THE RECOMMENDATION TO
6 THE BALANCE OF THIS BOARD FROM THE CHAIRMAN THAT WE DO
7 NOT HESITATE ONE BIT ON THIS ITEM, AND THAT WE ENTERTAIN
8 A MOTION NOW TO ACCOMPLISH THAT.

9 BOARD MEMBER VARNER: SO MOVED.

10 BOARD MEMBER BREMBERG: SECOND.

11 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
12 SECONDED THAT WE APPROVE RESOLUTION 90-8, CHANGING THE
13 NAME OF THE EXECUTIVE OFFICER ON THE DELEGATION OF
14 AUTHORITY AND INCREASING HIS MONETARY RESPONSIBILITIES AS
15 INDICATED IN THE RESOLUTION.

16 WILL YOU CALL THE ROLL, PLEASE, MS. DUNN.

17 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

18 BOARD MEMBER BREMBERG: AYE.

19 SECRETARY DUNN: BROWN? ABSENT.

20 GEARHEART? ABSENT.

21 LOCKINGTON?

22 BOARD MEMBER LOCKINGTON: YES.

23 SECRETARY DUNN: MOSCONE?

24 BOARD MEMBER MOSCONE: YES.

25 SECRETARY DUNN: TCHOBANGOLOUS?

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1 BOARD MEMBER TCHOBANGOLOUS? YES.

2 SECRETARY DUNN: VARNER?

3 BOARD MEMBER VARNER: AYE.

4 SECRETARY DUNN: CHAIRMAN GALLAGHER?

5 CHAIRMAN GALLAGHER: AYE.

6 OUR NEXT ITEM IS ITEM NO. 12.

7 MR. OLDALL: YES. MR. CHAIRMAN. THIS PARTICULAR
8 ITEM, ITEM NO. 12, WHICH WAS FORMALLY NOTICED AS
9 CONSIDERATION OF ADOPTION OF RESOLUTION HONORING GEORGE
10 T. EOWAN, I THINK WE DO HAVE A DOCUMENT THAT WILL BE
11 SIGNED BY BOARD MEMBERS AND, UNFORTUNATELY, MR. EOWAN HAS
12 BEEN UNABLE TO GET HERE AT THIS TIME. WE'RE HOPING TO
13 HAVE HIM HERE BEFORE WE CLOSE TODAY'S BUSINESS. SO MIGHT
14 WE JUST HOLD THAT ITEM OVER?

15 CHAIRMAN GALLAGHER: WE HAD A REQUEST THAT WE
16 HEAR ITEM 13 THIS AFTERNOON. IS THE PEOPLE FROM EL
17 DORADO COUNTY, WHO WANTED US TO HOLD THIS, ARE THEY
18 PRESENT?

19 MR. IWAHIRO: THEY'RE NOT PRESENT. I DO NOT
20 BELIEVE THEY'RE COMING EITHER; IS THAT CORRECT? THAT'S
21 THE WORD I HAD LAST.

22 MS. COYLE: YES, MR. CHAIRMAN. THEY WILL NOT BE
23 ABLE TO BE HERE UNTIL ABOUT 4:30 BECAUSE OF A PRIOR
24 COMMITMENT, BUT THEY'RE AWARE THE BOARD MAY NOT BE IN
25 SESSION AT THAT TIME. SO IT'S YOUR PLEASURE WHETHER YOU

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1 WANT TO GO AHEAD WITH IT NOW OR WAIT.

2 CHAIRMAN GALLAGHER: NO. WE'RE GOING TO CUT
3 THIS MEETING OFF AFTER ITEM 13 AND 14. SO YOU'D BETTER
4 PROCEED.

5 MR. IWAHIRO: THIS IS AN ITEM THAT IS A REVIEW
6 OF AN ENFORCEMENT AGENCY. PRIMARILY EVALUATION OF THE EL
7 DORADO COUNTY LOCAL ENFORCEMENT AGENCY. MARY COYLE AND
8 HER STAFF, SHARON ANDERSON, DID THE REVIEW AND WILL BE
9 REPORTING ON IT WITH A RECOMMENDATION.

10 MS. COYLE: YES, MR. CHAIRMAN AND MEMBERS. THIS
11 IS THE REPORT OF REVIEW OF THE EL DORADO COUNTY
12 ENVIRONMENTAL HEALTH DIVISION, WHICH IS THE LOCAL
13 ENFORCEMENT AGENCY FOR THE COUNTY.

14 THE SIX AREAS OF THE PROGRAM REVIEW ARE
15 DESIGNATION, ENFORCEMENT PROGRAM, ADMINISTRATION,
16 FACILITY STATUS, PERMITTING, AND CLOSURE/POSTCLOSURE
17 STATUS.

18 DURING OUR REVIEW, WE FOUND TWO MAJOR
19 ISSUES THAT WERE PROBLEM AREAS WITHIN THE COUNTY'S
20 PROGRAM. ONE OF THEM WAS THE LOCAL ENFORCEMENT AGENCY
21 WAS ALSO ACTING AS THE OPERATOR OF UNION MINE LANDFILL.
22 THE OTHER ONE WAS BECAUSE THEY WERE AN OPERATOR, THEY
23 WERE NOT BEING ABLE TO PERFORM THEIR LOCAL ENFORCEMENT
24 AGENCY DUTIES.

25 THIS ITEM WAS ORIGINALLY SCHEDULED FOR



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1 BOARD CONSIDERATION AT THE DECEMBER MEETING. AT THAT
2 TIME, WE GAVE A COPY OF THE AGENDA ITEM TO THE COUNTY.
3 AND THEY HAVE SUBSEQUENTLY DONE A COUPLE OF
4 RESTRUCTURINGS TO ALLEVIATE SOME OF THEIR PROBLEMS.

5 SHARON ANDERSON WILL GO OVER THE DETAILS OF
6 THE REVIEW AND TALK BRIEFLY ABOUT THE COUNTY'S PROPOSED
7 RESTRUCTURING.

8 MS. ANDERSON: MR. CHAIRMAN, I'M SHARON
9 ANDERSON, MEMBERS OF THE BOARD. THE RESTRUCTURING ONLY
10 HAD TO DEAL WITH THE DESIGNATION OF THE LEA AND THE
11 CONFLICT OF INTEREST THAT THEY HAD WITHIN THAT
12 DESIGNATION.

13 SINCE THEY'RE ACTING AS THE OPERATOR, AND
14 WE POINTED THIS OUT IN OUR REVIEW BACK IN DECEMBER, OF
15 WHICH WE GAVE A COPY TO THEM, THEY DECIDED TO FORM A NEW
16 DEPARTMENT CALLED THE DEPARTMENT OF ENVIRONMENTAL
17 MANAGEMENT UNDER WHICH THEY WOULD HAVE THEIR LEA AND
18 THEIR OPERATOR.

19 WE HAVEN'T SEEN A WRITTEN PROPOSAL ON THAT.
20 THE ONLY THING THEY GAVE US WAS KIND OF ORG CHART, A
21 PROPOSED ORG CHART AT THE TIME. SO WE'RE STILL SORT OF
22 WAITING FOR FORMAL VERIFICATION OF THIS NEW DEPARTMENT,
23 WHICH WOULD RESOLVE THEIR CONFLICT OF INTEREST. THAT
24 DEALS WITH THAT SITUATION.

25 AS FAR AS THE OTHER AREAS. SUCH AS THE



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1 ENFORCEMENT PROGRAM, ALL THE OTHER AREAS THAT YOU SAW
 2 UNDER KEY ISSUES ARE ALL DEFICIENT WITHIN EL DORADO
 3 COUNTY. THEIR ENFORCEMENT PROGRAM PLAN NEEDS UPDATED
 4 IMPLEMENTATION IN THE AREAS OF THEIR PERMIT REVIEWS.
 5 THEY HAVE TWO FACILITIES IN THE COUNTY. ONE OF WHICH IS A
 6 LANDFILL, AND IT'S WELL OVERDUE FOR THEIR PERMIT REVIEW.
 7 AND TO DATE, TALKING WITH OUR PERMIT STAFF, NOTHING HAS
 8 BEEN DONE.

9 THEY ALSO NEED TO UPDATE THEIR CLOSURE
 10 SECTIONS IN THEIR ENFORCEMENT PROGRAM PLAN AND IMPLEMENT
 11 THE BIMONTHLY INSPECTIONS THAT ARE STATED IN THE
 12 ENFORCEMENT PROGRAM PLAN. PREPARE A STAFF TRAINING PLAN.
 13 AND SINCE THEY'VE CLARIFIED HOW THEY'RE GOING TO SEPARATE
 14 THE LEA FROM THE OPERATOR, WE WON'T BE DEALING WITH THAT
 15 AT THIS TIME.

16 IN THEIR ADMINISTRATION, TYPICAL OF A SMALL
 17 COUNTY, THEY DON'T SEPARATE A SPECIFIC FUND FOR THE LOCAL
 18 ENFORCEMENT AGENCY; HOWEVER, THEY DID STATE THAT FUNDS
 19 WERE AVAILABLE AS NEEDED TO PERFORM THE DUTIES. WE
 20 QUESTION THAT.

21 AT THE TIME OF THE REVIEW, THE STAFF
 22 INVOLVED THE DIRECTOR OF ENVIRONMENTAL HEALTH, AND
 23 TRAINING IS CONDUCTED ON THE JOB AND WITH PREVIOUS
 24 EXPERIENCE. I SUPPOSE RON DUNCAN HAS 10 TO 12 YEARS OF
 25 EXPERIENCE. VERY QUALIFIED.



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1 THE ORGANIZATION. LIKE I SAID, EXISTS --
2 NEEDS REORGANIZATION SO THAT THEY HAVE A BETTER HANDLE ON
3 THE CONFLICT OF INTEREST.

4 NOW, FACILITY STATUS. THERE'S ONLY TWO
5 SITES THERE, A LANDFILL AND A LARGE VOLUME TRANSFER
6 STATION. WE HAVE NO RECORDS OF ANY SWIS INSPECTIONS
7 BEING CONDUCTED AT ALL IN THE LAST 12 YEARS. THEIR
8 COMPLIANCE STATUS WAS NOT AVAILABLE FOR OUR COMPARISON;
9 SO, THEREFORE, I CAN'T TELL YOU HOW THEY COMPARE WITH OUR
10 FACILITY INSPECTIONS, STATE INSPECTIONS.

11 WE FOUND NUMEROUS VIOLATIONS AT THE
12 FACILITIES, INCLUDING AN ONGOING VIOLATION THAT'S ALSO
13 BEEN DOCUMENTED BY THE PUBLIC. WE RECEIVED PUBLIC
14 COMPLAINT FOR LITTER ALONG THE ROADS AND NEAR THE
15 LANDFILL. AND IT'S THAT -- I THINK WE RECEIVED THREE
16 LETTERS FROM THE PUBLIC, WHICH RECENTLY WE RESPONDED TO
17 AND PERHAPS ASKED THE PERSON TO COME.

18 ALSO UNDER FACILITY STATUS. WE HAVE THE
19 LANDFILL EXCEEDING THEIR PERMITTED CAPACITY. AS YOU CAN
20 SEE, OF THE TWO FACILITIES. WE HAVE ONE FIVE-YEAR PERMIT
21 REVIEW DELINQUENT UNDER THE PERMITTING REVIEW SECTION.

22 CLOSURE/POSTCLOSURE STATUS IS NOW BEING
23 REVIEWED AND IT'S JUST A REPORTING SITUATION. THE
24 LANDFILL WILL BE REACHING CAPACITY ON OR NEAR 1992. AN
25 INITIAL COST ESTIMATE HAS BEEN SUBMITTED; HOWEVER,

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1 CERTIFICATION OF FINANCIAL ASSURANCE IS DELINQUENT.

2 AT THIS TIME, I'D JUST SORT OF LIKE TO WRAP
3 UP BY TELLING YOU WHAT THE RECOMMENDATIONS WE WOULD LIKE
4 TO MAKE TO THE LEA WOULD BE. PLEASE BEAR IN MIND THAT
5 THEY ARE ALREADY AWARE OF THESE RECOMMENDATIONS BECAUSE
6 WE GAVE IT TO THEM BACK IN DECEMBER WHEN THE ITEM WAS
7 ORIGINALLY COMPLETED. WE'VE MOVED SOME DATES UP FOR
8 THEM, SO THEY ACTUALLY HAVE HAD AN EXTRA MONTH KNOWLEDGE.
9 AN EXTRA MONTH TO COMPLETE THE TASK.

10 SO THE FIRST ONE IS BY FEBRUARY 28, 1990.
11 WE WOULD LIKE TO SEE THEM RESOLVE THEIR CONFLICT OF
12 INTEREST SITUATION ABOVEBOARD WITH WRITTEN PROPOSAL, ETC.

13 AND THE SECOND RECOMMENDATION, AS YOU CAN
14 SEE, IS TO REVISE THE ENFORCEMENT PROGRAM PLAN TO
15 INCORPORATE ALL THE UPCOMING ACTIVITIES, SUCH AS
16 REVIEWING CLOSURE PLANS, DEVELOP A WRITTEN STAFF TRAINING
17 PLAN, AND DETERMINE AN ACTUAL BUDGET TO PERFORM AS AN
18 LEA. WE WOULD ALSO LIKE TO SEE THE LEA IMPLEMENT THE
19 REVIEW OF SOLID WASTE FACILITIES PERMITS AS STATED IN THE
20 EPP AND ADHERE TO BIMONTHLY INSPECTION FREQUENCY AND
21 SUBMIT SWIS FORMS.

22 AND THE THIRD RECOMMENDATION IS TO
23 IMMEDIATELY PURSUE OBTAINING A SOLID WASTE FACILITIES
24 PERMIT APPLICATION TO INITIATE THE PERMIT REVIEW PROCESS
25 AT THE UNION MINE LANDFILL AND TO ALSO DEVELOP A PLAN OF

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1 ACTION TO EXPEDITE COMPLETION OF THIS PERMIT REVIEW AND
2 SUBMIT THAT PLAN TO THE BOARD BY THE 28TH OF FEBRUARY.

3 AND TO IMMEDIATELY ISSUE A NOTICE AND ORDER
4 AT THE UNION MINE LANDFILL OPERATOR -- TO THE UNION MINE
5 LANDFILL OPERATOR SINCE THEY ARE EXCEEDING THEIR
6 PERMITTED CAPACITY AND COMPLY WITH THE BOARD'S POLICY FOR
7 ENFORCEMENT OF PERMIT CONDITIONS.

8 WE'D ALSO LIKE TO SEE A STATUS REPORT IN
9 FEBRUARY FROM THE LEA AS TO THEIR COMPLIANCE WITH OUR
10 RECOMMENDATIONS.

11 WE RECOMMEND THAT YOU APPROVE STAFF'S
12 REVIEW OF THE EL DORADO COUNTY DIVISION OF ENVIRONMENTAL
13 HEALTH PERMIT -- LEA REVIEW REPORT.

14 AND AT THIS TIME I'LL TURN IT BACK OVER TO
15 MARY.

16 MS. COYLE: STAFF IS PREPARED TO FOLLOW UP ON
17 THE PROGRESS MADE BY THE COUNTY. AND DEPENDING ON WHAT
18 WRITTEN PROPOSAL THE COUNTY SUBMITS, WE MAY END UP HAVING
19 TO COME BACK TO THE BOARD FOR REDESIGNATION. AND I WOULD
20 PROPOSE THAT WOULD BE PROBABLY MARCH OR APRIL.

21 ARE THERE ANY QUESTIONS?

22 CHAIRMAN GALLAGHER: THANK YOU, MS. COYLE. ANY
23 QUESTIONS? MS. BREMBERG.

24 BOARD MEMBER BREMBERG: MR. CHAIRMAN. THE ONLY
25 LANDFILL THEY HAVE IS DUE TO EXPIRE OR BE FILLED IN 1992.

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1 ARE THEY DOING ANYTHING AT ALL ABOUT THAT EXCEPT JUST --
2 DO THEY WANT TO KEEP THEIR TRANSFER STATION AND EXPORT?

3 MS. COYLE: THEY'RE TALKING ABOUT OPENING AN
4 ADJACENT CANYON AT THE UNION MINE LANDFILL. AND THEY
5 WOULD HAVE TO GO THROUGH THE PERMITTING PROCESS AND ALL
6 THE STEPS, BUT THAT IS THEIR PROPOSAL. I THINK THEY'RE A
7 LITTLE SHORT ON TIME. BUT THAT IS WHAT THEIR WALKING
8 ORDERS OR MARCHING ORDERS.

9 CHAIRMAN GALLAGHER: I'D LIKE TO ASK A FOLLOW-UP
10 QUESTION ON THAT. EL DORADO COUNTY, AS I RECALL, IS ONE
11 OF THE MOST RAPIDLY GROWING COUNTIES IN THE AREA. DOES
12 THIS 1992 DESIGNATION TAKE THAT INTO ACCOUNT?

13 MS. COYLE: YES. I THINK THAT IS THE MOST
14 RECENT CAPACITY ESTIMATE BASED ON SOME SURVEYING THEY'VE
15 DONE OUT THERE TO SEE HOW MUCH CAPACITY THEY STILL HAVE
16 SO THEY COULD BEGIN THIS PROCESS OF PERMITTING A NEW
17 LANDFILL.

18 CHAIRMAN GALLAGHER: THANK YOU. ANYTHING
19 FURTHER?

20 WE'VE HAD A RECOMMENDATION FROM STAFF THAT
21 WE ADOPT THEIR RECOMMENDATION OF THEIR REVIEW OF THE EL
22 DORADO COUNTY LEA. HAVE A MOTION, PLEASE?

23 BOARD MEMBER TCHOBANOGLOUS: SO MOVED.

24 BOARD MEMBER VARNER: I SECOND.

25 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE

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1 ADOPT STAFF'S RECOMMENDATION AND APPROVE THEIR REVIEW OF
2 THE EL DORADO LEA.

3 WILL YOU CALL THE ROLL, PLEASE.

4 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

5 BOARD MEMBER BREMBERG: AYE.

6 SECRETARY DUNN: BROWN? ABSENT.

7 GEARHEART? ABSENT.

8 LOCKINGTON?

9 BOARD MEMBER LOCKINGTON: YES.

10 SECRETARY DUNN: MOSCONE?

11 BOARD MEMBER MOSCONE: YES.

12 SECRETARY DUNN: TCHOBANGOLOUS?

13 BOARD MEMBER TCHOBANGOLOUS: YES.

14 SECRETARY DUNN: VARNER?

15 BOARD MEMBER VARNER: AYE.

16 SECRETARY DUNN: CHAIRMAN GALLAGHER?

17 CHAIRMAN GALLAGHER: AYE.

18 THANK YOU, LADIES.

19 WE'RE NOW READY TO MOVE TO ITEM NO. 14.

20 MR. OLDALL: YES, MR. CHAIRMAN, ITEM NO. 14 IS
21 CONSIDERATION OF THE DRAFT USED OIL RECYCLING REPORT, "A
22 STATUS REPORT FOR THE 1988 CALENDAR YEAR."

23 AND IT IS WITH A HEAVY HEART THAT WE HAVE
24 TO ANNOUNCE THAT THIS IS PROBABLY THE LAST ONE OF THESE
25 REPORTS THAT WE HAVE TO DO. FOLLOWING TRANSFER A YEAR OR

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TWO AGO OF ALL OF THE COLLECTION OF THAT INFORMATION TO THE DEPARTMENT OF HEALTH SERVICES. I THINK WE WERE CONSIDERABLY FORTUNATE LAST YEAR THAT ANOTHER PIECE OF LEGISLATION TRANSFERRED THE REQUIREMENT OF THIS REPORT TO BE DONE BY THE DEPARTMENT OF HEALTH SERVICES.

HOWEVER, JIM CROPPER OF OUR STAFF HAS BEEN WORKING DILIGENTLY IN THIS WHOLE PROGRAM AREA, AND ALSO HAS PUT TOGETHER WHAT WE THINK IS PROBABLY THE BEST REPORT FOR A NUMBER OF YEARS. IT'S BRIEF, BUT I THINK IT DOES HIT MOST OF THE MAJOR ISSUES THAT WE NEED TO GET ACROSS. IT WAS SENT TO YOU PRIOR TO THE HOLIDAY SEASON.

DUE TO THAT FACT, WE ASSUME THAT PERHAPS SOME OF YOU WOULD NOT BRING IT TODAY. WE HAVE SUPPLIED YOU WITH AN EXTRA COPY THAT YOU MAY WISH TO GO THROUGH AT YOUR LEISURE. IN THE MEANTIME, I'LL PASS THE PRESENTATION OVER TO JIM CROPPER.

MR. CROPPER: THANK YOU, MR. OLDALL.

MR. CHAIRMAN, MEMBERS OF THE BOARD, AS MR. OLDALL WAS SAYING, WE'VE -- THROUGH LEGISLATION, THIS IS THE REQUIREMENTS FOR THE USED OIL RECYCLING REPORT HAS BEEN SENT TO DEPARTMENT OF HEALTH SERVICES BECAUSE WE FELT THAT IT WAS MORE APPROPRIATELY VESTED WITH HEALTH SERVICES SINCE THEY IMPLEMENT THE PROGRAM, AND WE JUST HAVE THE REQUIREMENTS OF PRINCIPALLY PUBLIC INFORMATION AND OPERATING THE HOTLINE.

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1 ANYWAY, THIS AGENDA ITEM IS THE
2 CONSIDERATION OF THE DRAFT USED OIL RECYCLING REPORT. "A
3 STATUS REPORT FOR THE 1988 CALENDAR YEAR."

4 THIS REPORT WAS REQUIRED BY PUBLIC
5 RESOURCES CODE 3470 AND SUMMARIZES DATA FOR THE 1988
6 CALENDAR YEAR PROVIDED BY THE DEPARTMENT OF HEALTH
7 SERVICES ON USED OIL COLLECTION AND RECYCLING PROGRAM
8 EFFECTIVENESS AND RECOMMENDATIONS FOR INCREASE IN USED
9 OIL RECYCLING. AND I'D LIKE TO REVIEW FOR YOU SOME OF
10 THE PERTINENT FINDINGS OF THE REPORT. AS STATED, THE
11 PROGRAM EFFECTIVENESS AND SOME RECOMMENDATIONS.

12 FIRST OF ALL, THE AMOUNT OF USED OIL THAT'S
13 GENERATED IN CALIFORNIA, ACCORDING TO U.S. LUBRICATING
14 OIL SALES, WAS 137 MILLION GALLONS IN 1988. THE AMOUNT
15 THAT WAS COLLECTED WAS 83 MILLION GALLONS. AND THOSE --
16 THAT WAS COLLECTED FROM GAS STATIONS, INDUSTRY,
17 GOVERNMENT, AND AGRICULTURAL SOURCES. AND THAT WAS AN
18 INCREASE OF HALF A MILLION GALLONS OVER 1987.

19 AND THIS OCCURRED DESPITE A LOT OF ADVERSE
20 CONDITIONS IN THE INDUSTRY. AND SOME OF THESE ADVERSE
21 CONDITIONS WERE THINGS SUCH AS THERE ARE FEWER HAULERS
22 NOW THAN THAT WERE IN 1982. THERE'S NOW 81 HAULERS AND
23 IN 1982 THERE WERE 121 HAULERS. THERE'S A LOT LESS GAS
24 STATIONS THAT ARE WILLING TO ACCEPT USED OIL. ON THE
25 HOTLINE, WE HAD IN 1984 2400 FACILITIES THAT WOULD ACCEPT

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1 USED OIL, AND PRESENTLY WE HAVE 950. AND THAT'S
2 CONSTANTLY DECLINING.

3 THIS IS -- THIS HAS BEEN THE RESULT OF
4 SEVERAL DIFFERENT CONDITIONS. FIRST OF ALL, THERE'RE
5 FEWER FULL SERVICE GAS STATIONS. IN 1982 THERE WERE
6 10,625 STATIONS; IN 1987 THERE WERE 9,127 FULL SERVICE
7 STATIONS. SO THERE'S FEWER FACILITIES THAT HAVE THE
8 FACILITIES FOR ACCEPTING USED OIL IN THE FIRST PLACE.

9 AND OF THOSE STATION OWNERS, A LOT OF THEM
10 FEAR THAT THEY'RE GOING TO GET SOME TYPE OF HAZARDOUS
11 WASTE CONTAINED IN THE USED OIL, SUCH AS CHLORINATED
12 SOLVENTS, WHICH YOU FIND IN CARBURETOR CLEANER OR BRAKE
13 CLEANER. AND IF THE OIL IS CONTAMINATED, THEY WILL HAVE
14 TO PAY UP TO \$2 A GALLON TO GET RID OF THE OIL. SO
15 IT'S -- AS OPPOSED TO PERHAPS HAVING TO PAY 15 CENTS A
16 GALLON.

17 IN 1988, THERE WERE 63 MILLION GALLONS OF
18 USED OIL RECYCLED, AND THIS WAS AN INCREASE OF 6 MILLION
19 GALLONS OR 9 PERCENT OVER 1987. AND 46 PERCENT OF THE
20 AVAILABLE USED OIL WAS RECYCLED, WHICH IS QUITE A BIT
21 GREATER THAN THE NATIONAL AVERAGE, WHICH IS ABOUT 30
22 PERCENT. AND I BELIEVE THAT IT'S BECAUSE OF A LOT OF
23 THESE HAZARDOUS WASTE LAWS THAT HAVE BEEN PUT INTO
24 EFFECT, AND PEOPLE ARE REALLY USED TO DEALING WITH USED
25 OIL AS A HAZARDOUS WASTE.

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1 AND OF THIS 63 MILLION GALLONS THAT WERE
2 RECYCLED, 6 MILLION GALLONS WERE TURNED INTO MOTOR OIL.
3 2.4 MILLION GALLONS INTO INDUSTRIAL OIL. 32 MILLION
4 GALLONS INTO FUEL OIL. 13 MILLION GALLONS BETWEEN ASPHALT
5 FLUX AND 8 AND A HALF MILLION GALLONS TURNED INTO ROAD
6 OIL.

7 ALSO, PER REVIEW OF SOME OF THE PRICES FOR
8 USED OIL, THE PRICES THAT REREFINERS PAY HAULERS IS
9 ABOUT -- NOW IS ABOUT 15 CENTS A GALLON, AND IT DECREASED
10 FROM 15 CENTS A GALLON TO 12 CENTS A GALLON NOW.

11 AND HAULERS ARE CHARGING COLLECTION
12 STATIONS ABOUT 12 CENTS A GALLON, AND THE PRICE WILL
13 PROBABLY GO UP OVER THE NEXT YEAR DUE TO HAULERS ARE NOW
14 CHARGING GAS STATIONS TO TEST THEIR OIL USUALLY ABOUT \$20
15 PER STOP. AND, THEN, AT THE COLLECTION POINT, USUALLY
16 GAS STATIONS -- THE PRICES THAT GAS STATIONS ARE CHARGING
17 HAVE GONE UP FROM ABOUT 10 CENTS A GALLON TO 45 CENTS A
18 GALLON, AND THAT WILL PROBABLY CONTINUE TO GO UP AS OTHER
19 GAS STATIONS SEE THAT IT'S SORT OF THE TREND TO CHARGE
20 FOR USED OIL -- TO CHARGE TO DISPOSE OF USED OIL. AND
21 THEY CAN SEE THAT THIS IS A SOURCE OF -- POSSIBLE SOURCE
22 OF INCOME FOR THEM.

23 SOME OF THE THINGS THAT WE'VE TRIED TO DO
24 OVER -- IN 1988 TO GET MORE GAS STATIONS AND OTHER
25 PROGRAMS TO ACCEPT USED OIL. ONE OF THE THINGS THAT WE

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reporting service

1 DID WAS THAT WE SIMPLY STARTED CALLING GAS STATIONS. AND
2 WE ADDED ABOUT 1,000 COLLECTION FACILITIES TO THE HOTLINE
3 DATA BASE, WHICH HAS MADE IT A LOT EASIER WHEN PEOPLE
4 CALL UP, WE CAN USUALLY GIVE THEM THE ZIP CODE OF A
5 PLACE -- A GAS STATION WITHIN THEIR ZIP CODE FOR THEM TO
6 TAKE THEIR USED OIL. AND ONE OF THE COMPLAINTS, ONE OF
7 THE PROBLEMS, AS I SAID, IS THAT PEOPLE AT GAS STATIONS
8 ARE NOW CHARGING FOR THE DISPOSAL OF USED OIL.

9 AND IN SACRAMENTO COUNTY, WE'VE DEVELOPED A
10 USED OIL COLLECTION NETWORK, WHICH -- IT WAS A NETWORK
11 WHICH ALLOWED FOR PEOPLE TO DISPOSE OF THE USED OIL FOR
12 FREE. THE HAULER WOULD COME AND PICK UP THE USED OIL AT
13 NO CHARGE TO THE GAS STATION IF WE PROVIDE THEM ABOUT
14 2,000 GALLONS OF USED OIL WITH A MINIMUM NUMBER OF STOPS
15 SO THEY DIDN'T HAVE TO GO TO SEVERAL DIFFERENT GAS
16 STATIONS.

17 WE ALSO PROVIDED A LIST OF USED OIL
18 COLLECTION FACILITIES TO LOCAL GOVERNMENTS, THE
19 DEPARTMENT OF HEALTH SERVICE, DIFFERENT LEGISLATORS,
20 ENVIRONMENTAL NEWSLETTERS, AND SOME NEWSPAPERS.

21 WE WROTE A USED OIL TECHNICAL PAPER WHICH
22 WAS PRESENTED TO THE BOARD. AND MOST RECENTLY EVERGREEN
23 OIL IS GOING TO PRINT IT AND DISTRIBUTE THIS PAPER TO GAS
24 STATIONS AND TO DIFFERENT HAZARDOUS WASTE FIRMS TO KEEP
25 THEM INFORMED ON USED OIL.

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1 WE WROTE LETTERS TO MANY DIFFERENT OIL
2 COMPANIES, SUCH AS FIRESTONE AND OTHER COMPANIES WHICH
3 PROVIDE SERVICES THAT DO OIL CHANGES. TO SEE IF THEY
4 COULD MAKE A CORPORATE POLICY TO ACCEPT USED OIL. AND OF
5 THESE, FIRESTONE AGREED TO ACCEPT USED OIL. MAKE IT A
6 POLICY TO ACCEPT USED OIL IN SACRAMENTO COUNTY, AND
7 THAT'S AS FAR AS THEY WOULD GO.

8 GRAND AUTO IS GOING TO BE STARTING A PILOT
9 PROGRAM ACCEPTING USED OIL AT SIX DIFFERENT FACILITIES.
10 AND CHIEF AUTO PARTS IS IN THE PROCESS. THEY WERE
11 ACCEPTING USED OIL AT 12 DIFFERENT AUTO PARTS STORES. AND
12 THEY'RE GOING TO BE EXPANDING THAT TO 30 AND THEN TO
13 PERHAPS OVER 100. SO WE'LL HAVE A LOT MORE COLLECTION
14 FACILITIES FOR PEOPLE TO TAKE THEIR USED OIL TO.

15 WE WROTE A PROCUREMENT STUDY WHICH WAS
16 MANDATED BY PUBLIC RESOURCES CODE 3463. PLACED ADS IN THE
17 BUREAU OF AUTOMOTIVE REPAIR NEWSLETTER AND THE DEPARTMENT
18 OF HEALTH SERVICES WASTE EXCHANGE FACILITIES THAT WOULD
19 ACCEPT USED OIL. SIMPLY MAKE A CALL FROM THE HOTLINE AND
20 TELL US THAT THEY WERE WILLING TO ACCEPT USED OIL.

21 AND I WENT OUT TO SEVERAL DIFFERENT CAR
22 CARE FAIRS, WHICH ARE PUT ON BY THE AUTO SERVICE COUNCIL.
23 IN WHICH YOU CAN GO IN, TAKE YOUR CAR IN AND THEY'LL LOOK
24 AT YOUR CAR, AND PUT IT ON A SCOPE. AND ALSO AT THAT
25 TIME WE HANDED THEM OUT A PAMPHLET WHICH WAS HOW TO

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1 CHANGE YOUR OIL AND ALSO SOME PLACES IN THAT LOCALE WHERE
2 TO TAKE THEIR USED OIL.

3 AND WE ALSO WROTE THE CITIES AND COUNTIES.
4 THE PUBLIC WORKS DEPARTMENTS. TO SEE IF THEY WOULD BE
5 WILLING TO ACCEPT USED OIL AT THEIR CORPORATION YARDS,
6 AND SOME OF THEM HAVE.

7 AND I BELIEVE THAT THIS IS MORE THE TREND.
8 IF THE LOCAL GOVERNMENT WILL START ACCEPTING THROUGH
9 CURBSIDE PROGRAM OR PUBLIC COLLECTION FACILITIES OR
10 HOUSEHOLD HAZARDOUS WASTE FACILITIES. THAT THEY'LL START
11 ACCEPTING USED OIL TO TAKE UP THE SLACK FOR THE LACK OF
12 GAS STATIONS, THE GAS STATIONS THAT ARE NO LONGER
13 ACCEPTING USED OIL.

14 AND SOME OF THE RECOMMENDATIONS, WHICH
15 WOULD PROBABLY BE ON ABOUT THE LAST PAGE OF THE REPORT,
16 WERE, FIRST OF ALL, TO TAKE STEPS TO ENCOURAGE MORE
17 BUSINESSES AND LOCAL GOVERNMENTS TO PROVIDE LOCATIONS FOR
18 USED OIL COLLECTIONS. PERHAPS TO DEVELOP COLLECTION
19 NETWORKS, SIMPLY TO TELEPHONE GAS STATIONS LIKE WE DID.
20 ENCOURAGE CURBSIDE COLLECTION OF USED OIL. AND ENCOURAGE
21 CITY, COUNTY CORPORATION YARDS TO ACCEPT USED OIL.

22 SECONDLY, FIND WAYS TO ELIMINATE THE
23 BARRIERS TO SERVICE STATIONS AND COMMUNITY RECYCLING
24 PROGRAMS ACCEPTING USED OIL FROM THE PUBLIC. SOME OF THE
25 BARRIERS TO GAS STATIONS ARE THAT THEY HAVE TO PAY

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barristers'
reporting service

1 UNDERGROUND STORAGE TANK AND HAZARDOUS WASTE PERMITS.
2 LIABILITY INSURANCE, AND THE COST OF DISPOSAL. AND SOME
3 OF THE THINGS THEY COULD DO IS LOCAL GOVERNMENT PROVIDE
4 BUSINESSES WITH A CREDIT ON SMALL QUANTITY GENERATOR
5 PERMITS. THIS IS PRESENTLY BEING DONE IN VENTURA COUNTY
6 AND BEING LOOKED AT IN CONTRA COSTA COUNTY.

7 ALSO, PERHAPS GOVERNMENT CAN SUBSIDIZE
8 COLLECTORS FOR USED OIL DISPOSAL AND, MOST IMPORTANTLY,
9 EDUCATE THE PUBLIC ON IMPORTANCE OF PROPER DISPOSAL OF
10 USED OIL AND THE IMPORTANCE OF NOT MIXING SOLVENTS IN
11 USED OIL.

12 AND, FINALLY, ARTICLE 13 OF THE HEALTH AND
13 SAFETY CODE COULD BE AMENDED TO PROVIDE MECHANISMS THAT
14 ASSURE THE USED OIL ANNUAL REPORTS ARE FILLED OUT
15 ACCURATELY BY THE HAULERS AND RECYCLERS AND RETURNED TO
16 THE DEPARTMENT OF HEALTH SERVICES.

17 WE HAVE A REAL PROBLEM OF THEM BEING -- OF
18 REPORTS BEING RETURNED TO HEALTH SERVICES AND THEY'RE
19 ACCURATELY FILLED OUT. MANY OF THE SUBTRACTION AND
20 ADDITION IS INCORRECT AND MANY OF THE FIGURES ARE
21 ESTIMATES.

22 ALSO, WE RECOMMEND THAT YOU APPROVE THIS
23 REPORT WITH ANY RECOMMENDED CHANGES THAT YOU HAVE.

24 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?
25 I'D LIKE TO ASK A COUPLE.



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1 YOU WERE TALKING ABOUT THE NUMBER OF FULL
2 SERVICE GASOLINE STATIONS THAT WENT OUT OF BUSINESS THAT
3 DID CHANGE OIL. DOES YOUR LIST INCLUDE AMONGST THOSE
4 FULL SERVICE STATIONS SUCH ORGANIZATIONS AS JIFFY LUBE
5 AND ECONO LUBE AND TUNE AND GRANITELLI'S OPERATION? THEY
6 ALL DO LUBE AND TUNE JOBS. AND I WONDERED IF THEY HAD
7 BEEN ENCOURAGED TO ACCEPT USED OIL FROM THE PUBLIC?

8 MR. CROPPER: WE WROTE, I BELIEVE -- I KNOW THAT
9 I WROTE JIFFY LUBE. AND I THINK THAT I ALSO WROTE ECONO
10 LUBE AND TUNE TO SEE IF THEY WOULD ACCEPT USED OIL. AND
11 JIFFY LUBE WAS ACCEPTING USED OIL IN SAN DIEGO COUNTY AND
12 FOR SOME REASON THEY CHANGED THEIR MINDS AND NO LONGER --
13 IT'S THEIR POLICY NOW NOT TO ACCEPT USED OIL.

14 CHAIRMAN GALLAGHER: THANK YOU. ANY FURTHER
15 QUESTIONS?

16 BOARD MEMBER MOSCONE: MR. CHAIRMAN, DID I
17 UNDERSTAND IT CORRECTLY THAT WE WOULD NO LONGER HAVE TO
18 SEND THIS REPORT IN?

19 MR. OLDALL: YES, MR. VICE CHAIRMAN, THAT IS
20 CORRECT. IT IS NOW THE RESPONSIBILITY OF DEPARTMENT OF
21 HEALTH SERVICES TO DO THIS REPORT.

22 CHAIRMAN GALLAGHER: THE THING THAT BOGGLES MY
23 MIND IS THAT THERE'S STILL THIS MANY PEOPLE CHANGING
24 THEIR OWN OIL. GOD, I HAVEN'T CHANGED ANY OIL IN A MOTOR
25 VEHICLES IN TEN YEARS. MUST BE A LOT OF IT GOING ON THAT

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1 I'M NOT SEEING.

2 MR. CROPPER: WE GET A LOT OF CALLS FROM -- YOU
3 KNOW, WE PROBABLY GET, SAY. 1,000 CALLS A MONTH OF PEOPLE
4 CHANGING THEIR OWN OIL. WANT TO KNOW WHERE TO TAKE THEIR
5 OIL. AND THERE'S PROBABLY 1,000 CALLS THAT DON'T GET
6 THROUGH THE HOTLINE BECAUSE IT'S BUSY. SO WITH THAT MANY
7 PEOPLE OUT THERE WANTING TO KNOW WHERE TO TAKE THEIR USED
8 OIL.

9 CHAIRMAN GALLAGHER: WELL. I'VE GOTTEN SO DAMN
10 FAT, I CAN'T GET UNDER THE CAR ANYMORE. SO I'VE LOST
11 TRACK OF IT. THANK YOU VERY MUCH.

12 WE'VE HAD A RECOMMENDATION THAT WE ADOPT
13 AND SEND THIS REPORT TO THE LEGISLATURE FOR THE LAST
14 TIME. MAY I HAVE A MOTION?

15 BOARD MEMBER VARNER: SO MOVED.

16 BOARD MEMBER TCHOBANGOLOUS: SECOND.

17 CHAIRMAN GALLAGHER: WE HAVE A MOTION AND A
18 SECOND THAT WE ADOPT THE USED OIL REPORT AND SEND IT TO
19 THE LEGISLATURE.

20 WILL YOU CALL THE ROLL. MS. DUNN?

21 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN? ABSENT.

24 GEARHEART? ABSENT.

25 LOCKINGTON?



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1 BOARD MEMBER LOCKINGTON: YES.

2 SECRETARY DUNN: MOSCONE?

3 BOARD MEMBER MOSCONE: YES.

4 SECRETARY DUNN: TCHOBANGOLOUS?

5 BOARD MEMBER TCHOBANGOLOUS: YES.

6 SECRETARY DUNN: VARNER?

7 BOARD MEMBER VARNER: AYE.

8 SECRETARY DUNN: CHAIRMAN GALLAGHER?

9 CHAIRMAN GALLAGHER: AYE.

10 THANK YOU AGAIN.

11 WE'RE NOW READY TO MOVE TO THE NEXT ITEM.

12 WE WERE ALL SITTING UP HERE WONDERING IF THE LATE MR.

13 EOWAN WAS GOING TO GET HERE FOR HIS APPLAUD, BUT HE MADE

14 IT. THE LATE GREAT MR. EOWAN SITTING OUT THERE.

15 MR. OLDALL: WOULD YOU LIKE US TO FORMALLY

16 ANNOUNCE ITEM NO. 12, MR. CHAIRMAN, WHICH IS --

17 CHAIRMAN GALLAGHER: ITEM NO. 12.

18 MR. OLDALL: CONSIDERATION OF ADOPTION OF

19 RESOLUTION HONORING GEORGE T. EOWAN, WHOMEVER HE MAY BE.

20 I THINK IT'S BEEN CUSTOMARY PRACTICE HERE

21 AT THE BOARD FOR THOSE THAT ARE FAMOUS OR INFAMOUS FOR

22 PROVIDING SERVICE TO THE BOARD TO RECEIVE SOMETHING THAT

23 IS DUE TO THEM UPON THEIR LEAVING.

24 I THINK YOU HAVE A CERTAIN DOCUMENT, MR.

25 CHAIRMAN, THAT YOU WISH TO DO SOMETHING WITH, READ FROM.

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1 OR WHATEVER PLEASURES YOU AT THIS TIME.

2 CHAIRMAN GALLAGHER: I THINK IT'S OKAY AS LONG
3 AS YOU PRECEDED IT WITH THE FACT THAT WE'RE JUST
4 CONSIDERING IT.

5 MR. OLDALL: THAT IS ABSOLUTELY CORRECT, MR.
6 CHAIRMAN.

7 CHAIRMAN GALLAGHER: WELL, IT IS THE PLEASURE OF
8 THE CHAIRMAN ALWAYS TO HAVE THE OPPORTUNITY TO HONOR
9 PEOPLE WHO HAVE SERVED THIS BOARD WELL, NOT ALWAYS AN
10 EXECUTIVE OFFICER. BUT IN THIS CASE, IT IS A PARTICULAR
11 PLEASURE FOR ME BECAUSE I HAD A REMARKABLY FINE
12 RELATIONSHIP WITH MR. EOWAN. I'M SURE THAT I'LL HAVE AN
13 EQUALLY GOOD ONE WITH MR. LARSON. BUT WHEN I CAME ON
14 BOARD, IT WAS NOT AS SMOOTH AND THINGS WERE NOT AS
15 PLEASANT, I THINK, AS SOMEHOW GEORGE MADE THEM AFTER I
16 GOT HERE.

17 I APPRECIATE GEORGE A GREAT DEAL. ALL THE
18 GREAT THINGS YOU DID AS THE EXECUTIVE OFFICER. I'M SURE
19 THAT MY COLLEAGUES THAT SIT HERE ON THE BOARD FEEL
20 EXACTLY THE SAME WAY. YOU DID AN OUTSTANDING JOB. WE
21 WERE SORRY TO LOSE YOU -- HAVE YOU LEAVE. WE'RE HAPPY TO
22 WELCOME GEORGE, BUT THE BOARD HAS DEVELOPED A RESOLUTION
23 HONORING YOU, AND IF YOU DON'T MIND, I'LL READ IT TO YOU,
24 AND THEN YOU CAN TAKE IT WITH YOU AND HANG IT IN YOUR
25 OFFICE.

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1 WHEREAS, THE CALIFORNIA INTEGRATED WASTE
2 MANAGEMENT BOARD ENCOURAGES WASTE REDUCTION, RECYCLING,
3 AND THE SAFE MANAGEMENT OF MORE TRASH THAN ANY OTHER
4 REGULATORY AGENCY IN THE NATION:

5 AND, WHEREAS, THE BOARD'S CHIEF EXECUTIVE
6 OFFICER IS RESPONSIBLE FOR ADMINISTERING A BROAD SPECTRUM
7 OF SCIENTIFIC AND PUBLIC POLICY ISSUES IN INTEGRATED
8 WASTE MANAGEMENT AND FOR DIRECTING THE BOARD STAFF:

9 AND, WHEREAS, GEORGE T. EOWAN SERVED AS
10 CHIEF EXECUTIVE OFFICER OF THE BOARD FROM DECEMBER 1984
11 TO DECEMBER 1989:

12 AND, WHEREAS, DURING HIS FIVE-YEAR TENURE,
13 GEORGE CARRIED OUT HIS DUTIES WITH SKILL AND DEDICATION,
14 SUCCESSFULLY PAVING THE WAY FOR BOLD NEW PROGRAMS TO
15 REDUCE CALIFORNIA'S GROWING WASTE DISPOSAL PROBLEMS.

16 NOW, THEREFORE, BE IT RESOLVED THAT THE
17 MEMBERS OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT
18 BOARD HONORING GEORGE T. EOWAN FOR HIS YEARS OF
19 COMMITMENT TO THE BOARD AND TO THE STATE OF CALIFORNIA,
20 AND BE IT FURTHER RESOLVED THAT THE BOARD WISHES GEORGE
21 AND HIS LOVELY WIFE ANN A HAPPY AND PROSPEROUS FUTURE.

22 DATED THIS 25TH DAY OF JANUARY 1990, AND
23 SIGNED BY ALL THE MEMBERS OF THE INTEGRATED WASTE
24 MANAGEMENT BOARD.

25 GEORGE, IT'S A PLEASURE TO HAVE YOU AND TO



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1 HAVE WORKED WITH YOU.

2 (APPLAUSE.)

3 MR. EOWAN: THANK YOU VERY MUCH. I'M
4 SPEECHLESS.

5 YOU'VE HEARD ENOUGH OF ME FOR FIVE YEARS,
6 BUT JUST BRIEFLY I WANT TO THANK YOU VERY MUCH. THIS IS
7 VERY, VERY SPECIAL TO ME. IT WILL BE THE FIRST THING ON
8 MY WALL, AND I WILL BE VERY, VERY PROUD OF IT. AS I AM OF
9 ALL OF YOU AND BEING ASSOCIATED WITH THIS VERY, VERY
10 EXCELLENT ORGANIZATION. THERE'S A LOT OF SPECIAL PEOPLE
11 HERE.

12 JOHN, I WANT TO ESPECIALLY THANK YOU FOR
13 ALL OF THE WISDOM AND GUIDANCE THAT YOU GAVE ME WHILE I
14 WAS HERE. I WANT TO THANK ALL THE BOARD MEMBERS FOR YOUR
15 FRIENDSHIP, YOUR HELP, YOUR ADVICE, AND SOMETIMES YOUR
16 CRITICISM. I WANT TO THANK ALL OF YOU AS A FAMILY,
17 SPECIAL PEOPLE.

18 KAY, I WANT TO THANK YOU ESPECIALLY FOR
19 STICKING WITH ME ALL THESE YEARS, GRUMPY AS I WAS MANY
20 MORNINGS.

21 I LOOK FORWARD TO WORKING WITH ALL OF YOU
22 IN THE FUTURE AND KEEPING YOU AS FRIENDS FROM HERE ON
23 OUT.

24 THANK YOU VERY MUCH.

25 (APPLAUSE.)



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CHAIRMAN GALLAGHER: THIS SEEMS TO BE AN
APPROPRIATE TIME TO RECESS THIS MEETING UNTIL 9 O'CLOCK
IN THE MORNING.

(END OF PROCEEDINGS.)



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REPORTER'S CERTIFICATE

I, Beth C. Drain HEREBY CERTIFY THAT ON THE
25th OF January, 1990, I DID REPORT IN
SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE FOREGOING
HEARING;

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED MATTER,
I DID TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING, AND
THAT THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT COPY OF
MY SHORTHAND NOTES THEREOF.

Beth C. Drain
CERTIFIED SHORTHAND REPORTER
CERTIFICATE NO. 7152



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