

CERTIFIED
COPY

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE,)
MARCH 11TH, 1992)
-----)

DATE AND TIME: WEDNESDAY, MARCH 11TH, 1992, 9:30 A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA 95826

REPORTER: ANNE L. STARK, RPR, CSR
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APPEARANCES

MR. JESSE HUFF, CHAIRMAN
MR. SAM EGIGIAN, BOARD MEMBER
MR. PAUL RELIS, BOARD MEMBER

STAFF PRESENT

MR. ROBERT F. CONHEIM, GENERAL COUNSEL
MR. DONALD WALLACE
MR. RALPH CHANDLER
MR. WESLEY CHESBRO
MR. STEVE SPHAR

ADVISORS PRESENT

MR. AL LIPSON
MR. HOWARD LEVENSON
MR. TERRY LEVEILLE
MR. JEFFREY DANZINGER
MS. SUSAN SIMS



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1 WEDNESDAY, MARCH 11TH, 1992

2 9:30 A.M.

3 PERMITTING AND ENFORCEMENT COMMITTEE

4
5
6 CHAIRMAN HUFF: OKAY. WE'LL COME TO ORDER.
7 WE'LL HAVE A ROLL CALL TO ESTABLISH A QUORUM.

8 BOARD SECRETARY: BOARD MEMBER EGIGIAN?

9 BOARD MEMBER EGIGIAN: HERE.

10 BOARD SECRETARY: RELIS?

11 BOARD MEMBER RELIS: HERE.

12 BOARD SECRETARY: CHAIRMAN HUFF?

13 CHAIRMAN HUFF: HERE.

14 THE QUORUM IS PRESENT.

15 FIRST ITEM LISTED ON THE AGENDA IS
16 CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS.
17 WE HAVE NONE; IS THAT CORRECT? STAFF? ANYONE? WE'LL
18 ASSUME THAT'S CORRECT.

19 ITEM 2 HAS BEEN PULLED.

20 ITEM NO. 3?

21 MR. OTSUBO: GOOD MORNING, MR. CHAIRMAN AND
22 MEMBERS OF THE COMMITTEE. I'M DAVID OTSUBO, REPRESENTING
23 THE PERMITS BRANCH OF THE PERMITTING AND COMPLIANCE
24 DIVISION.

25 THIS ITEM REGARDS CONSIDERATION OF



1 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE
2 FACILITY PERMIT FOR THE MONTEREY REGIONAL WASTE
3 MANAGEMENT DISTRICT, ALSO KNOWN AS THE MARINA FACILITY IN
4 THE COUNTY OF MONTEREY. THIS SITE WAS ALSO PREVIOUSLY
5 KNOWN AS THE MONTEREY PENINSULA SANITARY LANDFILL.

6 THIS FACILITY IS NEAR THE CITY OF MARINA,
7 AND THE SERVICE AREA INCLUDES THAT CITY AS WELL AS
8 CARMEL, PACIFIC GROVE AND SOME UNINCORPORATED AREAS OF
9 THE COUNTY. SURROUNDING THE SITE ARE A WASTE WATER
10 TREATMENT PLANT, THE SALINAS RIVER, OPEN RANCH LAND, AND
11 AGRICULTURAL LAND.

12 THE REVISION WILL INCLUDE AN INCREASE IN
13 THE MAXIMUM PERMITTED TONNAGE TO 1500 TONS PER DAY, A
14 DECREASE IN ACREAGE BECAUSE OF THE CONSTRUCTION OF THE
15 WATER TREATMENT PLANT, AN INCREASE IN MATERIALS RECYCLED
16 AND THE PROHIBITION AGAINST THE DISPOSAL OF LIQUID WASTE
17 WHICH WE FORMERLY RECEIVED BUT NOW GO THE WATER TREATMENT
18 FACILITY.

19 THIS FACILITY WILL RECEIVE AN ESTIMATED
20 AVERAGE OF 870 TONS OF NONHAZARDOUS SOLID WASTE PER
21 OPERATING DAY. AS INDICATED IN THE AGENDA ITEM, THE
22 OPERATOR WAS IN THE PROCESS OF DETERMINING THE AMOUNT OF
23 MATERIAL WHICH IS RECYCLED OR SALVAGED WHEN THIS ITEM WAS
24 PREPARED. EXTENSIVE RECOVERY DOES OCCUR AT THE SITE
25 INCLUDING THE RECOVERY OF METALS, TOXICS, AND INERT



1 CONSTRUCTION DEBRIS. A WOOD GRINDING OPERATION IS ALSO
2 ON SITE, THE WOOD CHIPS BEING SENT TO THE SOLEDAD
3 COGENERATION PLANT.

4 THE WASTE STREAM WILL CONSIST MOSTLY OF
5 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL WASTE. GREASE
6 TRAP PUMPINGS AVERAGING 15 TO 30 TONS PER DAY ARE ALSO
7 RECEIVED. THOUGH CURRENTLY NOT RECEIVED, THE PERMIT WILL
8 ALSO ALLOW FOR THE RECEIPT OF NONHAZARDOUS ASH FROM THE
9 SOLEDAD COGENERATION PLANT.

10 THE LEA AND BOARD STAFF HAVE DETERMINED THE
11 FOLLOWING: THE FACILITY'S DESIGN IS CONSISTENT WITH THE
12 MONTEREY WASTE MANAGEMENT PLAN; THE FACILITY IS IN
13 CONFORMANCE WITH MONTEREY COUNTY'S GENERAL PLAN AND CEQA
14 HAS BEEN COMPILED WITH; AN ACCEPTABLE FINANCIAL
15 MECHANISM, IN THIS CASE ENTERPRISE FUND, EXISTS FOR THIS
16 FACILITY.

17 TONI GALLOWAY OF THE PLANNING AND
18 ASSISTANCE DIVISION IS HERE TO DESCRIBE STAFF'S FINDING
19 OF THIS FACILITY'S CONFORMANCE WITH WASTE DIVERSION
20 GOALS.

21 IN CONCLUSION, STAFF RECOMMENDS THAT THE
22 BOARD ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.
23 92-03 CONCURRING IN THE ISSUANCE OF SOLID WASTE
24 FACILITIES PERMIT 27-AA-0010.

25 BEFORE I CONCLUDE, LET ME STATE THAT THE



1 OPERATOR IS PRESENT AND WOULD LIKE TO MAKE A SHORT SLIDE
2 PRESENTATION. THE LEA IS ALSO PRESENT AND AVAILABLE FOR
3 QUESTIONS. THIS CONCLUDES MY PRESENTATION.

4 CHAIRMAN HUFF: OKAY. LET ME SEE IF WE CAN'T
5 SPEED THIS UP. WHAT WE HAVE HERE IS A FACILITY THAT'S
6 GOING TO INCREASE ITS DAILY TONNAGE; IS THAT CORRECT?

7 MR. OTSUBO: THAT'S CORRECT.

8 CHAIRMAN HUFF: IT'S ALSO GOING TO RESTRICT ITS
9 AREA OF OPERATION SOMEWHAT FROM WHERE IT HAS BEEN
10 OPERATING?

11 MR. OTSUBO: THAT'S CORRECT.

12 CHAIRMAN HUFF: AND IT'S GOING TO FIX, BY DOING
13 SO, A PROBLEM WITH REGARDS TO -- WHERE DID I SEE IT HERE?
14 OKAY. THE PRACTICE OF LAND SPREADING LIQUID SLUDGE,
15 SEPTAGE, AND CHEMICAL TOILET WASTE WILL NO LONGER BE
16 PERMITTED?

17 MR. OTSUBO: THAT IS ALSO CORRECT.

18 CHAIRMAN HUFF: OKAY. NOW, IF I UNDERSTAND
19 CORRECTLY THERE IS NOT EVIDENCE ON THE RECORD THAT
20 APPROVAL OF THIS CONCURRENCE IN THIS PERMIT WOULD
21 SUBSTANTIALLY IMPAIR OR PREVENT ACHIEVEMENT OF THE
22 DIVERSION GOALS. THERE IS NO EVIDENCE TO THAT EFFECT?

23 MS. VAZQUEZ: THERE IS NO EVIDENCE.

24 CHAIRMAN HUFF: THAT'S FINE.

25 DOES THE LEA HAVE ANYTHING TO ADD?



1 DOES THE OPERATOR WISH TO SHOW THE SLIDES?
2 QUEUE THE SLIDES.

3 COMMITTEE MEMBERS, DO YOU WANT TO SEE THE
4 SLIDES? WE'LL STIPULATE THAT THEY ARE GOOD SLIDES.

5 BOARD MEMBER RELIS: JUST A BRIEF QUESTION ON
6 THE COMPOST OPERATION THAT WE MAY ISSUE A NOTICE IN ORDER
7 TO STIPULATE AN ORDER, COULD I HEAR SOMETHING ON THAT
8 FROM STAFF?

9 MR. FINNEY: I THINK THE LEA CAN ANSWER THAT
10 QUESTION. HE'S ALSO IN THE AUDIENCE.

11 CHAIRMAN HUFF: EXCUSE ME, IF YOU COULD STATE
12 YOUR NAME BECAUSE WE HAVE SOMEONE HERE WHO CAN'T GUESS
13 YOUR NAME.

14 MR. FINNEY: OKAY. JIM FINNEY, SENIOR
15 ENVIRONMENTAL HEALTH SPECIALIST FROM MONTEREY COUNTY
16 HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH.

17 WE ARE GOING TO BE GIVING THE OPERATOR OF
18 THE COMPOST FACILITY, WHO IS SEPARATE FROM THIS ENTITY, A
19 TIME LINE IN WHICH TO COMPLY. IF HE DID DOES NOT COMPLY,
20 AND I'M ANTICIPATING THAT TO BE SOMETIME IN APRIL, I'M
21 GOING TO ISSUE HIM NOTICE AND ORDER GIVING HIM A DEFINITE
22 DATE BY WHICH HE MUST COMPLY WITH OBTAINING THE SOLID
23 WASTE FACILITIES PERMIT.

24 CHAIRMAN HUFF: THANK YOU. ANY OTHER QUESTIONS?
25 THE ITEM IS BEFORE US; IS THERE A MOTION?



1 BOARD MEMBER RELIS: I MOVE.

2 BOARD MEMBER EGIGIAN: SECOND.

3 CHAIRMAN HUFF: OKAY. IT'S BEEN MOVED. WE'LL
4 ESTABLISH AN OPERATING ROLL CALL.

5 BOARD SECRETARY: BOARD MEMBERS EGIGIAN?

6 BOARD MEMBER EGIGIAN: YES.

7 BOARD SECRETARY: RELIS?

8 BOARD MEMBER RELIS: AYE.

9 BOARD SECRETARY: CHAIRMAN HUFF?

10 CHAIRMAN HUFF: AYE.

11 THE AYES HAVE IT, THREE TO ZERO. THE
12 MOTION IS CONCURRED IN. AND THAT WILL TAKE US -- THERE
13 IS A MAZDA OUT THERE WHO ARRIVED, APPARENTLY, DURING THE
14 NIGHT BECAUSE THEIR LIGHTS ARE ON. THE MAZDA HAS THE
15 LICENSE OF 2ZZB336. YOUR LIGHTS ARE ON. WE MAY HAVE TO
16 RECYCLE YOUR BATTERY IF YOU DON'T DO SOMETHING.

17 MR. CONHEIM: MR. CHAIRMAN?

18 CHAIRMAN HUFF: THAT WAS CONSENT.

19 YES. YOU WERE ABOUT TO COMMENT?

20 MR. CONHEIM: MR. CHAIRMAN, I WAS JUST ASKING
21 THE CONSENT QUESTION, AND IT'S TAKEN CARE OF.

22 CHAIRMAN HUFF: THAT WILL TAKE US TO ITEM 4.

23 MR. OTSUBO: MR. CHAIRMAN AND MEMBERS OF THE
24 COMMITTEE, I'M DAVID OTSUBO, AGAIN, REPRESENTING THE
25 PERMITS BRANCH OF THE PERMITTING AND COMPLIANCE DIVISION.



1 THE CENTRAL VALLEY REGIONAL WATER BOARD
2 REVIEWED THE PROJECT AND DETERMINED THAT NO WASTE
3 DISCHARGE REQUIREMENTS WERE NEEDED. THE FACILITY IS
4 LOCATED IN AN ISOLATED AREA OF GREAT DEPTH GROUND WATER,
5 LOW RAINFALL AND LOW ENVIRONMENTAL IMPACT.

6 THE LEA AND BOARD STAFF HAVE DETERMINED THE
7 FOLLOWING: THE FACILITIES DESIGN IS CONSISTENT WITH THE
8 KERN COUNTY SOLID WASTE MANAGEMENT PLAN; THE FACILITY IS
9 IN CONFORMANCE WITH KERN COUNTY'S GENERAL PLAN; AND CEQA
10 HAS BEEN COMPLIED WITH.

11 JOHN BROOKS OF THE PLANNING AND ASSISTANCE
12 DIVISION IS HERE TO ANSWER ANY QUESTIONS REGARDING
13 CONFORMANCE WITH SOLID WASTE DIVERSION GOALS AND CAN MAKE
14 A SHORT PRESENTATION.

15 IN CONCLUSION STAFF RECOMMENDS THAT THE
16 BOARD ADOPT SOLID WASTE FACILITIES PERMIT NO. 92-20,
17 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITIES
18 PERMIT NO. 15-AA-0304.

19 BEFORE JOHN GIVES HIS PRESENTATION, LET ME
20 MENTION THAT THE OPERATOR IS PRESENT AND WOULD LIKE TO
21 ANSWER ANY QUESTIONS REGARDING HIS UNIQUE PROCESS. THE
22 LEA IS ALSO HERE AND CAN ANSWER ANY QUESTIONS.

23 THIS CONCLUDES MY PRESENTATION.

24 CHAIRMAN HUFF: ANY QUESTIONS OF THE STAFF
25 PRESENTATION?



1 BOARD MEMBER RELIS: MR. CHAIRMAN, I HAVE A
2 COUPLE OF QUESTIONS. ON PAGE 19 UNDER THE TITLE
3 "RESOURCE RECOVERY PROGRAMS," I HAVE A QUESTION AS TO
4 WHETHER AUTHORIZATION OF THIS PERMIT WOULD, IN EFFECT, BE
5 APPROVAL OF THE COMPOSTING THAT IS REFERRED TO HERE?

6 MR. OTSUBO: NO. THAT WOULD BE PHASE II, WHICH
7 WOULD REQUIRE A PERMIT REVISION.

8 BOARD MEMBER RELIS: OKAY. SO THERE'S NO
9 RELATIONSHIP BETWEEN THAT THIS COULD NOT BE INTERPRETED?

10 MR. OTSUBO: NO, IT'S CLEAR.

11 BOARD MEMBER RELIS: THEN ON PAGE 40, THERE'S A
12 SENTENCE UNDER ITEM NO. 1 AT THE BOTTOM, IT SAYS,
13 "ACCORDING TO THE KERN COUNTY BOARD OF SUPERVISORS
14 RESOLUTION NO. 89-936, AS CONDITIONED, THIS FACILITY" --
15 WHAT ARE THE CONDITIONS BEING REFERRED TO HERE?

16 MR. OTSUBO: THAT'S AN OLDER MEMORANDUM, I'D
17 LIKE TO DEFER THAT QUESTION TO JOHN BROOKS AND HOPEFULLY
18 HE HAS AN ANSWER IT.

19 MR. BROOKS: ACTUALLY, I DO NOT HAVE A COPY OF
20 THAT MEMO HERE. POSSIBLY THE LEA HAS ONE?

21 BOARD MEMBER RELIS: I CAN SHARE IT.

22 MR. BROOKS: THE RESOLUTION NO. 89-936. I DO
23 NOT HAVE A COPY OF THE RESOLUTION.

24 BOARD MEMBER RELIS: SO NO ONE KNOWS WHAT THESE
25 CONDITIONS ARE?



1 IS THERE SOMEONE FROM KERN COUNTY THAT
2 WOULD KNOW?

3 MR. O'BRIILLIAN: I'M BILL O'BRIILLIAN FROM KERN
4 COUNTY LEA. I'M THE PROGRAM MANAGER FROM SOLID WASTE,
5 AND I DO NOT HAVE A COPY OF THAT RESOLUTION. SO IF NEED
6 BE THAT WE WOULD LOOK AT YOUR MEMORANDUM AND BE ABLE TO
7 MAKE A DETERMINATION FROM THAT. YOUR REFERENCE PAGE DOES
8 NOT REFER TO OUR PERMIT.

9 BOARD MEMBER RELIS: I'M NOT RAISING THIS AS A
10 MAKE OR BREAK ISSUE HERE, BUT IT LOOKS LIKE CONDITIONS.
11 IT'S ALWAYS A GOOD IDEA TO KNOW.

12 CHAIRMAN HUFF: IT LOOKS LIKE THESE ARE
13 CONDITIONS THAT THE LOCAL ENTITY ATTACHED TO THE
14 OPERATION OF THE FACILITY.

15 BOARD MEMBER RELIS: CORRECT. CORRECT.

16 CHAIRMAN HUFF: WHICH IS NOT UNCOMMON. THE
17 LOCAL ENTITIES ATTACH CONDITIONS TO THE OPERATION OF
18 ALMOST ANY FACILITY.

19 BOARD MEMBER RELIS: WELL, LACKING THE
20 CONDITIONS --

21 MR. O'BRIILLIAN: I HAVE A COPY RIGHT HERE. IT'S
22 IN THE REPORT, AND JOHN IS LOOKING AT IT RIGHT NOW.

23 MR. WARD: BOARD MEMBER RELIS, RANDY WARD
24 REPRESENTING THE ENVIROCYCLE.

25 IN TERMS OF THE SPECIFIC CONDITIONS THAT



1 ARE REQUIRED FOR THE OPERATION OF THIS FACILITY BY THE
2 COUNTY, CERTAINLY THE COUNTY IS PREPARED TO ANSWER THOSE.
3 AND THEY'RE PRIMARILY FROM THE DEPARTMENT OF HEALTH
4 WITHIN THE COUNTY, SO IF YOU HAVE ANY QUESTIONS IN THAT
5 REGARD, WE WOULD CERTAINLY TRY TO ANSWER THEM.

6 BOARD MEMBER RELIS: I DIDN'T HAVE ANY SPECIFIC
7 QUESTION. IT WAS MORE, AGAIN, CLARIFYING WHAT THESE
8 WERE.

9 MR. BROOKS: MR. CHAIRMAN, WE DID FIND SOMETHING
10 IN HERE. BASICALLY, THE STANDARD BOILER PLATE LANGUAGE
11 IS A COPY OF A REPORT SENT TO SUCH AND SUCH A PLACE, THAT
12 TYPE OF THING. THERE'S NO SPECIFIC CONDITIONS OR
13 ATTACHMENTS REGULATING THE FACILITY.

14 BOARD MEMBER RELIS: OKAY. LET'S DROP IT.

15 CHAIRMAN HUFF: GOOD IDEA.

16 ANY OTHER QUESTIONS OF STAFF?

17 DOES THE LEA HAVE ANYTHING TO ADD TO THE
18 PRESENTATION?

19 MR. O'BRIILLIAN: ONLY IF YOU HAVE ANOTHER
20 QUESTION.

21 CHAIRMAN HUFF: WE'LL TRY NOT TO.

22 MR. WARD, DO YOU HAVE ANYTHING TO SHARE
23 WITH US?

24 MR. WARD: NO. IN THE INTEREST OF TIME, I THINK
25 YOU HAVE AN EXPLANATION OF THE PROJECT IN FRONT OF YOU.



1 THIS IS THE FIRST PROJECT OF ITS TYPE IN THE STATE OF
2 CALIFORNIA. I THINK IT'S SOMETHING THAT, A PROJECT
3 THAT'S CLEARLY SUPPORTED BY KERN COUNTY, THE BOARD OF
4 SUPERVISORS, ENTHUSIASTICALLY.

5 IT'S GOING TO BE REMOVING ABOUT 550 TONS
6 PER DAY OF MATERIAL THAT'S CURRENTLY GOING TO LANDFILLS
7 AND FINDING USEFUL PURPOSE FOR IT. AND SO IT'S GOING TO
8 CONTRIBUTE IN A MAJOR WAY TO REDUCING PM-10 WHICH IS AN
9 AIR QUALITY REGULATION COMING OUT OF THE NEW UNIFIED AIR
10 DISTRICT IN KERN AND SAN JOAQUIN COUNTIES.

11 I DO HAVE PICTURES THAT I WON'T BORE YOU
12 WITH RIGHT NOW, BUT IF YOU ARE INTERESTED, IN FACT, WE
13 CAN HAND THEM OUT AND YOU CAN JUST TAKE A LOOK AT THEM AT
14 YOUR LEISURE.

15 CHAIRMAN HUFF: WHY DON'T YOU DO THAT, YES.

16 MR. WARD: UNLESS YOU HAVE ANY OTHER QUESTIONS,
17 I RESPECTFULLY ASK FOR YOUR APPROVAL.

18 CHAIRMAN HUFF: ALL RIGHT.

19 BOARD MEMBER RELIS: MOVED.

20 CHAIRMAN HUFF: IT'S BEEN MOVED AND WITHOUT
21 OBJECTION, WE WILL SUBSTITUTE THE PRIOR ROLL CALL, THE
22 AYES ARE THREE, THE NOS ARE NONE. THE MOTION IS ADOPTED.

23 MR. WARD: THANK YOU.

24 CHAIRMAN HUFF: THAT TAKES US TO ITEM 5.

25 MS. STEVENS: GOOD MORNING MR. CHAIRMAN, MEMBERS



1 OF THE COMMITTEE. MY NAME IS ROSSLYN STEVENS, AND I
2 REPRESENT THE PERMITS BRANCH OF THE PERMITTING AND
3 COMPLIANCE DIVISION.

4 THE ITEM BEFORE YOU TODAY IS A
5 CONSIDERATION OF A REVISED SOLID WASTE FACILITIES PERMIT
6 FOR THE CITY OF LOMPOC SANITARY LANDFILL, LOCATED IN
7 SANTA BARBARA COUNTY.

8 THIS REVISION IS NECESSARY BECAUSE THE
9 WASTE VOLUME HAS INCREASED FROM 78 TONS PER DAY TO 200
10 TONS PER DAY, AND THE SITE LIFE HAS BEEN EXTENDED BY 32
11 YEARS. IN ADDITION THE SITE WILL BE IMPLEMENTING AN
12 ALTERNATIVE COVER PROGRAM UPON CONCURRENCE IN THIS SOLID
13 WASTE FACILITIES PERMIT.

14 THIS FACILITY WILL RECEIVE A MAXIMUM OF 200
15 TONS PER DAY OF NONHAZARDOUS SOLID WASTE. IN ADDITION,
16 THE SITE HAS A DEDICATED AREA FOR THE SEPARATION OF
17 COMMINGLED RECYCLABLES COLLECTED BY THE CITY'S CURB SIDE
18 RECYCLING PROGRAM.

19 RECYCLED MATERIALS COLLECTED INCLUDE PAPER,
20 GLASS, PLASTIC, AND TIN AND ALUMINUM CANS. IN ADDITION
21 TO THE MATERIALS DIVERTED BY THE CITY'S CURBSIDE PROGRAM,
22 WOODWASTE, WHITE GOODS, TIRES, AND DEMOLITION MATERIALS
23 ARE RECYCLED ON-SITE. THE DEMO MATERIALS INCLUDE LARGE
24 NUMBERS OF HIGH WATER USE TOILETS THAT WERE REMOVED
25 DURING THE RECENT DROUGHT. THE PORCELAIN IN THESE



1 TOILETS ARE CRUSHED AND USED FOR ROAD BASE.

2 THIS FACILITY ALSO USES AN ALTERNATIVE
3 COVER. IN NOVEMBER 1990, THE CITY COMPLETED A PILOT
4 STUDY FOR MIXING POTABLE WATER TREATMENT PLANT SLUDGE
5 WITH NATIVE SOIL FOR USE AS DAILY COVER. RESULTS OF THE
6 STUDY WERE FAVORABLE, AND IN MARCH '91 THE BOARD'S CHIEF
7 EXECUTIVE OFFICER, MR. LARSON, AT THAT TIME APPROVED THE
8 ALTERNATIVE COVER FOR USE AT THE SITE UPON REVISION OF
9 THE SOLID WASTE FACILITIES PERMIT.

10 IN CONSIDERING THIS PERMIT THE LEA BOARD
11 STAFF HAVE MADE THE FOLLOWING DETERMINATIONS. THE
12 FACILITY IS FOUND TO BE CONSISTENT WITH THE '85, COUNTY
13 OF SANTA BARBARA'S SOLID WASTE MANAGEMENT PLAN.

14 THE CITY OF LOMPOC PLANNING COMMISSION
15 ADOPTED RESOLUTION 91-56 IN SEPTEMBER '91, STATING THAT
16 THE FACILITY'S DEVELOPMENT PLAN IS CONSISTENT WITH BOTH
17 THE CITY OF LOMPOC'S GENERAL PLAN AND ZONING ORDINANCES.

18 THE CITY OF LOMPOC PREPARED A NEGATIVE
19 DECLARATION FOR THE PROPOSED PROJECT THAT WAS CIRCULATED
20 THROUGH THE STATE CLEARING HOUSE FOR COMMENT.

21 THE NEGATIVE DECLARATION WAS APPROVED
22 FOLLOWING CIRCULATION, AND A NOTICE OF DETERMINATION WAS
23 FILED ON SEPTEMBER 26TH, 1991.

24 THE FINANCIAL ASSURANCE SECTION OF THE
25 BOARD HAS COMPLETED ITS EVALUATION OF THE ENTERPRISE FUND



1 ESTABLISHING CLOSURE AND POSTCLOSURE MAINTENANCE AT THE
2 LOMPOC LANDFILL. STAFF HAVE FOUND THAT THESE DOCUMENTS
3 CONFORM TO THE REQUIREMENTS OF TITLE 14, SECTION 18285.

4 IN CONCLUSION, STAFF RECOMMENDS THE BOARD
5 ADOPT PERMIT DECISION 92-21 APPROVING THE USE OF THE
6 ALTERNATIVE DAILY COVER MATERIAL AS A SUITABLE COVER
7 MATERIAL AT THE SITE AND CONCURRING IN THE ISSUANCE OF
8 SOLID WASTE FACILITIES PERMIT 42-AA-0017. THIS CONCLUDES
9 MY PRESENTATION.

10 TONI GALLOWAY OF THE LOCAL ASSISTANCE
11 BRANCH IS HERE TO ANSWER QUESTIONS REGARDING WASTE
12 DIVERSION AND, IN ADDITION, MR. JOHN WELLBORNE, THE
13 OPERATOR IS HERE AND STEVE AUSTRHEIM-SMITH IS AVAILABLE
14 TO ANSWER QUESTIONS REGARDING THE COVER.

15 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

16 BOARD MEMBER RELIS: JUST PAGE 60, LOCAL TASK
17 FORCE INPUT. YOU HAVE A STATEMENT HERE THAT AFTER LTF
18 COMMENTS AS SOON AS POSSIBLE WILL BE PROVIDED PRIOR TO
19 FEBRUARY 18TH.

20 HAVE WE HEARD ANYTHING ON THAT?

21 MS. STEVENS: YES, WE'VE RECEIVED THOSE
22 COMMENTS, AND THE LOCAL TASK FORCE FOUND THAT THE
23 FACILITY CONFORMED. MR. WELLBORNE ALSO SITS ON THE TASK
24 FORCE, SO HE CAN ANSWER QUESTIONS, ANY SPECIFIC
25 QUESTIONS.



1 BOARD MEMBER RELIS: I'D JUST LIKE TO SAY I'M
2 FROM SANTA BARBARA COUNTY, AND I'M QUITE FAMILIAR WITH
3 WHAT LOMPOC IS DOING. THEY'VE BEEN DOING AN EXCELLENT
4 JOB OF BOTH DIVERSION AND WITH THEIR LANDFILL AND OTHER
5 GRANTS, SO I'M HAPPY TO HEAR OF THE PROGRESS.

6 CHAIRMAN HUFF: OKAY. ARE THERE ANY OTHER
7 QUESTIONS OF STAFF?

8 DOES THE LEA HAVE ANYTHING TO ADD?

9 MS. STEVENS: I DON'T THINK THE LEA IS HERE YET.
10 I HAVEN'T SEEN HIM.

11 IF YOU HAVE QUESTIONS, PERHAPS YOU CAN HOLD
12 THEM FOR LATER WHEN HE ARRIVES.

13 CHAIRMAN HUFF: WE AREN'T GOING TO DO THAT.

14 DOES THE OPERATOR HAVE ANYTHING THAT THEY
15 WISH TO ADD?

16 MR. WELLBORNE: ONLY IF YOU HAVE A QUESTION OF
17 ME. ONLY IF YOU HAVE A QUESTION OF ME.

18 CHAIRMAN HUFF: THE ITEM IS BEFORE US. IS THERE
19 A MOTION?

20 BOARD MEMBER EGIGIAN: I SO MOVE.

21 CHAIRMAN HUFF: IT'S BEEN MOVED.

22 BOARD MEMBER RELIS: SECOND.

23 CHAIRMAN HUFF: WITHOUT OBJECTION WE'LL
24 SUBSTITUTE PRIOR ROLL CALL. THE AYES ARE THREE, THE NOS
25 ARE NONE. THE MOTION IS ADOPTED.



1 THAT TAKES CARE OF ITEM 5. THAT ONE'S
2 CONSENT, AS -- WELL, YOU KNOW, IT'S ALTERNATIVE COVER.
3 IT'S CONSENT, AS IS ITEM 4.

4 CHAIRMAN HUFF: ITEM 6, GENTLEMEN.

5 MR. MARCHESE: GOOD MORNING, MR. CHAIRMAN AND
6 MEMBERS OF THE COMMITTEE. MY NAME IS ROGER MARCHESE.
7 I'M REPRESENTING THE PERMITS BRANCH NORTH OF THE
8 PERMITTING AND COMPLIANCE DIVISION.

9 THIS ITEM DEALS WITH CONSIDERATION OF
10 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE
11 FACILITIES PERMIT FOR THE MODESTO DISPOSAL SERVICE
12 TRANSFER/RESOURCE RECOVERY FACILITY IN THE COUNTY OF
13 STANISLAUS.

14 THE FACILITY IS LOCATED IN THE CENTRAL
15 PORTION OF THE COUNTY IN AN AREA ZONED FOR RESIDENTIAL,
16 PLANNED DEVELOPMENT, AND RURAL AGRICULTURAL. THE
17 FACILITY WILL RECEIVE AN ESTIMATED AVERAGE OF 300 TONS OF
18 NONHAZARDOUS SOLID WASTE PER OPERATING DAY. IT IS
19 ANTICIPATED THAT THERE WILL BE A 22 PERCENT MATERIALS
20 RECOVERY RATE. THE WASTE STREAM WILL CONSIST OF MIXED
21 MUNICIPAL WASTE, CONSTRUCTION DEMOLITION WASTES,
22 INDUSTRIAL WASTES, TIRES, WOOD WASTE, AND AGRICULTURE
23 WASTE.

24 THE LEA AND BOARD STAFF HAVE DETERMINED THE
25 FOLLOWING: ONE, THE FACILITY IS DESIGNED IS CONSISTENCE



1 WITH THE STANISLAUS COUNTY MANAGEMENT PLAN; TWO, THE
2 FACILITY IS IN CONFORMANCE WITH THE STANISLAUS COUNTY
3 GENERAL PLAN; THREE, CEQA HAS BEEN COMPLIED WITH.

4 STAFF HAS REVIEWED THE PROPOSED PERMIT AND
5 SUPPORTING DOCUMENTATION AND FOUND THEM TO BE ACCEPTABLE.
6 DIANNE RANGE FROM THE PLANNING AND ASSISTANCE DIVISION IS
7 HERE TO DISCUSS WASTE DIVERSION GOALS.

8 IN CONCLUSION, STAFF RECOMMENDS THE BOARD
9 ADOPT SOLID WASTES FACILITIES PERMIT DECISION NO. 92-22
10 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITIES
11 PERMIT NO. 50-AA-0005. THE GENERAL MANAGER AND THE
12 OWNER'S REPRESENTATIVE AND THE LEA ARE PRESENT AND
13 AVAILABLE TO ANSWER ANY QUESTIONS.

14 THIS CONCLUDES MY PRESENTATION.

15 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

16 BOARD MEMBER EGIGIAN: YES. I HEARD YOU SAY 300
17 TONS?

18 MR. MARCHESE: THAT'S RIGHT.

19 BOARD MEMBER EGIGIAN: THEN IT SAYS 1196 TONS?

20 MR. MARCHESE: THAT'S CORRECT. THE LEA WILL
21 ADDRESS THAT AFTER I FINISH. MY UNDERSTANDING OF THE
22 1196, THAT'S THE MAXIMUM CAPACITY OF THE STATION WITH
23 BOTH RAMS OPERATING ON A TEN-HOUR DAY. THAT WOULD BE
24 TRUCKS COMING IN CONTINUOUSLY. THEY HAVE NEVER SEEN
25 THAT. THE MAXIMUM THEY'VE SEEN IS ABOUT 296 ONE DAY IN



1 AUGUST, SO THEY'RE ASKING FOR THE TOTAL CAPACITY OF THE
2 STATION. IT IS NOT LIKELY THEY WILL EVER SEE THAT DURING
3 THE LIFETIME. THAT IS THE BASIS FOR THE PERMIT AND THE
4 BASIS FOR THE AVERAGE OF 300.

5 BOARD MEMBER EGIGIAN: DOES THIS HAVE SOME
6 CONNOTATIONS AS AN EXPANDABLE TYPE DEAL THAT WE TALKED
7 ABOUT, MR. CHAIRMAN, FOR ANOTHER CITY?

8 CHAIRMAN HUFF: I DON'T KNOW. I THINK THAT'S
9 BEST ADDRESSED TO STAFF.

10 DOES THIS CONSTITUTE A FLEXIBLE PERMIT?
11 THE LAST TIME WE HAD A DISCUSSION ON A FLEXIBLE PERMIT,
12 IT WAS WITH REGARD TO A LANDFILL. THIS IS A TRANSFER
13 STATION, AND I WOULD IMAGINE EVERY TRANSFER STATION IN
14 THE STATE HAS HEAVY DAYS AND LIGHTER DAYS.

15 MR. MARCHESE: THAT'S CORRECT.

16 IS THERE A QUESTION THAT YOU HAVE POSED?

17 BOARD MEMBER EGIGIAN: NO, THAT'S IT. YOU
18 ANSWERED IT.

19 CHAIRMAN HUFF: OKAY. DO YOU HAVE ANYTHING?

20 OKAY. DOES THE LEA HAVE ANYTHING TO ADD.

21 MR. SCHULLER: WE HAVE NOTHING TO ADD UNLESS YOU
22 HAVE ADDITIONAL QUESTIONS.

23 CHAIRMAN HUFF: COULD YOU STATE YOUR NAME,
24 PLEASE?

25 MR. SCHULLER: MY NAME IS DENNIS SCHULLER. I'M



1 PROGRAM MANAGER WITH STANISLAUS COUNTY DEPARTMENT OF
2 ENVIRONMENTAL RESOURCES.

3 CHAIRMAN HUFF: OKAY. DOES THE OPERATOR HAVE
4 ANYTHING?

5 I HAVE A MOTION. WITHOUT OBJECTION --
6 YOU'VE GOT TO TALK FAST -- I DO HAVE A MOTION AND WITHOUT
7 OBJECTION, WE'LL SUBSTITUTE PRIOR ROLL CALLED. THE AYES
8 ARE THREE, THE NOS ARE NONE. THE MOTION IS ADOPTED.
9 THIS IS A CONSENT.

10 TURLOCK.

11 MR. MARCHESE: GOOD MORNING, MR. CHAIRMAN AND
12 MEMBERS OF THE COMMITTEE. MY NAME IS ROGER MARCHESE.
13 I'M REPRESENTING THE PERMITS BRANCH NORTH OF THE
14 PERMITTING AND COMPLIANCE DIVISION.

15 THIS ITEM IS DEALING WITH A CONSIDERATION
16 OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE
17 FACILITIES PERMIT FOR TURLOCK TRANSFER IN THE COUNTY OF
18 STANISLAUS.

19 THE FACILITY IS LOCATED WITHIN THE SOUTHERN
20 CENTRAL PORTION OF THE COUNTY IN AN AREA ZONED FOR
21 INDUSTRIAL USE. THE FACILITY WILL RECEIVED AN ESTIMATED
22 AVERAGE OF 200 TONS OF NONHAZARDOUS SOLID WASTE PER
23 OPERATING DAY. IT IS ANTICIPATED THERE WILL BE A 27 AND
24 A HALF PERCENT MATERIALS RECOVERY RATE. THE WASTE STREAM
25 WILL CONSIST OF MIXED MUNICIPAL WASTE, CONSTRUCTION



1 DEMOLITION WASTE, INDUSTRIAL WASTE, TIRES, WOOD WASTE,
2 AND AGRICULTURAL WASTE.

3 THE LEA AND BOARD STAFF HAVE DETERMINED THE
4 FOLLOWING: ONE, THE FACILITY'S DESIGN IS CONSISTENT WITH
5 THE STANISLAUS COUNTY WASTE MANAGEMENT PLAN; TWO, THE
6 FACILITY IS IN CONFORMANCE WITH THE CITY OF TURLOCK'S
7 GENERAL PLAN; THREE, CEQA HAS BEEN COMPILED WITH.

8 FOR THE RECORD, PLEASE NOTE THE FOLLOWING
9 CHANGES: ONE, PAGE 1, FACILITY FACTS, AREA CHANGE FROM
10 9.24 TO 7.17 ACRES; PAGE 4, ITEM 5, CONFORMANCE WITH
11 STATE MINIMUM STANDARDS, THE LAST LINE CHANGE FROM
12 JANUARY 16TH, 1991, TO JANUARY 16TH, 1992.

13 ONE ADDITIONAL CHANGE, SUBSTITUTING THE
14 TEXT FOR STANISLAUS COUNTY GENERAL PLAN TO CITY OF
15 TURLOCK GENERAL PLAN.

16 STAFF HAS REVIEWED THE PROPOSED PERMIT AND
17 SUPPORTING DOCUMENTATION AND FOUND IT TO BE ACCEPTABLE.
18 DIANNE RANGE, AGAIN, FROM THE PLANNING ASSISTANCE
19 DIVISION, WILL DISCUSS THE WASTE DIVERSION GOALS.

20 IN CONCLUSION, THE STAFF RECOMMENDS THE
21 BOARD ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.
22 92-06 CONCURRING IN THE ISSUANCE OF SOLID WASTE
23 FACILITIES PERMIT NO. 50-AA-0004.

24 THE LEA AND OWNER/OPERATOR ARE PRESENT AND
25 AVAILABLE TO ANSWER ANY QUESTIONS. THIS CONCLUDES MY



1 PRESENTATION.

2 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

3 DOES THE LEA HAVE ANYTHING TO ADD?

4 MR. SCHULLER: NOT UNLESS YOU HAVE QUESTIONS.
5 DENNIS SCHULLER, STANISLAUS COUNTY.

6 CHAIRMAN HUFF: DOES THE OWNER/OPERATOR HAVE
7 ANYTHING TO ADD?

8 MR. MARTIN: ALLEN MARTIN. NO, SIR.

9 CHAIRMAN HUFF: IS THERE A MOTION?

10 AN ADOPTION HAS BEEN MOVED. WITHOUT
11 OBJECTION, WE'LL SUBSTITUTE THE PRIOR ROLL CALL. THE
12 AYES ARE THREE, THE NOS ARE NONE. THE MOTION IS ADOPTED.
13 THIS IS THE STUFF OF CONSENT ALSO. IT GOES TO CONSENT.

14 ITEM 8, I UNDERSTAND HAS BEEN PULLED. THAT
15 WILL MAKE LIFE EASIER FOR THEM AND US.

16 THAT TAKES US TO ITEM 9.

17 MR. SWEENEY: GOOD MORNING, MR. CHAIRMAN AND
18 MEMBERS OF THE COMMITTEE. MY NAME IS PAUL SWEENEY,
19 REPRESENTING THE PERMITS BRANCH OF THE PERMITTING AND
20 COMPLIANCE DIVISION.

21 THIS ITEM DEALS WITH THE CONSIDERATION OF
22 CONCURRENCE OF THE ISSUANCE OF A REVISED SOLID WASTE
23 FACILITIES PERMIT FOR THE DESERT VALLEY MONOFILL FACILITY
24 IN THE COUNTY OF IMPERIAL.

25 A REVISED PERMIT IS BEING PROPOSED TO



1 REFLECT THE FOLLOWING CHANGES: ONE, AN INCREASE IN THE
2 ANNUAL DISPOSAL OF DRILLING MUDS AND CUTTINGS AND
3 NONHAZARDOUS FILTER-CAKE FROM 27,000 TO 54,750 TONS PER
4 YEAR; TWO, THE ASSOCIATED REDUCTION IN SITE LIFE; THREE,
5 THE APPROVAL OF THE USE OF SOIL SEAL AS AN ALTERNATIVE
6 DAILY COVER.

7 THE DESERT VALLEY MONOFILL IS A CLASS II
8 LANDFILL USED FOR THE DISPOSAL OF WASTE GENERATED AT
9 MAGMA POWER COMPANY'S GEOTHERMAL WELLS. THE WASTE
10 CONSISTS OF DRILLING MUDS AND CUTTINGS GENERATED DURING
11 DRILLING OPERATIONS, AND FILTER-CAKE DERIVED FROM
12 GEOTHERMAL BRINES. THE FILTER-CAKE CONTAINS NATURALLY
13 OCCURRING RADIOACTIVE MATERIALS OR NORMS. THESE NORMS
14 ARE CURRENTLY BELOW REGULATORY CONCERN. ALL THE
15 MATERIALS DISPOSED OF AT THIS SITE ARE DESIGNATED
16 NONHAZARDOUS.

17 DESERT VALLEY MONOFILL IS A WHOLLY-OWNED
18 SUBSIDIARY OF MAGMA POWER COMPANY AND IS USED SOLELY FOR
19 THE DISPOSAL OF WASTE GENERATED BY THE PARENT COMPANY.
20 DESERT VALLEY MONOFILL CURRENTLY SERVES THE DISPOSAL
21 NEEDS OF DEL RANCH, ELMORE, LEATHERS, AND VULCAN
22 GEOTHERMAL POWER PLANTS. MAGMA POWER COMPANY INTENDS TO
23 INCREASE ELECTRICAL POWER OUTPUT AT THESE PLANTS FROM
24 APPROXIMATELY 36 MEGAWATTS TO APPROXIMATELY 50 MEGAWATTS.
25 THE ADDITIONAL PRODUCTION AND REINJECTION



1 WELLS REQUIRED WILL GENERATE QUANTITIES OF WASTE THAT
2 WILL EXCEED THE TONNAGE LIMITS IN THE CURRENT PERMIT.
3 THE PERMIT UNDER CONSIDERATION TAKES ACCOUNT OF THESE
4 ADDITIONAL WASTES.

5 THE FACILITY CONSISTS OF TWO CELLS, PHASE I
6 AND PHASE II, EACH OCCUPYING APPROXIMATELY FIVE ACRES
7 SEPARATED BY AN EARTH BERM. THIS REVISED SOLID WASTE
8 FACILITIES PERMIT WILL ALLOW AN INCREASE IN THE AMOUNT OF
9 WASTE DISPOSED OF AT THE SITE FROM 27,000 TO 54,750 TONS
10 PER YEAR. THE PERMITTED PEAK DAILY TONNAGE WILL BE
11 INCREASED FROM 300 TO 500 TONS PER DAY.

12 THIS INCREASE IN THE FILLING RATE WILL
13 REDUCE THE SITE LIFE OF THE FACILITY. THE ESTIMATED
14 CLOSURE DATE FOR PHASE I HAS BEEN REVISED FROM 2001 TO
15 1996. THE ESTIMATED CLOSURE DATE FOR PHASE II HAS BEEN
16 REVISED FROM 2012 TO 2001.

17 THE FACILITY RECEIVES THE FOLLOWING TYPES
18 OF WASTES: DRILLING MUDS, DRILLING CUTTINGS, AND SILICA
19 FILTER-CAKE. THE MUDS ARE THE COOLING FLUIDS WITH
20 POSSIBLE ADDITIVES OTHER THAN CLAY-TYPE MATERIALS, WHICH
21 ENHANCE THE CUTTING FEATURES OF THE DRILL BIT.
22 FILTER-CAKE IS A SILICA PRECIPITATE WHICH IS SEPARATED
23 FROM THE GEOTHERMAL BRINES AND DEWATERED.

24 THE WASTE MATERIALS ARE CHARACTERIZED AS
25 NONHAZARDOUS BEFORE THEY ARE ACCEPTED AT THE SITE. ALL



1 MATERIALS ARE TESTED FOR HAZARDOUS CONSTITUENTS PRIOR TO
2 TRANSPORT TO THE MONOFILL FACILITY. NO WASTE OTHER THAN
3 THOSE GENERATED BY MAGMA POWER COMPANY ARE ACCEPTED AT
4 THE FACILITY; CONSEQUENTLY, A HAZARDOUS WASTE SCREENING
5 PROGRAM HAS BEEN REQUIRED BY THE LEA.

6 THE REVISED PERMIT REQUIRES THAT THE
7 OPERATOR APPLY THE SOIL SEALANT AT LEAST ONCE PER WORKING
8 DAY AT THE END OF THE DAY'S OPERATION. THE USE OF THE
9 SOIL SEALANT AS AN ALTERNATIVE DAILY COVER IS SUBJECT TO
10 REVIEW BY THE LEA AT ALL TIMES, AND ITS USE MAY BE
11 REVOKED FOR JUST CAUSE.

12 A NINE MONTH DEMONSTRATION PROJECT OF THE
13 ALTERNATIVE DAILY COVER HAS JUST BEEN COMPLETED AND FOUND
14 TO BE ACCEPTABLE TO BOARD STAFF. STEVE AUSTRHEIM-SMITH
15 OF OUR STAFF IS AVAILABLE SHOULD THERE BE QUESTIONS ON
16 THAT.

17 THE SITE IS CURRENTLY INSPECTED WEEKLY, BUT
18 THE APPROVAL OF SOIL SEAL AS AN ALTERNATIVE DAILY COVER
19 IN THIS PERMIT REVISION WILL RESULT IN THE MONTHLY
20 INSPECTION SCHEDULED BY THE LEA. NEITHER SALVAGING NOR
21 REUSE HAS BEEN PROPOSED FOR ANY OF THE MATERIALS RECEIVED
22 AT THIS SITE.

23 THE LEA AND BOARD STAFF HAS DETERMINED THE
24 FOLLOWING: ONE, THE FACILITY IS FOUND IN THE IMPERIAL
25 COUNTY SOLID WASTE MANAGEMENT PLAN; TWO, THE FACILITY IS



1 IN CONFORMANCE WITH THE IMPERIAL COUNTY GENERAL PLAN;
2 THREE, THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL
3 QUALITY ACT HAVE BEEN COMPLIED WITH.

4 THE IMPERIAL COUNTY PLANNING DEPARTMENT HAS
5 PREPARED AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED
6 PROJECT. THE PROJECT WAS CERTIFIED AS APPROVED BY THE
7 LEAD AGENCY ON JULY 11, 1990, AND A NOTICE OF
8 DETERMINATION WAS FILED.

9 THE LEA AND BOARD STAFF CONDUCTED AN
10 INSPECTION OF THIS FACILITY ON JANUARY 28TH, 1992, IN
11 CONJUNCTION WITH THE LEA, AND FOUND THE FACILITY IN
12 COMPLIANCE WITH STATE MINIMUM STANDARDS.

13 STAFF HAS REVIEWED THE PROPOSED PERMIT AND
14 SUPPORTING DOCUMENTATION AND FOUND THEM TO BE ACCEPTABLE.

15 IN CONCLUSION, STAFF RECOMMENDS THAT THE
16 BOARD CONCUR IN THE USE OF SOIL SEAL AS AN ALTERNATIVE
17 DAILY COVER AND ADOPT SOLID WASTE FACILITIES PERMIT
18 DECISION NO. 92-23, CONCURRING IN THE ISSUANCE OF SOLID
19 WASTE FACILITIES PERMIT NO. 13-AA-0022.

20 MR. GERALD QUICK FROM THE IMPERIAL COUNTY
21 LEA, MR. BRUCE CARLSON OF DESERT VALLEY COMPANY, AND MR.
22 PAUL NEAL OF RTP ASSOCIATES ARE PRESENT AND AVAILABLE TO
23 DISCUSS THE PROJECT AND ANSWER ANY QUESTIONS YOU MAY
24 HAVE.

25 THIS CONCLUDES MY PRESENTATION, AND NOW



1 JOHN BROOKS OF THE PLANNING AND ASSISTANCE DIVISION WILL
2 DISCUSS THE COUNTY'S WASTE DIVERSION GOALS.

3 CHAIRMAN HUFF: OKAY. YOU'VE LOOKED AT THE
4 EVIDENCE, AND THERE'S NO EVIDENCE THAT THIS SUBSTANTIALLY
5 IMPAIRS THE ACHIEVEMENT OF GOALS?

6 MR. BROOKS: THAT IS CORRECT.

7 CHAIRMAN HUFF: OKAY.

8 ANY QUESTIONS OF STAFF?

9 BOARD MEMBER RELIS: I HAVE SEVERAL QUESTIONS.
10 I'D LIKE A LITTLE MORE DESCRIPTION ABOUT THE SOIL SEAL,
11 WHAT IS IT AND HOW IT WORKS AND WHAT OUR TEST HAS BEEN?

12 MR. BROOKS: STEVE, WOULD YOU LIKE TO SPEAK ON
13 THAT?

14 MR. AUSTRHEIM-SMITH: IS THIS ON?

15 MY NAME IS STEVEN AUSTRHEIM-SMITH. I'M IN
16 THE RESEARCH AND TECHNOLOGY DEVELOPMENT DIVISION.

17 THE ALTERNATIVE COVER PROGRAM HAS BEEN ONE
18 THAT OUR GROUP HAS BEEN WORKING ON, AND ONE OF THE COVER
19 MATERIALS THAT WE'VE STUDIED IS A GLUE-LIKE MATERIAL VERY
20 SIMILAR TO A DILUTED ELMER'S GLUE, IF YOU WILL.

21 IT'S DILUTED IN A TANK TRUCK AND SPRAYED
22 ONTO THE WASTE MATERIAL AT THE END OF EACH WORKING DAY.
23 ITS SOLE FUNCTION IS TO PREVENT DUST FROM BEING BLOWN OFF
24 THE SITE DURING WINDY CONDITIONS.

25 BOARD MEMBER RELIS: THEN YOU CAN ACTUALLY WITH



1 THE EVAPOTRANSPIRATION, YOU ACTUALLY GET IT APPLIED
2 BEFORE IT --

3 MR. AUSTRHEIM-SMITH: OH, SURELY.

4 BOARD MEMBER RELIS: -- BEFORE IT EVAPORATES?

5 MR. AUSTRHEIM-SMITH: IT'S A VERY DILUTE
6 SOLUTION TO BEGIN WITH. AND AS IT DRIES IN THE SUN, IT
7 FORMS A VERY CRUSTY MATERIAL A QUARTER TO A HALF INCH
8 THICK. AND IT EVEN WITHSTOOD SOME RATHER DRAMATIC RAIN
9 STORMS IN THE IMPERIAL VALLEY IN SOME MONTHS PAST.

10 BOARD MEMBER RELIS: THERE IS NO RESIDUES FROM
11 THIS PROCESS THAT WE SHOULD BE CONCERNED ABOUT?

12 MR. AUSTRHEIM-SMITH: THERE APPEARS TO BE SOME
13 AMOUNT OF LEACHATE THAT FINALLY PENETRATES THE DEPOSITED
14 WASTE, BUT IT'S A DOUBLE LINE SYSTEM WHERE LEACHATE IS
15 CONTAINED AND THEN REUSED AS DILUTION WATER FOR THE
16 FACILITY. SO OVER THE LONG HAUL, WE FEEL THERE PROBABLY
17 WILL NO LONGER BE LEACHATE GENERATED AS THE WASTE PILE
18 ITSELF BECOMES THICKER AND EVAPOTRANSPIRATION --
19 EVAPORATION WILL OFFSET ANY WATER THAT'S APPLIED THERE.

20 BOARD MEMBER RELIS: I HAD ANOTHER QUESTION
21 ABOUT THE RADIOLOGICAL MONITORING OF THE PERSONNEL AND
22 JUST THE HEALTH CONTROLS FOR THE PEOPLE WORKING THERE AT
23 THIS FACILITY. I'D LIKE A DESCRIPTION OF THAT.

24 MR. SWEENEY: SURE, ABSOLUTELY, I THINK BRUCE
25 WOULD BE BETTER ON DESCRIBING THE DAY-TO-DAY MONITORING



1 OF THEIR EMPLOYEES.

2 MR. CARLSON: YES. MY NAME IS BRUCE CARLSON
3 WITH DESERT VALLEY COMPANY.

4 CHAIRMAN HUFF: SIR, COULD YOU COME UP TO THE
5 MICROPHONE, PLEASE?

6 MR. CARLSON: MY NAME IS BRUCE CARLSON AND I'M
7 WITH DESERT VALLEY COMPANY. AND WE DO -- WE HAVE A BADGE
8 PROGRAM. WE ALSO DO AIR MONITORING, WHICH WE SEND OUT
9 FOR RADIOLOGICAL TESTS TO BE SURE THAT THERE'S NO
10 RADIOLOGICAL COMPONENT IN THE AIR BORNE DUST.

11 ALL OF THE AIR BORNE DUSTS HAVE SHOWN
12 NEGATIVE INDICATIONS OF ANY DUSTING LEAVING THE FACILITY.
13 ALL THE EMPLOYEES BADGED NOT ONLY AT THE FACILITY, BUT IN
14 THE TRANSPORTATION OF THE MATERIAL, HAVE SHOWN
15 NONDETECTABLE LEVELS OF RADIATION.

16 BOARD MEMBER RELIS: NOW, IS THIS PROCEDURE
17 HERE, SINCE I'M NOT VERY FAMILIAR WITH IT, IS THIS
18 CONSIDERED THE APPROPRIATE LEVEL OF MONITORING THE PEOPLE
19 WORKING IN SUCH FACILITIES WOULD GET?

20 MR. SWEENEY: YES. ACTUALLY, IN FACT, IT REALLY
21 SET A STANDARD. IT'S MORE THAN THEY ACTUALLY HAVE TO
22 REALLY DO. THEY'VE BEEN VERY GOOD ABOUT THAT, SO THEY'RE
23 VERY CAREFUL IN MONITORING ALL OF THEIR EMPLOYEES AT THE
24 PLANTS AND AT THE MONOFILL FACILITY ITSELF.

25 BOARD MEMBER RELIS: AND THE RESULTS, IS THIS AN



1 INDEPENDENT MONITORING IN WHAT SENSE, YOU KNOW, THE ARMS
2 LENGTH --

3 MR. CARLSON: THE BADGES ARE SENT TO US BY A
4 LABORATORY THAT SPECIALIZES IN THAT. WE ISSUE THEM,
5 MONITOR THE TIME THAT THEY ACTUALLY WEAR EACH BADGE AND
6 SEND IT BACK AND THEY SEND IT TO US.

7 BOARD MEMBER RELIS: SO YOU DON'T HAVE ANY SAY
8 IN THE FINDINGS THERE? OKAY. THANK YOU.

9 CHAIRMAN HUFF: ANY OTHER QUESTIONS?
10 ANY QUESTIONS TO DIRECT AT THE LEA?
11 THE ITEM IS BEFORE US.

12 BOARD MEMBER EGIGIAN: MOTION TO ADOPT.

13 CHAIRMAN HUFF: MOTION TO ADOPT. WITHOUT
14 OBJECTION, WE'LL SUBSTITUTE PRIOR ROLL CALL. THE AYES
15 ARE THREE, THE NOS ARE NONE. THE MOTION IS ADOPTED.

16 I DON'T KNOW, IS THIS A SUBSTANCE OF
17 CONSENT OR IS THERE -- WITH THE DAILY COVER OR -- I THINK
18 SO, TOO.

19 ALL RIGHT. THIS IS NOT CONSENT.

20 ITEM 9 WILL GO TO THE FULL BOARD AS A
21 SEPARATE ITEM.

22 CHAIRMAN HUFF: THAT TAKES US TO ITEM 10.

23 BEFORE WE START THE STAFF PRESENTATION OF
24 ITEM 10, MR. CONHEIM, I DIDN'T TELL YOU I WAS GOING TO DO
25 THIS BEFORE THE MEETING, BUT I'M GOING TO DO IT. WOULD



1 YOU PLEASE, BECAUSE THERE ARE A LARGE NUMBER OF PEOPLE
2 HERE WHO ARE CONCERNED ABOUT ITEM 10, WILL YOU PLEASE
3 DESCRIBE WHAT THE LAW DESCRIBES AS THIS BOARD'S ROLE IN
4 CONCURRENCE OF PERMITS AND WHERE WE FIT INTO THE OVERALL
5 PROCESS AS OPPOSED TO WHAT ROLE THE LOCAL ENTITIES PLAY
6 AND HOW THIS SYSTEM WORKS?

7 I'M SURE THERE ARE PEOPLE WHO DON'T DEAL
8 WITH THIS ON AN EVERYDAY BASIS WHO ARE HERE ON THIS ITEM.

9 MR. CONHEIM: THANK YOU, MR. CHAIRMAN.

10 CHAIRMAN HUFF: YOU PREPARED FOR ME A WRITTEN
11 STATEMENT ABOUT A MONTH AGO, BUT I LOST THAT.

12 MR. CONHEIM: AS HAVE I. SO IT'S COMING FROM
13 MEMORY, BUT I THINK I CAN ADDRESS BRIEFLY SOME OF THE
14 ISSUES THAT I THINK THE PUBLIC NEEDS TO BE AWARE OF AND,
15 MS. VAZQUEZ, IF I MISS SOMETHING, I KNOW YOU'LL CORRECT
16 ME.

17 THE INTEGRATED WASTE BOARD IS NOT THE
18 PERMIT ISSUER. IN FACT, THE LOCAL ENFORCEMENT AGENCY IS.
19 IN ORDER TO BRING AN ITEM TO THE BOARD, THE LOCAL
20 ENFORCEMENT AGENCY HAS SUBMITTED THE PERMIT APPLICATION
21 PACKAGE. AND BY THE TIME IT COMES TO THE BOARD, ALL
22 LOCAL APPROVALS, ALL LOCAL PROBLEMS WITH THOSE APPROVALS,
23 SHOULD HAVE BEEN RESOLVED BECAUSE A COMPLETED APPLICATION
24 PACKAGE, ONE THAT HAS ALL THE NECESSARY ELEMENTS,
25 INCLUDES, AMONG OTHER THINGS, AND I DON'T INTEND TO BE



1 INCLUSIVE HERE, BUT LET ME HIT THE HIGH POINTS: LOCAL
2 LAND USE APPROVAL; THERE SHOULD BE AN ENVIRONMENTAL
3 QUALITY ACT DOCUMENT, A CEQA DOCUMENT, WHICH HAS BEEN
4 PROPERLY CERTIFIED, ONE THAT THIS BOARD CAN USE IN ITS
5 APPROVAL OR CONCURRENCE OF THE PERMIT.

6 WE ALSO LOOK TO SEE THAT ALL OTHER
7 NECESSARY PERMITS HAVE BEEN ISSUED, POINTEDLY, OF COURSE,
8 IN THIS CASE, THE WASTE DISCHARGE REQUIREMENTS, WHICH ARE
9 TRADITIONALLY ISSUED BY REGIONAL WATER BOARDS. AT THE
10 TIME THIS BOARD ACTS -- AT THE TIME THIS BOARD ACTS, IT
11 WILL CONSIDER WHETHER IT CAN CONCUR OR MUST OBJECT TO A
12 PERMIT, DEPENDENT ON WHETHER ALL OF THESE PERMITS AND ALL
13 OF THE PRIOR APPROVALS ARE IN PLACE.

14 AT THE TIME WE HAVE AN ITEM BEFORE THIS
15 COMMITTEE AND THEN THE BOARD, THIS COMMITTEE AND THE
16 BOARD NO LONGER HAS OR IT DOES NOT HAVE THE AUTHORITY TO
17 REVISIT OR REVIEW LOCAL LAND USE DECISIONS. IT DOES NOT
18 HAVE, ASSUMING THE STATUTE OF LIMITATIONS FOR THE
19 ENVIRONMENTAL QUALITY DOCUMENT, THE CEQA DOCUMENT, HAS
20 PASSED, IT DOES NOT HAVE, GENERALLY, THE ABILITY TO
21 REVISIT THE ISSUES THAT ARE IN THAT DOCUMENT OR THAT
22 DOCUMENT ITSELF.

23 AND, AGAIN, POINTEDLY WITH REGARD TO THE
24 WASTE DISCHARGE REQUIREMENTS, IF THERE ARE VALID WASTE
25 DISCHARGE REQUIREMENTS OF RECORD, THEN THIS BOARD IS



1 REQUIRED BY LAW, PUBLIC RESOURCES CODE SECTION 40055, TO
2 INCLUDE THOSE AS CONDITIONS IN THIS PERMIT. AND THE LEA
3 IS AND WE ARE REQUIRED TO ACCEPT THEM IN OUR
4 DELIBERATIONS HERE.

5 CHAIRMAN HUFF: THE 60-DAY CLOCK; THAT'S THE
6 ONLY THING YOU'VE LEFT OUT.

7 MR. CONHEIM: FROM THE TIME THAT THIS BOARD'S
8 STAFF LOGS IN A PERMIT APPLICATION AND PERMIT IS
9 SUBMITTED TO THE BOARD, THE BOARD HAS 60 DAYS TO CONCUR
10 OR OBJECT IN THE ISSUANCE BY THE LEA OF THE PERMIT. IF
11 THE BOARD DOES NOT ACT WITHIN THAT 60-DAY PERIOD, THE
12 APPLICANT IS GRANTED A PERMIT BY THE LEA, MUST BE ISSUED
13 A PERMIT BY THE LEA, AS IF THIS BOARD HAD AFFIRMATIVELY
14 APPROVED THE ISSUANCE OR CONCURRED IN THE ISSUANCE OF THE
15 PERMIT.

16 SO IN SIMPLER LANGUAGE, IF THE BOARD
17 DOESN'T ACT, THE PERMIT IS APPROVED WITHOUT THE BOARD
18 ACTING. FOR THE TIME BEING, I THINK THAT ADDRESSES SOME
19 OF THE THRESHOLD ISSUES THAT YOU WANTED ADDRESSED. WE
20 CAN GET INTO IT IN SOME MORE DEPTH. THERE ARE SOME
21 COMBINATIONS, PERMUTATIONS OF THINGS THAT WILL
22 UNDOUBTEDLY COME UP.

23 CHAIRMAN HUFF: THANK YOU. I THINK THAT THE
24 CRITICAL POINTS, THOUGH, ARE, ONE, WE'RE NOT AUTHORIZED
25 TO REVISIT LOCAL LAND USE DECISIONS. THAT'S SOMETHING



1 THAT THE CALIFORNIA CONSTITUTION GIVES TO LOCAL
2 GOVERNMENTS AND NOT TO THIS BOARD. TWO, WE ARE NOT
3 AUTHORIZED TO REVISIT CEQA ISSUES THAT HAVE BEEN RESOLVED
4 ACCORDING TO THE DICTATES OF THE CEQA STATUTE; AND,
5 THREE, IF WE DON'T ACT IN 60 DAYS TO OBJECT TO A PERMIT,
6 THEN THE PERMIT IS DEEMED ADOPTED.

7 SO IN SHORTHAND, THOSE ARE THREE FACTS OF
8 LIFE THAT WE HAVE TO DEAL WITH AS THE BOARD AND THAT BOTH
9 PROPONENTS AND OPPONENTS OF ANY FACILITY HAVE TO
10 RECOGNIZE AS THEY DEAL WITH THE PERMITS FOR THAT FACILITY
11 AND THIS BOARD.

12 MR. CONHEIM: MR. CHAIRMAN, IF I COULD ADD ONE
13 MORE THING SO THAT, SUBJECT TO YOUR DISCRETION, OF
14 COURSE, TESTIMONY RELATED TO THESE ISSUES THAT THIS BOARD
15 WILL NOT CONSIDER WOULD NOT CONTRIBUTE TO THE
16 ADMINISTRATIVE RECORD THAT WOULD BE COMPILED OF THIS
17 BOARD'S DECISION. SO IT WOULDN'T DO ANY GOOD, IN TERMS
18 OF THE BOARD'S CONSIDERATION OF THIS MATTER.

19 CHAIRMAN HUFF: I UNDERSTAND THAT, ALTHOUGH I
20 ALSO UNDERSTAND THAT PEOPLE FEELING ONE WAY OR ANOTHER ON
21 ANY PROJECT CERTAINLY WILL FIND IT PROBABLY DIFFICULT TO
22 RESTRAIN THEMSELVES AT THAT PRECISE BOUNDARY LINE THAT
23 SEPARATES SOMETHING THAT IS PROPERLY BEFORE THIS BOARD
24 AND SOMETHING THAT IS, NONETHELESS, A FACT AND A CENTRAL
25 POINT OF THEIR EXISTENCE.



1 I WOULD ASK THAT BOTH PROPONENTS AND
2 OPPONENTS KEEP IN MIND THE BASIS UPON WHICH WE MAKE THE
3 DECISION HERE AS IT HAS BEEN JUST OUTLINED BECAUSE IT
4 WILL BE USEFUL FOR WHOMEVER IS MAKING AN ARGUMENT NOT TO
5 BE REPETITIVE OR DELVE INTO ISSUES THAT ARE IRRELEVANT TO
6 WHAT WE'RE TRYING TO DO, AND THAT'S WHY I ASKED MR.
7 CONHEIM TO DESCRIBE WHAT OUR FUNCTION IS AT THE OUTSET SO
8 THAT EVERYONE CAN HAVE THAT UNDERSTANDING.

9 SO WITH THAT, I WOULD ASK THAT WE GO
10 THROUGH THIS ITEM. FOR THOSE OF YOU WHO JUST JOINED US,
11 THE NORMAL COURSE OF EVENTS IS TO HAVE THE STAFF MAKE THE
12 PRESENTATION OF THE ITEM AND DESCRIBE IT, TO DETERMINE IF
13 THERE ARE ANY QUESTIONS OF THAT PRESENTATION, TO HAVE THE
14 LOCAL ENFORCEMENT AGENCY BRING ANY MATERIALS OR
15 INFORMATION TO OUR ATTENTION SUCH AS DEEMED APPROPRIATE,
16 TO THEN ASK FOR PROPONENTS OF THE PERMIT TO SPEAK AND
17 THEN TO ASK FOR OPPONENTS.

18 I DON'T INTEND TO RUN A DEBATING SOCIETY
19 HERE, BUT I DO INTEND TO PERMIT EVERYONE TO SPEAK WHO HAS
20 SOMETHING TO SAY. AND WE'LL BE HERE AS LONG AS IT TAKES
21 FOR THAT TO HAPPEN. WE MAY TAKE A BREAK NOW AND THEN.

22 SO WITH THAT, STAFF WOULD YOU -- YES.

23 BOARD MEMBER RELIS: MR. CHAIR, AT THE OUTSET,
24 OCCASIONALLY WE HAVE A HEARING OF THIS MAGNITUDE WHERE
25 THERE'S A LONG HISTORY WHICH CANNOT READILY BE COMPRESSED



1 IN THE PRESENTATION, STAFF PRESENTATION, WE GET BEFORE
2 US. I, FOR ONE, FEEL, IN LIGHT OF THE COMPRESSED TIME
3 TABLE HERE THAT WE OPERATE IN, I HAVE A NEED TO HEAR THE
4 HISTORY, ALBEIT BRIEF, OF THE ISSUES LEADING UP TO OUR
5 PERMIT HERE; THAT IS, THE CAPACITY SITUATION, CONTRA
6 COSTA COUNTY, WHAT THE BASIC PROCESS IS THAT HAS BROUGHT
7 US TO THIS HEARING TODAY.

8 CHAIRMAN HUFF: OKAY. SO STAFF, IF YOU COULD
9 INCORPORATE THAT IN YOUR PRESENTATION, THAT WOULD BE
10 NICE. IF YOU CAN'T, YOU CAN DEAL WITH IT SEPARATELY, BUT
11 THIS IS SOMETHING THAT SHOULD BE PURSUED SO WE CAN VIEW
12 THIS PERMIT IN THE CONTEXT OF THE OVERALL WASTESTREAM AS
13 IT AFFECTS CONTRA COSTA COUNTY.

14 MR. CONHEIM: MR. CHAIRMAN, IF I MIGHT, ONE MORE
15 ITEM. BECAUSE OF THE INTEREST IN THIS PROCEEDING, COULD
16 I, ON YOUR BEHALF, REMIND THOSE OF THE PUBLIC WHO HAVE
17 NOT TESTIFIED BEFORE THIS COMMITTEE OR BOARD BEFORE TO
18 PLEASE ONLY DO SO AFTER YOU HAVE BEEN RECOGNIZED,
19 APPROACH THE MICROPHONE, AND STATE YOUR NAME FOR THE
20 RECORD. THAT WAY OUR REPORTER WILL BE ABLE TO RECORD
21 YOUR TESTIMONY.

22 CHAIRMAN HUFF: THANK YOU. LET'S BEGIN.

23 MS. CUENCA: GOOD MORNING, MR. CHAIRMAN AND
24 MEMBERS OF THE COMMITTEE. I AM BEATRICE CUENCA OF THE
25 PERMITS BRANCH. THIS ITEM REGARDS THE CONSIDERATION OF



1 CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITY
2 PERMIT FOR KELLER CANYON SANITARY LANDFILL IN CONTRA
3 COSTA COUNTY.

4 THE PROPOSED PERMIT IS TO ALLOW THE
5 OPERATION OF A NEW CLASS II LANDFILL. THE OPERATOR AND
6 OWNER IS KELLER CANYON LANDFILL COMPANY, INC., A WHOLLY
7 OWNED SUBSIDIARY OF BROWNING-FERRIS INDUSTRIES OF
8 CALIFORNIA, INC. THE PROPOSED SITE WILL BE LOCATED ON
9 1399 ACRES SITUATED IN THE HILLS SOUTH OF THE CITY OF
10 PITTSBURG. THE FACILITY'S ACTIVITIES WILL ENCOMPASS A
11 TOTAL OF 375 ACRES, WHILE A LIMIT OF WASTE DISPOSAL WILL
12 BE 244 ACRES.

13 THE FACILITY WILL RECEIVE AN AVERAGE OF
14 2,750 TONS PER DAY OF NON-HAZARDOUS, INERT DESIGNATED
15 WASTE SUCH AS CANNERY, SEWAGE SLUDGE, GEOTHERMAL WASTE,
16 CONTAMINATED SOIL AND SHREDDER WASTE. THE WASTESTREAM
17 WILL ALSO CONSIST OF CONSTRUCTION DEMOLITION WASTE,
18 COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND MUNICIPAL SOLID
19 WASTE. THE MAJORITY OF THE WASTE ACCEPTED AT THE SITE
20 WILL FIRST BE PROCESSED AT THE TRANSFER STATION.

21 AT THIS TIME I WOULD LIKE TO MAKE A
22 CORRECTION TO THE AGENDA ITEM REGARDING THE OPERATIONAL
23 STATUS. THE CONSTRUCTION AT THE LANDFILL HAS BEGUN AND
24 IS EXPECTED TO BE COMPLETED BY MARCH 31ST, 1992. THE
25 PUBLIC RESOURCES CODE REQUIRES AN OPERATOR OF A SOLID



1 WASTE FACILITY TO FILE AN APPLICATION TO OPERATE A SOLID
2 WASTE FACILITY. THE APPLICATION MUST BE ACCOMPANIED WITH
3 A REPORT OF DISPOSAL SITE INFORMATION AND ALL NECESSARY
4 APPROVALS FROM OTHER REGULATORY AGENCIES.

5 THE CONTRA COSTA COUNTY PUBLIC HEALTH
6 DEPARTMENT PREPARED AN ENVIRONMENTAL IMPACT REPORT AS
7 REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
8 THE PROJECT WAS CERTIFIED AS APPROVED BY THE LEAD AGENCY
9 ON JULY 24TH, 1990, AND A NOTICE OF DETERMINATION WAS
10 FILED.

11 BOARD STAFF REVIEWED THE ENVIRONMENTAL
12 DOCUMENTATION AND HAVE DETERMINED THAT CEQA HAS BEEN
13 COMPLIED WITH AND THE ENVIRONMENTAL IMPACT REPORT IS
14 ADEQUATE AND APPROPRIATE FOR THE BOARD'S USE IN
15 EVALUATING THE PROPOSED PROJECT. THE LEA HAS MADE THE
16 FINDING THAT THE PROPOSED FACILITY IS DESIGNATED IN THE
17 CONTRA COSTA COUNTY GENERAL PLAN AND BOARD STAFF AGREES.

18 BASED ON THE REVIEW OF THE SUBMITTED
19 DOCUMENTS FOR THIS PROPOSED PROJECT, BOARD STAFF HAS
20 DETERMINED THE PROJECT WILL NOT AFFECT THE COUNTY'S
21 ABILITY TO ACHIEVE THE DIVERSION PLANS. MICHELLE
22 LAWRENCE OF THE LOCAL ASSISTANCE BRANCH IS HERE TO ANSWER
23 ANY QUESTIONS REGARDING THE WASTE DIVERSION.

24 MS. LAWRENCE: GOOD MORNING. SPECIFICALLY, THE
25 PLANNING STAFF HAS TO TAKE A LOOK AT CONSISTENCY AND



1 CONFORMANCE, AND THE FIRST THING WE TAKE A LOOK AT IS
2 CONSISTENCY WITH THE 939 GOALS. WE DO HAVE THE CONTRA
3 COSTA COUNTY'S PRELIMINARY SOURCE REDUCTION/RECYCLING
4 ELEMENT IN-HOUSE AND HAVE REVIEWED THAT DOCUMENT. THIS
5 LANDFILL SITE IS DETAILED AS A POSSIBLE NEW LANDFILL
6 LOCATION, ALONG WITH FOUR OTHER POTENTIAL SITES, AND THE
7 SRRE INDICATES THAT THE BULK OF THE COUNTY STAGED PLANNED
8 COMPOSTING PROGRAM WILL OCCUR AT THE KELLER CANYON
9 LOCATION WHEN THE LANDFILL OPENS, AND THE COMPOSTING
10 ACTIVITIES HAVE MOVED BEYOND THE PILOT PROJECT STAGE,
11 WHICH IS WHERE THE COUNTY IS NOW.

12 THE SRRE ALSO DETAILS THE SOURCE REDUCTION
13 AND RECYCLING ACTIVITIES WITHIN THE UNINCORPORATED AREA
14 OF THE COUNTY AND THEIR PLANNED ACTIVITIES. WE DON'T
15 FIND EVIDENCE THAT OPERATION OF THE LANDFILL WILL IMPEDE
16 OR CONFLICT WITH THE ABILITY TO CARRY OUT THE GOALS OF
17 THE COUNTY.

18 SPECIFICALLY, THE LAND USE PERMIT
19 REQUIRES THAT THE LANDFILL MAY NOT ACCEPT WASTE FROM
20 JURISDICTIONS WHICH DO NOT HAVE CURBSIDE COLLECTION
21 PROGRAMS OR EQUIVALENT PROGRAMS IN PLACE; THAT THE
22 HAULERS DELIVER THEIR LOADS FIRST TO A TRANSFER STATION
23 FOR FURTHER RESOURCE RECOVERY; THAT THE LANDFILL MAY NOT
24 ACCEPT SELF-HAUL LOADS; AND THAT IF IT'S FOUND THAT THE
25 DIVERSIONAL PROGRAMS ARE HAPPENING IN FRONT OF THE



1 LANDFILL OPERATION, IF THAT'S NOT ENOUGH, THEN THE LAND
2 USE PERMIT SPECIFICALLY REQUIRES THAT THE LANDFILL
3 IMPLEMENT ADDITIONAL RESOURCE RECOVERY PROGRAMS.

4 I'D LIKE TO -- YOU ASKED FOR THE HISTORY OF
5 THE LANDFILL, AND I'M NOT FROM PERMITTING AND I HAVEN'T
6 BEEN WITH THE BOARD BEYOND FIVE YEARS, BUT I KNOW THAT
7 THE COUNTY HAS BEEN STRUGGLING FOR EIGHT OR TEN TO SITE
8 THIS LANDFILL. CURRENTLY, THEY HAVE ABOUT A YEAR AND A
9 HALF LEFT, I THINK, AT THAT ONE REMAINING LANDFILL IN THE
10 COUNTY, AND THEY'RE IN A POSITION TO BE EXPORTING 260
11 TONS PER DAY TO SOLANO COUNTY AND 1110 PER DAY TO ALAMEDA
12 COUNTY FOR LANDFILL WHICH, OF COURSE, IS IMPACTING THOSE
13 NEIGHBORING JURISDICTIONS.

14 BOARD MEMBER RELIS: LET ME JUST INTERJECT HERE
15 FOR A MOMENT. YOU'RE SAYING THAT THERE ARE OR WERE FOUR
16 LANDFILLS UNDER CONSIDERATION?

17 MS. LAWRENCE: WELL, I THINK HISTORICALLY, OVER
18 THE YEARS, THEY'VE LOOKED AT A NUMBER OF SITES, BUT IN
19 THE SRRE THEY IDENTIFY FOUR POTENTIAL SITES, TWO OF WHICH
20 ARE KELLER CANYON AND MARSH CANYON, WHICH ARE REALLY
21 CLOSE TO BEING OPENED AND PERMITTED, HOPEFULLY, AND TWO
22 OTHER POTENTIAL SITES. IN THE LONG-TERM PLANNING
23 PROCESS, THEY NEED TO, YOU KNOW, IDENTIFY POTENTIAL SITES
24 DOWN THE LINE TO THE YEAR 2000.

25 BOARD MEMBER RELIS: SO THIS IS ONE OF THOSE?



1 MS. LAWRENCE: THIS IS ONE OF THOSE, RIGHT. WE
2 FOUND CONSISTENCY WITH THE COSWMP. IT WAS SPECIFICALLY
3 IDENTIFIED. IT'S CONSISTENT WITH THE GENERAL PLAN AS
4 STATED BY THE LEAD PLANNING AGENCY AND THE LEA, ACTUALLY,
5 THROUGH A PLAN AMENDMENT. THE LEA CERTIFIED THAT THE
6 LAND IS COMPATIBLE WITH ADJOINING LAND USES, AND PLANNING
7 STAFF CONCURS WITH PERMITTING STAFF.

8 CHAIRMAN HUFF: ANY FURTHER QUESTIONS OF STAFF?

9 BOARD MEMBER RELIS: WELL, I WOULD JUST SAY IN
10 THE FUTURE IT WOULD BE VERY HELPFUL TO BOARD MEMBERS TO
11 GET AN ADEQUATE, COMPRESSED HISTORY OF THE ISSUES LEADING
12 TO DECISIONS LIKE THIS BECAUSE WE DO NOT HAVE THE BENEFIT
13 OF KNOWING THIS HISTORY. IT HELPS FRAME THE ISSUES MUCH
14 BETTER FOR SOME OF US, AT LEAST, WHO LIKE TO DO IT THAT
15 WAY. AND I, FOR ONE, WOULD NEED THIS IN THE FUTURE. WE
16 HAVE LETTERS THAT HAVE BEEN SUBMITTED TO US THAT ATTEMPT
17 TO CONVEY THIS HISTORY, AND I DON'T KNOW HOW ACCURATE OR
18 PARTIAL IT IS, BUT WE NEED A PAGE OR TWO THAT FRAMES THE
19 DECISION THAT WE'RE BEING ASKED TO MAKE.

20 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'D JUST
21 LIKE TO TELL PAUL THAT WE HAVE TO BE VERY CAREFUL THAT WE
22 DON'T GET INVOLVED WITH THE LOCAL AUTHORITY; AND WHEN YOU
23 WANT TO GO INTO HISTORY TOO FAR, I THINK WE'RE GOING TO
24 BE GETTING INVOLVED IN SOMETHING THAT WE HAVE NO BUSINESS
25 BEING INVOLVED IN.



1 BOARD MEMBER RELIS: WELL, I DON'T THINK I'M
2 TALKING ABOUT SPLITTING HAIRS OVER WHOSE INTERPRETATION,
3 JUST THE GENERAL SEQUENCE OF EVENTS AND, I MEAN, IF
4 THERE'S SOME CONCERNS ABOUT THE ACCURACY THAT CAN COME UP
5 IN THE MEETING. I'M NOT LOOKING AT A TREATISE OR
6 SOMETHING THAT'S LIKELY TO BE DEBATED, BUT AN OBJECTIVE
7 FRAMEWORK THAT WE CAN HAVE FROM STAFF AND NOT HAVE TO
8 INPUT IT FROM OTHER PLACES.

9 CHAIRMAN HUFF: MR. CONHEIM, YOU WERE ABOUT TO
10 SPEAK.

11 MR. CONHEIM: BY YOUR LEAVE, MR. CHAIRMAN,
12 PERHAPS IT WOULD BE HELPFUL TO RECALL THAT 1985, '86,
13 PROBABLY AS LATE AS '86 OR '87, THIS BOARD SUED CONTRA
14 COSTA COUNTY FOR ITS FAILURE TO REVISE, ADOPT A COUNTY
15 SOLID WASTE MANAGEMENT PLAN. AT THE TIME THE COUNTY WAS,
16 APPEARED TO BE, IN PARALYSIS TO EITHER A PLAN FOR
17 DIVERSION ACTIVITIES UNDER THE Z'BERG DILLS SOLID WASTE
18 LAW OR TO SITE ADEQUATE LANDFILL CAPACITY.

19 THAT LAWSUIT RESULTED IN A STIPULATED
20 JUDGMENT IN WHICH A TIMETABLE WAS SET FORTH FOR THE
21 SITING OF LANDFILL CAPACITY AND OTHER SOLID WASTE
22 MANAGEMENT ALTERNATIVES. THE LAWSUIT, ITSELF, FOUND
23 ITSELF ON JANUARY 1ST, 1989, OR THE EFFECTIVE DATE OF THE
24 NEW LAW, RATHER, THE 1990, HAVING NO UNDERLYING
25 AUTHORITY. BUT THE AGONIZING PROCESS THAT CONTRA COSTA



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1 COUNTY WENT THROUGH, EXACERBATED BY THE PREDECESSOR
2 BOARD'S TAKING LEGAL ACTIONS TO REQUIRE THAT THE COUNTY
3 TO ENGAGE IN THE PLANNING THAT WAS THEN REQUIRED BY THE
4 LAW, RESULTED IN THIS SITE, MARSH CREEK, AND OTHER SITES
5 BEING -- FORMAL PLANNING BEGAN FOR THESE, I GUESS, FOUR
6 ALTERNATIVE SITES.

7 WE ARE SEEING THE FRUITION OF THAT PLANNING
8 ORDERED BY THE COURT ON BEHALF OF THIS BOARD TODAY. THIS
9 HAS BEEN OVERLAID BY THE COUNTY NOW BEING REQUIRED TO
10 ENGAGE IN SOURCE REDUCTION AND RECYCLING PLANNING AS IT
11 HAS. SO THERE'S A LONG HISTORY LEADING UP TO THIS PERMIT
12 APPLICATION TODAY. IT IS THE FIRST OF THOSE PLANNED
13 ALTERNATIVE SITES TO BE READY FOR CONSIDERATION OF
14 CONCURRENCE TODAY BEFORE THE BOARD, IN THAT CONTEXT.

15 BOARD MEMBER RELIS: I FIND THAT INFORMATION,
16 YOU KNOW, TO BE OF MORE THAN CASUAL INTEREST SINCE OUR
17 BOARD WAS PREVIOUSLY ENGAGED. WE'RE A NEW BOARD. WE
18 DON'T HAVE A GREAT INSTITUTIONAL MEMORY HERE. ALL LIFE
19 DID NOT BEGIN AS OF 1990, SO IT'S USEFUL TO HAVE THIS
20 BACKGROUND, PARTICULARLY KNOWING THAT THE BOARD HAD AN
21 ACTIVE ROLE HERE, THE PREVIOUS BOARD, PERHAPS.

22 CHAIRMAN HUFF: I THINK YOUR HISTORY IS VERY
23 APPRECIATED, MR. CONHEIM. THANK YOU.

24 ANY OTHER QUESTIONS OF THE STAFF
25 PRESENTATION?



1 MS. CUENCA: THERE ARE SOME CONCERNS THAT THE
2 CITY OF PITTSBURG HAS SUBMITTED TO THE STATE WATER
3 RESOURCES CONTROL BOARD. THE CITY HAS REQUESTED THAT THE
4 STATE WATER RESOURCES CONTROL BOARD REVOKE THE WASTE
5 DISCHARGE REQUIREMENT ISSUED TO KELLER CANYON SANITARY
6 LANDFILL. BECAUSE THE FINAL DETERMINATION BY THE STATE
7 WATER RESOURCES CONTROL BOARD HAS NOT BEEN MADE, IT IS
8 UNCERTAIN HOW THE PERMIT WILL BE AFFECTED. IF THE STATE
9 WATER BOARD STAYS, THE WASTE DISCHARGE REQUIREMENTS WILL
10 HAVE NO LEGAL EFFECT AND THE FACILITY MAY NOT BE ALLOWED
11 TO COMMENCE OPERATION.

12 THE STAY WILL BE IN EFFECT UNTIL THE STATE
13 WATER BOARD STAFF CAN COMPLETE ITS REVIEW AND A
14 SUBSEQUENT HEARING DATE IS SET, AT WHICH TIME THE STATE
15 WATER BOARD STAFF WILL MAKE A RECOMMENDATION AND THE
16 STAFF WATER BOARD -- EXCUSE ME -- AND THE STATE WATER
17 BOARD WILL MAKE A DETERMINATION. THE STATE WATER BOARD
18 CAN UPHOLD THE WDR, IN WHICH CASE THE FACILITY CAN
19 COMMENCE OPERATION, ONCE THE SOLID WASTE FACILITY PERMIT
20 HAS BEEN CONCURRED IN BY THE CALIFORNIA INTEGRATED WASTE
21 MANAGEMENT BOARD AND ISSUED BY THE LOCAL ENFORCEMENT
22 AGENCY.

23 THE STATE WATER CONTROL BOARD CAN ALSO
24 REMAND THE PERMIT TO THE REGIONAL WATER BOARD TO REVISE
25 OR REVOKE THE WDR. IF THE WDR IS REVISED TO CHANGE THE



1 DESIGN OR OPERATION OF THE FACILITY, THE LOCAL
2 ENFORCEMENT AGENCY WOULD REQUEST THE OPERATOR TO SUBMIT
3 AN APPLICATION FOR PERMIT REVISION. IF, INSTEAD, THE WDR
4 IS REVOKED, THEN THE LEA WOULD REVOKE THE PERMIT OR ASK
5 THE OPERATOR TO SURRENDER THE PERMIT.

6 THE STATE WATER CONTROL BOARD WILL BE
7 CONSIDERING THE CITY'S APPEAL AT ITS NEXT BOARD MEETING
8 SET FOR MARCH 31ST, 1992. MR. MIKE WATHNEY, SENIOR WASTE
9 MANAGEMENT ENGINEER, AND MR. ROBERT REEVES, ENGINEER
10 GEOLOGIST, HAVE PREPARED TECHNICAL ASSISTANCE IN
11 REVIEWING THE ENGINEERING ASPECTS OF THE FACILITY AND
12 WILL DISCUSS THE CONCERNS RAISED BY THE CITY OF
13 PITTSBURG.

14 CHAIRMAN HUFF: FIRST, BEFORE WE DO THIS, UNLESS
15 SOMEONE ELSE HAS A QUESTION, I HAVE A QUESTION. WITH
16 REGARD TO THE STATE WATER RESOURCES CONTROL BOARD, I WANT
17 TO EXPLORE THE POTENTIAL SCENARIOS, AND I DON'T KNOW IF
18 YOU KNOW THE ANSWERS OR MR. CONHEIM KNOWS THE ANSWERS OR
19 WHETHER WE'LL HAVE TO SEND OUT FOR THE ANSWERS.

20 FIRST OF ALL, IF THIS BOARD WERE TO CONCUR
21 IN THE PERMITS, COULD THE KELLER CANYON FACILITY ACCEPT
22 LOADS, ACCEPT RUBBISH, WHILE THE STATE WATER BOARD IS
23 ENGAGED IN THEIR PROCESS OF HEARING AND RENDERING A
24 DECISION? DOES SOMEONE KNOW THE ANSWER TO THAT?

25 MR. WATHNEY: MR. HUFF, THIS IS MIKE WATHNEY OF



1 THE CLOSURE SECTION OF THE PERMIT COMPLIANCE DIVISION.
2 IN SHORT, THE ANSWER TO YOUR QUESTION IS YES. THE
3 PERMITS FROM THE WATER BOARD AND FROM THIS BOARD ARE
4 PERMITS TO OPERATE; AND AS LONG AS THE STATE WATER BOARD
5 IS NOT STAYED, THE REGIONAL WATER BOARD'S PERMIT IS AN
6 ACTIVE PERMIT AND THE OPERATOR CAN BEGIN DISCHARGING
7 WASTE, PROVIDING THEY HAVE MET ALL THE CONDITIONS IN THE
8 PERMIT, ETC.

9 CHAIRMAN HUFF: THAT'S RIGHT. OKAY. AND THE
10 STATE WATER BOARD, TO DATE, HAS NOT STAYED THE WDR'S?

11 MR. WATHNEY: THAT'S CORRECT.

12 CHAIRMAN HUFF: COULD THEY DO THAT AT THE
13 MEETING ON THE 31ST? IS IT WITHIN THEIR AUTHORITY?

14 MS. VAZQUEZ: NO, THEY COULD NOT. I BELIEVE
15 THAT AT THAT MEETING THIS ITEM HAS BEEN NOTICED AS TO
16 COLLECT EVIDENCE, NOT TO CONSIDER, SO THAT BOARD COULD
17 NOT VOTE TO STAY THE WDR'S.

18 CHAIRMAN HUFF: THAT WOULD TAKE A SUBSEQUENT
19 MEETING OF THE STATE BOARD?

20 MS. VAZQUEZ: THAT'S CORRECT.

21 MR. CONHEIM: THAT WAS OUR BEST INFORMATION.
22 SOMEBODY MAY HAVE SOME DIFFERENT INFORMATION AS TO THE
23 ACTUAL DEFINITION OF THE 31ST STATE WATER BOARD HEARING
24 OR THE LEVEL OF THE NOTICE THAT WENT OUT FOR IT, BUT IT
25 WAS OUR UNDERSTANDING THAT, AT LEAST, THE MAJOR



1 POSSIBILITY WAS IT WAS A HEARING FOR EVIDENCE GATHERING
2 ONLY. I'M NOT SURE THAT THAT'S -- WE HAVEN'T VERIFIED
3 THAT THAT'S THE LIMITATION. IF IT WERE A FULL HEARING
4 AND IF THEY COULD LEGALLY MAKE A DECISION TO STAY, THEN
5 THEY WOULD OR COULD DO THAT AT THAT HEARING, BUT WE'RE
6 NOT SURE THEY CAN. WE THINK THAT'S THE ANSWER.

7 CHAIRMAN HUFF: OKAY. I MIGHT NOTE THAT BOARD
8 MEMBER WESLEY CHESBRO IS WITH US VIEWING THESE
9 PROCEEDINGS TODAY AND, ALTHOUGH NOT A COMMITTEE MEMBER,
10 OUR COMMITTEES DO WELCOME BOARD MEMBERS TO SIT IN ON OUR
11 PROCEEDINGS AND PARTICIPATE. MR. CHESBRO IS A PREVIOUS
12 MEMBER OF THIS COMMITTEE. WE HAVE MANY FOND MEMORIES OF
13 YOUR PARTICIPATION.

14 BOARD MEMBER CHESBRO: I THOUGHT I'D COME BACK
15 FOR A LITTLE NOSTALGIA FOR YOU, AND THANK YOU FOR THE
16 OPPORTUNITY TO ASK THE QUESTION.

17 DOES THIS PERMIT REFERENCE THE REQUIREMENTS
18 OF THE REGIONAL WATER QUALITY CONTROL BOARD? ARE THOSE
19 CONDITIONS OF THIS PERMIT?

20 MS. VAZQUEZ: YES. IT'S A REQUIREMENT THAT THE
21 WDR'S BE OBTAINED AND APPROVED PRIOR TO THE CONCURRENCE
22 IN THE SOLID WASTE FACILITY PERMIT.

23 BOARD MEMBER CHESBRO: SO IF THIS COMMITTEE AND
24 BOARD ACTED TO APPROVE THIS PERMIT, AND THEN THOSE WDR'S
25 WERE MODIFIED AS A RESULT OF THE STATE BOARD'S REVIEW OF



1 THE REGIONAL BOARD'S ACTIONS, WHAT EFFECT WOULD THAT HAVE
2 ON OUR BOARD'S APPROVAL?

3 MS. VAZQUEZ: IF THE STATE BOARD ORDERED THAT
4 THE WDR'S BE REWRITTEN AND THAT REWRITE CONSTITUTED
5 CHANGE IN DESIGN OR OPERATION, THE LEA WOULD THEN REQUIRE
6 THE PROPONENT TO APPLY FOR A PERMIT REVISION, AND THAT
7 PERMIT REVISION WOULD REFLECT THAT NEW DESIGN AND
8 OPERATION.

9 BOARD MEMBER CHESBRO: SO OUR PERMIT IS TIED TO
10 THE EXISTING REQUIREMENTS, AND THE PERMIT WOULD HAVE TO
11 BE MODIFIED IF THE WATER BOARD OR STATE -- EITHER
12 REGIONAL OR STATE BOARD MODIFIED THOSE WDR'S?

13 MS. VAZQUEZ: YES.

14 CHAIRMAN HUFF: IT WOULD HAVE TO COME BACK TO
15 US. OKAY. WE WERE ABOUT TO HAVE THE ENGINEERS SPEAK.

16 MR. WATHNEY: MIKE WATHNEY, MANAGER OF THE
17 CLOSURE SECTION OF THE PERMITTING AND COMPLIANCE
18 DIVISION. OUR STAFF HAS PROVIDED TECHNICAL ASSISTANCE TO
19 THE PERMITTING BRANCH IN REVIEW OF THE RDSI AND
20 SUPPORTING DOCUMENTS FOR THIS PERMIT. MR. ROBERT REEVES
21 OF THE CLOSURE SECTION HAS DONE THE BULK OF THE REVIEW.
22 WE'VE COMPLETED A REVIEW OF THE RDSI AND ALL SUPPORTING
23 DOCUMENTS SUBMITTED BY THE OPERATOR. WE'RE ALSO
24 CONTINUING TO REVIEW ALL DOCUMENTS SUBMITTED BY THE CITY
25 OF PITTSBURG AND THEIR CONSULTANTS.



1 OUR PURPOSE OF THE REVIEW WAS TO DETERMINE
2 COMPLIANCE WITH STATE STANDARDS FOR THE DESIGN OF THE
3 LANDFILL, WITH PARTICULAR EMPHASIS ON THOSE ITEMS OF
4 CONCERN THAT THE STATE WATER BOARD MENTIONED IN THEIR
5 DECEMBER 1991 MEMO CONCERNING THE APPEAL OF THE WDR'S FOR
6 THE LANDFILL. THOSE FOUR ITEMS WERE SLOPE STABILITY, A
7 FIVE FOOT SEPARATION TO GROUND WATER, GROUNDWATER
8 MONITORING, AND LINERS. IN THE STATE WATER BOARD'S
9 DECEMBER '91 MEMO, THEY HAD INDICATED THERE WAS
10 INSUFFICIENT INFORMATION TO DETERMINE IF SLOPE STABILITY
11 WAS APPROPRIATE AT THE LANDFILL.

12 SUBSEQUENT TO THAT MEMO, CH2M HILL, A
13 CONSULTANT FOR BFI, THE OPERATOR OF THE KELLER CANYON
14 LANDFILL, SUBMITTED A SLOPE STABILITY REPORT. WE'VE
15 REVIEWED THAT REPORT, AND WE'RE IN AGREEMENT WITH THE
16 RESULTS OF THAT STUDY, THAT THE SITE DOES HAVE ADEQUATE
17 SLOPE STABILITY.

18 IN REGARDS TO THE FIVE FOOT SEPARATION, ON
19 DECEMBER '91, IN A MEMO TO THE STATE WATER BOARD, THEY
20 HAD INDICATED THAT THE UNDERDRAIN SYSTEM TO THE LANDFILL
21 CAN SERVE AS AN ENGINEERED ALTERNATIVE UNDER SECTION
22 2510(B) OF THE CHAPTER 15 REGULATIONS, TITLE 23 TO THE
23 FIVE FOOT SEPARATION REQUIREMENT. WE REVIEWED THE DESIGN
24 AND WE'RE ALSO IN AGREEMENT THAT THAT IS AN APPROPRIATE
25 ENGINEERING ALTERNATIVE THAT MEETS THE CRITERIA OF



1 CHAPTER 15.

2 UNDER THE GROUNDWATER MONITORING, THE STATE
3 WATER BOARD HAD MENTIONED SOME CONCERNS ABOUT THE EXTENT
4 OF THE GROUNDWATER MONITORING SYSTEM. THE REGIONAL WATER
5 BOARD, SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL
6 BOARD, SUBMITTED A FEBRUARY 1992 MEMO TO THE STATE WATER
7 BOARD PROVIDING SOME ADDITIONAL INFORMATION AND
8 BACKGROUND ON THE PROPOSED MONITORING SYSTEM. WE'VE
9 REVIEWED THAT DOCUMENT, PLUS THE CONCEPTUAL DESIGN OF THE
10 GROUNDWATER MONITORING SYSTEM, AND OUR STAFF IS IN
11 AGREEMENT THAT THE PROPOSED SYSTEM IS IN COMPLIANCE WITH
12 THE CHAPTER 15 REQUIREMENTS OF TITLE 23 AND IS AN
13 ADEQUATE SYSTEM.

14 THE FINAL ISSUE, OF COURSE, IS LINERS. THE
15 PROPOSED LANDFILL IS PROPOSING A TWO-FOOT CLAY LINER TO
16 THE 10 TO MINUS 6 HUNDREDTHS PER SECOND PERMEABILITY
17 OVERLINED BY A GEOSYNTHETIC LINER, ESSENTIALLY WHAT'S
18 CALLED A COMPOSITE LINER SYSTEM. THAT EXCEEDS THE
19 MINIMUM STANDARDS UNDER THE CHAPTER 15 REGULATIONS.
20 WE'VE REVIEWED THAT, AND WE ARE IN AGREEMENT THAT THIS IS
21 IN EXCEEDANCE OF THE APPROPRIATE STANDARDS.

22 SO BASED ON OUR REVIEW OF THE DESIGN OF THE
23 LANDFILL, THE DESIGN DOES MEET ALL STATE STANDARDS, AND
24 WE HAVE NO TECHNICAL OBJECTIONS TO THE ISSUANCE OF THE
25 PERMIT.



1 CHAIRMAN HUFF: UNLESS SOMEONE ELSE HAS A
2 QUESTION -- DO YOU WANT TO PROCEED WITH YOURS?

3 BOARD MEMBER RELIS: FIRST, ON THE SLOPE
4 STABILITY, A QUESTION WHICH WE'VE RECEIVED TREMENDOUS
5 AMOUNT OF ANALYSIS FROM OTHERS WHO CHALLENGE THE VALIDITY
6 OF THE SLOPE REPORT. THIS SEEMS TO BE CRITICAL. THIS
7 ISSUE SEEMS TO BE CRITICAL TO WHETHER OR NOT THERE WOULD
8 BE THE POSSIBILITY OF CONTAMINATION DOWN THE LINE, THAT
9 IF I UNDERSTAND THIS, THE ISSUE IS COULD THERE BE A
10 LANDSLIDE THAT WOULD IMPAIR OR DESTROY THE INTEGRITY OF
11 THE LANDFILL. COULD YOU PLEASE EXPLAIN MORE IN DEPTH
12 WHAT THIS ISSUE IS ALL ABOUT AND RESPOND TO THE ALLEGED
13 STATEMENT THAT IT COULD LEAD TO A LANDSLIDE IF THE
14 ANALYSIS WAS IMPROPERLY DONE AND WHAT THE CONSEQUENCES OF
15 THAT WOULD BE?

16 CHAIRMAN HUFF: FIRST LET ME DO THIS AT THIS
17 POINT, BECAUSE I THINK MR. REEVES IS ABOUT TO SPEAK.
18 COULD YOU PREFACE THAT WITH STATING YOUR CREDENTIALS, AND
19 I DO THIS NOT AS A PART OF AN INQUISITION BUT BECAUSE I
20 WANT IT STATED ON THE RECORD YOUR QUALIFICATIONS TO COME
21 TO CONCLUSIONS ON ENGINEERING QUESTIONS.

22 MR. REEVES: AGAIN, MY NAME IS ROBERT REEVES.
23 I'M AN ENGINEERING GEOLOGIST WORKING IN THE CLOSURE
24 SECTION HERE. THOSE ARE, ESSENTIALLY, MY CREDENTIALS.
25 IS THAT ADEQUATE?



1 CHAIRMAN HUFF: YES. I WANTED TO ESTABLISH THAT
2 WE ARE NOW TALKING ENGINEER.

3 MR. REEVES: OKAY. ESSENTIALLY WHAT WAS DONE
4 OUT THERE IS -- WELL, LET ME GO AHEAD AND ANSWER ONE
5 QUESTION HERE AS TO HOW CRITICAL THE SLOPE STABILITY
6 INVESTIGATION IS. YES, IT'S CRITICAL BECAUSE THE LINER
7 DESIGN, ITSELF, COULD CAUSE, PERHAPS, SLOPE INSTABILITY
8 ITSELF BECAUSE THE SITE IS overlain BY LANDSLIDE DEBRIS
9 MATERIAL AND ALSO ALLUVIUM WHICH CAN BE UNSTABLE.

10 IN ORDER TO DO AN INVESTIGATION, ONE
11 PERFORMS SOIL BORINGS, DOES GEOTECHNICAL INVESTIGATIONS,
12 AND THEN TAKES THAT INFORMATION AND INCORPORATES THAT IN
13 A MODEL, A SLOPE STABILITY MODEL, TO DETERMINE IF THE CUT
14 OF THE SLOPE IN THE PROPOSED DESIGN WOULD CAUSE FAILURE
15 OF THAT SLOPE. OKAY? THERE'S A COUPLE OF ISSUES HERE.
16 THE FIRST ONE IS THAT THE SLOPE INSTABILITY WAS RELATED
17 TO BEDROCK FAILURE, AS WELL AS PERHAPS FAILURE OF THE TOE
18 BERM ITSELF WHICH ACTS AS A CONTAINMENT FEATURE FOR THE
19 WASTE MATERIAL AND ALSO FOR LEACHATE.

20 SO, ESSENTIALLY, WHAT HAPPENED IS CH2M
21 HILL, WHICH IS THE CONSULTANT FOR BFI, DID A SLOPE
22 STABILITY ANALYSIS, AND WITH THEIR INPUT DATA, WHICH WAS
23 GENERATED BASED ON FUEL AND LABORATORY DATA, THEY CAME TO
24 THE CONCLUSION THAT THE TOE BERM AND ALSO THE LINER
25 SYSTEM WOULD NOT BE AFFECTED BY ANY SLOPE INSTABILITY OUT



1 AT THE SITE. THAT'S ESSENTIALLY WHAT HAPPENED, AND
2 THAT'S HOW ONE DETERMINES IF A PROPOSED DESIGN OR, IN
3 THIS CASE, THE LANDFILL DESIGN WOULD BE A PROBLEM GIVEN
4 THE GEOLOGIC CONDITIONS OF THE SITE.

5 THAT'S SORT OF A GENERAL ANSWER TO IT. I
6 DON'T KNOW.

7 BOARD MEMBER RELIS: INDEPENDENT OF THE CH2M
8 HILL STUDY, YOU HAVE MADE THE DETERMINATION, STAFF HAVE
9 MADE THE DETERMINATION OR THEY VALIDATE THIS?

10 MR. REEVES: WHAT I DID IS I REVIEWED CH2M
11 HILL'S SLOPE STABILITY ANALYSIS, WHICH I RECEIVED IN
12 JANUARY AND HAD INCORPORATED INTO THE RDSI, WHICH IS FAR
13 AND ABOVE WHAT WE NORMALLY REQUIRE FOR OUR RDSI'S. I HAD
14 THEM INCORPORATE THE SLOPE STABILITY INVESTIGATION WHICH
15 DEALT EXTENSIVELY WITH THAT VERY ISSUE, SLOPE INSTABILITY
16 AND ALSO SETTLEMENT AS WELL. I ALSO REVIEWED SOME OF THE
17 DOCUMENTATION PROVIDED BY THE OPPONENT OF THE PROJECT,
18 THE CITY OF PITTSBURG, AND THEY TOOK THE DATA THAT CH2M
19 HILL HAD GENERATED DURING THE INVESTIGATIONS OVER THE
20 LAST TWO YEARS AND HAD USED THAT DATA TO COME UP WITH
21 OTHER RESULTS.

22 I FEEL, BASED ON MY REVIEW, THAT DATA THEY
23 USED MAY NOT NECESSARILY REFLECT THE ACTUAL -- WELL, THEY
24 REFLECT THE ACTUAL SITE CONDITIONS BECAUSE THAT'S WHAT
25 THEY USED. THEY USED THAT DATA, BUT THE MANNER IN WHICH



1 THEY USED THAT INFORMATION, THE CITY OF PITTSBURG, I FEEL
2 AT THIS POINT, DOESN'T DESCRIBE THE REALITY; IN OTHER
3 WORDS, I FEEL THAT SLOPE STABILITY INVESTIGATIONS DONE BY
4 CH2M HILL ARE ADEQUATE IN ORDER TO DETERMINE THAT THE
5 SLOPES AND THE UNDERLYING ALLUVIUM AND LANDSLIDE DEBRIS
6 DEPOSITS WON'T CAUSE A PROBLEM AT THIS POINT.

7 THAT'S ESSENTIALLY MY ASSESSMENT AT THIS
8 POINT.

9 BOARD MEMBER RELIS: THAT RAISES A QUESTION.
10 THERE'S THE CONTENTION THAT THE ANALYSIS -- THIS IS THE
11 CONTENTION OF THE CITY OF PITTSBURG CONSULTANTS -- IS
12 THAT WHAT WE HAVE HERE IS A LANDFILL THAT'S BEEN --
13 THEORETICALLY WORKS, THAT IS THE PAPER ANALYSIS ON IT
14 WORKS, BUT THAT REAL WORLD, BECAUSE OF GEOLOGY AND OTHER
15 FACTORS, THAT WE SHOULD BE SUSPICIOUS OF THE, QUOTE,
16 THEORETICAL ANALYSIS. WHAT WOULD BE YOUR RESPONSE TO
17 THAT?

18 MR. REEVES: I REVIEWED ACTUAL FIELD DATA
19 GENERATED DURING THE SLOPE STABILITY ANALYSIS AND THE
20 ASSUMPTIONS THAT WERE MADE BY THE CITY OF PITTSBURG ALSO
21 USED REAL DATA. THEY USED DATA GENERATED THAT WAS
22 GENERATED BY CH2M HILL, BUT THEY INTERPRETED THAT DATA
23 SLIGHTLY DIFFERENTLY. THE INTERPRETATION, I FEEL, ISN'T
24 EQUIVALENT TO THE ACTUAL SITE CONDITIONS. I DID LOOK AT
25 REAL DATA. I LOOKED AT REAL INFORMATION. I DID NOT JUST



1 LOOK AT THE MODEL ITSELF. I AM VERY SUSPICIOUS ABOUT
2 MODELING MYSELF, BUT I REVIEWED THE ACTUAL FIELD DATA AND
3 CAME TO THAT CONCLUSION AS WELL.

4 SOME OF THE ARGUMENTS THAT WERE BROUGHT UP
5 BY CITY OF PITTSBURG ESSENTIALLY SIMPLIFIED SOME OF THE
6 CONDITIONS THAT EXIST OUT AT THE SITE. SIMPLIFYING THOSE
7 CONDITIONS CHANGED SOME OF THE RESULTS THAT WERE OBTAINED
8 IN THE SLOPE STABILITY INVESTIGATIONS THAT THE CITY OF
9 PITTSBURG PERFORMED.

10 BOARD MEMBER RELIS: YOU MEAN OVERLY SIMPLIFIED?

11 MR. REEVES: I WOULD SAY, YES, TO SOME DEGREE,
12 BUT THAT'S NECESSARY ON BOTH SIDES, I THINK. BUT MY
13 ANALYSIS IS I THINK THAT THE AMOUNT OF INVESTIGATION THAT
14 CH2M HILL DID INCORPORATED MORE SITE SPECIFIC DATA INTO
15 THE MODEL AND INTO THE ATTEMPTS TO DETERMINE IF THE
16 SLOPES WOULD BE STABLE AND IF THE TOE BERM IS STABLE AND
17 TO DETERMINE IF THE LINER, IN FACT, COULD BUCKLE IS IF A
18 LANDSLIDE OCCURRED.

19 THAT'S ESSENTIALLY THE ANSWER.

20 BOARD MEMBER RELIS: COULD I KEEP GOING?

21 CHAIRMAN HUFF: GO AHEAD.

22 BOARD MEMBER RELIS: WITH REGARD TO THE
23 DISTINCTION BETWEEN A CLASS II AND A CLASS III LANDFILL,
24 THE ASSUMPTIONS ARE DIFFERENT IN TERMS OF THE ACCEPTANCE
25 OF THE MATERIALS. IT'S MY UNDERSTANDING, READING AGAIN



1 THE REPORT, THAT GEOLOGICALLY THE SITE FOR THIS LANDFILL
2 HAS LED THE APPLICANT AND OUR STAFF TO CONCUR THAT THIS
3 IS AN ACCEPTABLE SITE FOR A CLASS II LANDFILL AND THE
4 RESTRICTIONS THAT GO ALONG WITH THAT, THE CONDITIONS.
5 COULD YOU ELABORATE FOR US FIRST ON THE DISTINCTION
6 BETWEEN A CLASS II AND A CLASS III?

7 MR. REEVES: WHY DON'T WE LET MIKE WATHNEY
8 DISCUSS THAT?

9 MR. WATHNEY: THE DIFFERENCE BETWEEN A CLASS II
10 AND A CLASS III LANDFILL IS A CLASS II LANDFILL CAN PICK
11 UP ADDITIONAL WASTE THAT A CLASS III CAN'T. IT'S A
12 HIGHER CLASSIFICATION. I CAN BACK INTO A LITTLE MORE
13 BACKGROUND. THERE'S THREE CLASSIFICATIONS UNDER THE
14 WATER BOARD'S REGULATIONS, I, II, AND III. CLASS I WOULD
15 BE A HAZARDOUS WASTE AND ALL TYPES OF WASTE. CLASS II
16 CANNOT ACCEPT HAZARDOUS WASTE, BUT CAN ACCEPT DESIGNATED
17 WASTE, NONHAZARDOUS SOLID WASTE AND INERT TYPE OF WASTE.
18 A CLASS III ONLY ACCEPTS NONHAZARDOUS WASTE AND INERT
19 WASTE.

20 THE DESIGNATED WASTE IS WASTE THAT'S ONE OF
21 TWO CATEGORIES, EITHER HAZARDOUS WASTE THAT'S BEEN
22 GRANTED VARIANCE BY THE TOXICS DEPARTMENT THAT IT DOES
23 NOT HAVE TO BE HANDLED AS A HAZARDOUS WASTE. BY
24 DEFINITION, IT'S HAZARDOUS BUT IT'S NOT GOING TO BE
25 REGULATED AS HAZARDOUS. OR THE MORE COMMON SUBCATEGORY



1 IS A WASTE THAT'S NOT HAZARDOUS BUT COULD DEGRADE WATER
2 QUALITY. EXAMPLES OF THAT WOULD BE HIGH SALT CONTENT,
3 BRINES, AND THINGS LIKE THAT, SOME WITH METALS WHERE
4 THEY'RE NOT HAZARDOUS LEVELS, BUT OF LEVELS OF CONCERNS
5 THAT MIGHT EXCEED DRINKING LEVEL STANDARDS.

6 AS FAR AS THE WASTE ACCEPTABILITY, THAT'S
7 THE DIFFERENCE BETWEEN CLASS II AND CLASS III. AS FAR AS
8 LINER SYSTEMS, FOR A CLASS III LANDFILL, THE REQUIREMENT
9 IS 12 INCHES OF 1 TIMES 10 TO THE MINUS 6 CENTIMETERS PER
10 SECOND PERMEABLE MATERIAL FOR A LINER OR A NO-LINER
11 SYSTEM IF NATURAL SITE CONDITIONS ARE SUCH THAT THE WASTE
12 WILL NOT CAUSE ANY DEGRADATION OF BENEFICIAL USES OF THE
13 WATER RESOURCES, GROUND OR SURFACE WATER.

14 FOR A CLASS II LANDFILL, THE REQUIREMENT IS
15 TWO FEET OF 10 TO THE MINUS 6 CENTIMETERS PER SECOND
16 MATERIAL OR NATURAL IN-PLACE MATERIAL THAT MEETS A
17 SUBSTANTIAL THICKNESS IS THE WAY THE REGULATIONS READ.
18 THE SUBSTANTIAL THING IS IN THE INITIAL CHAPTER 15
19 REGULATIONS THAT OAL DID NOT IMPROVE, IT HAD A 10-FOOT
20 THICKNESS IN THE REGULATIONS. OAL SAID THAT'S TOO
21 SPECIFIC. YOU HAVE TO TAKE IT OUT, SO IT WAS REPLACED BY
22 A SUBSTANTIAL THICKNESS.

23 AS GENERAL GUIDANCE, YOU'RE TALKING ABOUT
24 LIKE A 10-FOOT OR IN-PLACE MATERIAL IN LIEU OF A LINER
25 THAT WOULD BE A REQUIREMENT FOR A CLASS II LANDFILL. THE



1 DESIGN FOR THIS LANDFILL HAS A 2-FOOT THICK CLAY LINER
2 PLUS INCORPORATES A SYNTHETIC LINER, AN 80 MIL SYNTHETIC,
3 AN HDP, HIGH DENSITY POLYETHYLENE, LINER ON TOP OF THE
4 CLAY LINER, SO IT MORE THAN EXCEEDS LINER STANDARDS FOR A
5 CLASS II FACILITY.

6 BOARD MEMBER RELIS: AND THE VIEW IS, THOUGH,
7 WITH A CLASS II LANDFILL, WE DON'T WANT THAT WATER
8 GETTING OUT OF THIS LANDFILL?

9 MR. WATHNEY: THAT'S CORRECT.

10 BOARD MEMBER RELIS: AND STAFF IS SATISFIED THAT
11 WATER WILL NOT MIGRATE FROM THIS LANDFILL TO THE OTHER,
12 IN ANSWER TO THE ASSERTION THAT IT WILL?

13 MR. WATHNEY: YOU'LL NOT FIND ONE ENGINEER THAT
14 WILL GUARANTEE THAT THE LINER SYSTEM WILL NEVER LEAK.
15 ANY LINER SYSTEM WILL LEAK SOMETIME FOR SOME AMOUNT. YOU
16 DON'T KNOW WHEN. THERE'S NO WAY TO PREVENT THAT. IT
17 WILL EVENTUALLY LEAK. CLAY DETERIORATES. SYNTHETIC
18 LINERS DETERIORATE.

19 WHAT YOU'RE LOOKING AT IS A LINER SYSTEM
20 THAT WILL PREVENT AS MUCH AS POSSIBLE LEAKAGE IN THE
21 FUTURE; OR IF YOU DO HAVE ANY, IT'S A MINOR AMOUNT.
22 THAT'S ONE REASON YOU HAVE A LEACHATE COLLECTION REMOVAL
23 SYSTEM ABOVE THE LINER FOR LANDFILLS WHERE ANY LEACHATE
24 IS THEN COLLECTED AND PULLED OFF OF THE LINER SO,
25 THEREFORE, YOU HAVE NO HEAD OR FORCE TO FORCE LIQUID



1 THROUGH THE LINER. SO IF YOU HAVE NO LIQUID, NOTHING CAN
2 GET THROUGH THE LINERS. THAT'S PART OF THE REASON FOR
3 THE LEACHATE COLLECTION.

4 BOARD MEMBER RELIS: BUT NOW LINERS LEAK IN
5 DIFFERENT PLACES, AND THIS REALLY SPEAKS TO THE QUESTION
6 OF THE RIGHT PLACE. I MEAN, THIS IS ALL A RELATIVE RISK
7 MATTER. WE KNOW THE LINERS WILL LEAK AT SOME POINT.
8 SHOULD THEY LEAK IN THE LEACHATE SYSTEM, AS YOU SAY, IS A
9 PREVENTIVE FROM THAT HAPPENING. IS THIS A PLACE THAT'S
10 ACCEPTABLE FOR LEAKAGE TO HAPPEN GIVEN THE OTHER WATER
11 RESOURCES THAT WE'RE DEALING WITH HERE OR HAVE BEEN
12 REFERRED TO?

13 MR. WATHNEY: I CAN GO BACK TO BEING MORE AN
14 ENVIRONMENTALIST HERE AND SAY THERE'S NO PLACE ACCEPTABLE
15 FOR LEAKAGE, BUT SOME PLACES ARE BETTER THAN OTHERS OR
16 HAVE PROVIDED BETTER NATURAL PROTECTION OR THE WATER
17 RESOURCES ARE SUCH THAT THE IMPACT TO THE PUBLIC HEALTH
18 AND SAFETY WOULD BE LESS.

19 INVESTIGATIONS AT THIS SITE SHOW THAT THE
20 GROUNDWATER UNDERNEATH THE SITE IS OF A POOR QUALITY. IT
21 STILL -- MUCH OF IT DOES EXCEED OR IS BELOW THE 3000
22 MILLIGRAM PER LITER TDS STANDARD THAT THE STATE WATER
23 BOARD HAS ADOPTED AS A SOURCE OF DRINKING WATER; HOWEVER,
24 THE DRINKING WATER STANDARD SET BY THE DEPARTMENT OF
25 HEALTH SERVICES ACTUALLY HAS THREE LIMITS: 500



1 MILLIGRAMS PER LITER OR PARTS PER MILLION IS THE NORMAL
2 LIMIT; 1000 IS KIND OF AN UPPER LIMIT; AND 1500 IS FOR
3 SHORT-TERM USE. SO 3000 MILLIGRAMS PER LITER TDS OR SALT
4 CONTENT WATER COULD BE USED FOR DRINKING WATER BUT WOULD
5 HAVE TO BE TREATED, PLUS THE UNDERLINING MATERIAL, AND
6 THERE'S A LOT OF BEDROCK.

7 THE GROUNDWATER INVESTIGATIONS DONE BY CH2M
8 HILL INDICATED THERE IS VERY LITTLE CONNECTION BETWEEN
9 THE GROUNDWATER IN THIS CANYON AREA WITH THE MAJOR
10 AQUIFER UNDER THE CITY OF PITTSBURG. THOSE ARE RECENT
11 DATA. ROBERT CAN REVIEW THAT IN MORE DETAIL.

12 BOARD MEMBER RELIS: I THOUGHT IT WOULD BE
13 INTERESTING TO EXPLORE.

14 MR. REEVES: ESSENTIALLY WHAT HAPPENED IS CH2M
15 HILL CONDUCTED APPROXIMATELY TWO OR THREE -- ACTUALLY,
16 THEY HAVE ABOUT THREE YEARS OF MONITORING DATA -- AND FOR
17 EACH INVESTIGATION THEY CONDUCTED, THEY BECAME MORE
18 FAMILIAR WITH THE GEOLOGY OUT AT THE SITE. AT FIRST THEY
19 HAD ASSUMED, ESSENTIALLY, THAT A LARGER VOLUME OF WATER
20 COULD, PERHAPS, LEAK INTO THE AQUIFER SYSTEM BELOW THE
21 CITY OF PITTSBURG. BUT RECENT DATA INTERPRETATION --
22 ALSO IN THEIR STUDIES, THEY DETERMINED THAT ACTUALLY VERY
23 LITTLE, IF NOT ANY AT ALL, WOULD ACTUALLY LEAK OR VERY
24 LITTLE WATER WOULD ACTUALLY MIGRATE DOWN INTO THOSE
25 AREAS.



1 NOW, IN ORDER TO REALLY DESCRIBE THAT, I'D
2 HAVE TO DESCRIBE THE GEOLOGY SHOWING MAPS AND ALL THAT,
3 AND I'M NOT PREPARED TO DO THAT AT THIS POINT. THEY
4 SHOWED, BASED ON GROUNDWATER ELEVATION DATA, THAT THE
5 VOLUME OF WATER IS VERY SMALL AS OPPOSED TO WHAT THEY HAD
6 DETERMINED EARLIER, THAT THERE'S ESSENTIALLY NO
7 INTERCONNECTION BETWEEN GROUNDWATER BENEATH THE LANDFILL
8 AND GROUNDWATER BENEATH THE CITY OF PITTSBURG. IN OTHER
9 WORDS, THEY WERE ABLE TO QUANTIFY THEIR ANALYSIS BETTER
10 IN TIME WITH MORE INVESTIGATIONS OVER THE LAST COUPLE OF
11 YEARS.

12 NOW, THAT'S ESSENTIALLY THE DIFFERENCE IN
13 INTERPRETATIONS HERE. THERE REALLY ISN'T A DIFFERENCE IN
14 INTERPRETATION, ONLY A DIFFERENCE IN QUANTIFYING THE
15 AMOUNT OF WATER MIGRATING TO THE ALLUVIAL AQUIFERS
16 BENEATH THE CITY OF PITTSBURG. THERE'S ENOUGH GEOLOGIC
17 SEPARATION TO AVOID THAT CONDITION EXISTING.

18 BOARD MEMBER RELIS: THAT RAISES OR THAT'S PART
19 OF THIS, OR MAYBE YOU CAN EXPLAIN THIS. IN THE LETTER
20 FROM THE REGIONAL OR FROM THE STATE WATER RESOURCES
21 CONTROL BOARD ON PAGE 2, THE FIVE-FOOT SEPARATION ISSUE
22 AT THE BOTTOM OF THE PAGE?

23 MR. REEVES: YES. OKAY.

24 BOARD MEMBER RELIS: WHERE THEY CLAIM THAT THERE
25 IS NO SUBSTANTIAL EVIDENCE TO SUPPORT THE CONCLUSION OF



1 THE REGIONAL BOARD THAT IT'S NOT FEASIBLE TO MAINTAIN
2 THAT FIVE-FOOT SEPARATION?

3 MR. REEVES: ESSENTIALLY -- WELL, THE BEST
4 ENGINEERING ALTERNATIVE THERE WAS TO CONSTRUCT AN
5 UNDERDRAIN SYSTEM WHICH WOULD INTERCEPT UPWARD MIGRATING
6 WATER AT THE BASE OF THE CANYON. YOU HAVE DIFFERENT FLOW
7 CONDITIONS WITHIN THE CANYON. IN SOME AREAS YOU HAVE
8 UPWARD MIGRATING WATER AND IN SOME AREAS YOU HAVE
9 DOWNWARD MIGRATING WATER. BELOW THE BASE OF THE TOE
10 BERM, THERE'S A FORMATION WHERE THE CONDITION --
11 ESSENTIALLY WHERE WATER MIGRATES DOWNWARD.

12 AT THE TOE BERM ITSELF, GROUNDWATER
13 MIGRATES UPWARD; THEREFORE, AN UNDERDRAIN SYSTEM WAS
14 CONSTRUCTED IN THAT AREA WHICH IS AN ENGINEERING
15 ALTERNATIVE FOR FIVE-FOOT SEPARATION. THAT IS ONE
16 FEASIBLE WAY OF APPROACHING THE SUBJECT IS TO PUT AN
17 UNDERDRAIN SYSTEM IN AND THAT'S WHAT WAS DONE. THAT WAS
18 ACCEPTABLE TO THE WATER BOARD.

19 BOARD MEMBER RELIS: SO YOU'RE SAYING THAT'S
20 FUNCTIONALLY EQUIVALENT TO THE OTHER WAY TO GO, THE FIVE
21 FOOT?

22 MR. REEVES: YES. RIGHT. THAT IS ACCEPTABLE
23 BECAUSE OF THE GROUNDWATER FLOW CONDITIONS AT THAT AREA
24 OF THE CANYON.

25 BOARD MEMBER RELIS: AND THAT'S ACCEPTABLE TO



1 YOU?

2 MR. REEVES: THAT'S ACCEPTABLE TO THE WATER
3 BOARD AND AS AN ENGINEERING ALTERNATIVE.

4 BOARD MEMBER RELIS: YET THEY DON'T SEEM TO
5 STATE THAT --

6 MR. REEVES: THE REGIONAL WATER BOARD, THAT IS,
7 THE STATE WATER BOARD --

8 BOARD MEMBER RELIS: -- HAS A DIFFERENT OPINION?

9 MR. WATHNEY: LET ME ADDRESS THAT. I THINK
10 MAYBE I HAVE A DIFFERENT INTERPRETATION OF THE MEMO. THE
11 WAY I READ IT IS THAT IN THE REGIONAL BOARD'S ACTION ON
12 THEIR WDR'S, THEY JUST DETERMINED THAT A FIVE-FOOT
13 SEPARATION WAS NOT FEASIBLE TO BE MET AT THIS LANDFILL,
14 WHICH IS ALLOWED UNDER THE CHAPTER 15 REGULATIONS.

15 THE STATE WATER BOARD WENT ONE STEP FURTHER
16 IN SAYING THAT THERE WAS NO EVIDENCE THAT THE REGIONAL
17 WATER BOARD -- THERE WAS NOT ENOUGH EVIDENCE FOR THE
18 REGIONAL WATER BOARD TO SAY THAT'S NOT FEASIBLE, BUT
19 THERE'S ANOTHER ALTERNATIVE AND IT'S USING AN ENGINEERING
20 ALTERNATIVE TO THE PROSCRIPTIVE STANDARDS UNDER THE
21 CHAPTER 15 REGULATIONS.

22 SO THE STATE WATER BOARD VIEWED THE
23 UNDERDRAIN SYSTEM AS AN ENGINEERING ALTERNATIVE TO THE
24 PROSCRIPTIVE STANDARDS OF A FIVE-FOOT SEPARATION. THEIR
25 REVIEW OF THE UNDERDRAIN SYSTEM IS THAT IT COMPLIES WITH



1 THE STANDARDS FOR AN ENGINEERING ALTERNATIVE, AND WE'VE
2 REVIEWED THAT AND ARE IN AGREEMENT WITH THAT.

3 BOARD MEMBER RELIS: WHERE IS THAT STATED? I
4 MISSED THAT, I GUESS, IN READING IT.

5 MR. WATHNEY: I THINK THE SENTENCE YOU'RE
6 REFERRING TO WAS THE LAST SENTENCE OF THE FIRST PARAGRAPH
7 UNDER "FIVE-FOOT SEPARATION." YOU CONTINUE READING THE
8 SECOND PARAGRAPH --

9 BOARD MEMBER RELIS: BEGINNING "AS DESCRIBED"?

10 MR. WATHNEY: RIGHT. PROBABLY -- OR GO MORE TO
11 THE NEXT PAGE. THE LAST TWO WORDS SAY, "WE HAVE REVIEWED
12 THE CONCEPTUAL SUBDRAIN DESIGN DRAWING AND CONCLUDED THAT
13 IT DOES, IN FACT, CONSTITUTE AN ENGINEERING ALTERNATIVE
14 TO THE FIVE-FOOT SEPARATION."

15 UNDER THE CHAPTER 15 REGULATIONS, UNDER
16 SECTION 2510(B) DOES ALLOW ENGINEERING ALTERNATIVES TO
17 ALL SITING AND DESIGN CRITERIA WITHIN THE CHAPTER 15
18 REGULATIONS. TO QUALIFY AS AN ENGINEERING ALTERNATIVE,
19 YOU HAVE TO SHOW TWO THINGS: ONE, THAT THE ALTERNATIVE
20 MEETS OR EXCEEDS THE PERFORMANCE STANDARDS OF THE
21 PROSCRIBED REQUIREMENT; AND TWO, THAT THE PROSCRIBED
22 REQUIREMENT IS NOT FEASIBLE, EITHER THAT IT WON'T WORK OR
23 THAT THE ALTERNATIVE OR THE PROSCRIBED STANDARD IS MUCH
24 MORE COSTLY THAN AN ALTERNATIVE THAT WILL PROVIDE
25 EQUIVALENT PROTECTION.



1 SO THAT'S WHAT THE STATE WATER BOARD IS
2 DETERMINING HERE IS THAT SITE CAN'T MEET THE FIVE-FOOT
3 SEPARATION, BUT THIS UNDERDRAIN SYSTEM WILL PROVIDE THE
4 EQUIVALENT SEPARATION OF HAVING THIS SEPARATION.

5 BOARD MEMBER RELIS: OKAY. HOW WOULD WE, IN
6 LIGHT OF THAT ON PAGE 3 IN THE BOTTOM PARAGRAPH,
7 INTERPRET THE STATEMENT, "THEREFORE, WE HAVE CONCLUDED
8 THAT THE UPWARD GRADING WILL NOT PREVENT MIGRATIONS OF
9 ALL LIQUIDS FROM THE LANDFILL"? WHAT'S YOUR READING OF
10 THAT? IS THAT A MASTER CAVEAT?

11 MR. WATHNEY: IN ONE WAY, YES. THE GROUNDWATER
12 UNDERNEATH THE SITE, SOME OF IT IS UNDER PRESSURE AND CAN
13 GO DOWNWARDS; THEREFORE, THE WATER IN CERTAIN PARTS WILL
14 NOT GO UP INTO WHERE THE LINER IS, BECAUSE IT'S UNDER
15 PRESSURE, WILL STAY BELOW AND WILL NOT REACH THE LINER.
16 THE MAIN THING FOR THE FIVE-FOOT SEPARATION IS TO PREVENT
17 INUNDATION OF WATER AND THEN INTO THE WASTE MATERIAL.
18 YOU HAVE TO HAVE A SEPARATION SO THE MATERIAL REMAINS AS
19 DRY AS POSSIBLE SO YOU DON'T CREATE AS MUCH LEACHATE.

20 ONE OF THE ORIGINAL THEORIES WAS THAT THIS
21 WATER WILL NOT RISE UP TO THAT LEVEL BECAUSE THEN THE
22 PRESSURE WILL ACTUALLY FLOW AWAY FROM THE LINER;
23 THEREFORE, NO UNDERDRAINING SYSTEM IS NECESSARY AND THE
24 LINER WILL NEVER COME IN CONTACT WITH THE WATER. FURTHER
25 INVESTIGATIONS INDICATE THAT THAT'S NOT ALWAYS THE CASE



1 UNDER THE LANDFILL; THEREFORE, AN UNDERDRAIN SYSTEM WOULD
2 BE NEEDED IN CERTAIN AREAS TO PREVENT THE GROUNDWATER
3 FROM RISING UP AND CONTACTING THE LINER SYSTEM.

4 THERE ARE SOME NATURAL CONDITIONS THAT WILL
5 PROTECT THE LINER, BUT THEN TO MANDATE CONDITIONS, THE
6 UNDERDRAINING SYSTEM WILL THEN BE NEEDED IN OTHER AREAS
7 TO PREVENT INDENTATION OF THE LINING SYSTEM.

8 BOARD MEMBER RELIS: I'VE BEEN HOGGING THINGS.

9 CHAIRMAN HUFF: NO. THESE ARE IMPORTANT ISSUES.
10 THEY RELATE TO OUR MINIMUM STANDARDS AND THE
11 INVESTIGATION THAT WE NEED TO DO TO ENSURE YOU AND THE
12 OTHER BOARD MEMBERS THAT THIS PERMIT DOES COMPLY WITH OUR
13 MINIMUM STANDARDS. AND IF MR. EGIGIAN HAS NO FURTHER
14 QUESTIONS, I'D ASK STAFF IF THEY HAVE ANY OTHER ELEMENTS
15 TO THE PRESENTATION? YOU'RE NOT FINISHED YET.

16 IN FIVE MINUTES WE WILL TAKE A BREAK.

17 MS.. CUENCA: BASED ON ALL THE INFORMATION
18 SUBMITTED, STAFF RECOMMENDS THE BOARD ADOPT SOLID WASTE
19 FACILITY PERMIT NO. 92-18, CONCURRING IN THE ISSUANCE OF
20 SOLID WASTE FACILITY PERMIT NO. 07-AA-0032. THIS
21 CONCLUDES MY PRESENTATION. I WOULD LIKE TO ADD FOR THE
22 RECORD THAT SIERRA CLUB DOES SUPPORT THIS PROJECT.

23 MR. CHARLES NICHOLSON AND MIKE SCHOTT,
24 REPRESENTING THE CONTRA COSTA PUBLIC HEALTH, AND MR.
25 SCOTT GORDON, REPRESENTING KELLER CANYON LANDFILL, ARE



1 HERE TO ANSWER ANY QUESTIONS THE COMMITTEE MEMBERS MAY
2 HAVE.

3 CHAIRMAN HUFF: BEFORE WE GET TO THEM, LET ME
4 ASK YOU -- WHERE DID MR. CONHEIM GO?

5 MR. WALLACE: MR. CONHEIM HAD TO STEP OUT.
6 HE'LL BE BACK.

7 CHAIRMAN HUFF: WE HAVE, AS MR. CONHEIM
8 EXPLAINED, 60 DAYS TO OBJECT TO THE ISSUANCE OF THIS
9 PERMIT. AND IF WE DON'T DO SO WITHIN THOSE 60 DAYS, IT
10 IS DEEMED APPROVED.

11 WHEN DID THE 60 DAYS START TO RUN AND ON
12 WHAT BASIS DO WE DETERMINE THAT? I KNOW THAT WE RECEIVED
13 SOME MATERIALS EARLY IN FEBRUARY. I UNDERSTAND WE
14 RECEIVED OTHER MATERIALS A LITTLE LATER IN FEBRUARY.
15 WHEN DID THE CLOCK START?

16 MS. VAZQUEZ: WE RECEIVED THE PERMIT ON FEBRUARY
17 5TH, 1992. SUBSEQUENT TO THAT WE RECEIVED CHANGES TO THE
18 PERMIT, NEW PAGES, THE LATEST OF WHICH WAS ON MARCH 3D,
19 1992, SO THE CLOCK RESTARTED ON MARCH 3D, AND WE WOULD
20 HAVE 60 DAYS FROM THAT DATE.

21 MR. CONHEIM: MR. CHAIRMAN, WE RECEIVED -- MS.
22 VAZQUEZ SUMMARIZED TO YOU THE EXTREMES ON THIS. WE
23 RECEIVED CHANGES THROUGHOUT THAT PERIOD. THE LATEST
24 CHANGE WHICH WOULD CONSTITUTE A FINALLY SUBMITTED PERMIT
25 TO THE BOARD WAS MARCH 3D. SHE HAS JUST CONFIRMED THIS,



1 AS YOU WERE TELLING ME. THAT'S THE REASON WE WERE OUT OF
2 THE ROOM TRYING TO PREPARE OURSELVES ON THIS ISSUE. MS.
3 VAZQUEZ HAS CONFIRMED THIS IN THE DISCUSSION WITH THE LEA
4 SO THAT'S THE EXTENT OF IT.

5 THE 60 DAYS CAN BE RESTARTED AND RUN FROM
6 MARCH 30.

7 MS. VAZQUEZ: IN THE DISCUSSIONS WITH THE LEA,
8 THERE IS A WASTE DISPOSAL CRISIS IN CONTRA COSTA COUNTY.
9 THE PERMIT FOR THIS FACILITY IS NEEDED AS SOON AS
10 POSSIBLE. I THINK THE LEA SHOULD DESCRIBE TO YOU WHAT
11 OTHER CONDITIONS WILL OCCUR IF THIS FACILITY DOES NOT
12 COMMENCE OPERATIONS AS THE COUNTY ANTICIPATED.

13 CHAIRMAN HUFF: WELL, I'M SURE THAT THE LEA WILL
14 DO THAT. IN THE COURSE OF THAT CONVERSATION, I WOULD ASK
15 THE LEA AS TO WHETHER THEY HAVE ANY DIFFERENT OPINION AS
16 TO WHEN THE CLOCK STARTED? I'M NOT SAYING THAT WE WILL
17 TAKE THE FULL 60 DAYS. I'M NOT SAYING THAT WE WON'T, BUT
18 I THINK IT'S VERY IMPORTANT FOR THIS COMMITTEE AND THE
19 BOARD MEMBERS, AS WELL AS THE PUBLIC, TO UNDERSTAND THE
20 NATURE OF THE LAW THAT WORKS HERE. AND THAT IS THAT THE
21 FUSE IS LIT; AND WHEN 60 DAYS RUNS, THIS THINGS IS DEEMED
22 ADOPTED UNLESS WE OBJECT, AND WE NEED TO KNOW EXACTLY
23 WHEN THAT IS.

24 SO YOUR BEST ADVICE TO ME, MR. CONHEIM, IS
25 THAT THE 60 DAYS EXPIRES WHEN?



1 MR. CONHEIM: I'VE JUST CLOSED THE BOOK. THE 60
2 DAYS EXPIRES, NOT COUNTING SATURDAYS AND SUNDAYS, WHICH
3 YOU DON'T HAVE TO UNDER STATE LAW, WHICH YOU MUST NOT,
4 UNLESS THE BOARD WANTED TO MEET ON A SATURDAY OR SUNDAY,
5 BUT IT'S NOT REQUIRED TO, THE 60 DAYS, NOW HAVING STALLED
6 ENOUGH TIME HERE TO OPEN THE CALENDAR AND COUNT DATES,
7 WOULD EXPIRE ON MONDAY, MAY 4TH. THAT WOULD ACTUALLY BE
8 62 DAYS, BUT YOU DON'T HAVE TO ACT ON A SATURDAY OR
9 SUNDAY. THEY ARE CONSIDERED HOLIDAYS.

10 CHAIRMAN HUFF: OKAY. SO THIS ITEM, WHILE WE
11 ORIGINALLY CALENDARED IT FOR THIS COMMITTEE MEETING AND
12 THE BOARD MEETING THAT WILL TAKE PLACE -- WHEN IS THAT,
13 THE 25TH?

14 COMMITTEE SECRETARY: MARCH 25TH.

15 CHAIRMAN HUFF: IN FACT, HAS ENOUGH TIME ON THE
16 CLOCK TO RUN PAST THE MARCH 25TH AND WE COULD ACT ON IT
17 AS LATE AS OUR APRIL MEETING, THEN.

18 MR. CONHEIM: THAT'S CORRECT.

19 CHAIRMAN HUFF: WHERE IS OUR APRIL MEETING?

20 COMMITTEE SECRETARY: OAKLAND.

21 CHAIRMAN HUFF: WHERE IS OUR MARCH MEETING, PAT?

22 MS. CHARTRAND: REDDING.

23 BOARD MEMBER RELIS: MR. CHAIRMAN, AT SOME
24 POINT, NOT NECESSARILY NOW, I WOULD LIKE ALSO A STAFF
25 DISCUSSION OF THE OPTIONS THAT THE STATE BOARD HAS, THE



1 WATER RESOURCES BOARD HAS SUGGESTED AS A WAY OF DEALING
2 WITH THE ISSUES AS THEY SEE THEM AND HAVE PRESENTED THEM
3 SO WE CAN HEAR YOUR RESPONSE ON THAT AND GO THROUGH THEM
4 ONE BY ONE.

5 CHAIRMAN HUFF: OKAY.

6 BOARD MEMBER RELIS: I JUST WANTED TO THROW THAT
7 OUT.

8 CHAIRMAN HUFF: WE'VE REACHED THE PAPER BREAK
9 TIME; BUT SINCE WE'VE ESTABLISHED THE CLOCK, AT LEAST WE
10 THINK WE HAVE, LET ME ALSO INDICATE STAFF INDICATED THAT
11 THE SIERRA CLUB HAS RECORDED ITS SUPPORT OF THIS PERMIT.
12 LET ME INDICATE, FOR THE RECORD, THAT I'VE HAD NUMEROUS
13 CONVERSATIONS WITH STATE SENATOR DAN BOATWRIGHT, WHO HAS
14 REGISTERED HIS OPPOSITION AND HAS SENT ME VOLUMES OF
15 MATERIAL, FOR WHICH I AM VERY APPRECIATIVE.

16 AND WITH THAT, WE'LL TAKE A PAPER BREAK FOR
17 YOUR MACHINE. WE ARE NOT GOING TO GO TO LUNCH YET
18 BECAUSE WE'RE NOT HUNGRY.

19 (A BREAK WAS TAKEN.)

20 CHAIRMAN HUFF: COME TO ORDER NOW. WE WILL
21 RECONVENE. OKAY. WHERE WERE WE? WE HAD JUST FINISHED
22 EVERYTHING ON THE STAFF PRESENTATION. I'D LIKE TO MAKE A
23 CORRECTION. I SAID "SIERRA CLUB." I SHOULD SAY "SAN
24 FRANCISCO CHAPTER OF THE SIERRA CLUB." THE CORRECTION
25 STANDS NOTED. THAT CONCLUDES STAFF PRESENTATION?



1 MS. CUENCA: YES, IT DOES.

2 CHAIRMAN HUFF: HAVE YOU FOUND OUT ANYTHING MORE
3 ABOUT THE NATURE OF THE WATER BOARD'S PROCEEDING ON THE
4 31ST?

5 MR. CONHEIM: DO YOU HAVE AN ANSWER TO THE
6 QUESTION ABOUT THE NATURE OF THE WATER BOARD'S PROCEEDING
7 YET?

8 MR. SPHAR: I HAVE A CALL IN TO JOHN RICHARDS,
9 THE ATTORNEY THERE COORDINATING THAT ACTIVITY. HE'S NOT
10 RETURNED MY VOICE MAIL MESSAGE. I'VE JUST CHECKED.

11 CHAIRMAN HUFF: OKAY. WELL, WE'LL AWAIT FURTHER
12 DEVELOPMENTS ON THAT AT THIS POINT.

13 THEN, I WOULD LIKE TO HEAR IF THE LEA HAS
14 ANY INFORMATION OR MATERIALS TO BRING TO OUR ATTENTION.
15 I'D LIKE TO HEAR FROM THE LEA.

16 MR. NICHOLSON: MR. CHAIRMAN, COMMITTEE MEMBERS,
17 STAFF, MY NAME IS CHARLES NICHOLSON. I'M SUPERVISOR WITH
18 THE ENVIRONMENTAL HEALTH DIVISION, HEALTH SERVICES
19 DEPARTMENT OF CONTRA COSTA COUNTY, ALONG WITH MIKE
20 SCHOTT, A REPRESENTATIVE OF THE LEA FOR CONTRA COSTA
21 COUNTY.

22 I WISH TO STRESS THE PROBLEMS THAT WE FACE
23 BY DELAYING ANY ACTION ON THE PERMIT DUE TO THE SERIOUS
24 NATURE OF OUR LANDFILL CAPACITY AT THIS TIME. WE HAVE
25 THREE LANDFILLS IN OPERATION. ONE, IF IT WERE TO OPERATE



1 AT CURRENT CAPACITIES OF ABOUT 800 TONS A DAY, WE'LL RUN
2 OUT OF CAPACITY WITHIN A YEAR AND A HALF. WE HAVE
3 ANOTHER LANDFILL, ACTIVE LANDFILL, WHICH WAS OPERATING AS
4 A TRANSFER STATION WITH THE ALAMEDA EXPORT AGREEMENTS.
5 THOSE AGREEMENTS HAVE EXPIRED. THEY HAVE CONVERTED BACK
6 TO THEIR LANDFILL OPERATION AND ARE CURRENTLY LANDFILLING
7 AT THE RATE OF APPROXIMATELY 800 TONS A DAY.

8 GBF, WHICH IS IN PITTSBURG -- I MEAN
9 ANTIOCH -- WE HAVE A STIPULATED ORDER AND THEY WILL BE
10 CLOSING AT THE END OF THIS MONTH. WE HAVE A SERIOUS
11 PROBLEM. IF THEY WERE TO ACCEPT THE ADDITIONAL LOAD
12 WHICH WOULD BE COMING IN FROM GBF, WE PREDICT THEIR
13 CAPACITY WOULD BE FILLED WITHIN A MATTER OF WEEKS.
14 CURRENTLY, THEY ARE SIMPLY FILLING SMALL NOOKS AND
15 CRANNIES AND HAVE VERY LITTLE RESERVE CAPACITY.

16 WITHOUT THE PERMIT, OUR PROBLEM IS OBVIOUS.
17 WE FEEL THAT THE MECHANISMS THAT ARE IN PLACE FOR EITHER
18 REQUESTING THE OPERATOR TO SURRENDER THE PERMIT TO US, IF
19 THE WATER BOARD SHOULD OVERTURN THE REGIONAL BOARD'S
20 DECISION, OR WE CAN ISSUE A NOTICE AND ORDER OR ADEQUATE
21 MEASURES TO ADDRESS THE PROBLEM SHOULD WE HAVE TO COME
22 BACK TO YOU FOR A REVISION OF THAT PERMIT.

23 AT THIS POINT WE HAVE NO INDICATION THAT
24 THAT WILL OCCUR, AND WE TRUST THAT YOU WILL MAKE YOUR
25 DECISION BASED ON THOSE MEASURES. I WOULD LIKE TO POINT



1 OUT THAT FROM OUR COMMUNITY DEVELOPMENT, WE HAVE CHUCK
2 ZAHN AND VICKI CONKLIN, WHO ARE HERE TO ADDRESS THE LAND
3 USE PERMIT, CONDITIONS OF OPERATION OF CONSTRUCTION
4 REQUIREMENTS. WE HAVE BELINDA SMITH, WHO IS PART OF OUR
5 AB 939 TASK FORCE. THANK YOU VERY MUCH.

6 CHAIRMAN HUFF: ANY QUESTIONS OF THE LEA? THANK
7 YOU. WERE WE GOING TO HEAR FROM THOSE OTHER INDIVIDUALS?

8 MR. ZAHN: MR. HUFF, WE WILL BE HERE AS
9 RESOURCES SHOULD YOUR COMMITTEE HAVE ANY QUESTIONS.

10 CHAIRMAN HUFF: OKAY. APPARENTLY WE HAVE NO
11 QUESTIONS AT THIS TIME. OKAY.

12 LET'S HEAR FROM THE PROPONENTS, PLEASE.

13 MR. GORDON: GOOD AFTERNOON, MR. CHAIRMAN AND
14 MEMBERS. MY NAME IS SCOTT GORDON. I'M AN ATTORNEY
15 REPRESENTING KELLER CANYON LANDFILL COMPANY. I'M VERY
16 HAPPY TO BE HERE TODAY. IT'S BEEN A LONG TIME COMING TO
17 BE IN FRONT OF YOUR COMMITTEE.

18 CHAIRMAN HUFF: EXCUSE ME. I DO WANT TO GO
19 BACK. I DO HAVE A QUESTION OF THE LEA THAT JUST OCCURRED
20 TO ME. I WANT TO BE ORDERLY IN THIS PROCESS.

21 UNDERSTANDING THAT YOU MADE YOUR PITCH ON
22 TIME CONSTRAINTS, DO YOU CONCUR THAT ADDITIONAL
23 MATERIALS, REVISING THE ORIGINAL APPLICATION, THE
24 ORIGINAL PERMIT THAT WAS SENT IN ON THE 5TH OF FEBRUARY,
25 AS I UNDERSTAND IT, THAT ADDITIONAL MATERIALS THAT DO, IN



1 FACT, CONSTITUTE CHANGES IN THAT PERMIT WERE SUBMITTED
2 SUBSEQUENT TO FEBRUARY 5TH?

3 MR. ZAHN: WE DID SUBMIT PAGE REVISIONS UP
4 UNTIL, I BELIEVE, THE 3D OF MARCH, AND PART OF THAT WAS
5 AT THE REQUEST OF BOARD STAFF.

6 CHAIRMAN HUFF: I UNDERSTAND. THANK YOU.

7 MR. GORDON: I WANTED TO, IF I COULD, GIVE SOME
8 GENERAL REMARKS AND THEN GIVE YOU A SENSE OF THE PROJECT
9 HISTORY, THE ENVIRONMENTAL REVIEW HISTORY, TALK ABOUT
10 SOME OF THE ENVIRONMENTAL ISSUES WITH RESPECT TO THE
11 PERMIT, AND ALSO SPEND A LITTLE TIME TALKING ABOUT THE
12 STATE WATER BOARD ISSUES THAT HAVE BEEN RAISED HERE AT
13 THIS PROCEEDING.

14 LET ME FIRST GIVE YOU A SENSE OF PROJECT
15 HISTORY BECAUSE MEMBER RELIS RAISED THIS IN HIS EARLIER
16 QUESTION. THE KELLER SITE WAS FIRST IDENTIFIED IN 1988,
17 AND A COMPREHENSIVE PROJECT WAS FILED IN CONTRA COSTA
18 COUNTY IN MARCH OF 1989. AT THAT TIME THE COUNTY WAS IN
19 THE PROCESS OF PREPARING A REVISION TO ITS COUNTY SOLID
20 WASTE MANAGEMENT PLAN, AS MR. CONHEIM HAS INDICATED
21 ALREADY, THAT WAS DONE IN LARGE PART AT YOUR URGING
22 BECAUSE THE COUNTY HAD BEEN UNABLE, FOR WHATEVER REASON,
23 TO BE ABLE TO ACHIEVE LONG-TERM DISPOSAL CAPACITY AND,
24 HENCE, IT HAD A CRITICAL NEED AND DOES NOW TODAY FOR NEW
25 LANDFILL SITES.



1 THE EFFORT UNDERTAKEN IN 1988 AND '89 BY
2 THE COUNTY WAS TO IDENTIFY FIVE VIABLE, OR WHAT IT
3 THOUGHT TO BE VIABLE, LANDFILL SITES AND TO PREPARE
4 GENERAL PLAN AMENDMENTS TO DESIGNATE THOSE SITES IN THE
5 COUNTY'S GENERAL PLAN AND THEREAFTER TO PROVIDE FOR THEM
6 IN THE SOLID WASTE MANAGEMENT PLAN. IN FACT, IT TURNED
7 OUT TO BE A SIMULTANEOUS PROCESS.

8 AN EIR, UNDER THE CALIFORNIA ENVIRONMENTAL
9 QUALITY ACT, WAS PREPARED IN AUGUST OF 1989 FOR THAT
10 COSWMP REVISION AND FOR THOSE GENERAL PLAN AMENDMENTS.
11 AND IN FACT, FIVE GENERAL PLAN AMENDMENTS WERE ADOPTED BY
12 THE BOARD OF SUPERVISORS IN OCTOBER OF 1989. NOW,
13 THEREAFTER, THE OPPONENT OF THIS LANDFILL, THE CITY OF
14 PITTSBURG, REFERENCED THE GENERAL PLAN FOR KELLER CANYON.
15 THE RESULT OF THAT WAS TO FORCE IT TO BE ON THE JUNE 1990
16 PRIMARY ELECTION BALLOT.

17 IN THE INTERIM, HOWEVER, THE COUNTY
18 PROCEEDED TO PROCESS A SITE SPECIFIC PROJECT EIR FOR THIS
19 SITE, AND THAT WAS PUBLISHED IN DRAFT IN OCTOBER OF 1989
20 AND CERTIFIED AS ADEQUATE AND IN COMPLIANCE WITH THE
21 CALIFORNIA ENVIRONMENTAL QUALITY ACT IN FEBRUARY OF 1990.
22 THE VOTERS SPOKE IN A COUNTYWIDE REFERENDUM IN JUNE OF
23 1990 AND APPROVED THIS SITE. THEY REJECTED THE
24 REFERENDUM AND APPROVED THIS LANDFILL SITE. THAT'S AN
25 IMPORTANT FACT, I THINK, FOR YOUR CONSIDERATION.



1 THEREAFTER, IN JULY OF 1990, THE USE PERMIT
2 WAS ISSUED BY THE COUNTY. IN OCTOBER OF 1990, THE COUNTY
3 ISSUED A FRANCHISE TO OPERATE WITHIN THE COUNTY. THE
4 REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY
5 REGION, RECEIVED A REPORT OF WASTE DISCHARGE FROM KELLER
6 CANYON LANDFILL COMPANY ON OCTOBER 3D, 1990. AFTER A
7 SUBSTANTIVE STAFF REVIEW, THE REGIONAL BOARD ADOPTED
8 THOSE WASTE DISCHARGE REQUIREMENTS ON MARCH 20TH, 1991,
9 ALMOST A YEAR AGO TODAY.

10 THEREAFTER, THE BAY AREA MANAGEMENT
11 DISTRICT ISSUED ITS AUTHORITY TO CONSTRUCT PERMIT ON MAY
12 30TH, 1991. IN JUNE THE CORPS OF ENGINEERS ISSUED A 404
13 PERMIT. THE STATE WATER RESOURCES CONTROL BOARD,
14 FOLLOWING A REGIONAL BOARD RECOMMENDATION, ISSUED A 401
15 CERTIFICATION, WHICH IS A CERTIFICATION UNDER THE CLEAN
16 WATER ACT, THAT SAYS THAT THE PROPOSED CORPS PERMIT, THE
17 404 PERMIT, IS IN COMPLIANCE WITH STATE WATER QUALITY
18 OBJECTIVES. THAT WAS ISSUED OCTOBER 3D, 1990.

19 AT THAT POINT THE STATE BOARD KNEW, BECAUSE
20 WE TOLD THEM THEM, WE WERE GOING TO PROCEED AND, IN FACT,
21 CONSTRUCT THE SITE AS LONG AS WE HAD ALL OF OUR PERMITS
22 IN HAND. AND, IN FACT, THE FINAL PERMIT TO AUTHORIZE
23 THAT WAS GRANTED ON OCTOBER 25, 1991, BY THE COUNTY OF
24 CONTRA COSTA. THAT WAS THE APPROVAL OF PHASE I OF WHAT
25 WAS CALLED AND WHAT IS CALLED THE FINAL DEVELOPMENT AND



1 IMPROVEMENTS PLAN.

2 THAT IS A REQUIREMENT OF THE LAND USE
3 PERMIT THAT ASKED US TO ASSEMBLE, IN ONE PLACE, ALL OF
4 THE VARIOUS ELEMENTS OF SITE OPERATION TO, IN FACT,
5 SUBMIT IT FOR THE COUNTY'S APPROVAL. THAT INCLUDES ALL
6 OF THE CONSTRUCTION DETAIL, ROADS, BUILDINGS, LINER
7 DESIGN, AND SO ON. SO ALL OF THAT WAS, IN FACT,
8 SUBMITTED AND APPROVED. AND THE SITE ACTUALLY COMMENCED
9 CONSTRUCTION ON NOVEMBER 4TH, 1991.

10 AT THIS POINT, THEN, YOU KNOW THAT THERE
11 WERE TWO ENVIRONMENTAL IMPACT REPORTS PREPARED FOR THE
12 SITE, ONE ON THE GENERAL PLAN AMENDMENT, THE COSWMP
13 PROVISION, AND, SECONDLY, A PROJECT LEVEL SITE SPECIFIC
14 EIR. THE OPPONENT CITY OF PITTSBURG ALSO FILED
15 LITIGATION, AND YOU MAY BE AWARE OF THAT. THEY HAVE
16 CHALLENGED THE GENERAL PLAN AMENDMENT, THE SITE SPECIFIC
17 EIR, AND THEY ALSO CHALLENGED THE FRANCHISE AGREEMENT.
18 THREE SUPERIOR COURT TRIALS HAVE RESULTED IN JUDGMENTS
19 AGAINST THE CITY AND IN FAVOR OF THE COUNTY OF CONTRA
20 COSTA AND THE LANDFILL COMPANY ON THOSE ISSUES.

21 THE TRIAL COURTS HAVE DETERMINED THAT THE
22 COSWMP, EIR, AND GENERAL PLAN AMENDMENT WAS IN COMPLIANCE
23 WITH STATE LAW, THAT THE SITE SPECIFIC EIR IS IN
24 COMPLIANCE WITH CEQA, THAT THE USE PERMIT IS IN
25 COMPLIANCE WITH APPLICABLE STATE LAW, AND THE COURT ALSO



1 REJECTED THE PITTSBURG CHALLENGE TO THE FRANCHISE GROUP.

2 SO BY WAY OF HISTORY, AS WE COME TO YOU
3 TODAY, THERE'S A LOT OF WATER UNDER THE BRIDGE, AND I
4 WANTED YOU TO BE AWARE OF THAT FROM THE STANDPOINT OF
5 OVERVIEW SO THAT YOU COULD HAVE A SENSE OF CONTEXT AND
6 BACKGROUND AS WE SPEAK TO YOU TODAY.

7 WE HAD INTENDED, AT THIS POINT IN OUR
8 PRESENTATION, TO PROVIDE YOU WITH SOME INFORMATION ON
9 SITE DEVELOPMENT AND CONSTRUCTION; HOWEVER, IN LIGHT OF
10 SOME OF THE QUESTIONS RAISED HERE REGARDING THE
11 PROCEEDING BEFORE THE STATE WATER RESOURCES CONTROL
12 BOARD, I THOUGHT IT APPROPRIATE THAT WE MIGHT GET INTO
13 THAT ISSUE NOW AND SORT OF GET IT ON THE TABLE AND SEE IF
14 WE CAN'T ADDRESS SOME OF THE QUESTIONS YOU HAVE RAISED.
15 I THINK WE CAN AND WILL AND TO THEREAFTER RETURN TO THE
16 PRESENTATION THAT I MADE IN THIS OUTLINE. IF I MAKE AN
17 OUTLINE, I MIGHT GET THROUGH IT IN A REASONABLE AMOUNT OF
18 TIME.

19 FIRST, LET ME GIVE YOU SOME GENERAL
20 COMMENTS ABOUT THE STATE BOARD PROCEEDING, AND THEN I'M
21 GOING TO ASK A COUPLE OF OUR EXPERTS TO ADDRESS YOU
22 DIRECTLY SO WE CAN TRY TO SQUARELY HIT THE ISSUES THAT
23 HAVE BEEN RAISED. THE STAFF MENTIONED AND THE CITY HAS
24 ARGUED EXTENSIVELY IN ITS WRITTEN SUFFIENCE TO YOU, FROM
25 A DECEMBER 5TH, 1991, MEMORANDUM THAT WAS PREPARED BY THE



1 STATE WATER RESOURCES CONTROL BOARD STAFF -- I DON'T KNOW
2 PRECISELY WHO ON THE STAFF PREPARED IT. IT'S NOT BEEN
3 MADE CLEAR TO US -- BUT IT REPRESENTS AT BEST, WE THINK,
4 A PRELIMINARY VIEW OF HOW THAT STAFF LOOKED AT ISSUES
5 PERTAINING TO THE STATE WATER BOARD APPEAL.

6 FOR PURPOSES OF CHRONOLOGY, LET ME RECAP
7 THIS SPECIFIC ISSUE. THE REGIONAL BOARD ISSUED WASTE
8 DISCHARGE REQUIREMENTS BY UNANIMOUS VOTE ON MARCH 20TH,
9 1991. THE CITY FILED A PETITION FOR REVIEW OF THAT ON
10 APRIL 19TH, 1991. THAT MATTER HAS NOT YET BEEN HEARD.
11 IT HAS BEEN ON APPEAL, QUOTE, UNQUOTE, SINCE APRIL 19TH,
12 1991. I ALSO WANT TO HASTEN TO ADD THAT THE STATE WATER
13 RESOURCES CONTROL BOARD STAFF HAS KNOWN AND FOLLOWED THE
14 PROGRESS OF CONSTRUCTION.

15 WE SPEAK WITH THEM REGULARLY, AS YOU MIGHT
16 IMAGINE, AND THEY HAVE BEEN WELL INFORMED ON WHAT HAS
17 BEEN HAPPENING. AS A MATTER OF FACT, THEY WERE OUT AT
18 THE SITE IN THE MONTH OF DECEMBER JUST SHORTLY AFTER THAT
19 MEMORANDUM WAS IN FACT WRITTEN.

20 MR. CONHEIM: MR. CHAIRMAN, I'D LIKE TO GET IT
21 CLEAR FOR THE RECORD. THE APPEAL WAS FILED ABOUT 11
22 MONTHS AGO, MORE OR LESS, GIVE OR TAKE A FEW DAYS?

23 MR. GORDON: YES, SIR.

24 MR. CONHEIM: THE STATE WATER BOARD HAS FOLLOWED
25 YOUR CONSTRUCTION ACTIVITIES AND THEY HAVE NOT, DESPITE



1 OBJECTIONS IN THE APPEAL ITSELF, THEY HAVE NOT UP TO THIS
2 POINT STAYED YOUR ACTIVITIES OUT THERE?

3 MR. GORDON: THAT IS CORRECT. IN FACT, THE
4 APPLICATION FOR STAY WAS NOT FILED UNTIL MARCH 4TH, 1992.
5 THAT FACT, ALONE, IS OF CONSIDERABLE INTEREST BECAUSE THE
6 CITY OF PITTSBURG, AS YOU MIGHT IMAGINE, AS YOU CAN TELL
7 BY THE AMOUNT OF PEOPLE HERE, HAVE FOLLOWED THE
8 DEVELOPMENTS ON THIS SITE VERY CLOSELY. THEY'VE BEEN
9 FOLLOWING CONSTRUCTION SINCE NOVEMBER 4TH, 1991, EVERY
10 DAY, BELIEVE ME.

11 IT'S SURPRISING TO ME THAT A STAY
12 APPLICATION OF THIS DIMENSION WASN'T FILED UNTIL SO LATE
13 IN THE GAME, WITH ALL THE KNOWLEDGE THAT THE CITY HAD
14 REGARDING THE PROGRESS OF SITE CONSTRUCTION.

15 I THROW THAT OUT TO YOU BECAUSE IT'S A QUESTION, I'M
16 SURE, THAT THE STATE BOARD IS ASKING ITSELF AND I'M
17 CERTAINLY ASKING OURSELF THE SAME QUESTION.

18 NOW, THE STATE BOARD MEMORANDUM, ALTHOUGH
19 WRITTEN ON 5TH, WAS GIVEN TO US ON JANUARY 10TH. THAT'S
20 THE FIRST TIME THAT WE SAW IT. AND THE WAY WE SAW IT WAS
21 IN CONNECTION WITH A PROPOSAL BY THE STATE BOARD
22 TECHNICAL STAFF TO INVITE THE CITY AND KELLER CANYON
23 LANDFILL COMPANY AND REGIONAL BOARD TO A PREHEARING
24 CONFERENCE. THE PREHEARING CONFERENCE IS AN INFORMAL
25 AFFAIR WHERE YOU CAN SIT DOWN AND EXCHANGE TECHNICAL



1 INFORMATION REGARDING THE MERITS OR LACK OF THEM OF THE
2 PENDING APPEAL. AND WE, IN FACT, DID THAT ON JANUARY
3 22D.

4 IN RESPONSE TO SOME OF THE QUESTIONS RAISED
5 IN THE MEMO REGARDING WHETHER CERTAIN INFORMATION
6 EXISTED; I.E., WITH RESPECT TO SLOPE STABILITY, WE WERE
7 ABLE TO PROVIDE ALL OF THE BACKUP DATA AND CALCULATIONS
8 FOR THE SLOPE STABILITY WORK THAT WENT INTO THE DESIGN OF
9 THE LANDFILL THAT HAD ACTUALLY BEEN DONE. THERE WAS AN
10 IMPLICATION -- IF YOU HAVE THE MEMO, YOU KNOW THAT, THAT
11 SOMEHOW THIS WORK MIGHT NOT HAVE BEEN DONE. THAT'S
12 REALLY THE FLAVOR THAT WAS IN THE MEMO WHEN WE STARTED
13 OUR TALKS WITH THE STATE BOARD.

14 THEY HAVE SINCE COME TO KNOW, AS HAS YOUR
15 STAFF, THAT ALL OF THAT WORK WAS DONE, AND IT IS
16 SIGNIFICANT. IT WAS DONE BY A NATIONALLY REPUTABLE FIRM,
17 CH2M HILL. THEY USED VERY CONSERVATIVE ASSUMPTIONS AND
18 REACHED SOLID CONCLUSIONS ON LANDFILL STABILITY, AND WE
19 COMMEND THAT TO YOU TODAY. MR. RICK MITCHELL IS GOING TO
20 BE HERE, AND I'M GOING TO CALL ON HIM IN A BIT TO ADDRESS
21 THAT POINT IN A LITTLE MORE DETAIL. IN FACT, THE
22 PURPOSES OF THE PREHEARING CONFERENCE, I THINK, WERE
23 SERVED BY THE EXCHANGE OF INFORMATION.

24 WE ALSO HEARD SOME DISCUSSION FROM THE
25 CITY'S SIDE ON OTHER ISSUES, LINER DESIGN AND SO ON, BUT



1 THE PRINCIPAL INFORMATIONAL OBJECTIVE THAT WAS, IN FACT,
2 ACHIEVED AT THAT PREHEARING CONFERENCE WAS TO GET ALL OF
3 THE DESIGN INFO OUT ON THE TABLE. WE THINK THAT HAS BEEN
4 DONE, AND YOUR STAFF HAS HAD A CHANCE TO REVIEW THAT
5 SINCE THE JANUARY 22D MEETING. I WOULD ALSO ADD, I DON'T
6 KNOW IF MR. REEVES INDICATED, HE ATTENDED THE MORNING
7 SESSION OF THE PREHEARING CONFERENCE ON JANUARY 22D AND
8 WAS ABLE TO HEAR A GOOD PART OF THE DEBATE ON SLOPE
9 STABILITY AS I DO RECALL.

10 NOW THEN, THE STATE BOARD HAS NOT YET
11 ACTED. AS YOU KNOW, ALL WE HAVE IN FRONT OF US NOW IS A
12 PRELIMINARY STAFF MEMO. THERE IS NO REPORT AND
13 RECOMMENDATION FROM THE STATE WATER CONTROL BOARD STAFF
14 TO ITS BOARD. THE BOARD HAS NOT BEEN BRIEFED. THE BOARD
15 HAS NOT SPOKEN. AT PRESENT, AND IF JOHN RICHARDS WERE
16 HERE HE WOULD TELL YOU THIS, BECAUSE I SPEAK WITH HIM ON
17 A REGULAR BASIS, WE HAVE VALID, EXISTING WASTE DISCHARGE
18 REQUIREMENTS TO CONSTRUCT AND OPERATE THIS SITE ISSUED BY
19 THE REGIONAL WATER BOARD. THEY ARE VALID AND IN EFFECT
20 AND IN RELIANCE ON THOSE DISCHARGE REQUIREMENTS. WE HAVE
21 CONSTRUCTED THE SITE. THE SITE IS APPROXIMATELY 90
22 PERCENT PLUS CONSTRUCTED NOW.

23 SO IN TERMS OF THE STATE BOARD ISSUE, THE
24 STATE BOARD ITSELF HASN'T ACTED AND MAY NOT ACT FOR SOME
25 TIME. AND THE QUESTION OF WHETHER AND TO WHAT EXTENT A



1 STATE BOARD MIGHT BE INCLINED TO ISSUE A STAY IS ANOTHER
2 QUESTION FOR ANOTHER DAY. WE CAN'T LITIGATE IT HERE. WE
3 CAN'T DEBATE IT HERE. I CAN'T TRY THAT CASE TO YOU HERE.
4 WHAT I CAN TELL YOU IS WE ARE GOING TO TRY THAT CASE TO
5 THE STATE WATER RESOURCES CONTROL BOARD, IF NECESSARY AND
6 WHEN APPROPRIATE, AND I HAVE EVERY EXPECTATION THAT BOARD
7 IS GOING TO UPHOLD WASTE DISCHARGE REQUIREMENTS AT THIS
8 SITE AND THAT THIS SITE WILL OPEN AND IT WILL TAKE WASTE.
9 I HAVE EVERY CONFIDENCE THAT THAT IS GOING TO OCCUR.

10 LASTLY, BEFORE I GET INTO THE SPECIFICS OF
11 THE ISSUES, THE PERMITTING OF THIS SITE AND THE PERMIT
12 BEFORE YOU IS IN THE PUBLIC INTEREST. THIS BOARD ITSELF,
13 YOUR PREDECESSOR BOARD, FELT SO STRONGLY ABOUT THIS ISSUE
14 THAT IT FELT IT HAD TO NUDGE THE COUNTY INTO A LITTLE
15 BETTER COMPLIANCE STATE WITH A STIPULATED JUDGMENT, AND
16 IN FACT DID SO, AND TOLD THAT COUNTY IN NO UNCERTAIN
17 TERMS, YOU NEED TO SITE LANDFILLS AND YOU NEED TO PROVIDE
18 LONG-TERM DISPOSAL CAPACITY. JUST TO MAKE SURE YOU GET
19 IT DONE, WE'RE GOING TO ENTER INTO A STIPULATED JUDGMENT
20 WITH YOU TO MAKE SURE IT GETS DONE.

21 THAT PROCESS, THE COUNTY'S PROCESS SINCE
22 1988 AND 1989, HAS REACHED FRUITION WITH THIS PERMIT.
23 THE PERMIT BEFORE YOU IS EXACTLY WHAT YOU WANTED WHEN
24 THIS PROCESS STARTED. AND I SUGGEST TO YOU, AS I SAID,
25 IT IS IN THE PUBLIC INTEREST -- THIS IS NOT CRYING



1 WOLF -- THE COUNTY HAS A LANDFILL DISPOSAL CAPACITY
2 CRISIS. IT EXPORTS OVER 1100 TONS A DAY NOW OR DID UNDER
3 THE PRIOR EXPORT AUTHORITY BEFORE THAT LAPSED.

4 NOW THAT IS GOING IN AND USING UP REMAINING
5 DISPOSAL CAPACITY AND THERE, LITERALLY, IS NOWHERE ELSE
6 TO PUT IT. THERE IS NO PENDING APPLICATION FOR EXPORT TO
7 ALAMEDA COUNTY. THERE IS A VOTER APPROVED INITIATIVE
8 LIMIT ON SOLANO COUNTY'S ABILITY TO TAKE OUR WASTE, AND
9 WE'RE RUBBING UP AGAINST THAT, TOO.

10 NOW, I UNDERSTAND, FROM READING THE PAPER,
11 THAT NAPA COUNTY ALSO WANTS TO TAP INTO THAT SOLANO
12 COUNTY 95,000 TONS-A-YEAR ABILITY BECAUSE THEY NEED SPACE
13 TOO. IT WOULDN'T SURPRISE ME IF, BEFORE LONG, NAPA
14 COUNTY IS BEFORE YOU IN SOME FASHION OR OTHER ON THIS
15 ISSUE. THE PROBLEM ISN'T GOING TO GO AWAY. IT'S REAL.
16 I SUGGEST TO YOU THAT THE PUBLIC INTEREST COMPELS THIS
17 BOARD, BASED ON ITS STAFF RECOMMENDATIONS, TO FAVORABLY
18 CONSIDER THIS PERMIT AND I COMMEND IT TO YOU.

19 NOW, HAVING SAID ALL THAT, I'D LIKE TO, IF
20 I CAN, ADDRESS TWO OF THE ISSUES I HEARD DISCUSSED PRIOR
21 TO NOON, AND THOSE ARE THE QUESTION OF SLOPE STABILITY
22 AND THE QUESTION RAISED ON THE LINER SYSTEM. FIRST, LET
23 ME TALK ABOUT SLOPE STABILITY, AND I'M GOING TO ASK RICK
24 MITCHELL, THE SENIOR ENGINEER AND GEOLOGIST FROM CH2M
25 HILL, TO COME UP HERE AND ADDRESS YOU.



1 FIRST, AND I WANT TO MAKE SURE WE'RE CLEAR
2 ON THIS, THIS SITE WAS DESIGNED BY CH2M HILL. THEY ARE A
3 NATIONALLY RECOGNIZED, REPUTABLE ENGINEERING FIRM WITH
4 OFFICES ALL OVER THE UNITED STATES. THEY HAVE SERVED FOR
5 A LONG STANDING AS A CONTRACTOR TO EPA. THEY ARE HIGHLY
6 CREDIBLE AND HIGHLY REPUTABLE. THEY PUT THEIR
7 PROFESSIONAL JUDGMENT AND SKILL ON THE LINE. THEIR
8 CERTIFICATION IS ON ALL THOSE DOCUMENTS, AND THEY CERTIFY
9 IT AS ADEQUATE AND IN COMPLIANCE WITH LAWS AND
10 REGULATIONS.

11 IN ADDITION TO THAT, THE SITE CONSTRUCTION
12 IS REQUIRED TO BE UNDERTAKEN IN CONNECTION WITH A
13 CONSTRUCTION QUALITY ASSURANCE PROGRAM, AND THAT IS A
14 PROGRAM THAT REQUIRES AN INDEPENDENT ENGINEER, ANOTHER
15 ENGINEER, TO REVIEW THE ACTUAL CONSTRUCTION TO MAKE SURE
16 THAT IT'S IN CONFORMANCE WITH THE DESIGN REQUIREMENTS AS
17 SPECIFIED AND CERTIFIED BY CH2M HILL. ANOTHER NATIONALLY
18 RECOGNIZED FIRM, GEOSYNTEC CONSULTANTS, INC., IS SERVING
19 AS THE CEQA OFFICER FOR THIS LANDFILL AND HAS OBSERVED
20 ALL OF THE ASPECTS OF CONSTRUCTION AND HAVE PUT THEIR
21 PROFESSIONAL REPUTATIONS, LICENSE, AND REGISTRATIONS ON
22 THE LINE AND CERTIFIED IT AS IN COMPLIANCE WITH THE
23 DESIGN REQUIREMENTS.

24 AND IF THAT WEREN'T ENOUGH, THE COUNTY OF
25 CONTRA COSTA, AS PART OF ITS LAND USE PERMIT, HAS HIRED



1 ANOTHER HIGHLY REPUTABLE FIRM, BROWN AND CALDWELL, AS ITS
2 INDEPENDENT ENGINEER. BROWN AND CALDWELL HAS
3 INDEPENDENTLY REVIEWED FOR THE COUNTY, NOT FOR US, NOT
4 FOR GEOSYNTEC, BUT FOR THE COUNTY, ALL OF THE DESIGN
5 INFORMATION, ALL OF THE CONSTRUCTION INFORMATION THAT IS
6 IN FACT, APPROVED.

7 SO I SUGGEST TO YOU, AS I'VE STATED BEFORE,
8 THE BEST EYES AND MINDS IN THE NATION HAVE BEEN ON THIS
9 PROJECT, BELIEVE ME, AND THE BEST EYES AND MINDS IN THE
10 NATION HAVE CONCLUDED THAT THE DESIGN MEETS OR EXCEEDS
11 STATE STANDARDS AND THE CONSTRUCTION HAS BEEN IN
12 COMPLIANCE WITH THOSE DESIGNS.

13 NOW, ON SLOPE STABILITY, LET ME ASK RICK
14 MITCHELL, THE SENIOR ENGINEER AND GEOLOGIST FROM CH2M
15 HILL, TO COME UP AND ADDRESS YOU ON A COUPLE OF ISSUES
16 THAT WERE RAISED IN MEMBER'S QUESTIONS. RICK, CAN I GET
17 YOU UP HERE?

18 MR. MITCHELL: GOOD AFTERNOON. MY NAME IS RICK
19 MITCHELL, AND AS SCOTT INDICATED, I'M A SENIOR
20 ENGINEERING GEOLOGIST WITH CH2M HILL AND A CALIFORNIA
21 CERTIFIED ENGINEERING GEOLOGIST, AS WELL.

22 THERE HAVE BEEN A NUMBER OF ISSUES
23 REGARDING STABILITY OF THE LANDFILL THAT HAVE BEEN
24 BROUGHT UP BY THE CITY OF PITTSBURG AND THEIR
25 CONSULTANTS. I'D LIKE TO BRIEFLY DISCUSS THOSE ISSUES



1 WITH YOU THIS AFTERNOON. THOSE RELATE TO THE STABILITY
2 OF THE LANDSLIDES AT THE SITE AND THE STABILITY OF THE
3 TOE BERM.

4 I WOULD LIKE TO PREFACE MY COMMENTS BY
5 STATING THAT ALL OF OUR CONCLUSIONS REGARDING THE
6 STABILITY OF THESE FEATURES ON THE SITE WERE BASED ON A
7 VERY SIGNIFICANT AMOUNT OF FIELD LABORATORY TESTING
8 ENGINEERING ANALYSES THAT WERE PERFORMED, APPROXIMATELY,
9 OVER A THREE-YEAR PERIOD.

10 WITH REGARDS TO THE LANDSLIDES AT THE SITE,
11 THE ISSUE HAS BEEN RAISED THAT CONSTRUCTION OF THE
12 LANDFILL WILL SOMEHOW DESTABILIZE SOME OF THE LANDSLIDES
13 ON THE SITE. LANDSLIDE STABILITY DURING CONSTRUCTION HAS
14 BEEN ASSURED IN DESIGN BY EITHER COMPLETELY EXCAVATING
15 THE LANDSLIDES OR BY PROVIDING BUTTRESSES THAT PREVENT
16 ANY TYPE OF MOVEMENT OF THE SLIDES. I SHOULD ALSO POINT
17 OUT THAT THE CITY OF PITTSBURG'S CONSULTANTS HAVE
18 INDICATED THAT LANDSLIDE STABILITY COULD BE A CONCERN,
19 AND THEY BASE THIS OPINION ON A HYPOTHETICAL CUT SLOPE
20 ANALYSIS. THAT IS, THEY HAVE TAKEN A CROSS SECTION
21 PREPARED BY CH2M HILL AND THEY HAVE FABRICATED A CUT
22 SLOPE THAT, IN FACT, IS NOT SHOWN ON ANY DESIGN PLAN, IN
23 ANY REPORT, OR IN ANY CONSTRUCTION DOCUMENT AND PERFORMED
24 AN ANALYSIS. THEY USED THAT, APPARENTLY, AS THE BASIS
25 FOR THEIR CONCLUSION THAT THE CONSTRUCTION OF THE



1 LANDFILL COULD ADVERSELY IMPACT STABILITY OF THE
2 LANDSLIDES.

3 WITH RESPECT TO THE TOE BERM OF THE
4 LANDSLIDES, THERE ARE A NUMBER OF AREAS WHERE WE TAKE
5 ISSUE WITH THE CITY OF PITTSBURG AND THEIR CONSULTANTS.
6 WE TAKE ISSUE WITH THE METHOD OF ANALYSIS THAT THE CITY
7 OF PITTSBURG HAS PRESENTED TO YOU. AT THE PREHEARING
8 CONFERENCE THAT SCOTT GORDON REFERRED TO, THE CITY OF
9 PITTSBURG CONSULTANTS STATED THAT THE ONLY VIABLE MEANS
10 TO ASSESS THE STABILITY OF THE TOE BERM WAS TO DO A BACK
11 CALCULATED DRAINED STABILITY ANALYSIS FOR THE TOE BERM
12 AND UNDERLYING DEPOSITS.

13 THIS POSITION WAS CORROBORATED IN A LETTER
14 SENT BY THE CITY OF PITTSBURG'S CONSULTANTS TO CH2M HILL
15 ON FEBRUARY 10TH WHERE THEY STATED, "WE STRONGLY BELIEVE
16 THAT ONE SHOULD NOT UTILIZE LABORATORY STRENGTH VALUES
17 ON" -- EXCUSE ME -- THEY FELT STRONGLY THAT STABILITY
18 ANALYSES SHOULD NOT BE BASED ON LABORATORY STRENGTH
19 VALUES OR ON UNDRAINED ANALYSES. NONETHELESS, THEY ARE
20 NOW OF THE POSITION THAT THE ANALYSIS OF THE TOE BERM
21 SHOULD BE BASED ON AN UNDRAINED ANALYSIS. I DON'T KNOW
22 THE REASON WHY THEY HAVE CHANGED THEIR OPINION IN THIS
23 MANNER; HOWEVER, I WOULD LIKE TO POINT OUT THAT IN SOME
24 INFORMATION SUBMITTED TO THE BOARD, WE SHOWED THAT ONE
25 COULD DO A DRAIN ANALYSIS RELYING ON BACK CALCULATED



1 SHEER STRENGTH USING THE LOWEST CONCEIVABLE VALUE OF
2 STRENGTH AND THE TOE BERM, ITSELF, WOULD BE STABLE.

3 THIS INFORMATION NOTWITHSTANDING, WE HAVE
4 LOOKED AT THE ANALYSIS THAT THE CITY OF PITTSBURG'S
5 CONSULTANTS HAVE PERFORMED AND WE STRONGLY DISAGREE WITH
6 THE VALUE OF SHEER STRENGTH THAT THEY USE IN THEIR
7 ANALYSIS. THIS VALUE IS IN NO WAY CONSISTENT WITH THE
8 INFORMATION COLLECTED AT THE SITE AND AS CONFIRMED BY
9 LABORATORY TESTING. FOR EXAMPLE, THE CITY OF PITTSBURG
10 BASED THEIR ASSESSMENT OF UNDRAINED SHEER STRENGTH ON
11 TESTS THEY SAID CH2M HILL PERFORMED. IT SHOULD BE NOTED
12 THAT THIS TEST WAS ACTUALLY PERFORMED ON A SAMPLE TAKEN
13 FROM THE SITE, RECOMPACTED IN THE LABORATORY, AND THEN
14 SHEERED. THIS IS IN NO WAY REPRESENTATIVE OF THE
15 STRENGTH ONE WOULD EXPECT IN PLACE IN THE GROUND.

16 FURTHERMORE, THE CITY OF PITTSBURG'S
17 CONSULTANTS HAVE INDICATED THAT THE UNDRAINED SHEER
18 STRENGTH OF THIS MATERIAL SHOULD BE SOMEWHERE ON THE
19 ORDER OF 12 TO 1400 POUNDS PER SQUARE FOOT. THIS IS NOT
20 CONSISTENT WITH THE LABORATORY TEST DATA AND FIELD DATA
21 THAT INDICATED THAT THE ACTUAL STRENGTH OF THAT MATERIAL
22 IS AT LEAST 2,000 POUNDS PER SQUARE FOOT, AND IN MANY
23 CASES, GREATLY EXCEEDS 4,000 POUNDS PER SQUARE FOOT.

24 FINALLY, I WOULD LIKE TO SAY THAT WE HAVE
25 RERUN THE ANALYSIS PERFORMED BY PITTSBURG'S CONSULTANTS



1 AND WE GET DIFFERENT RESULTS THAN THEY DO. USING THEIR
2 VALUES, WE GET A FACTOR OF SAFETY ON THE ORDER OF 1.2;
3 WHEREAS, THE CITY OF PITTSBURG CONSULTANTS HAVE A FACTOR
4 OF SAFETY OF LESS THAN 1. WHEN WE PUT IN THE LOWER BOUND
5 OF THE VALUES THAT WE BELIEVE ARE REASONABLE, WE GET A
6 FACTOR OF SAFETY OF 1.4. WHEN YOU DO THE ANALYSIS IN THE
7 MANNER THAT WE DID IT ORIGINALLY, WE GET FACTORS OF
8 SAFETY ON THE ORDER OF 1.8 TO 2. SO WE BELIEVE THAT THE
9 TOE BERM, AS DESIGNED, IS VERY, VERY STABLE.

10 THE LAST POINT I WOULD LIKE TO MAKE IS THE
11 CITY OF PITTSBURG'S CONSULTANTS PRESENTED COMPARISONS OF
12 SOME OF THEIR DOCUMENTS OF KELLER CANYON LANDFILL TOE
13 BERM STABILITY WITH A LANDFILL FAILURE IN MAINE. THESE
14 SITES ARE TOTALLY UNRELATED. THE LANDFILL IN MAINE WAS
15 BUILT ON A MARSH. THE UNDRAINED SHEER STRENGTH OF THAT
16 MATERIAL ARE ON THE ORDER OF 400 POUNDS PER SQUARE FOOT.
17 SO CLEARLY WE'RE DEALING WITH A MUCH DIFFERENT GEOLOGICAL
18 ENVIRONMENT AND CONSIDERABLY HIGHER SHEER STRENGTHS.

19 IN CONCLUSION, I'D JUST LIKE TO SAY THAT WE
20 DID PUT A CONSIDERABLE AMOUNT OF EFFORT INTO THE ANALYSES
21 OF THE LANDSLIDE STABILITY AND OF THE TOE BERM, AND WE
22 FEEL VERY STRONGLY THAT THE RESULTS THAT WE OBTAINED ARE
23 VERY APPROPRIATE FOR THE SITE AND CLEARLY INDICATE THAT
24 THE LANDFILL WAS DESIGNED IN A MANNER APPROPRIATE FOR ITS
25 INTENDED USE AND THE GEOLOGIC ENVIRONMENT.



1 WITH THAT, I'D BE HAPPY TO ANSWER ANY
2 QUESTIONS YOU MAY HAVE.

3 CHAIRMAN HUFF: QUESTIONS?

4 BOARD MEMBER EGIGIAN: MR. CHAIRMAN.

5 CHAIRMAN HUFF: YES.

6 BOARD MEMBER EGIGIAN: I'D LIKE TO ASK THE
7 GENTLEMAN HERE, I'M NOT A GEOLOGIST AND I'M NOT AN
8 ENGINEER, BUT ACCORDING TO WHAT YOU JUST TOLD US, I'M LED
9 TO BELIEVE THAT THE BERMS ARE SAFE?

10 MR. MITCHELL: THAT'S CORRECT.

11 BOARD MEMBER EGIGIAN: AND EVEN USING SOMEBODY
12 ELSE'S ANALYSIS, IF YOU RUN THEM IN YOUR OWN ANALYSIS,
13 IT'S STILL SAFE ENOUGH TO OPERATE THIS THING?

14 MR. MITCHELL: THAT IS THE RESULT THAT WE
15 OBTAINED WHEN WE RERAN THEIR ANALYSIS, YES.

16 BOARD MEMBER EGIGIAN: GOOD ENOUGH. I'LL TAKE
17 YOUR WORD FOR IT.

18 CHAIRMAN HUFF: ANY FURTHER QUESTIONS? ANY
19 FURTHER MATERIALS TO PRESENT ON BEHALF OF THE PROPONENTS?

20 MR. GORDON: YES, MR. CHAIRMAN. SHORTLY BEFORE
21 NOON, A QUESTION OR TWO CAME UP. I STEPPED OUT OF THE
22 ROOM FOR A MOMENT, BUT I BELIEVE A QUESTION OR TWO AROSE
23 ALONG THE QUESTION OF LINER DESIGN AND OF WHETHER THE
24 DESIGN HERE MEETS THE STATE'S STANDARDS AND HOW THE
25 DESIGN WORKS. WE BELIEVE, AND THE REGIONAL BOARD



1 CERTAINLY BELIEVES, THAT THE LANDFILL DESIGN MEETS AND,
2 IN FACT, EXCEEDS CLASS II LANDFILL STANDARDS THAT ARE IN
3 TITLE 23. IN FACT, YOUR BOARD STAFF INDICATED THAT TO
4 YOU AS PART OF THEIR PRESENTATION AS WELL.

5 AND THE RESULT IS NOT SURPRISING BECAUSE
6 WHEN YOU LOOK AT TITLE 23 AND GO INTO CHAPTER 15 AND SEE
7 THE LINER STANDARDS THAT ARE EVIDENT FOR CLASS II
8 FACILITIES; AND SPECIFICALLY, IF YOU GO TO TABLE 4.1 IN
9 CHAPTER 15, YOU'LL SEE JUST WHAT THE STATE REQUIRES FOR A
10 CLASS II LANDFILL. IT'S TWO FEET OF CLAY COMPACTED TO A
11 PERMEABILITY OF NOT LESS THAN 1 TIMES 10 TO THE MINUS 6
12 CENTIMETERS PER SECOND.

13 I'M NOT SURE WHAT THAT MEANS. I JUST KNOW
14 THAT IT'S VERY IMPERMEABLE. I HEARD THE GENTLEMAN BEFORE
15 ME HERE SAYING "CENTIMETERS PER SECOND" SO FAST THAT I
16 WASN'T SURE THE REPORTER HAD CAUGHT IT. WHAT IT MEANS IT
17 IS VERY, VERY TIGHT AND IT'S VERY IMPERMEABLE. THE POINT
18 IS THAT'S THE STATE'S STANDARD FOR THESE DESIGNS. WE
19 EXCEED THAT. WE ADDED AN 80 MIL HDPE LINER AS PART OF
20 OUR LINER, WHICH MAKES IT A COMPOSITE LINER, AND THAT'S A
21 MUCH SUPERIOR LINER THAN THE REQUISITE MINIMUM STANDARD
22 THAT'S IN CHAPTER 15 ALONE. WE THINK, ULTIMATELY, THE
23 STATE BOARD WILL COME TO THE CONCLUSION WHEN IT HAS THE
24 OPPORTUNITY TO HEAR THAT MATTER.

25 THE LINER DESIGN WAS DONE BY CH2M HILL, AND



1 WE'VE HAD IT EXTENSIVELY REVIEWED BY THE FIRM OF
2 GEOSYNTEC CONSULTANTS, INC. WITH US HERE TODAY, VERY
3 FORTUNATELY HE'S HERE TODAY, IS DR. RUDOLF BONAPARTE, A
4 PRINCIPAL OF GEOSYNTEC. HE'S A NATIONWIDE EXPERT ON
5 LINER SYSTEMS AND THEIR FUNCTIONING, AND WHO RECENTLY, AS
6 SOME OF YOU MAY KNOW, IS UNDER CONTRACT WITH THE BOARD TO
7 DO WORK ON COVER PERFORMANCE STANDARDS. I'D LIKE TO ASK
8 DR. BONAPARTE TO COME UP AND BRIEFLY, IF HE WOULD,
9 DESCRIBE FOR YOU THE KELLER CANYON LANDFILL LINER DESIGN
10 SO THAT YOU CAN HEAR IT FIRSTHAND AS TO WHAT IT ENTAILS
11 AND HOW IT WORKS.

12 DR. BONAPARTE: CHAIRMAN HUFF AND MEMBERS OF THE
13 BOARD, TO PROTECT GROUNDWATER QUALITY, A LANDFILL SHOULD
14 MINIMIZE THE GENERATION OF LEACHATE WHILE PROVIDING FOR
15 ITS CONTAINMENT AND COLLECTION. ONCE COLLECTED, THE
16 LEACHATE WILL BE REMOVED FROM THE LANDFILL FOR PROPER
17 HANDLING AND DISPOSAL. THE DESIGN OF THE KELLER CANYON
18 LANDFILL WILL ENABLE LEACHATE MINIMIZATION, LEACHATE
19 CONTAINMENT AND LEACHATE COLLECTION, AND IN SO DOING, IT
20 WILL BE PROTECTIVE OF GROUNDWATER RESOURCES IN THE
21 SURROUNDING AREA.

22 THE LANDFILL DESIGN COMPONENTS THAT WILL
23 ALLOW THIS TO BE ACHIEVED HAVE BEEN DESCRIBED TODAY, AND
24 I WOULD JUST LIKE TO RECAP THEM SHORTLY. THEY INCLUDE
25 THE COMPOSITE LINER SYSTEM, WHICH WILL INCLUDE 2 FEET OF



1 10 TO THE MINUS 6 CENTIMETER PER SECOND CLAY, AS WE'VE
2 HEARD, AND 80 MIL THICK HIGH DENSITY POLYETHYLENE
3 GEOMEMBRANE. OVERLAYING THAT -- WE TAKE THAT AS OUR
4 STARTING POINT. OVERLAYING THAT SYSTEM, WE'LL HAVE A
5 DRAINAGE LAYER, WHICH WE CALL THE LEACHATE COLLECTION AND
6 REMOVAL SYSTEM. ITS FUNCTION IS TO ALLOW ANY LEACHATE
7 GENERATED IN THE LANDFILL TO FLOW THROUGH IT DOWNSLOPE
8 TO A SUMP WHERE IT CAN BE REMOVED FROM THE FACILITY.

9 A LEACHATE COLLECTION SYSTEM WILL CONSIST
10 OF 18 INCHES OF VERY PERMEABLE GRAVEL. UNDER THE LINER,
11 WE'LL HAVE AN UNDERDRAIN SYSTEM. ITS FUNCTION IS TO
12 COLLECT ANY LIQUID WITHIN THE KELLER CANYON BASIN AND TO
13 CONVEY IT OUT OF THE BASIN BENEATH THE TOE BERM TO A
14 MONITORING POINT WHERE IT CAN BE DISCHARGED. OTHER
15 COMPONENTS OF THE SYSTEM INCLUDE THE FINAL COVER, THE GAS
16 COLLECTION SYSTEM, WHICH WILL ULTIMATELY INCLUDE ABOUT
17 400 GAS COLLECTION WELLS, AND THE OPERATIONAL PRACTICES
18 AT THE FACILITY, WHICH WILL INCLUDE A PROHIBITION AGAINST
19 DISPOSAL OF LIQUIDS AND OTHER LIQUID WASTES.

20 IN ADDITION, AND THIS IS VERY IMPORTANT, IN
21 THE SUMP AREA OF THE LANDFILL, THE SUMP IS THE LOW AREA
22 TO WHICH ANY LEACHATE DRAINS. THE LINER SYSTEM HAS
23 ADDITIONAL COMPONENTS, AND THE LINER SYSTEM IN THE SUMP
24 IS TRULY STATE-OF-THE-ART. IT CONSISTS OF NOT 2 FEET OF
25 CLAY, BUT RATHER A FOUR-FOOT THICKNESS OF CLAY MATERIAL.



1 IT'S INCREASED IN THE ONE AREA OF THE SITE WHERE WE WILL
2 BE COLLECTING LIQUIDS. IT INCLUDES NOT ONE HIGH DENSITY
3 POLYETHYLENE GEOMEMBRANE, BUT TWO. IT ALSO INCLUDES AN
4 ADDITIONAL LINER SYSTEM, WHICH WE CALL A PREFABRICATED
5 MAT, A VERY LOW PERMEABILITY MATERIAL WHICH ACTS IN
6 CONJUNCTION WITH THE OTHER MATERIALS TO CREATE A
7 COMPOSITE SANDWICH WHICH HAS A VERY, VERY HIGH -- I'M
8 SORRY -- A VERY, VERY LOW PERMEABILITY.

9 AS YOUR STAFF DESCRIBED TO YOU, THE SYSTEM
10 SIGNIFICANTLY EXCEEDS THE REQUIREMENTS OF CHAPTER 15, AND
11 IT ALSO MEETS AND IN SOME WAYS EXCEEDS THE REQUIREMENTS
12 OF RECENTLY PROMULGATED SUBTITLE D OF THE U.S. EPA
13 REGULATIONS. IN FACT, THE ENVIRONMENTAL PROTECTION
14 AGENCY SAID, WITH RESPECT TO THE TYPE OF LINER THAT'S
15 BEING USED AT KELLER, THE FOLLOWING: "THE COMPOSITE
16 LINER SYSTEM" -- FOR THIS GENERIC TYPE OF LINER. THIS IS
17 NOT SPECIFICALLY FOR KELLER. IT'S FOR THE TYPE OF LINER,
18 THE COMPOSITE LINER BEING USED AT KELLER -- "THE
19 COMPOSITE LINER SYSTEM IS DESIGNED TO BE PROTECTIVE IN
20 ALL LOCATIONS, INCLUDING POOR LOCATIONS. IT CONSISTS OF
21 A COMPOSITE LINER, INCLUDING A FLEXIBLE MEMORY LINER AND
22 A COMPACTED SOIL COMPONENT, AND A LEACHATE COLLECTION AND
23 REMOVAL SYSTEM." IT'S EXACTLY THE SYSTEM OR VERY SIMILAR
24 TO THE SYSTEM THAT WE HAVE AT KELLER.

25 THE VARIOUS DESIGN COMPONENTS THAT I JUST



1 DESCRIBED WORK TOGETHER IN A SYSTEMS APPROACH TO PROVIDE
2 LEACHATE MINIMIZATION, COLLECTION, AND REMOVAL. THE
3 AMOUNT OF LEACHATE IS MINIMIZED BY THE FINAL COVER SYSTEM
4 WHICH MINIMIZES INFILTRATION OF WATER INTO THE LANDFILL
5 BY THE UNDERDRAINING SYSTEM WHICH INTERCEPTS ANY WATER
6 COMING UP WITHIN THE VALLEY, BY THE GAS RECOVERY SYSTEM,
7 WHICH PULLS GAS OUT OF THE LANDFILL, AND BY THE
8 OPERATIONAL PRACTICES. LEACHATE COLLECTION IS ACHIEVED
9 BY THE HIGH FLOW CAPACITY LEACHATE COLLECTION LAYER.

10 THIS SYSTEM, AGAIN, MEETS OR EXCEEDS
11 CHAPTER 15 REQUIREMENTS. AS ONE EXAMPLE OF THE
12 OVERDESIGN OF THIS SYSTEM, THE MAIN LEACHATE COLLECTION
13 PIPE WITHIN THE LANDFILL HAS A FLOW CAPACITY OF
14 APPROXIMATELY 2,000 GALLONS PER MINUTE. THAT'S HOW MUCH
15 WATER THIS PIPE CAN TAKE. THE MAXIMUM FLOW THAT'S
16 ANTICIPATED IN THE PIPE AT ANY POINT DURING THE OPERATION
17 OF THE FACILITY IS ABOUT 100 GALLONS PER MINUTE. WE HAVE
18 A FACTOR OF SAFETY OF 20, WHICH IS LARGE. MANY OF THE
19 FEATURES OF THE DESIGN HAVE THESE TYPES OF LARGE FACTORS
20 OF SAFETY ASSOCIATED WITH THEM.

21 ALSO, BASED ON THE STUDIES OF CH2M HILL,
22 THE UNDERDRAIN SYSTEM CAPTURES THE GROUNDWATER WITHIN THE
23 KELLER CANYON BASIN, AND AS SUCH, IT WILL CAPTURE ANY
24 WATER FROM WHATEVER SOURCE UNDER THE LANDFILL AFTER
25 CONSTRUCTION.



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1 FINALLY, LEACHATE CONTAINMENT IS MAXIMIZED
2 BY THE LEACHATE COLLECTION SYSTEM AND BY THE COMPOSITE
3 LINER. THE LEACHATE COLLECTION SYSTEM PREVENTS A BUILDUP
4 OF A SUSTAINED LEACHATE HEAD ON THE LINER. THE POTENTIAL
5 FOR LEAKAGE FROM A FACILITY ONLY EXISTS IF THERE'S A
6 SUSTAINED HEAD OF LIQUID ABOVE THE LINER. LIKE IN A
7 SWIMMING POOL. IF THERE'S NO SUSTAINED HEAD, THERE'S NO
8 POTENTIAL FOR LEAKAGE. THE LEACHATE COLLECTION SYSTEM
9 PREVENTS THAT BUILDUP. AND EVEN THOUGH THERE SHOULD BE
10 LITTLE OR NO HEAD, A COMPOSITE LINER IS BEING USED.
11 AS I MENTIONED, A COMPOSITE-TYPE LINER REPRESENTS THE
12 BEST TYPE OF LINER AVAILABLE TO US TODAY.

13 ALL OF THE DESIGN ELEMENTS OF THE KELLER
14 CANYON LANDFILL MUST BE CONSIDERED TOGETHER WHEN
15 ADDRESSING THE PERFORMANCE OF THE FACILITY. THE SYSTEMS
16 WORK TOGETHER TO ACHIEVE LEACHATE CONTAINMENT,
17 COLLECTION, AND MINIMIZATION. IN MY OPINION, THE
18 ENGINEERING SYSTEMS FOR THE KELLER CANYON LANDFILL WILL
19 ACHIEVE THESE OBJECTIVES AND BE FULLY PROTECTIVE OF
20 GROUNDWATER RESOURCES. AT THIS POINT, THANK YOU AND
21 WE'LL ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

22 CHAIRMAN HUFF: ANY QUESTIONS? NONE. THANK
23 YOU.

24 FURTHER MATTERS?

25 MR. GORDON: MR. CHAIRMAN, IF I COULD, I WANTED



1 TO TRY TO RETURN TO THE OUTLINE, AS IT WERE, TO TRY TO
2 GET THROUGH THE BALANCE OF OUR PRESENTATION.

3 WE WANTED TO GIVE COMMITTEE MEMBERS A LOOK
4 AT THE PROGRESS OF SITE CONSTRUCTION SO THAT YOU CAN
5 ACTUALLY SEE WHAT THIS LANDFILL SITE YOU'RE TALKING ABOUT
6 LOOKS LIKE. TIM COX, THE SITE MANAGER, IS HERE WITH US
7 TODAY. HE'S BROUGHT ALONG SOME PHOTOGRAPHS, AND WHAT I'D
8 LIKE TO DO IS CALL ON TIM TO GIVE YOU AN OVERVIEW OF THE
9 SITE DEVELOPMENT AND CONSTRUCTION, LOOKING AT SOME OF THE
10 ROADWAY IMPROVEMENTS, SITE FACILITIES, AND I THINK ONE OF
11 THE PHOTOS SHOWS SOME OF THE LINER. SO, TIM, LET ME TURN
12 IT OVER TO YOU.

13 MR. COX: MR. CHAIRMAN, COMMITTEE MEMBERS, WHAT
14 I'D LIKE TO DO IS JUST BASICALLY GIVE YOU AN OVERVIEW OF
15 THE CONSTRUCTION ACTIVITIES THAT ARE GOING ON AT THE
16 SITE. WE STARTED CONSTRUCTION ON NOVEMBER 4TH, AND WE
17 ARE APPROXIMATELY 90 PERCENT THROUGH THE CONSTRUCTION.
18 I'VE TAKEN SOME PICTURES AND BLOWN THEM UP A LITTLE BIT.
19 THEY'RE A LITTLE UNCLEAR, BUT IT WILL GIVE YOU AN IDEA
20 WHERE WE'RE AT IN CONSTRUCTION.

21 THE FIRST PICTURE IS, BASICALLY, THERE'S
22 FIVE COMPONENTS OF THE LANDFILL OR FIVE MAJOR COMPONENTS
23 OF CONSTRUCTION. THERE ARE BASICALLY FIVE MAJOR
24 COMPONENTS OF CONSTRUCTION, ONE BEING THE BAILEY ROAD
25 IMPROVEMENTS, ANOTHER BEING THE SEDIMENTATION BASIN, THE



1 ACTUAL WASTE DISPOSAL CELL, AND THE ACCESS ROAD. THIS
2 FIRST PICTURE DEPICTS THE BAILEY ROAD IMPROVEMENTS. IT'S
3 50 PERCENT COMPLETE AT THIS TIME. WE'VE PAVED ONE SIDE
4 OF THE ROAD. THE ROAD IS TO UPGRADE BAILEY ROAD. WE
5 WILL HAVE INSTALLED OR CONSTRUCTED, ONCE IT'S FINISHED, A
6 LEFT-HAND TURNING LANE WHICH IS APPROXIMATELY 200 FEET
7 LONG. IT WILL CONTAIN, I THINK, WE HAD THREE 50-FOOT
8 RIGS WOULD BE ABLE TO FIT IN THAT LEFT-HAND TURNING LANE
9 BEFORE IT WOULD BE STACKED UP ON THE REST OF BAILEY ROAD.

10 IT ALSO WILL HAVE EIGHT-FOOT BERMS ON BOTH
11 SIDES OF THE ROAD. IT WILL HAVE AN ACCELERATION LANE.
12 SO WHEN THE TRUCKS LEAVE THE LANDFILL, THERE WILL BE
13 APPROXIMATELY 1200 FEET OF AN ACCELERATION LANE SO THE
14 TRUCKS CAN MERGE INTO TRAFFIC ON THE REST OF BAILEY ROAD.
15 THAT PRETTY MUCH TELLS YOU WHERE IT'S AT ON BAILEY. YOU
16 CAN SEE THIS IS BAILEY ROAD. IT'S ACTUALLY THE COUNTY
17 ROAD THAT ACCESSES THE LANDFILL, AND YOU CAN SEE THAT OUR
18 ACCESS TO THE LANDFILL COMES INTO BAILEY ROAD. I'LL MOVE
19 ALONG TO THE NEXT PICTURE.

20 MR. GORDON: BAILEY ROAD COMES OFF OF STATE ROAD
21 4, AND THAT'S THE PRIMARY ACCESS TO THE SITE.

22 MR. COX: THIS PICTURE HERE IS THE CONSTRUCTION
23 OF THE ACTUAL ENTRANCE OR THE ACCESS ROAD TO THE
24 LANDFILL. WE'RE STILL PAVING IT, BUT IT DOES SHOW YOU
25 THE ACCESS. YOU'LL ENTER OFF OF BAILEY ROAD ONTO OUR



1 ACCESS ROAD, WHICH IS APPROXIMATELY 17 OR 4,000 LINEAR
2 FEET LONG. THE ACCESS ROAD WILL FOLLOW UP TO THE SCALE
3 AREA WHERE THE TRUCKS WILL REST AND BE WEIGHED IN. FROM
4 THERE IT WILL ENTER TO THE LANDFILL OR WORKING FACE. ONE
5 OF THE CONDITIONS OF THE LANDFILL IS THAT THERE WILL BE A
6 PAVED ROAD WITHIN 400 FEET OF THE WORKING FACE AT ALL
7 TIMES, SO THERE WILL ACTUALLY ONLY BE 400 FEET OF DIRT OR
8 GRAVEL ROAD. THE REST WILL ALWAYS BE PAVED. AND THAT'S
9 ABOUT IT ON THE ACCESS ROAD.

10 THE NEXT PICTURE IS THE SEDIMENTATION BASIN
11 WHICH HAS A CAPACITY OF 49 FEET OR 16 MILLION GALLONS OF
12 WATER IT CAN HOLD. THIS IS WHERE ALL THE SURFACE WATER
13 FROM THE LANDFILL ITSELF WILL END UP THROUGH A VARIATION
14 OF A 72-INCH PIPE THAT HAS BEEN DESIGNED TO GO DOWN INTO
15 THE SEDIMENTATION BASIN. IT WAS DESIGNED TO MEET THE
16 1,000-YEAR, 24-HOUR EVENT. YOU CAN SEE THAT IT'S BEEN --
17 THE BOTTOM OF IT HAS BEEN ESTIMATED THAT IT WILL HOLD --
18 THE ONE SIDE HAS BEEN LAID WITH A FABRIC AND THEN SOME
19 ROCK. THE BOTTOM OF THE SEDIMENTATION BASIN WILL BE
20 NATURAL. PERIODICALLY IT WILL HAVE TO BE CLEANED OUT.
21 WHAT WILL HAPPEN EVENTUALLY IS THAT IF ALL OF THE SURFACE
22 WATER DOES GO DOWN INTO THIS SEDIMENTATION BASIN, THE
23 SEDIMENTATION SETTLES TO THE BOTTOM OF THE BASIN AND THEN
24 IS RELEASED INTO A NATURAL CHANNEL.

25 THE DEVELOPMENT OF THE SITE AND SURFACE



1 WATER CONTROL STRUCTURES THAT ARE ON THE SITE HAVE
2 ACTUALLY IMPROVED THE DOWNSTREAM CONDITIONS. THERE WERE
3 SEVERAL FLOODING AREAS DOWNSTREAM. BY BUILDING THE SITE
4 AND THE STRUCTURES THAT WE'VE BUILT, INCLUDING THE
5 SEDIMENTATION BASIN, WE'VE IMPROVED THAT.

6 THE NEXT PICTURE I'M GOING TO SHOW YOU IS
7 ACTUALLY THE TOE BERM. THE TOE BERM IS THE -- IT SERVES
8 TWO PURPOSES FOR US. ONE, IT'S THE BUTTRESS FOR THE
9 LANDFILL ITSELF, AND THE OTHER IS A VISUAL BERM. NOW,
10 THIS IS THE STRUCTURE. IT WAS AN ENGINEERED STRUCTURE.
11 IT WAS COMPACTED. THIS PICTURE YOU'RE LOOKING AT HERE IS
12 COMPLETE. NOW, IT WILL BE SEEDED AND LANDSCAPED TO
13 COMPLETE THE SURROUNDING HILLS. IT WILL HAVE SOME TREES
14 ON IT AND BE HYDROSEDED. IN FACT, PORTIONS OF IT HAVE
15 ALREADY BEEN HYDROSEDED. IT IS COMPLETE. WE'VE PUT 1.8
16 MILLION CUBIC YARDS OF DIRT INTO THERE. IT IS
17 APPROXIMATELY 140 FEET TALL. WHEN WE -- AROUND THE THIRD
18 TO THE FOURTH PHASE OF THE LANDFILL, WE WILL GO BACK IN
19 AND ULTIMATELY WE WILL PUT 7 MILLION CUBIC YARDS INTO THE
20 TOE BERM, AND THE ULTIMATE HEIGHT OF THAT TOE BERM WILL
21 BE APPROXIMATELY 200 FEET.

22 BASICALLY, WE WON'T SEE IT -- WE'LL SEE IT
23 GET AROUND 60 FEET TALL, OR BASICALLY THE BASE OF THAT
24 TOE BERM WILL GET LARGER WHEN THE LANDFILL IS DONE. FOR
25 THE FIRST PHASE OF THE LANDFILL, THAT IS THE COMPLETE TOE



1 BERM.

2 MR. GORDON: LET ME ADD FOR THE BENEFIT OF THE
3 MEMBERS LOOKING AT IT. THE PHOTO YOU'RE LOOKING AT IS
4 FACING EAST, AND SO THE AREA WHERE I'M INDICATING WITH MY
5 HAND NOW IS TO THE NORTH OF THE SITE. THE TOE BERM
6 STRUCTURE ITSELF IS ONE OF THE ENVIRONMENTAL MITIGATION
7 FEATURES WHICH REDUCES ANY VISUAL IMPACT TO THE FEW SHEDS
8 THAT ARE TO THE NORTH OF THE SITE. THAT'S ONE OF ITS
9 PRIMARILY FUNCTIONS AS WELL AS BUTTRESS THE FILL.

10 MR. COX: THIS LAST PICTURE WILL SHOW IT, TOO.
11 YOU'LL SEE ALONG THE ONE SIDE WHERE WE HAVE CHECK
12 STRUCTURES FOR OUR SURFACE DRAINAGE, YOU'LL SEE LITTLE
13 CONCRETE BARRIERS. THOSE ARE FOR OUR SURFACE WATER. THE
14 SURFACE WATER WILL ROLL INTO THOSE CHECK STRUCTURES, AND
15 THEY'RE BUILT THAT WAY TO STOP THE VELOCITY OF THE WATER.
16 THEY WILL EVENTUALLY RUN DOWN TO A HEAD WALL WHICH GOES
17 INTO A 72-INCH LINE, WHICH IN TURN IS BURIED UNDER THE
18 GROUND WHICH WILL END UP IN THE SEDIMENTATION BASIN. SO
19 YOU CAN SEE A LITTLE BIT OF AN OUTLINE ALONG THERE OF
20 THOSE CHECK STRUCTURES.

21 THIS PICTURE DEPICTS OUR WASTE DISPOSAL
22 CELL. YOU CAN SEE IT'S PLACED IN CLAY. WE'VE PLACED ONE
23 FOOT OF A SAND LAYER OR WHAT WE CALL THE UNDERDRAIN TO
24 THE HALF OF THAT CELL AND THE CELL, THE FIRST PHASE, THE
25 1A, IS ABOUT A 15-ACRE CELL. AND WE'VE PLACED ABOUT 8



1 ACRES OF SAND AND 8 ACRES OF CLAY ON IT SO FAR. THIS WAS
2 TAKEN PROBABLY A WEEK AGO, SO WE HAVE ACCOMPLISHED A LOT
3 MORE THAN THAT NOW.

4 WE HAVE ALMOST COMPLETED THE CLAY PLACEMENT
5 AND ARE ABOUT A WEEK AWAY FROM PLACING THE 80 MIL
6 SYNTHETIC LINER, BUT YOU CAN ACTUALLY SEE THEM WORKING ON
7 THAT CELL AREA. IT DOES ALSO GIVE YOU A PICTURE OF THE
8 TOE BERM AGAIN THE OTHER SIDE. AND AS YOU CAN SEE, THE
9 TOE BERM IS A VISUAL BERM TO OUR LANDFILL OPERATIONS, SO
10 THERE WILL BE NO WAY THAT YOU WILL SEE THE OPERATION OF
11 THE LANDFILL. AND THE WAY IT GOES UP IS AS THE LANDFILL
12 OPERATION GOES UP, SO WILL THE TOE BERM, SO THERE WILL
13 ALWAYS BE A VISUAL BERM THERE.

14 BASICALLY, OUR LINER, AND I'M JUST GOING TO
15 GIVE YOU A BRIEF OUTLINE OF THE LINER ITSELF, IS A FOOT.
16 I'M SURE MR. GORDON WILL GO INTO IT A LITTLE DEEPER, BUT
17 THE LINER ITSELF IS A FOOT OF SAND LAYER WHICH IS THE
18 UNDERDRAIN. ON TOP OF THAT WE HAVE A MINIMUM OF 2 FEET
19 OF COMPACTED. THEN WE HAVE AN 80-MIL SYNTHETIC LINER.
20 THEN WE HAVE A GEOTEXTILE, WHICH IS THE 12-OUNCE
21 GEOTEXTILE OR FABRIC THAT GOES ON TOP OF THAT. THEN WE
22 GO INTO OUR LCRS, WHICH IS OUR LEACHATE COLLECTION
23 SYSTEM, WHICH IS A FOOT AND A HALF OF PEA GRAVEL, AND IN
24 THAT YOU'LL HAVE TWO PIPES, WHICH IS YOUR HEADER PIPE,
25 WHICH CONSISTS OF 8-INCH HEADER PIPE AND YOUR LATERALS,



1 WHICH WILL BE 6-INCH VERTICAL LINES.

2 THEN YOU'LL HAVE ANOTHER 12-OUNCE FABRIC ON
3 TOP OF THAT, AND ON TOP OF THAT YOU'LL HAVE A FOOT OF THE
4 OPERATIONS LAYER, AND THAT'S THE LAYER THAT WE CAN
5 OPERATE ON. BASICALLY, THAT GIVES YOU A LITTLE BIT OF A
6 PICTURE OF WHAT'S GOING ON AND HOW MUCH CONSTRUCTION IS
7 GOING ON. WE ARE 90 PERCENT AND WE'RE DUE TO FINISH
8 CONSTRUCTION BY THE END OF MARCH. THANK YOU.

9 CHAIRMAN HUFF: DO YOU HAVE MORE?

10 MR. GORDON: JUST A BIT. WE'RE NEARING THE END.

11 CHAIRMAN HUFF: BECAUSE WE'RE BEGINNING TO FEEL
12 THE NEED FOR A LUNCH BREAK.

13 MR. GORDON: YOU MEAN I'M NOT THE ONLY ONE
14 HUNGRY HERE? WHAT WAS YOUR PLEASURE ON THE SCHEDULE?

15 CHAIRMAN HUFF: I WAS THINKING THAT WE'D BE ABLE
16 TO WRAP UP THE PROPONENTS BY 1 O'CLOCK, AND, OF COURSE, 1
17 O'CLOCK HAS COME AND GONE. I WAS WONDERING HOW MUCH
18 LONGER YOU HAVE?

19 MR. GORDON: I THINK WE CAN DO IT INSIDE OF FIVE
20 MINUTES, AND I'LL ENDEAVOR TO DO THAT IN FIVE MINUTES.

21 CHAIRMAN HUFF: FIVE MINUTES. IN FIVE MINUTES
22 WE WILL STOP FOR LUNCH.

23 MR. GORDON: THANK YOU, MR. CHAIRMAN.

24 I WANTED TO TOUCH ON, BEFORE WE CLOSED OUT,
25 SOME AB 939 ISSUES, PRINCIPALLY, HOW THIS SITE INTERACTS



1 WITH STATE REQUIREMENTS. ONE OF THE THINGS THAT I DON'T
2 THINK HAS BEEN BROUGHT OUT YET AND THAT I THINK IS
3 IMPORTANT FOR YOUR CONSIDERATION IS TO KNOW THAT THE
4 COUNTY'S WASTE CONTROL SYSTEM IS DESIGNED SO THAT
5 TRANSFER STATIONS WILL BE THE PRIMARY TRANSPORT OF
6 MUNICIPAL SOLID WASTE TO THIS LANDFILL SITE.

7 AS YOU PROBABLY KNOW OR HAVE BEEN BRIEFED,
8 MOST OF THE AREAS IN CONTRA COSTA COUNTY ARE, IN FACT,
9 DOING CURBSIDE RECYCLING. IN FACT, ALL OF THEM ARE NOW.
10 THEY HAVE A VERY AGGRESSIVE PROGRAM. THEY'RE VERY MUCH
11 ON TOP OF IT. ALL OF THE COLLECTORS ARE PARTICIPATING.
12 THE RESIDUAL OF THAT EFFORT THAT IS COLLECTED AT CURBSIDE
13 WILL THEN GO TO TRANSFER STATIONS. THERE'S ONE CURRENTLY
14 OPERATING NOW. THAT'S THE FILL INTERIM TRANSFER STATION
15 IN LATINAS, AND THEREAFTER BE TRANSPORTED TO THE LANDFILL
16 SITE IN TRANSFER VANS.

17 OF COURSE, AS YOU KNOW, THE PURPOSE OF THE
18 TRANSFER STATION IS, IN PART, TO PROVIDE A MEANS TO DO
19 ADDITIONAL RECYCLING OF WASTES AND MATERIALS RECOVERY AND
20 SO ON. THE COUNTY SYSTEM, AS IT'S SET UP NOW, REQUIRES
21 THAT FOR THIS LANDFILL TO RECEIVE MUNICIPAL SOLID WASTE,
22 IT HAS TO COME FROM A TRANSFER STATION, AND THAT IS THE
23 MECHANISM BY WHICH THE COUNTY IS EXERCISING ITS CONTROL
24 TO MAKE SURE THE WASTES RECEIVED AT THE LANDFILL MEET OUR
25 AB 939 GOALS. I WANTED TO POINT THAT OUT TO YOU AND



1 BRING IT TO YOUR ATTENTION.

2 LET ME SAY, BY WAY OF CONCLUSION, WE'VE
3 TALKED A LOT ABOUT CHRONOLOGY AND WE TALKED A LOT ABOUT
4 SPECIFIC STATE BOARD ISSUES. I WANTED TO CIRCLE BACK AND
5 REMIND THIS BOARD AND THESE MEMBERS THAT THIS SITE HAS
6 HAD ENORMOUS SCRUTINY, AS YOU MIGHT WELL IMAGINE, AND I
7 THINK YOU CAN GET A SENSE OF APPRECIATION FOR IT TODAY.
8 LAWSUITS, ENVIRONMENTAL EVALUATIONS, ALL HAVE RESULTED IN
9 THIS SITE GOING FORWARD RESPONSIBLY AND DILIGENTLY.

10 PERMITTING IS IN THE PUBLIC INTEREST. I
11 CANNOT URGE YOU STRONGLY ENOUGH TO ACT ON THIS PERMIT
12 FAVORABLY AND SEND IT TO THE FULL BOARD FOR CONCURRENCE.
13 I WOULD RECOMMEND YOU DO SO.

14 I WANT TO RESERVE, IF I CAN, MR. CHAIRMAN,
15 A RIGHT TO REBUT ANY POTENTIAL ISSUES, WHETHER THEY BE
16 OLD OR NEW, THAT MIGHT COME OUT OF OUR OPPOSITION'S
17 TESTIMONY. AS YOU CAN APPRECIATE, WE EXPECT SOME ISSUES
18 TO BE RAISED, AND WE'D LIKE TO HAVE THE OPPORTUNITY TO
19 ADDRESS YOU AGAIN IF THE NEED ARISES. I'D LIKE TO
20 RESERVE THAT RIGHT, IF I COULD.

21 CHAIRMAN HUFF: WELL, AS I SAID EARLIER, I DON'T
22 INTEND TO RUN A DEBATING SOCIETY. I'M SURE THAT IF THE
23 OPPONENTS RAISE MATTERS THAT ARE UNIQUE OR NEW, THAT
24 COMMITTEE MEMBERS WILL, IN FACT, WANT TO ASK YOU ABOUT
25 THAT, BUT THE PROCESS IS CONDUCTED SO THAT WE MAY OBTAIN



1 INFORMATION SO THAT WE MAY MAKE A DECISION. IT MAY OR
2 MAY NOT BE NECESSARY, IN THE PROCESS OF OBTAINING THAT
3 INFORMATION, TO AFFORD REBUTTALS, SO I WILL LEAVE IT AT
4 THAT. I WILL CERTAINLY SAY THAT SHOULD ANY COMMITTEE
5 MEMBER DESIRE TO SEEK ADDITIONAL INFORMATION FROM YOU,
6 THAT WILL BE PERMITTED.

7 LIKE I SAID, THE PROCESS IS DESIGNED TO
8 ENABLE US TO GATHER INFORMATION FOR OUR DECISION MAKING
9 PROCESS.

10 MR. GORDON: I THANK YOU, AND I HAVE ACTUALLY
11 REDUCED THE THOUGHTS EXPRESSED IN MY ORAL PRESENTATION TO
12 WRITING THEM, AND I'M GOING TO SUBMIT THAT LETTER FOR THE
13 RECORD. I HAVE AN ORIGINAL AND THREE HERE, BUT I AM SURE
14 I CAN GET MORE COPIES FOR YOU.

15 THANK YOU FOR THE OPPORTUNITY TO ADDRESS
16 YOU.

17 CHAIRMAN HUFF: LUNCH. ONE HOUR.

18 (NOON RECESS WAS TAKEN.)

19 CHAIRMAN HUFF: MY ANNOUNCED INTENTION WAS TO
20 TAKE THE PROPONENTS FIRST, THEN THE OPPONENTS. SO I
21 WOULD ASK IF THERE ARE ANY PROPONENTS WHO HAVE NOT SPOKEN
22 AS PART OF THE BFI PRESENTATION WHO NOW WOULD LIKE TO
23 GIVE THE COMMITTEE ANY INFORMATION RELATIVE TO THIS
24 PERMIT.

25 MS. FAHDEN: MR. CHAIRMAN, I WOULD LIKE TO SPEAK



1 IF I MAY. GOOD AFTERNOON, MY NAME IS NANCY FAHDEN. I'M
2 A COUNTY SUPERVISOR FROM CONTRA COSTA COUNTY, AND I'M
3 HERE TO SPEAK ON BEHALF OF THE KELLER BAILEY LANDFILL
4 SITE. I KNOW YOU'VE HEARD A LOT OF TESTIMONY, PRO AND
5 CON, ON THIS ISSUE IN THE PAST AND I'M HERE TO POINT OUT
6 TO YOU HOW SERIOUS A CRISIS THIS IS FOR CONTRA COSTA
7 COUNTY.

8 WHEN THE GARAVANDA (PHONETIC) LANDFILL
9 CLOSES ON MARCH 31ST, WE VIRTUALLY HAVE NO PLACE TO GO.
10 WE HAVE A PERMIT WITH EXPORTING TO SONOMA COUNTY. WE DO
11 NOT HAVE A CURRENT EXPORTING PERMIT WITH ALAMEDA COUNTY.
12 WE PROBABLY WOULD LIKE TO SIT DOWN AND RENEGOTIATE WITH
13 THEM, BUT THE WITH YOU THE COST IS GETTING VERY, VERY
14 EXPENSIVE TO GO THERE. AND I DON'T THINK ANY OTHER
15 COUNTY WANTS US.

16 YOU ALL HAVE HEARD THE STORY, "NOT IN MY
17 BACK YARD," BUT I HAVE BEEN A PROPONENT OF THIS LANDFILL
18 SITE FOR MAYBE SIX OR SEVEN YEARS, AND IT ALL HAPPENED
19 ONE DAY WHEN I WAS TESTIFYING AT REGIONAL WATER QUALITY
20 IN OAKLAND. THERE WAS A YOUNG MAN THERE FROM THE SIERRA
21 CLUB. HIS NAME IS DAVID NESMEN, HE GOT UP AND HE TOLD
22 THE WATER QUALITY BOARD TO STICK IT TO CONTRA COSTA
23 COUNTY BECAUSE, HE SAID, WE HADN'T DONE ANYTHING ABOUT A
24 LANDFILL.

25 SO I FOLLOWED HIM OUTSIDE AND I SAID,



1 "DAVID, WHAT DO YOU WANT US TO DO? WHERE ARE WE GOING TO
2 GO? NOBODY WANTS A LANDFILL." AND HE SAID, "WELL, YOU
3 ALWAYS LIKED THAT SITE ON BAILEY ROAD." AND I SAID,
4 "YES, WELL, WHAT DO YOU THINK ABOUT IT? WHAT DOES THE
5 SIERRA CLUB THINK ABOUT IT?" AND THEY BACKED IT, AND
6 THEY HAVE SUPPORTED IT FROM DAY ONE, THEY AND THE AUDOBON
7 SOCIETY.

8 SO I BRING THIS TO YOUR ATTENTION BECAUSE I
9 WANT YOU TO KNOW THIS SITE HAS HAD CLOSE SCRUTINY AND
10 NONE OF US WOULD WANT TO DO ANYTHING DETRIMENTAL TO ANY
11 OF THE PEOPLE IN THE NEARBY AREAS. THIS LANDFILL SITE IS
12 ACTUALLY NOT IN THE CITY OF PITTSBURG. IT'S NOT EVEN IN
13 PITTSBURG'S SPHERE OF INFLUENCE. IT'S IN THE
14 UNINCORPORATED AREA OF CONTRA COSTA COUNTY, AND I THINK
15 ALL THE DELAYS AND PROCRASTINATIONS HAVE GONE ON LONG
16 ENOUGH.

17 I THINK ALL THE TECHNICAL ISSUES HAVE BEEN
18 ANSWERED. I THINK THAT CHM2 HILL, BROWN AND CALDWELL,
19 AND ALL THE OTHER TECHNICAL EXPERTS, YOU KNOW, THEIR
20 REPUTATION IS ON THE LINE AND THEY WOULD NOT BE
21 SUPPORTING ANYTHING THAT WASN'T SOUND, TECHNICALLY SOUND.
22 I THINK NOW IT'S BECOME A POLITICAL ISSUE, AND I'M
23 EMPLOYING WITH YOU TODAY TO EXPEDITE THIS, TO GET THINGS
24 GOING AS QUICKLY AS POSSIBLE BECAUSE WE REALLY HAVE A
25 PROBLEM.



1 ALL OF THE OTHER CITIES IN CONTRA COSTA
2 COUNTY SUPPORT THIS LANDFILL SITE. ALL OF THEM KNOW THE
3 CRISIS THAT WE'RE FACING AND SO AGAIN, DO WHAT YOU CAN
4 DO. HELP US OUT AND SUPPORT US. WE DID SEND A LETTER,
5 THE BOARD OF SUPERVISORS, TO YOU. IS IT ON RECORD? I
6 BELIEVE YOU HAVE RECEIVED IT. AND IT'S SAYING MORE OR
7 LESS, NOT IN AS GREAT A DETAIL AS I'M SPEAKING TO YOU
8 TODAY, I AM EMPLOYING YOU TO HELP US AS QUICKLY AS
9 POSSIBLE. DO YOU HAVE ANY QUESTIONS?

10 CHAIRMAN HUFF: ANY QUESTIONS? APPARENTLY NOT.
11 THANK YOU.

12 MS. FAHDEN: ALL RIGHT. THANK YOU.

13 CHAIRMAN HUFF: ANY OTHER PROPONENTS?

14 MR. ZAHN: MR. CHAIRMAN, MEMBERS OF THE
15 COMMITTEE, AGAIN, CHARLES ZAHN FROM CONTRA COSTA COUNTY.
16 I JUST WANTED TO PICK UP A LOOSE END THAT APPEARED THIS
17 MORNING WHICH WAS THE FATE OF THE FIVE LANDFILL SITES
18 THAT WERE DISCUSSED AS HAVING BEEN INCLUDED IN THE
19 ORIGINAL 1989 COSWMP. ONE OF THOSE SITES, THE BAY POINT
20 SITE, WAS DETERMINED TO HAVE ITS MAIN DISPOSAL AREA
21 LARGELY IN A U.S. NAVY EXPLOSIVE SAFETY EASEMENT AREA,
22 AND THE NAVY WOULD NOT ALLOW THE USE OF THAT LAND FOR
23 LANDFILL. SO THAT PROJECT NEVER REACHED THE ACTUAL, NOT
24 ACTUALLY HAVE A COMPLETE APPLICATION TO ALLOW IT TO BE
25 PROCESSED.



1 ANOTHER LANDFILL, THE EAST CONTRA COSTA
2 SANITARY LANDFILL HAD BEEN PUT ON THE JUNE 1990 BALLOT.
3 IT WAS VOTED DOWN BY THE PUBLIC, SO THAT WENT OFF. THE
4 THIRD SITE WAS THE CROOKER PASS SITE WHICH AJOINS THE
5 KELLER SITE. IT WAS A VERY SMALL CAPACITY LANDFILL ON A
6 VERY STEEP GRADING LYING BETWEEN PITTSBURG AND CONCORD.
7 IT WAS REFERENDED. THE BOARD OF SUPERVISORS HAD A CHOICE
8 OF PUTTING THAT SITE ON THE BALLOT ALONG WITH KELLER OR
9 REMOVING ITS GENERAL PLAN APPROVAL.

10 BECAUSE IT WAS A MARGINAL SITE, THEY CHOSE
11 TO REMOVE IT SO THAT'S THE THIRD SITE. THAT LEFT TWO
12 SITES, THE KELLER LANDFILL SITE BEFORE YOU TODAY AND THE
13 MARSH CANYON SITE. THE MARSH CANYON SITE RIGHT NOW HAS
14 ITS PROPONENTS PREPARING CONSTRUCTION PLANS. THAT WOULD
15 BE A FEW MONTHS YET BEFORE THEY COULD ACTUALLY GET UNDER
16 CONSTRUCTION IF EVERYTHING GOES RIGHT. SO THE KELLER
17 SITE IS THE ONE SITE THAT HAS GOTTEN TO THE POINT OF
18 BEING CONSTRUCTED AND IS ON THE VERGE OF BEING ABLE TO
19 OPEN. THANK YOU.

20 CHAIRMAN HUFF: QUESTIONS?

21 BOARD MEMBER RELIS: WHERE IS THE MARSH SITE IN
22 RELATION TO KELLER CANYON?

23 MR. ZAHN: THE MARSH CANYON SITE IS LOCATED
24 SOUTH AND WEST OF THE CITY OF BRENTWOOD ABOUT 25 MILES
25 FARTHER AWAY.



1 BOARD MEMBER RELIS: THANK YOU.

2 CHAIRMAN HUFF: THANK YOU.

3 BOARD MEMBER EGIGIAN: MR. CHAIRMAN?

4 CHAIRMAN HUFF: YES.

5 BOARD MEMBER EGIGIAN: DURING LUNCH, I WAS
6 THINKING ABOUT THIS SUMMARY THAT OUR ATTORNEY GAVE TO US
7 ABOUT THIS LAWSUIT AND THAT THERE WAS A STIPULATED
8 JUDGMENT. I WOULD LIKE TO KNOW WHERE WE STAND ON THAT
9 TODAY? CAN YOU HELP ON THAT, STEVE?

10 MR. SPHAR: I DON'T HAVE THE FACTUAL INFORMATION
11 ON THAT, BUT I CAN ARRANGE TO GET THAT VERY QUICKLY. I
12 EXPECT BOB BACK LATER THIS AFTERNOON.

13 BOARD MEMBER EGIGIAN: I THINK THAT THIS WOULD
14 BE IMPORTANT BECAUSE IF THIS BOARD, IN FACT, HAS TAKEN
15 SOME ACTION AND THERE'S A JUDGMENT, WE SHOULD KNOW WHAT
16 THAT IS TO BE ABLE TO PROCEED.

17 MR. SPHAR: MY UNDERSTANDING OF THAT SUIT IS
18 LIMITED. IT INVOLVED GETTING THE COUNTY TO DO MORE
19 SITING AND PLANNING FOR FUTURE LANDFILLS, SO IT COULD BE
20 THAT THOSE ISSUES ARE RESOLVED. I CAN ARRANGE TO GET THE
21 INFORMATION TO YOU EITHER TODAY OR IN THE VERY NEAR
22 FUTURE.

23 BOARD MEMBER EGIGIAN: WELL, I'VE BEEN TOLD IF
24 THERE WAS SOMETHING IN THE JUDGMENT THAT DIRECTED THE
25 COUNTY TO DO CERTAIN THINGS AND IF THEY DON'T DO THEM,



1 MAYBE WE'RE GETTING CLOSE TO THE PLACE WHERE WE SHOULD BE
2 CHARGING THAT \$10,000 A DAY FINE ON THIS THING. SO WE
3 SHOULD CONSIDER THAT AND LOOK INTO IT VERY STRONGLY.

4 CHAIRMAN HUFF: OKAY. NOW, DO I HAVE ANY
5 FURTHER PROPONENTS? I'M ASKING FOR ALL PROPONENTS NOW.

6 MR. TAM: MR. HUFF, COMMITTEE MEMBERS, MY NAME
7 IS DAVID TAM. I REPRESENT THE SIERRA CLUB. I'D LIKE TO
8 MAKE A CLARIFICATION AT THE BEGINNING. YOUR STAFF, NEAR
9 THE END OF THIS MORNING'S PRESENTATION, SAID THAT OUR
10 POSITION WAS ONLY THAT OF THE SAN FRANCISCO BAY CHAPTER
11 SIERRA CLUB. WHEN A GRAVE MATTER, SUCH AS SIGNING A
12 BALLOT ARGUMENT, IS AUTHORIZED BY THE SIERRA CLUB, AS WAS
13 DONE TWICE, OR WHEN A LITIGATION IS ENGAGED IN ON BEHALF
14 OF THE SIERRA CLUB, IT REQUIRES A HIGHER LEVEL OF
15 AUTHORIZATION.

16 IN THE CASE OF BALLOT MEASURES, IT TAKES
17 THE STATE SIERRA CLUB TO AUTHORIZE THAT. IN THE CASE OF
18 LITIGATION, IT TAKES THE NATIONAL BOARD OF DIRECTORS.
19 THERE'S VERY LITTLE DOUBT THAT THE SIERRA CLUB, DESPITE A
20 RUMOR THAT WAS GOING AROUND YESTERDAY AFTERNOON THAT THE
21 STATE SIERRA CLUB MIGHT BRING SOMEBODY HERE WHO WOULD
22 INDICATE OPPOSITION, THERE'S VERY LITTLE DOUBT IN
23 ANYBODY'S MIND IN THE BAY AREA THAT THE SIERRA CLUB
24 SUPPORTS THE KELLER SITE.

25 I SHOULD SAY THAT I AM DAVID TAM. I AM A



1 RESIDENT OF BERKELEY. I AM THE CHAIR OF THE SOLID WASTE
2 SUBCOMMITTEE OF THE SAN FRANCISCO BAY CHAPTER OF THE
3 SIERRA CLUB. YOU HAVE CORRESPONDENCE THAT WAS FAX'D UP
4 OR THE FIRST PAGE WHICH WAS RECEIVED THIS MORNING. I SEE
5 ONE BOARD MEMBER NODDING, AND I BELIEVE YOU HAVE THAT. I
6 COULD ANSWER QUESTIONS. I THINK I WOULD JUST LIKE TO
7 EMPHASIZE TWO OR THREE THINGS THAT ARE IN MY WRITTEN
8 TESTIMONY.

9 ONE IS THAT THE LEVEL OF SCRUTINY WHICH
10 THIS SITE HAS RECEIVED AND THE LEVEL OF, I WOULD SAY,
11 ADVERSARIAL TREATMENT FROM STATE AGENCIES SUBJECT TO
12 CERTAIN PRESSURES FROM THE SACRAMENTO LEGISLATIVE
13 COMMUNITY HAS BEEN QUITE A BIT GREATER THAN THAT SO FAR
14 VISITED UPON ITS PRINCIPAL RIVAL, THE MARSH CANYON SITE.
15 THE MARSH CANYON LANDFILL RECEIVED A WATER DISCHARGE
16 REQUIREMENT FROM THE CENTRAL VALLEY REGIONAL WATER
17 QUALITY CONTROL BOARD EARLY IN 1991. ONE OF THE
18 OPPONENTS OF THAT SITE, THE RESIDENTS OF THE TRAILER PARK
19 ASSOCIATION, WITHOUT REPRESENTATION BY AN ATTORNEY,
20 PREPARED AN APPEAL ON THAT, AND IT WAS SUMMARILY
21 DISMISSED BASICALLY DUE TO PERCEIVED DEFICIENCIES OF
22 FORM.

23 ALSO, I MIGHT ADD, BECAUSE THE STATE WATER
24 RESOURCES CONTROL BOARD STAFF MISPERCEIVED THAT
25 APPLICATION TO BE FOR A CLASS III RATHER THAN CLASS II



1 SITE. SO IT'S WELL AND GOOD FOR THE STATE WATER
2 RESOURCES CONTROL BOARD TO RIGOROUSLY UPHOLD THE PORTER
3 COLOGNE ACT AND CLEAN WATER ACT AND OTHER APPROPRIATE
4 LEGISLATION. ATTORNEYS REPRESENTING THE SIERRA CLUB AND
5 THE OTHER OPPONENTS OF THE MARSH CANYON SITE HAVE WRITTEN
6 TO THE STATE WATER RESOURCES BOARD SAYING THAT IF THEY
7 INTEND TO PURSUE WITH ALL VIGOR THAT SCRUTINY WITH THE
8 KELLER SITE, THAT THEY SHOULD REVISIT THE MARSH CANYON
9 SITE, TOO.

10 THIS GOES A LITTLE BIT BEYOND WHAT'S IN MY
11 WRITTEN TESTIMONY, BUT I THINK IT SHOULD BE CLEAR THAT
12 WE'RE HEAVILY COMMITTED TO THIS SITE BECAUSE IT IS VERY
13 RARE THAT IN AN URBANIZED OR SEMI-URBANIZED COUNTY IN A
14 MAJOR METROPOLITAN REGION OF THE COUNTRY, LIKE THE BAY
15 AREA, THAT A LANDFILL WILL BE SITED. OTHER BAY AREA
16 CHAPTERS OF THE SIERRA CLUB HAVE VIGOROUSLY OPPOSED OTHER
17 LANDSITES, INCLUDING THE OX MOUNTAIN APPOLONIA PROPOSAL,
18 WHICH IS A PROPOSAL OF BROWNING-FERRIS INDUSTRIES. WE
19 WERE BASICALLY SUPPORTIVE OF THEM IN THE BAY CHAPTER.

20 BUT THIS IS A SITE THAT, FROM APPROXIMATELY
21 1987, WE HAVE KNOWN ENOUGH ABOUT THROUGH OUR INVOLVEMENT
22 IN THE SITE SELECTION PROCESS TO KNOW IT WAS A FAIRLY
23 PROMISING SITE, BOTH IN TERMS OF GEOLOGY AND IN TERMS OF
24 ACCESS TO EXISTING TRANSPORTATION. AND I WOULD SAY THAT
25 THE DECIDING FACTOR IN OUR PREFERENCE FOR THIS SITE AND



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1 OUR REJECTION OF ANOTHER SITE IS THAT IT IS BASICALLY
2 CLOSE IN TO THE URBANIZED AREA AND TO INFRASTRUCTURE,
3 PARTICULARLY TO AN APPROVED HIGHWAY, HIGHWAY 4, WHICH IS
4 GOING TO HAVE MORE IMPROVEMENTS, BUT IS ABOUT A HALF MILE
5 AWAY FROM THIS SITE.

6 THE RIVAL SITE, BASICALLY, WILL REQUIRE
7 SOMEWHERE BETWEEN 15 AND \$110 MILLION OF NEW ROADS IN AN
8 AREA THAT'S LARGELY EITHER AGRICULTURAL OR NATURAL AND
9 UNSPOILED, AND THAT IS THE REASON FOR OUR POLICY FOR
10 SUPPORTING THIS SITE. THE SIERRA CLUB MAKES NO FINDING
11 WITH RESPECT TO WHETHER OR NOT THE REGULATORY SYSTEM FOR
12 WATER DISCHARGE REQUIREMENTS HAS BEEN PROPERLY CONDUCTED.

13 WE DID, AT THE CONSERVATION COMMITTEE OF
14 THE BAY CHAPTER LAST THURSDAY NIGHT, HEAR OPPOSITION TO
15 OUR CONTINUED SUPPORT FOR THAT SITE. THE OPPOSITION CAME
16 FROM SIERRA CLUB MEMBERS -- AT LEAST ONE OF THEM IS HERE
17 IN THE ROOM TODAY -- ASKING US TO SWITCH OUR POSITION
18 FROM SUPPORT TO NEUTRALITY FOR THAT SITE. WE HEARD
19 REBUTTING TESTIMONY FROM AN OFFICIAL OF THE REGIONAL
20 WATER QUALITY CONTROL BOARD.

21 ALL THAT HAS BEEN THE SUBJECT OF FURTHER
22 CONTROVERSY THAT I WON'T TOUCH EXCEPT TO SAY THAT I
23 BELIEVE THAT THE CONDUCT OF THE OFFICIALS ON BOTH SIDES
24 IS WITHIN THE ACCEPTABLE PARAMETERS OF AMERICAN POLITICAL
25 DISCOURSE, INCLUDING HAVING A PRESS CONFERENCE THIS



1 MORNING. BUT WE FOUND NO REASON TO THINK THAT THE
2 REGIONAL WATER QUALITY CONTROL BOARD HAD BLOWN IT. WE
3 THINK WHAT IS BEFORE YOU TODAY IS WHETHER OR NOT THIS
4 SITE APPLICATION CONFORMS TO THE LAWS THAT YOU ARE TO
5 UPHOLD.

6 IT IS CERTAINLY A QUESTION OF GREAT
7 INTEREST WHAT THE STATE WATER RESOURCES CONTROL BOARD AND
8 THE REGIONAL WATER QUALITY CONTROL BOARD WILL COME UP
9 WITH. YOU HAVE ABOUT 45 DAYS TO FIND OUT WHAT THE
10 OUTCOME OF THAT IS, BUT WE URGE YOU TO GO AHEAD AND ADOPT
11 A FACILITY PERMIT. I HAVE ONE THING WITH ME, WHICH IS A
12 AAA MAP. IT HAPPENS TO BE A 1978 MAP OF ALAMEDA AND
13 CONTRA COSTA COUNTY, AND THAT MIGHT GIVE SOME MORE
14 SPATIAL MEANING TO MR. ZAHN'S TESTIMONY.

15 IF I MAY, I'LL JUST APPROACH ONE OF THE
16 MEMBERS OF THE BOARD AND YOU CAN PASS IT AMONG YOU. I'LL
17 INDICATE ON THERE WHERE THE TWO LANDFILL SITES IN
18 QUESTION ARE AND DO A LITTLE HIGHLIGHTING HERE.

19 BOARD MEMBER RELIS: WE DO HAVE A MAP THAT SHOWS
20 THE TWO.

21 MR. TAM: IF I MIGHT, I'D LIKE TO ADD ONE OTHER
22 THING. BOARD MEMBER RELIS ASKED FOR SOME HISTORICAL
23 CONTEXT THIS MORNING DURING HIS QUESTIONS, AND I THINK
24 THAT IS PROBABLY VERY USEFUL. HE RIGHTLY OBSERVED THAT
25 THE HISTORICAL SUMMARIES GIVEN ARE OBVIOUSLY PARTISAN.



1 YOU'RE GOING TO HEAR SOME MORE PARTISAN HISTORICAL
2 SUMMARIES THIS AFTERNOON.

3 I JUST MIGHT SAY THAT THE HISTORICAL
4 SUMMARY IN MY LETTER TO YOU, WHICH BEGINS AT THE BOTTOM
5 OF PAGE 2, IS WRITTEN FROM THE STANDPOINT OF A PERSONAL
6 OBSERVER WHO IS NOT A TECHNICALLY -- I'M NOT AN ENGINEER
7 OR A SCIENTIST. I'M AN ACTIVIST, AND IT WAS I AND A
8 MEMBER OF, AT THAT TIME, THE PLANNING COMMISSION OF
9 CONTRA COSTA COUNTY WHO REPRESENTED THE DIABLO LEAGUE OF
10 WOMEN VOTERS WHO WENT TO THE REGIONAL WATER QUALITY
11 CONTROL BOARD AND OBJECTED TO THE CONTINUING OF
12 LANDFILLING AT THE SITE, AND IT WAS THAT AGREEMENT ON THE
13 PART OF THE REGIONAL QUALITY CONTROL BOARD THAT TRIGGERED
14 THE PROCESS OF SEARCHING THROUGH UPLAND SITES AND FINALLY
15 GETTING DOWN TO TWO.

16 WE WERE PART OF AN HISTORICAL PROCESS. IT
17 SO HAPPENS THAT I AND ONE OTHER PERSON ACTUALLY STARTED
18 THAT PROCESS, AND I CAN SAY ON BEHALF OF THE SIERRA CLUB
19 AND ON BEHALF OF THE NATIONAL SOLID WASTE COMMITTEE OF
20 THE SIERRA CLUB, OF WHICH I AM A MEMBER, THAT LANDFILLING
21 IS NOT ANYBODY'S GAIN. NOBODY WINS IN THIS. IT
22 REPRESENTS A SOCIETAL FAILURE.

23 YOU'RE GOING TO HAVE A TOUGH TIME ACHIEVING
24 THE 50-PERCENT RECYCLING AND REDUCTION GOALS OF THE SHER
25 BILL BY THE YEAR 2000. THERE ARE SEVERAL COUNTIES IN



1 CALIFORNIA THAT ARE GOING TO MAKE THAT EVEN HARDER. DUE
2 TO YOUR PREDECESSOR AGENCY'S THREAT OF LITIGATION ON
3 CONTRA COSTA COUNTY, THEY HAVE TURNED THE CORNER AND THEY
4 HAVE BECOME VIGOROUS PRACTITIONERS OF RESIDENTIAL
5 RECYCLING. THAT HAS HELPED, BUT THERE'S STILL A LONG WAY
6 TO GO. WE MUST RECOGNIZE THAT IT ISN'T GOING TO BE EASY
7 TO PHASE OUT LANDFILLS ENTIRELY, AND THE ALTERNATIVE WE
8 WOULD HAVE WOULD BE TO TAKE THIS MATERIAL TO ALAMEDA
9 COUNTY.

10 I THINK THAT SUPERVISOR FAHDEN AND OTHER
11 PEOPLE HERE TODAY HAVE SPOKEN TRULY, THAT IT WOULD NOT BE
12 WELL RECEIVED, AND I CAN SAY AS A RESIDENT OF ALAMEDA
13 COUNTY MYSELF, I PERSONALLY WENT COUNTER TO THE PURPOSES
14 OF PEOPLE HERE FOR TESTIFYING FOR THIS LANDFILL TODAY AND
15 ENCOURAGED OTHER ALAMEDA COUNTY PEOPLE TO SAY, "NO. IT'S
16 INAPPROPRIATE FOR CONTRA COSTA COUNTY TO BUY OUT CHEAPLY,
17 TO BUY OUT OF THEIR POLITICAL DIFFICULTIES BY GOING TO
18 ALAMEDA COUNTY." SO ALAMEDA COUNTY HAS BASICALLY RAISED
19 THE LANDFILLING FEES, PRECIPITATELY, AND THAT HAS HAD
20 ALSO A SALUTARY EFFECT IN TERMS OF CONTRA COSTA'S RESOLVE
21 TO SEE IT THROUGH AND TO GET ITS OWN LANDFILL.

22 THAT'S THE POLITICS OF IT AS I SEE IT, AND
23 I'M AVAILABLE FOR QUESTIONS IF THERE ARE ANY.

24 BOARD MEMBER RELIS: I HAVE A BRIEF QUESTION,
25 MR. TAM. THE SIERRA CLUB'S POSITION IS THAT THIS SHOULD



1 BE LOOKED AT AS A POSITION OF THE STATE AS WELL AS THE
2 REGIONAL CHAPTER?

3 MR. TAM: LET ME PUT IT THIS WAY. THE STATE IS
4 A NEW ENTITY OF THE SIERRA CLUB, THE STATE SIERRA CLUB.
5 I HEARD RUMORS THAT THERE WAS GOING TO BE A
6 REPRESENTATIVE OF THE STATE SIERRA CLUB HERE. IT
7 HAPPENED THAT THE STATE SIERRA CLUB MET LAST WEEKEND.
8 EACH CHAPTER, INCLUDING OURS, HAS DELEGATES. I WAS ABLE
9 TO CHECK WITH THEM AND WITH THE STATE LEGISLATIVE OFFICE
10 THIS MORNING, AND THOSE PRESENT AT THE MEETING LAST
11 WEEKEND COULD RECALL NO POSITION BEING TAKEN AT A FORMAL,
12 DULY NOTICED MEETING OF DUE PROCESS BY THE STATE.

13 THERE MAY BE SOME MEMBER OF SOME PART OF
14 THE VOLUNTARY APPARATUS OF THE STATE SIERRA CLUB, UNKNOWN
15 TO ME AT THIS MOMENT, WHO BELIEVES THAT IT IS A MISTAKE
16 TO APPROVE ANY LANDFILL, BUT THAT IS NOT THE POSITION OF
17 THE SIERRA CLUB. AND I WOULD SAY THAT ANY PERSON WHO
18 WOULD MAKE SUCH A REPRESENTATION WOULD BE DOING A GRAVE
19 DISSERVICE BOTH TO THE PUBLIC INTEREST, WHICH TO SOME
20 EXTENT DOES REST ON THE SIERRA CLUB TRYING TO DO THINGS
21 WITH, YOU KNOW, CAREFUL ATTENTION TO DUE PROCESS AND TO
22 HIS OR HER OWN CREDIBILITY IN A LARGELY VOLUNTARY
23 ORGANIZATION.

24 CHAIRMAN HUFF: ANY OTHER QUESTIONS? THANK YOU.

25 ANY OTHER PROPONENTS TO BE HEARD?



1 I HAVE 12 OF THESE LITTLE PIECES OF PAPER
2 THAT INDICATE PEOPLE WANT TO ADDRESS THE BOARD AS AN
3 OPPONENT. I WAS WONDERING IF THE OPPONENTS WISH ME TO
4 CALL THEM OFF IN THE ORDER THAT I RECEIVED THEM, OR
5 WHETHER THERE IS AN ORDER THAT YOU WISH TO FOLLOW OR A
6 STYLE OF PRESENTATION? I DO HAVE, YES, MR. YEATES, AND I
7 ALSO HAVE ONE FROM THE MAYOR OF THE CITY OF PITTSBURG.

8 IT'S NORMALLY MY PRACTICE TO RECOGNIZE
9 ELECTED OFFICIALS, BE THEY LEGISLATORS OR MAYORS OR
10 SUPERVISORS, AT THE OUTSET, BUT IT'S UP TO YOU. I'M NOT
11 GOING TO TRY TO PLAY TRAFFIC COP ON ALL THESE PEOPLE THAT
12 WANT TO SPEAK HERE IF YOU'VE GOT A WAY OF DOING THINGS.

13 MR. YEATES: MR. CHAIRMAN, THAT'S BASICALLY ALL
14 I WAS GOING TO SAY WAS HAVE THE MAYOR INTRODUCE THOSE
15 THAT HAVE COME ALL THE WAY FROM PITTSBURG THAT WANT TO
16 COME AND SPEAK AND HAVE THEM GO FIRST. THEN I'LL PRESENT
17 OUR ARGUMENTS IN RESPONSE TO OUR LETTER OF MARCH 4TH AND
18 ALSO HAVE OUR EXPERT, PHIL GREGORY, HERE TO DISCUSS
19 ROGERS/PACIFIC.

20 CHAIRMAN HUFF: OKAY. YOU'VE GOT TO STATE YOUR
21 NAME SO THAT THE STENOGRAPHER --

22 MR. YEATES: MY NAME IS BILL YEATES WITH THE LAW
23 FIRM REMY AND THOMAS, REPRESENTING THE CITY OF PITTSBURG.

24 CHAIRMAN HUFF: OKAY. IF WE CAN HAVE THE MAYOR,
25 PLEASE?



1 MAYOR CURRIE: THANK YOU, CHAIRMAN HUFF AND
2 MEMBERS OF THE COMMITTEE. LADIES AND GENTLEMEN, IT'S A
3 PLEASURE FOR ME TO BE HERE BEFORE YOU THIS AFTERNOON AND
4 HERE IN SACRAMENTO TO TALK TO STATE OFFICIALS WHO SEEM,
5 FROM WHAT I HAVE HEARD ALREADY, AND I MUST CONFESS THIS
6 IS NOT AN ATTEMPT TO BUY YOUR FAVOR, BUT IT'S AN HONEST
7 OBSERVATION. YOU SEEM TO BE WILLING TO HEAR THE ISSUES.
8 AND QUITE FRANKLY, THIS IS THE FIRST TIME, AND I SAY THAT
9 WITHOUT ANY CONCERN AT ALL, THIS IS THE FIRST TIME THAT I
10 HAVE FELT THAT WE HAVE HAD A FAIR CHANCE AT THAT FAIR
11 HEARING. I WANT TO THANK YOU VERY MUCH AT THE OUTSET FOR
12 THAT.

13 I HEARD YOUR QUESTIONS DURING THE PERIOD OF
14 TIME THAT STAFF WAS MAKING COMMENTS. I THOUGHT THEY WERE
15 VERY INCISIVE, AND I THINK THEY WERE VERY APPROPRIATE.
16 THEY WERE THE KINDS OF QUESTIONS THAT I WOULD HAVE ASKED.
17 I THINK FINALLY WE'RE GOING TO GET SOME OF THE REAL FACTS
18 AND CONCERNS OUT ON THE TABLE HERE. I URGE YOU TO USE
19 YOUR POWERS, THE POWERS GRANTED TO YOU BY THE
20 LEGISLATURE, TO ENSURE THE STABILITY AND THE SAFETY OF
21 THE KELLER LANDFILL IF, IN FACT, THAT BECOMES A LANDFILL.
22 IT'S A PROPOSAL AT THIS POINT AS FAR AS I'M CONCERNED.

23 THE STAFF HAS CORRECTLY INDICATED TO YOU,
24 WHILE THE STATE WATER RESOURCES CONTROL BOARD IS
25 REVIEWING THE WATER QUALITY ISSUES AT KELLER, WE ASK YOU



1 TO EXERCISE YOUR INDEPENDENT JUDGMENT AND AUTHORITY TO
2 GUARANTEE THE SAFETY AND STABILITY. THAT DECISION WILL
3 BE MADE, HOPEFULLY, WITHIN THE 60-DAY WINDOW WITHIN WHICH
4 YOU HAVE TO ACT. AND I WOULD ASK THAT YOU DEFER -- QUITE
5 FRANKLY, I WOULD LIKE TO SEE YOU TURN DOWN FINAL PERMIT,
6 BUT AT LEAST TO DEFER THE DECISION UNTIL THE OTHER STATE
7 AGENCY, THE STATE WATER QUALITY CONTROL BOARD HAS HAD
8 TIME TO ACT AND FULLY CONSIDER THE ISSUES THAT ARE BEING
9 BROUGHT BEFORE IT AT THIS TIME. I THINK THAT WOULD BE
10 VERY APPROPRIATE, AND I WOULD CERTAINLY SUPPORT YOUR
11 JUDGMENT AND YOUR DECISION IN THAT REGARD.

12 NOW, YOU'VE HEARD A LOT OF RHETORIC THIS
13 MORNING, A LOT OF IT FLOWERY LANGUAGE. YOU'VE HEARD
14 ABOUT TECHNICAL EXPERTS THAT HAVE SAID THIS AND ENGINEERS
15 THAT HAVE DONE THAT. ENGINEERS BUILT A GREAT BRIDGE
16 ACROSS THE TACOMA NARROWS A FEW YEARS AGO. I DON'T KNOW
17 IF YOU RECALL THE PICTURES, THAT BRIDGE WOBBLING IN THE
18 WIND STORM AND THEN COLLAPSED INTO THE SOUND. SO
19 ENGINEERS CAN MAKE MISTAKES AND HAVE MADE MISTAKES, AND
20 THAT ISN'T THE ONLY ONE THAT'S BEEN MADE.

21 YOU'VE HEARD ABOUT A 1978 MAP. EASTERN
22 CONTRA COSTA COUNTY, THE CITY OF PITTSBURG, HAS MORE THAN
23 DOUBLED IN SIZE SINCE 1978, IF I CAN REMEMBER CORRECTLY.
24 NO MAP FROM 1978 IS APPROPRIATE TODAY. WE HAVE THOUSANDS
25 OF HOMES THAT HAVE BEEN BUILT IN THAT AREA. IMMEDIATELY



1 DOWN CANYON FROM THIS PROPOSED DUMP SITE, THERE WERE NO
2 HOMES AT THAT TIME. YOU NOW HAVE THOUSANDS OF HOMES, AND
3 SOME OF THE RESIDENTS OF THOSE HOMES ARE HERE TODAY IN
4 THE AUDIENCE.

5 THEY HAVE LIVED WITH THIS POTENTIAL
6 ENVIRONMENTAL NIGHTMARE, A NIGHTMARE THAT, IN MY
7 JUDGMENT, IS GOING TO HAPPEN. IT'S NOT WHETHER IT'S
8 GOING TO HAPPEN. IT IS GOING TO HAPPEN. THE ONLY
9 QUESTION IS WHEN AND HOW SOON? YOU'VE HEARD OF A
10 140-FOOT BERM EVENTUALLY. ORIGINALLY, I HAD HEARD IT WAS
11 GOING TO BE 250 FEET HIGH. THE BONNEVILLE DAM ACROSS THE
12 COLUMBIA RIVER IS ONLY 170 HIGH. THAT SHOULD GIVE YOU
13 SOME PERSPECTIVE ON THE SIZE OF THIS THING. AND IT'S
14 IMMEDIATELY UPHILL, UPSLOPE FROM THESE HOMES. I'LL SHOW
15 YOU A PICTURE OR TWO IN A MOMENT TO ILLUSTRATE THE KIND
16 OF A PROBLEM THAT WE HAVE WITH THIS CANYON PERIODICALLY.

17 YOU'VE HEARD ABOUT ENGINEERING STUDIES THAT
18 HAVE TALKED ABOUT -- THERE WAS A LITTLE BIT OF A WATER
19 PROBLEM, IF I CAN PARAPHRASE IT. THEN AS THE STUDIES
20 HAVE CONTINUED, THEY DISCOVERED THAT THE PROBLEM WAS NOT
21 AS SEVERE AS THEY ANTICIPATED. LET ME REMIND YOU FROM
22 SOME OF THE HISTORY, AND PERHAPS I SHOULD GO INTO A
23 LITTLE BIT OF THE HISTORY. I HAVE BEEN ON THE CITY
24 COUNCIL IN THE CITY OF PITTSBURG FOR SOMEWHAT OVER EIGHT
25 YEARS. I HADN'T BEEN ON THE COUNCIL 72 HOURS AND I WENT



1 TO MY FIRST MEETING. IT WAS A GARBAGE DUMP MEETING.

2 YOU HAVE ONLY HEARD ABOUT MEETINGS SINCE
3 1978. LET ME ASSURE YOU THERE WERE MEETINGS GOING ON
4 WELL BEFORE THEN. THERE WAS DISCUSSION THEN OF SOME 30
5 SITES, AND THERE WAS DISCUSSION ABOUT CRITERIA FOR
6 SITING. THEY SHOULDN'T BE CLOSE TO HOMES. NO SITE
7 SHOULD BE CLOSE TO HOMES AND THINGS OF THAT SORT.
8 SOMEHOW IN THE PROCESS, ALL OF THESE SITES DROPPED BY THE
9 WAYSIDE, INCLUDING KELLER, WHICH WAS ONE OF THE EARLIER
10 SITES UNDER A DIFFERENT NAME. THEN MYSTERIOUSLY THIS
11 SITE POPPED BACK UP ON THE HORIZON AFTER IT HAD BEEN
12 DISCARDED.

13 THIS SITE TODAY IS CLOSER TO HOMES, COMES
14 CLOSER TO CONTAMINATING THE WATER SUPPLIES AND THINGS OF
15 THAT SORT, CRITERIA ORIGINALLY DISCUSSED AS BEING
16 CRITERIA FOR EXCLUDING POTENTIAL SITES. THOSE CRITERIA
17 ARE NOW BEING VIOLATED, IN OUR JUDGMENT, AS IT RELATES TO
18 KELLER.

19 NOW, I'M NOT HERE TO USE A NIMBY SCENARIO
20 FOR YOU. I DON'T BELIEVE IN THAT SCENARIO. IF IT WAS
21 THE BEST SITE, I'D SUPPORT IT, AND I CAN SAY THAT IN ALL
22 HONESTY. AND THOSE PEOPLE WHO KNOW ME IN MY CITY WILL
23 SAY, "RIGHT. I DON'T ALWAYS AGREE WITH THAT GUY, BUT
24 HE'S HONEST AND NEVER LIED TO US." AND WHAT I'M TELLING
25 YOU NOW IS THE ABSOLUTE TRUTH. THIS SITE IS



1 INAPPROPRIATE. THERE ARE SOME SERIOUS PROBLEMS WITH IT.
2 LET ME CONTINUE TO FILL YOU IN ON THE HISTORY OF THE
3 SITE.

4 THE SITE THAT ORIGINALLY WAS EXCLUDED AND
5 IT POPPED BACK UP, WE WENT THROUGH A WHOLE SERIES OF
6 HEARINGS. THE DATES HAVE BEEN PREVIOUSLY ENUMERATED FOR
7 YOU, AND I CAN'T RECALL OFF THE TOP OF MY HEAD WHETHER
8 THEY'RE ACCURATE, BUT THEY'RE PROBABLY ABOUT RIGHT. FOR
9 A TIME I SERVED ON THE COUNTY SOLID WASTE COMMISSION,
10 VERY BRIEFLY. FOR PERSONAL REASONS I DECIDED TO LEAVE.
11 AND THE AB 030 TASK FORCE -- AS A MATTER OF FACT, I
12 SERVED WITH SUPERVISOR FAHDEN ON THAT GROUP -- SO I KNOW
13 A LITTLE BIT ABOUT GARBAGE AND THE HISTORY OF GARBAGE IN
14 THE COUNTY.

15 WHAT HASN'T BEEN RELATED TO YOU IN ALL THIS
16 DISCUSSION TODAY IS THE FACT THAT WE HAVE BEEN IN A
17 DROUGHT. NOW, I KNOW THIS WILL COME AS A GREAT SURPRISE
18 TO YOU, BUT THE HISTORY OF THE LANDFILL DISCUSSION GOES
19 BACK TO 1988. LET ME RECOUNT FOR YOU THAT WE HAVE BEEN
20 IN A DROUGHT SINCE LONG BEFORE 1988, AND THAT SITUATION
21 HASN'T BEEN RELIEVED TO THIS DAY.

22 IN THE WINTER OF 1986, I BELIEVE IT WAS, I
23 CAME UP TO SACRAMENTO HERE FOR A MEETING WITH SOME
24 LEGISLATORS, AND ON THAT DAY I DROVE UP HIGHWAY 5, JUST
25 AS I DID TODAY. BOTH SIDES OF THAT HIGHWAY, AND THOSE OF



1 YOU WHO WERE IN THAT AREA WILL RECALL, BOTH SIDES OF THAT
2 HIGHWAY WERE A LAKE. YOU HAD TWO LAKES, ONE AT EITHER
3 SIDE OF THE HIGHWAY. THAT HIGHWAY WAS IN DANGER OF GOING
4 UNDER. THE AMERICAN RIVER WAS FLOODING AT THAT TIME AND
5 THE RED OCTAGONAL STOP SIGNS ALONG THE RIVER, THE WATER
6 WAS UP ON THOSE SIGNS. I SEE SOMEONE SMILING HERE.
7 PERHAPS YOU RECALL THAT. BUT THAT'S TRUE. HIGHWAY 4,
8 THAT YOU'VE HEARD DESCRIBED, HAS BEEN CLOSED ON TWO
9 OCCASIONS SINCE I'VE JOINED THE COUNCIL DUE TO FLOODING
10 OUT OF THIS VERY CANYON.

11 ONE AFTERNOON I WENT TO THE -- I'VE
12 FORGOTTEN NOW WHETHER IT WAS THE COUNTY BOARD OF
13 SUPERVISORS OR THE PLANNING COMMISSION. I THINK IT WAS
14 THE BOARD OF SUPERVISORS MEETING. IT WAS POURING. I PUT
15 A LITTLE PILL BOTTLE ON MY DECK AFTER IT HAD BEEN POURING
16 FOR ABOUT AN HOUR, MAYBE AN HOUR AND A HALF. AT 4
17 O'CLOCK WHEN I LEFT, I HAD AN INCH AND THREE-QUARTERS
18 WORTH OF WATER IN THAT BOTTLE. THAT'S THE KIND OF A
19 DELUGE THAT YOU CAN GET IN THESE CANYONS ON OCCASION.

20 NOW, FORTUNATELY, WE HAVEN'T EXPERIENCED
21 THAT KIND OF RAIN THIS YEAR, BUT IT HAS HAPPENED TWICE IN
22 THE LAST EIGHT YEARS. I'VE GOT A PICTURE HERE THAT I'M
23 PREPARED TO SHOW YOU THAT SHOWS WATER THAT'S UP TO THE
24 SEATS IN AUTOMOBILES. THAT CANYON, INCIDENTALLY, IS ON A
25 HILLSIDE AND IT'S PEAR SHAPED. NOW, THERE ARE SOME OVER



1 A THOUSAND ACRES OF LAND. THAT CANYON IS PEAR SHAPED AND
2 THE ENTIRE WATERSHED OF THAT BOWL, NOT JUST THE DUMP, BUT
3 THE ENTIRE WATERSHED TO THE TOP OF THE HILLS DOWN RUNS 7
4 OR 800 ACRES, IF I REMEMBER CORRECTLY. IT NARROWS DOWN
5 WHERE IT HITS THE ROAD. WE HAVE A STREET IN PITTSBURG,
6 JACQUELINE STREET, DEAD ENDS AT THE CITY LIMIT LINE,
7 WHICH ALSO HAPPENS TO BE THE DUMP LINE, THE BOUNDARY OF
8 THE DUMP, THE PROPERTY LINE OF THE DUMP. SO THEY ARE ONE
9 AND THE SAME.

10 AND THE WATER THAT COMES DOWN THAT CANYON
11 AT THAT POINT COMES THROUGH A CREEK THAT IS PERHAPS NO
12 WIDER THAN FROM HERE TO THAT WALL, AND THE ENTIRE CANYON
13 MOUTH IS NO WIDER THAN THIS ROOM. THE EFFECT OF A HEAVY
14 RAINFALL IN A SHORT PERIOD OF TIME IS SIMILAR TO WHAT YOU
15 EXPERIENCE IN THE DESERTS IN SOUTHERN CALIFORNIA WHEN YOU
16 HAVE A THUNDERSTORM. WHEN YOU GET A THUNDERSTORM IN THE
17 HILL, THE NEXT THING YOU KNOW YOU'VE GOT A FLOOD DOWN
18 BELOW. I'VE GOT A PICTURE HERE THAT I WOULD LIKE TO
19 SHARE WITH YOU WHICH ILLUSTRATES THAT AND, IF I MAY, I'D
20 LIKE TO PASS IT AROUND TO THE CHAIR.

21 THIS PICTURE WAS TAKEN IN FEBRUARY 1986, I
22 BELIEVE IT WAS. THAT'S IN THE RESIDENTIAL COMMUNITY
23 ABUTTING THAT DUMP SITE AND ON A HILLSIDE. AND I ASK YOU
24 TO PAY PARTICULAR ATTENTION TO THE VOLUME OF WATER COMING
25 DOWN THAT STREET, DOWN THAT CANYON.



1 NOW, YOU'VE HEARD SOME DISCUSSION ABOUT
2 A -- AS I SAY, IT'S HAPPENED TWICE. THAT WAS THE FIRST
3 OF THE TWO TIMES THAT IT HAPPENED. IMMEDIATELY BELOW
4 THOSE HOMES IS THE CONTRA COSTA CANAL. THAT PROVIDES THE
5 DRINKING WATER FOR 400,000 PEOPLE IN THE CITY -- IN THE
6 COUNTY. I BEG YOUR PARDON. THAT CANAL PROVIDES THE
7 DRINKING WATER FOR 400,000 PEOPLE IN THE COUNTY:
8 ANTIOCH, PITTSBURG, CONCORD, PLEASANT HILL, MARTINEZ, AND
9 PORTIONS OF WALNUT CREEK.

10 THAT CANAL RUNS PERPENDICULAR TO THIS
11 JACQUELINE STREET AND PERPENDICULAR TO THE CANYON.
12 IMMEDIATELY BEYOND THAT IS HIGHWAY 4. THAT'S A FOUR-LANE
13 HIGHWAY, THE MAJOR ACCESS ROAD, IF YOU WILL, COMMUTER
14 ROAD, FROM EASTERN CONTRA COSTA COUNTY INTO THE CENTRAL
15 PART OF THE COUNTY. I WOULD ALSO LIKE TO POINT OUT THAT
16 THIS AREA, SOME WOULD CLAIM, IS NOT A MAJOR SLIDE
17 PROBLEM. BAILEY ROAD, THAT YOU'VE HEARD MENTIONED, THE
18 MAJOR ROAD INTO THE DUMP, WAS CLOSED FOR MONTHS DUE TO A
19 SLIDE. THAT MUST BE A FIGMENT OF SOMEBODY'S IMAGINATION.
20 HOW COULD BAILEY ROAD BE CLOSED? THE ANSWER IS IT WAS
21 CLOSED AND SOMEBODY HAS FORGOTTEN.

22 IGNITIO VALLEY ROAD, A MAJOR ROAD OVER
23 CROOKER PASS, FURTHER OVER IN THE CONCORD/WALNUT CREEK
24 AREA, HAD A MAJOR SLIDE PROBLEM. WE'VE HAD MAJOR SLIDE
25 PROBLEMS ALL OVER THE AREA. I'VE LIVED IN THIS COUNTY



1 VIRTUALLY ALL MY LIFE, AND THOSE OF YOU WHO ARE AT ALL
2 FAMILIAR WITH THE AREA WELL KNOW THAT YOU HAVE SLIDES IN
3 THE EAST BAY HILLS. THEY'VE BEEN CONCERNED ABOUT IT IN
4 THE AREA WE RECENTLY HAD THE FIRE. YOU CAN GO BACK TEN
5 YEARS. YOU CAN GO BACK 20 YEARS. THEY'VE HAD SLIDES.
6 THEY DIDN'T HAVE ANY SLIDES THIS TIME, AND THE ANSWER? I
7 DON'T KNOW WHAT THE ANSWER IS.

8 ALL I CAN TELL YOU IS THAT IT ISN'T GOING
9 TO BE TOO LONG BEFORE WE EXPERIENCE THIS KIND OF
10 CONDITION AGAIN, AND WE'RE GOING TO HAVE THIS VOLUME OF
11 WATER COMING DOWN THIS CANYON. NOW, YOU HEARD SOMETHING
12 ABOUT A RESERVOIR HOLDING 59 ACRE FEET. HOW LONG WOULD
13 IT TAKE THIS VOLUME OF WATER TO FILL UP THAT RESERVOIR,
14 AND THE ANSWER IS ONE INCH OF RAIN IN 700 ACRES IS 700
15 INCHES OF RAIN IN ONE ACRE. IN ONE ACRE, 700 INCHES OF
16 RAIN PILED UP ONE ACRE HIGH -- I MEAN, IN ONE ACRE, 700
17 INCHES OF RAIN WOULD BE 60 FEET ALMOST, 59 FEET.

18 IT WOULD OVERFLOW THAT RESERVOIR. AND
19 UNDER THOSE CONDITIONS, YOU HAVE A SERIOUS POTENTIAL FOR
20 WASHING OUT OF THE DAM, WASHING OUT, IMPACTING THE
21 GROUNDWATER SUPPLY, AND SO ON. FIVE YEARS INTO A
22 DROUGHT, I WILL CONCEDE YOU MAY NOT HAVE THAT PROBLEM.
23 BUT FIVE YEARS OF HEAVY RAINFALL, IF THAT SHOULD BE THE
24 CASE FOR THE NEXT FEW YEARS, YOU MAY WELL HAVE
25 CONTAMINATION OF THE GROUNDWATER SUPPLY.



1 MY CITY COUNCIL, I THINK IT WAS THE MEETING
2 BEFORE LAST, WE SUBMITTED A PLAN, A DROUGHT PLAN, WHICH
3 IN EFFECT WAS REQUIRED BY THE STATE, BUT IN EFFECT
4 DETAILED WHAT WE WOULD DO IN THE EVENT THAT THE DROUGHT
5 PERSISTED IF WE RECEIVED A 25-PERCENT CUTBACK IN WATER
6 SUPPLY, 50 PERCENT. AND SO ON. ONE OF OUR PLANS WAS TO
7 SINK WELLS INTO THE AQUIFER. UNDER CONDITIONS THAT
8 YOU'VE SEEN HERE, WE RISK HAVING THAT AQUIFER POLLUTED.
9 HAS ANYONE CONSIDERED THAT?

10 WE HAVE A CLEAN AIR ACT -- A CLEAN WATER
11 ACT, I BEG YOUR PARDON. WE HAVE A CULVERT THERE, NOT
12 VERY LARGE. AND OBVIOUSLY IT WASN'T LARGE ENOUGH TO
13 CONTAIN THIS RAINFALL, BUT WE HAVE A CULVERT THERE THAT
14 TAKES STORMWATER RUNOFF. AS I'M SURE YOU ALL KNOW, WE'RE
15 BEING REQUIRED TO TEST STORMWATER RUNOFF FOR ALL SORTS OF
16 CONTAMINANTS. IF ANYTHING COMES OUT OF THAT DUMP INTO
17 THAT STORM SEWER SYSTEM, IT GOES DOWNSTREAM INTO
18 POTENTIAL -- INTO WETLANDS, POTENTIALLY INTO WETLANDS,
19 POTENTIALLY INTO THE BAY, INTO THE DELTA, INTO THE
20 RESIDENTIAL AREAS AND SO ON.

21 SO THERE'S A GREAT DEAL MORE AT STAKE THAN
22 SOME WOULD HAVE YOU BELIEVE, AND IT'S ISSUES SUCH AS THIS
23 AND THE INATTENTION TO ISSUES SUCH AS THIS THAT WE HAVE
24 BEEN RAISING OVER TIME THAT WE ARE BRINGING AGAIN BEFORE
25 THE STATE BOARD, WATER RESOURCES CONTROL BOARD, AND WE



1 FEEL THAT FINALLY, AFTER MANY YEARS, MANY HEARINGS, WE
2 MAY ALSO THERE GET A FAIR HEARING.

3 THE CITY OF PITTSBURG HAS REPEATEDLY ASKED
4 THE REGIONAL WATER QUALITY CONTROL BOARD OFFICIALS TO
5 INVESTIGATE THE LANDSLIDE POTENTIAL IN KELLER, THE DUMP'S
6 TOXIC THREAT TO THE CITY'S DRINKING WATER, THE CONTRA
7 COSTA CANAL, THE AQUIFER NEARBY. AT THE HEARING LAST
8 MARCH, WE GOT ONLY 20 MINUTES. QUITE FRANKLY, YOU'VE
9 ALREADY GIVEN ME MORE TIME THAN I PERSONALLY HAVE HAD
10 COLLECTIVELY IN EIGHT YEARS APPEARING BEFORE BOARDS. AND
11 THAT'S NO JOKE. THAT IS FACT. THAT IS TRUE. WE APPEAR
12 BEFORE OUR BOARD OF SUPERVISORS, YOU'VE GOT TWO MINUTES.
13 YOU'VE GOT THREE MINUTES. YOU'VE GOT FIVE MINUTES.
14 THAT'S THE KIND OF ATTENTION THIS ISSUE HAS RECEIVED ALL
15 THE WAY DOWN THE LINE.

16 WHEN OUR MAYOR LAST YEAR, JOE CANTAMELLA
17 (PHONETIC) ASKED FOR MORE TIME, HE WAS GAVELED DOWN AS
18 BEING OUT OF ORDER. DO YOU SEE WHY WE'RE SO DISGUSTED AT
19 THIS POINT? QUITE FRANKLY, I'M JUST OVERJOYED TO BE UP
20 HERE. AND WE'VE APPEALED THAT REGIONAL WATER QUALITY
21 CONTROL BOARD DECISION, AND FINALLY THE STATE STAFF AT
22 THAT BOARD, I'M NOT SAYING THEY AGREE WITH US, BUT THEY
23 THINK THERE IS SUFFICIENT EVIDENCE THAT FURTHER
24 INVESTIGATION IS APPROPRIATE.

25 IN MY JUDGMENT, ESSENTIALLY, STAFF AGREES



1 WITH OUR COMPLAINTS, BUT I'M NOT PREPARED TO MAKE THAT
2 ARGUMENT AT THIS POINT. I'M SATISFIED IF WE CAN GET A
3 FAIR HEARING BECAUSE I'M ABSOLUTELY CONVINCED WE'RE RIGHT
4 AND WE WILL WIN.

5 IN REVIEWING THE RECENT WATER QUALITY
6 BOARD'S HANDLING OF KELLER CANYON'S WATER QUALITY PERMIT,
7 OUR ATTORNEYS AND EXPERTS REVIEWED ALL THE DOCUMENTS AND
8 RECORDS AND SO ON, SOME OF WHICH WERE NOT MADE AVAILABLE
9 TO US UNTIL JANUARY 22D OF THIS YEAR AT THAT
10 PRECONFERENCE HEARING. SO WE'RE JUST NOW GETTING ACCESS
11 TO SOME OF THIS INFORMATION AND JUST GETTING TO THE POINT
12 WHERE WE'RE IN A POSITION TO BE ABLE TO MAKE MEANINGFUL
13 JUDGMENTS AND EVALUATIONS OF SOME OF THE DATA.

14 THE STATE, AND SOMEONE HERE ASKED THE
15 QUESTION, I BELIEVE IT WAS MR. RELIS, ABOUT THE STATE
16 LETTER, THE CONCLUSIONS. AS I SAT IN THE AUDIENCE, IT
17 SEEMS TO ME THAT THE CONCLUSION DIDN'T SUPPORT THE
18 EXPLANATION THAT YOU'D BEEN GIVEN TO ONE OF THE
19 STATEMENTS EARLIER AND YOU WERE QUESTIONING THAT. BUT
20 IT'S THAT KIND OF DETAILED EXPLORATION, I THINK, THAT IS
21 NEEDED TO MAKE A FAIR AND IMPARTIAL JUDGMENT AS TO THE
22 APPROPRIATENESS OF THIS SITE.

23 IT'S NOT A QUESTION OF MEETING MINIMUM
24 STANDARDS. MOST LAWS HAVE MINIMUM STANDARDS, BUT THAT'S
25 UNDER THE BEST OF CONDITIONS. WHAT YOU NEED ARE HIGHER



1 THAN MINIMUM STANDARDS IF THEY ARE APPROPRIATE TO PROTECT
2 THE HEALTH AND SAFETY OF THE INDIVIDUALS WHO ARE GOING TO
3 BE AFFECTED BY SOME CATASTROPHIC EVENT THAT MIGHT OCCUR
4 SHOULD YOU HAVE A FAILURE, LIKE A WASHOUT, LIKE POLLUTION
5 OF YOUR GROUNDWATER SUPPLY, LIKE A LANDSLIDE.

6 THERE'S A HOUSE ON TOP OF TELEGRAPH HILL
7 THAT STOOD THERE FOR 50 YEARS. THEY JUST KNOCKED IT DOWN
8 THE OTHER DAY. I'M SURE SOMEBODY APPROVED THE BUILDING
9 PERMIT FOR THAT PLACE. I'M NOT SAYING THAT THEY
10 SHOULDN'T HAVE. WHAT I'M SAYING IS THAT THESE EVENTS
11 WILL OCCUR, BUT IT'S NOT APPROPRIATE TO RISK THE LIVES,
12 THE HEALTH AND THE SAFETY OF PEOPLE IF YOU HAVE A WASHOUT
13 OF THAT TOE BERM, A SLIDE, AND ALL THAT MUD AND PERHAPS
14 GARBAGE AND WHATEVER POLLUTION MAY FLOW AS A RESULT OF
15 THAT INTO THAT NEIGHBORHOOD, YOU'RE RISKING THE HEALTH
16 AND LIVES OF THOSE PEOPLE.

17 IT'S NOT INAPPROPRIATE TO SPEND AN EXTRA 30
18 DAYS OR A MONTH LOOKING AT DATA AFTER WE HAVE FIDDLED
19 AROUND FOR 20 ODD YEARS. THE COUNTY WILL TELL YOU THAT
20 THEY'RE IN A CRISIS SITUATION. WE HEARD THAT SONG AND
21 DANCE WAY BACK IN THE EARLY '70S. THERE WAS A CRISIS
22 THEN. THEY HAD A PERMIT TO DUMP IN ALAMEDA COUNTY AS HAS
23 BEEN INDICATED. THAT PERMIT, THEY STOPPED DUMPING OVER
24 THERE, I THINK, IN EARLY DECEMBER, DECEMBER 18TH OR
25 SOMETIME THEREABOUTS. WHY?



1 IF IT WAS SUCH A CRISIS, ALAMEDA COUNTY
2 WANTED \$20 A TON FOR A TIPPING FEE. I SUGGEST TO YOU
3 THAT BEFORE THEY'RE THROUGH WITH THIS, THE TAX ON THAT
4 TIPPING FEE, IF YOU WERE TO PUT A SALES TAX ON IT, WOULD
5 AMOUNT TO ALMOST \$20 A TON. IT'S GOING TO BE
6 SUBSTANTIALLY HIGHER. WHAT I'D LIKE TO DO NOW, WITHOUT
7 BORING YOU ANY FURTHER WITH SOME OF THE HISTORICAL DATA
8 AND SO ON, IS TO TURN THIS OVER TO SOME OF THE
9 INDIVIDUALS HERE WHO ARE PREPARED TO SPEAK.

10 I'D LIKE TO AT FIRST INTRODUCE SHARON
11 CRESSWELL. SHARON CRESSWELL IS ON THE STAFF OF
12 SUPERVISOR TOM TORLAKSON. SUPERVISOR TORLAKSON
13 REPRESENTS OUR DISTRICT HERE IN -- WELL, IN CONTRA COSTA
14 COUNTY. I'D LIKE TO ASK SHARON TO ADD A FEW WORDS, IF I
15 MAY.

16 BOARD MEMBER RELIS: SIR, BEFORE YOU LEAVE HERE,
17 YOU MAKE A STATEMENT, I BELIEVE, THIS IS WHAT WE'RE
18 REFERRING TO.

19 MAYOR CURRIE: RIGHT. I DIDN'T FOLLOW IT TOO
20 WELL, BUT --

21 BOARD MEMBER RELIS: IN THE SECOND PARAGRAPH,
22 "I'M HERE TO URGE YOU TO USE THE POWERS GRANTED TO YOU BY
23 THE LEGISLATURE TO ENSURE THE STABILITY AND SAFETY OF
24 KELLER CANYON LANDFILL OR DENY THE PERMIT." SO I TAKE IT
25 FROM THIS THAT YOU'RE LOOKING FOR EITHER ONE OF TWO



1 THINGS, EITHER FOR US TO DENY IT OR TO ASSURE YOU THAT
2 THIS IS A STABLE AND SAFE FACILITY?

3 MAYOR CURRIE: WELL, THAT'S TRUE. I THINK YOU
4 HAVE IT SOMEWHAT IN YOUR POWER. PERHAPS, MOST
5 EFFECTIVELY THIS CAN BE DONE BY DEFERRING ANY ACTION
6 UNTIL, FOR EXAMPLE, THE STATE WATER QUALITY CONTROL BOARD
7 HAS AN OPPORTUNITY TO EXPLORE THE ISSUES RELATED TO EARTH
8 MOVEMENT, LANDSLIDE DEBRIS, WATER QUALITY CONTAMINATION
9 OF THE AQUIFER, AND SO ON.

10 WHEN THEY HAVE PROPERLY AND FULLY
11 INVESTIGATED THESE ISSUES AND HAVE ARRIVED AT WHATEVER
12 CONCLUSION THEY MAY ARRIVE AT, THEN I THINK IT WOULD BE
13 APPROPRIATE FOR YOU TO SAY "YES" OR "NO." AT THIS TIME I
14 WOULD THINK A DEFERRAL MIGHT BE MORE APPROPRIATE, AND YOU
15 WOULD THEN BE HELPING TO ASSURE THAT BY NOT TAKING
16 ACTION.

17 BOARD MEMBER RELIS: THANK YOU.

18 CHAIRMAN HUFF: YOU ARE FAMILIAR WITH THE LAW
19 WHEREIN WE HAVE 60 DAYS?

20 MAYOR CURRIE: YOU HAVE 60 DAYS. I WOULD URGE
21 YOU TO TAKE ALL 60, IF THAT IS APPROPRIATE, AND THERE
22 ISN'T SOME EVIDENCE BEFORE YOU BEFORE THEN, RECOGNIZING
23 THAT IT'S YOUR PREROGATIVE. THE STATE BOARD SHOULD BE
24 ACTING, I WOULD ASSUME, LONG BEFORE THAT. FOR EXAMPLE,
25 WE WOULD PREFER TO SEE THE HEARING IN OAKLAND RATHER THAN



1 IN REDDING, AND I THINK THAT'S STILL WITHIN THE TIME
2 PARAMETERS WITHIN WHICH YOU CAN ACT AND THE BOARD CAN
3 ACT.

4 CHAIRMAN HUFF: REDDING IS NICE THIS TIME OF
5 YEAR.

6 MAYOR CURRIE: I HAVE BEEN THERE, BUT IT MIGHT
7 BE A LITTLE BIT OF A TRIP. I WOULDN'T MIND MAKING THE
8 TRIP, BUT IT MIGHT BE A LITTLE BIT OF A TRIP FOR SOME OF
9 OUR PEOPLE.

10 BOARD MEMBER EGIGIAN: MR. CHAIRMAN?

11 CHAIRMAN HUFF: YES.

12 BOARD MEMBER EGIGIAN: IF WE'RE TALKING ABOUT
13 WHEN THE CLOCK STARTED, AND I KNOW WE HAD DISCUSSION WITH
14 OUR ATTORNEY HERE; HOWEVER, I'M JUST WONDERING WHETHER OR
15 NOT WE'RE USING THE SAME CLOCK THAT WE'VE USED ON EVERY
16 OTHER THING THAT WE'VE DONE AROUND HERE AND WHETHER OR
17 NOT IT SHOULD BE STARTING ON THE 3D OF MARCH INSTEAD OF
18 WHEN THIS PERMIT WAS ACTUALLY PRESENTED, FEBRUARY 5TH,
19 1992.

20 I'D LIKE TO, NOT TO HEAR TODAY, BUT I'D
21 LIKE TO GET INTO SOME DISCUSSION BECAUSE IN THE FUTURE
22 WE'RE GOING TO RUN INTO THIS THING. I JUST WANTED TO ASK
23 THE MAYOR. DO YOU HAVE ANY LANDFILLS IN PITTSBURG?

24 MAYOR CURRIE: WE HAVE HAD IN THE PAST. THE
25 CLOSEST LANDFILL TO US IS WHAT THEY CALL THE GBF



1 LANDFILL, THE GARAVENDI LANDFILL, WHICH IS SOUTH OF THE
2 CITY OF PITTSBURG IN THE CITY OF ANTIOCH. THAT ONE IS
3 THE ONE THAT HAS INDICATED IT WOULD BE CLOSING AT THE END
4 OF THIS MONTH.

5 BOARD MEMBER EGIGIAN: AND WHERE WILL YOUR TRASH
6 GO THEN?

7 MAYOR CURRIE: I CAN SPECULATE. THE GARAVENDI
8 PEOPLE, OBVIOUSLY, WOULD HAUL IT TO ONE OF THE OTHER
9 LANDFILL SITES.

10 BOARD MEMBER EGIGIAN: THANK YOU.

11 MAYOR CURRIE: WE HAVE A CONTRACT WITH THE
12 GARBAGE PEOPLE AND THEY HAUL IT TO THE SITE.

13 BOARD MEMBER EGIGIAN: THIS IS JUST LIKE IT'S
14 ALWAYS BEEN. I PUT MY TRASH ON THE CURB FRIDAY. IT'S
15 GONE. I DON'T ASK MY QUESTIONS. I PUT IT OUT THE NEXT
16 FRIDAY, AND IT'S GONE AGAIN. WE'VE TURNED THE CORNER
17 NOW. WE HAVE TO START ASKING QUESTIONS. WE HAVE TO TAKE
18 RESPONSIBILITY FOR OUR OWN ACTIONS. A LOT OF CITIES ARE
19 TRYING TO AVOID THIS RESPONSIBILITY, SO I THOUGHT IT WAS
20 ONLY PROPER THAT I ASK THAT QUESTION. THANK YOU, MR.
21 MAYOR.

22 MAYOR CURRIE: YOU'RE QUITE WELCOME. I NOTE
23 YOUR COMMENT, AND BE ASSURED THAT WE ARE VERY MUCH
24 CONCERNED. WE HAVE CONTROL OF OUR WASTESTREAM. WE HAVE
25 NOT TURNED IT OVER, SO WE HAVE THE ABILITY TO DIRECT IT



1 IF THAT'S APPROPRIATE.

2 MAY I INTRODUCE SHARON CRESSWELL?

3 MS. CRESSWELL: TO THE COMMITTEE MEMBERS, MY
4 NAME IS SHARON CRESSWELL, AND I AM ASSISTANT TO
5 SUPERVISOR TOM TORLAKSON. UNFORTUNATELY, SUPERVISOR
6 TORLAKSON HAD A LAFCO HEARING TODAY AND COULD NOT BE WITH
7 US, BUT HE ASKED ME TO SHARE WITH YOU A LETTER, AND I
8 WILL LEAVE IT WITH YOU FOR YOUR REVIEW.

9 WITH ALL DUE RESPECT TO THE PREVIOUS
10 SPEAKER, SUPERVISOR TORLAKSON LIVES IN AND REPRESENTS
11 EAST COUNTY. ALL OF THE FIVE SITES THAT WERE FINALIZED
12 AS THE MOST VIABLE SITES IN CONTRA COSTA COUNTY ARE IN
13 OUR DISTRICT. SUPERVISOR TORLAKSON HAS SPENT A LOT OF
14 TIME IN FOUR-WHEEL VEHICLES, IN HELICOPTERS, AND WITH
15 HIKING BOOTS ON, AND HAS HAD A GREAT DEAL OF INTEREST IN
16 FINDING THE MOST VIABLE SITE THAT WOULDN'T DIRECTLY
17 IMPACT OUR CONSTITUENTS.

18 HE IS ALSO VERY COGNIZANT OF THE TIME FRAME
19 AND HAS BEEN WORKING VERY HARD WITH OUR COMMITTEES AND
20 WITH OUR BOARDS AND WITH OUR STAFF TO TRY TO FIND A
21 SUITABLE LANDFILL SITE WITHIN THE TIME FRAME THAT WOULD
22 NOT HAVE A SIGNIFICANT IMPACT ON OUR RESIDENTS, AND
23 PARTICULARLY, EXISTING HOMES, PEOPLE, AND PARKS.

24 HE ASKED ME JUST TO THE LEAVE ONE MESSAGE
25 WITH YOU TODAY, AND THAT IS GIVEN THAT NOTHING IS PERFECT



1 AND THAT ALL LINERS MAY LEAK AT ONE TIME OR ANOTHER, AS
2 LONG AS THE REMOTEST CHANCE IS THERE THAT OUR WATER
3 QUALITY IN EAST CONTRA COSTA COUNTY MIGHT BE IMPACTED, WE
4 NEED TO WEIGH CAREFULLY THE INFORMATION AND THE EVIDENCE
5 BEFORE US. AND THAT'S WHAT HE HAS DONE IN HIS ROLE AS
6 SUPERVISOR.

7 AND JUST TO READ A BRIEF EXCERPT, BECAUSE
8 THE HOUR IS GROWING LATE: "THE ENVIRONMENT AND THE
9 PEOPLE OF PITTSBURG NEED TO BE FULLY PROTECTED. THE LAWS
10 FOR GROUNDWATER PROTECTION AND WATER QUALITY PROTECTION
11 MUST BE FULLY IMPLEMENTED AND GUARANTEED FULLY IN PLACE.
12 SEVERAL ASSESSMENTS BY QUALIFIED PROFESSIONALS HAVE
13 QUESTIONED THE LANDFILL'S LONG-TERM STABILITY." AND HE
14 SAYS, "I AM EXTREMELY CONCERNED ABOUT THE SAFETY OF MY
15 CONSTITUENTS WHO LIVE DIRECTLY BELOW THE PROPOSED
16 LANDFILL. FAILURE OF THE TOE BERM COULD BE A MAJOR
17 CATASTROPHE TO THOSE RESIDENTS LIVING DIRECTLY BELOW IT."

18 THIS IS HIS CONCERN, AND I LEAVE THIS
19 LETTER WITH YOU TODAY. THANK YOU FOR YOUR TIME.

20 MAYOR CURRIE: THANK YOU, MS. CRESSWELL.

21 I'D NEXT LIKE TO CALL MR. BRUCE LIVINGSTON,
22 IF THERE ARE NO QUESTIONS. MR. LIVINGSTON IS WITH CLEAN
23 WATER ACTION. MR. LIVINGSTON?

24 MR. LIVINGSTON: I BELIEVE YOU HAVE A COPY OF MY
25 STATEMENT. I'D LIKE TO READ THIS FOR THE PUBLIC HERE.



1 I'M BRUCE LIVINGSTON, CALIFORNIA DIRECTOR OF CLEAN WATER
2 ACTION. THANK YOU FOR THE OPPORTUNITY TO TESTIFY BEFORE
3 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. CLEAN
5 WATER ACTION IS A 20-YEAR-OLD NATIONAL ORGANIZATION,
6 ENVIRONMENTAL ORGANIZATION, WITH 900,000 MEMBERS
7 THROUGHOUT THE COUNTRY. WE HAVE 35,000 MEMBERS IN THE
8 BAY AREA ALONE. CLEAN WATER ACTION HAS A LONG HISTORY IN
9 THE ENACTMENT AND ENFORCEMENT OF THE CLEAN WATER ACT AND
10 TOXICS AND WASTE ISSUES.

11 WE ARE HERE TODAY TO OPPOSE THE ISSUANCE OF
12 AN OPERATING PERMIT FOR THE KELLER CANYON LANDFILL.
13 CLEARLY, SUCH AN ACTION, IF APPROVED BY THE INTEGRATED
14 WASTE MANAGEMENT BOARD, WOULD SEND THE WRONG MESSAGE TO
15 WASTE COMPANIES. SERIOUS CONCERNS HAVE BEEN RAISED BY
16 THE STATE WATER RESOURCES CONTROL BOARD, BY THEIR STAFF,
17 WHICH ECHO THE CITIZENS OF THE CITY OF PITTSBURG'S
18 COMPLAINTS. THERE ARE SERIOUS DOUBTS THIS FACILITY,
19 WHICH IS BEING BUILT ON UNSTABLE SOILS, WILL INDEED
20 CONTAIN THE WASTE. THE PROBLEM IS WASTE CONTAINMENT
21 HERE.

22 APPROVING THE OPERATION OF THIS FACILITY
23 WOULD SEND A MESSAGE TO DUMP COMPANIES THAT CALIFORNIA IS
24 NOT SERIOUS ABOUT WASTE CONTAINMENT AND WATER QUALITY
25 PROTECTION. A PRUDENT DECISION DEMANDS THAT THIS



1 COMMITTEE RECOMMEND TO THE BOARD TO WAIT UNTIL THERE IS A
2 FULL PUBLIC DISCUSSION OF THE STABILITY AND WATER QUALITY
3 ISSUES. THIS PRUDENT DECISION WOULD ENSURE THAT THE
4 STATE AND LOCALS WOULD NOT BE SADDLED WITH AN UNSAFE DUMP
5 ALREADY LOADED WITH GARBAGE. THERE'S NO REASON TO RUSH
6 THIS PERMIT. GROUNDWATER SUPPLIES ARE AT RISK. THE
7 SACRAMENTO RIVER AND THE NEARBY MARSH ARE AT RISK, AND
8 POTENTIALLY THE DRINKING WATER SUPPLIES OF DOWNGRADIENT
9 RESIDENTS ARE AT RISK.

10 WE URGE YOU TO DELAY PERMITTING THIS
11 FACILITY FOR OPERATION UNTIL THESE VERY SERIOUS CONCERNS
12 OF SAFETY, STABILITY, WASTE CONTAINMENT, AND WATER
13 QUALITY DEGRADATION ARE ANSWERED.

14 THANK YOU VERY MUCH FOR THE CHANCE TO
15 ADDRESS YOU. DO YOU HAVE ANY QUESTIONS?

16 BOARD MEMBER RELIS: I HAVE A QUESTION HERE.
17 MR. LIVINGSTON, YOU'VE STATED THAT YOU HAVE A CONCERN
18 HERE ABOUT THE WATER QUALITY IMPACTS. WHAT IS IT THAT
19 WOULD NEED TO BE DEMONSTRATED? YOU KNOW THAT WE HAVE A
20 REQUIREMENT TO ASSURE ADEQUATE LANDFILL CAPACITY --

21 MR. LIVINGSTON: THAT'S RIGHT.

22 BOARD MEMBER RELIS: -- SO THAT'S ONE OF THE
23 MANDATES OF OUR BOARD APART FROM THE DIVERSION AND
24 REDUCTION REQUIREMENTS. IS THERE SOME SUGGESTION HERE AS
25 TO WHAT YOU SEE OUR OPTIONS BEING?



1 MR. LIVINGSTON: IT SEEMS LIKE YOU HAVE A NUMBER
2 OF REQUIREMENTS. YOU HAVE REQUIREMENTS FOR FUNDING,
3 CAPACITY, FOR REDUCING AND RECYCLING UNDER THE AB 939
4 PROCESS, AND YOU HAVE REQUIREMENTS FOR PROTECTING WATER
5 QUALITY. WE SHOULD BE CONCERNED ABOUT THAT LEAKAGE WHICH
6 WILL INEVITABLY OCCUR BOTH TO THE GROUNDWATER IMMEDIATELY
7 BENEATH IT AND TO THE AQUIFER UNDERNEATH PITTSBURG.

8 THIS MAY NOT BE THE RIGHT SITE. THIS IS
9 NO. 5 IN FIVE POSSIBLE DUMP SITES THAT WERE LOOKED AT,
10 AND MAYBE THE RESEARCH JOB HAS NOT BEEN COMPLETED YET.
11 WE'RE A LONG WAY FROM WHERE WE WERE FIVE OR TEN YEARS AGO
12 WHEN WE STARTED LOOKING AT SITES. WE NOW HAVE VERY
13 SERIOUS GOALS FOR REDUCING THE AMOUNT OF GARBAGE. IT IS
14 MUCH MORE EXPENSIVE. THIS SITE AND THE ALTAMONT PASS
15 SITE ARE VERY EXPENSIVE SITES TO PLACE GARBAGE INTO.
16 MAYBE WE BETTER KEEP LOOKING.

17 IN THE MEANTIME, WE BETTER LOOK AT THE
18 STRINGENT STANDARDS WE HAVE SET FOR PROTECTING OUR WATER
19 QUALITY, FOR LINERS FOR PROTECTING IT FROM THE UNSAFE
20 LAND, MAKING SURE THAT IT IS NOT SUSCEPTIBLE TO
21 LANDSLIDES. SO MAYBE WE SHOULD LOOK AT ANOTHER SITE, BUT
22 FOR RIGHT NOW, I THINK WE SHOULD GO AHEAD AND WAIT UNTIL
23 THE WATER BOARD GETS A CHANCE TO LOOK AT IT AND REVIEW
24 THE RESEARCH THAT THEIR STAFF HAS GIVEN THEM.

25 BOARD MEMBER RELIS: THANK YOU.



1 CHAIRMAN HUFF: ANY OTHER QUESTIONS? WERE YOU
2 GOING TO INTRODUCE OTHERS?

3 MAYOR CURRIE: I'M JUST GOING TO INTRODUCE THEM,
4 UNLESS YOU PREFER TO DO IT.

5 CHAIRMAN HUFF: I PREFER THAT YOU DO IT, QUITE
6 FRANKLY. I THINK YOU MAY WELL HAVE MORE NAMES THAN I DO.

7 MAYOR CURRIE: NEXT, I'D LIKE TO INTRODUCE MR.
8 WARREN SMITH. MR. SMITH LIVES ON BAILEY ROAD AND IS A
9 LIFETIME RESIDENT OF THE AREA. MR. SMITH?

10 MR. SMITH: THANK YOU, MR. MAYOR.

11 MR. CHAIRMAN, MEMBERS OF THE BOARD, LADIES
12 AND GENTLEMEN, MY NAME IS WARREN SMITH. MY ADDRESS IS
13 1100 BAILEY ROAD. I'M A REGISTERED PROFESSIONAL ENGINEER
14 WITH THE STATE OF CALIFORNIA. I DON'T WORK FOR THE
15 STATE, BUT I'M REGISTERED WITH THEM. I TAKE MY LICENSE
16 BY THE DOOR OPENING COMMENTS OF SOME OF THE STAFF HERE,
17 AND I'D LIKE TO REBUT THEM AND GIVE YOU SOME ADDITIONAL
18 INFORMATION.

19 FIRST, I'LL DESCRIBE OUR RANCH. OUR RANCH
20 IS CONTIGUOUS TO THIS KELLER LANDFILL. THEY'RE TO THE
21 DIRECT EAST OF US. WE'RE SOME 3500 FEET, GIVE OR TAKE A
22 COUPLE OF INCHES, AND WE HAVE OCCUPIED THIS RANCH FOR
23 OVER 20 YEARS. WE RUN CATTLE, AND WE HAVE A SPRING ON
24 THE PROPERTY THAT, DURING THE DROUGHT YEARS, WOULD
25 DELIVER SOME 5 GPM OF WATER. NOW, THIS IS DURING THE



1 HEIGHT OF THE FIRST DROUGHT, '77/'78. IT NEVER LESSENER.

2 AS TO THE COMMENTS ABOUT IT BEING A POOR
3 QUALITY OF WATER, WE'VE BEEN DRINKING IT FOR 20 YEARS AND
4 WE'RE STILL HERE. AND OUR CATTLE, TOO. THEY GET FAT.
5 AND THE ONLY THING THAT BOTHERS MY ANIMALS, I HAD TO GET
6 RID OF MY HOGS BECAUSE OF THIS LANDFILL. CAN YOU IMAGINE
7 TRYING TO KEEP A HERD OF HOGS HOME WITH GARBAGE ACROSS
8 THE STREET?

9 MAYOR CURRIE REFERRED TO A LANDSLIDE THAT
10 OCCURRED ON BAILEY ROAD A COUPLE OF YEARS AGO. THIS
11 LANDSLIDE TOOK OUT ALL OF BAILEY ROAD RIGHT OPPOSITE
12 THOSE BEAUTIFUL PICTURES YOU SAW OF THAT NEW PAVING, THE
13 MAIN ENTRANCE TO THIS LANDFILL. ANOTHER LANDSLIDE OCCURS
14 YEARLY UP IN THE NORTH CORNER OF THE HILL THAT SEPARATES
15 ME AND THIS GARBAGE. THAT'S CONSTANT, UNSTABLE SOIL.
16 THE SOIL IN THAT AREA IS UNSTABLE, AND I DON'T KNOW
17 WITHOUT PILING CONCRETE ON CONCRETE CAN YOU MAKE IT
18 STABLE. YOU JUST TAKE A RIDE UP THERE AND SEE THAT SOIL.
19 YOU'LL SEE THE BIG POCKETS WHERE THIS SOIL HAS SLID.

20 NOW, THE OTHER STATEMENT I WOULD LIKE TO
21 MAKE, THAT THE DOOR WAS OPENED TO ME FOR, WAS THAT THIS
22 KELLER LANDFILL IS COMPATIBLE WITH SURROUNDING PROPERTY.
23 I NEVER SAW A GARBAGE DUMP THAT WAS COMPATIBLE TO A HOME
24 600 FEET AWAY. THAT'S HOW CLOSE SOME OF THESE HOMES ARE,
25 600 FEET. THERE'S SOME 20,000 PEOPLE THAT ARE DIRECTLY



1 AFFECTED BY THIS LANDFILL. AND IN FACT, WE TRIED TO SELL
2 93 ACRES OF OUR RANCH, AND WE HAD THE PRICE REDUCED BY
3 ONE AND A QUARTER MILLION DOLLARS, AND THIS IS
4 COMPATIBILITY?

5 WELL, THE ONE OTHER LITTLE PHYSICAL THING
6 I'D LIKE TO BRING TO YOUR ATTENTION, A COUPLE OF YEARS
7 AGO WE HAD A WIND STORM. IT BLEW SO STRONGLY FROM THE
8 NORTH THAT IT BLEW A 6-FOOT DIAMETER BY 20-FOOT LONG
9 STEEL CULVERT 300 FEET OVER INTO MY NEIGHBOR'S PASTURE.
10 THE VELOCITY TO THE WIND REACHED 102 MILES AN HOUR.
11 THAT'S NOT BY MY -- I DIDN'T WET MY FINGER AND HOLD IT
12 UP. I WANTED TO HOLD ONTO THAT FINGER.

13 I JUST BEG YOUR INDULGENCE BECAUSE I
14 HAVEN'T BEEN ABLE TO TAKE MY MEDICINE, AND I'VE HAD
15 CANCER FOR 27 YEARS, SO BEAR WITH ME A LITTLE BIT. I
16 WANT TO TAKE NANCY FAHDEN TO TASK. NANCY FAHDEN FIGURES
17 IN THIS. MR. GORDON DID NOT STATE ABOUT THE EXISTING
18 CONFLICT OF INTEREST CHARGE AGAINST THE REGIONAL WATER
19 CONTROL BOARD. THE CHIEF ENGINEER'S WIFE WORKS FOR THE
20 OUTFIT THAT WANTED THE PERMIT. AND HE, VERY, VERY NOBLY
21 SAID HE BOWED OUT OF THE PICTURE. WELL, I GOT A LOT
22 OF THAT STUFF DOWN IN MY SOUTH PASTURE WHERE I KEEP MY
23 BULLS. AND NANCY, BLESS HER HEART, IF SHE'S GOT ONE,
24 ADMITTED PUBLICLY THAT SHE TOOK, HAD RECEIVED MONEY FROM
25 THE PROPONENTS. NOW, THESE CONFLICTS OF INTEREST SHOULD



1 DELAY ANY HEARING WITH NO OTHER EVIDENCE THAN TO LOOK
2 INTO THE SEVERITY OF THEM.

3 THE OTHER THING I JUST WANT TO FINISH UP ON
4 THE WATER FLOW. WE HAVE A -- OUR DRIVEWAY ENDS AT THE
5 END OF A 300-FOOT RAVINE. WE HAD A RAIN STORM NOT TOO
6 LONG AGO AND LITTLE MORE THAN THIS CLOUDBURST, THIS GULLY
7 WASHER THAT WE JUST HAD. WE HAD PLENTY OF WATER COMING
8 DOWN THEN. BUT THE ONE PRECEDING THAT, OUR DRIVEWAY IS
9 30 FEET WIDE. AND IF YOU STEPPED OUT INTO THAT DRIVEWAY
10 WITH THE WASH FROM THIS 300-FOOT GULLY NOW, THIS IS NOT
11 DRAINING THE HILLSIDES OR ANYTHING, THIS IS ONE LITTLE
12 GULLY. THAT WATER WENT OVER THE TOP OF YOUR SHOES ABOUT
13 6 INCHES DEEP. NOW, THAT'S JUST A GULLY WASHER, AND,
14 BOY, IT SURE WASHED THE HELL OUT OF THAT GULLY, I'LL TELL
15 YOU.

16 WE HAVE ANOTHER STATEMENT THAT THIS SITE IS
17 NOT WITHIN THE SPHERE OF INFLUENCE OF PITTSBURG. MY
18 RANCH IS WITHIN THE SPHERE OF PITTSBURG, AND IT'S RIGHT
19 ACROSS THE STREET, AND THE PROPERTY LINES ARE CONTIGUOUS
20 ON THE EAST SIDE. THAT'S WITHIN THE SPHERE OF PITTSBURG.
21 AND WE'RE SEVEN-TENTHS OF A MILE UP FROM THEIR MAIN
22 ENTRANCE, SO YOU FOLKS HAVE BEEN GIVEN A LOT OF
23 MISINFORMATION, AND WE JUST ASK -- ANOTHER THING.

24 PLEASE STRAIGHTEN ME OUT ON THIS ONE. I'VE
25 HEARD OTHER ENGINEERS UP HERE AND I'VE HEARD OTHER PEOPLE



1 AND GORDON UP HERE TESTIFYING. ONE TESTIFIED THAT THE
2 CLAY LINER WAS GOING TO BE 2 FOOT DEEP AND 2 FOOT THICK.
3 THE NEXT ONE GOT UP AND SAY IT'S GOING TO BE FOUR FOOT.
4 WHO THE HELL'S TELLING THE TRUTH? HOW THICK IS THAT
5 LINER GOING TO BE? DO THEY KNOW? IF THEY DON'T KNOW,
6 THEY'VE GOT NO BUSINESS RUNNING A GARBAGE DUMP.

7 NOW, WE HAVE ANOTHER PET OF MINE, THE
8 LUNATIC CRINGE. SIERRA CLUB COMES DOWN HERE. THEY LIVE
9 IN BERKELEY. THEY COME OVER HERE AND TELL US WHAT TO DO
10 IN PITTSBURG. IF THEY LIKE THIS GARBAGE DUMP, I'LL SELL
11 MY PROPERTY TO THEM RIGHT NOW. LET THEM LIVE RIGHT NEXT
12 DOOR TO IT. LET THEM PUT UP WITH WHAT THEY ADVOCATE
13 INSTEAD OF STANDING OVER ON THE STREET CORNER OR BEHIND
14 MOM AND CALLING THE KIDS THAT CHASED THEM HOME DIRTY
15 NAMES. NOW, I'M RUNNING OUT OF GAS.

16 OH, THERE'S ONE THING ON THESE LINERS.
17 THAT'S A SEISMIC AREA. THAT IS A SEISMIC AREA AND THERE
18 ARE NO STATISTICS THAT HAVE BEEN OFFERED TO WHAT DAMAGE
19 WOULD OCCUR TO THE AQUIFER OR ANY OF THE OTHER DRAINAGE
20 WHEN THE MEMBRANES RUPTURE. IT DOESN'T TAKE AN AWFUL LOT
21 TO RUPTURE THOSE MEMBRANES, I DON'T CARE, IN HILLSIDES
22 LIKE THAT.

23 SO GENTLEMEN, WITHOUT FURTHER ADIEU AND
24 NAME-CALLING, TRUE AS IT MAY BE, I ASK YOU TO DEFER
25 ACTION AS LONG AS YOU POSSIBLY CAN UNTIL ALL THE FACTS



1 ARE IN. THANK YOU.

2 CHAIRMAN HUFF: HOW IS THE PAPER IN YOUR
3 MACHINE? IT SEEMS TO ME IT HAS TO BE CHANGED.

4 MR. SMITH: YOU MEAN AFTER THAT?

5 CHAIRMAN HUFF: LET'S TAKE A FIVE-MINUTE PAPER
6 BREAK.

7 (A BREAK WAS TAKEN.)

8 CHAIRMAN HUFF: RECESS IS NOW OVER.

9 IS JOHN SMITH STILL IN THE ROOM? SAM, JOHN
10 IS HERE TO RESPOND TO YOUR QUESTION ABOUT THE LAWSUIT,
11 OKAY?

12 BOARD MEMBER EGIGIAN: OH, YES. OKAY.

13 MR. SMITH: MR. CHAIRMAN, IT DEPENDS ON WHICH
14 LAWSUIT YOU'RE TALKING ABOUT.

15 CHAIRMAN HUFF: SAM, TELL HIM WHICH LAWSUIT.

16 MR. SMITH: THE ONE WITH THE BOARD AND THE
17 COUNTY OVER THE DELINQUENT COSWMP?

18 BOARD MEMBER EGIGIAN: YES.

19 MR. SMITH: THAT LAWSUIT WAS RESOLVED WHEN THEY
20 DELIVERED THEIR COSWMP TO US IN DECEMBER OF 1989.

21 BOARD MEMBER EGIGIAN: I WAS READY TO PASS SOME
22 FINES.

23 CHAIRMAN HUFF: OKAY. THANK YOU.

24 MR. MAYOR, HAVE YOU ORGANIZED --

25 MAYOR CURRIE: WELL, I THINK WE'RE READY TO GO.



1 YES, SIR.

2 CHAIRMAN HUFF: LET'S FIRE IT UP.

3 MAYOR CURRIE: THE NEXT SPEAKER I'D LIKE TO
4 INTRODUCE IS REVEREND TIMMONS. HE IS A MINISTER IN THE
5 PITTSBURG AREA AND CHAIRMAN OF THE MINISTERIAL ALLIANCE.

6 REVEREND TIMMONS.

7 CHAIRMAN HUFF: MR. MAYOR, DID YOU TAKE MY
8 SHEETS OF PAPER? OH, OKAY. NEVER MIND. I HANDED THESE
9 TO SOMEONE AND I WANTED TO MAKE SURE I KEPT THEM BECAUSE
10 THIS HELPS US WITH THE SPELLING OF NAMES.

11 MAYOR CURRIE: I'M GENERALLY LIGHT FINGERED, BUT
12 I DIDN'T TAKE THAT.

13 REVEREND TIMMONS: THANK YOU, MR. MAYOR.

14 MR. CHAIRMAN AND BOARD MEMBERS, I'M
15 REVEREND CURTIS A. TIMMONS. I AM THE PRESIDENT OF THE
16 INTERDENOMINATIONAL MINISTERIAL ALLIANCE OF PITTSBURG,
17 WHICH IS MADE UP OF APPROXIMATELY 25 PASTORS AND CLERGY
18 FROM THE AREA. WE HAVE MANY THOUSANDS OF OUR MEMBERS
19 THAT ARE MEMBERS OF OUR CONGREGATION THAT LIVE IN THE
20 PITTSBURG/ANTIOCH AREA. PARDON ME.

21 I HAVE A GREAT CONCERN HERE THIS AFTERNOON.
22 I'VE LISTENED FOR SOME HOURS NOW TO THE PROPONENTS AND
23 OTHERS SPEAK ON BEHALF OF THE KELLER CANYON LANDFILL
24 SITE, AND I'VE LISTENED VERY ANXIOUSLY FOR ONE PARTICULAR
25 POINT TO BE BROUGHT OUT. UNLESS I'M MISTAKEN, I HAVE NOT



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Barristers'
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1 HEARD ONE SINGLE INDIVIDUAL IN THE SLIGHTEST BRING ANY
2 THOUGHT TO THE FACT OF CONSIDERING THE IMPACT THAT THE
3 PLACEMENT OF DUMP SITES AND LANDFILLS ARE MAKING UPON,
4 ESPECIALLY, THE MINORITY COMMUNITIES. I WANT TO
5 EMPHASIZE THAT, AND I KNOW I'M A PREACHER, AND PREACHERS
6 ARE KNOWN TO TALK. I'M NOT GOING TO LIVE UP TO THAT
7 REPUTATION TODAY; I'M GOING TO MAKE IT VERY BRIEF.

8 THE PLACEMENT OF A DUMP AT KELLER CANYON IS
9 AN EXAMPLE OF TOXIC RACISM. BY THAT I MEAN, CONTRA COSTA
10 COUNTY IS MADE OF UP OF PREDOMINANTLY 70 PERCENT WHITES.
11 THE CITY OF PITTSBURG IS APPROXIMATELY 52 PERCENT OR MORE
12 MINORITY. THERE IS NO SECRET WHY MANY PEOPLE FIND OUR
13 CITY SO APPEALING FOR DUMPS BECAUSE THEY FEEL THAT WITH
14 IT BEING PREDOMINANTLY A MINORITY COMMUNITY, NOBODY IS
15 GOING TO SAY ANYTHING. OR IT LEAVES THE PEOPLE WHO ARE
16 MINORITIES FEELING THAT THEY'RE NOT IMPORTANT.

17 WE'VE HAD TO FIGHT OFF APPROXIMATELY FOUR
18 DUMPS, OR POTENTIAL DUMPS, TO BE PLACED IN THE PITTSBURG
19 AREA, JUST PITTSBURG ALONE. IF CONTRA COSTA COUNTY IS 70
20 PERCENT WHITE, WHY IS IT A CITY LIKE PITTSBURG, WHICH IS
21 52 PERCENT MINORITY, IS PREDOMINANTLY THE PLACE OF CHOICE
22 FOR SUCH LANDFILLS AND THE PLACE OF CHOICE FOR SUCH
23 PLACES AS DUMPS?

24 THERE ARE THOSE WHO WOULD SAY THAT OUR
25 OPPOSITION IS JUST NIMBY; IN OTHER WORDS, WE DON'T WANT



1 IT IN OUR BACK YARD. OF COURSE, WE DON'T WANT A DUMP IN
2 OUR BACK YARD. WHO WOULD? YOU WOULDN'T. I DON'T.
3 ANYONE ELSE WOULDN'T. BUT WE DO UNDERSTAND THAT THERE IS
4 A NEED FOR A LANDFILL. COMMON SENSE DICTATES THAT.

5 BUT IN MY OPINION AND IN THE OPINION OF
6 MANY PEOPLE THAT I'VE TALKED TO, IT'S NOT REALLY IN THIS
7 CASE NIMBY, BUT I WOULD BETTER SAY IT'S PIMBY. WHAT DOES
8 THAT MEAN, REVEREND TIMMONS? PUT IT IN THE MINORITIES'
9 BACK YARD. WHEN THERE'S NO OTHER PLACE, NOBODY ELSE
10 WANTS IT, PUT IT IN THE MINORITIES' BACK YARD. SEVENTY
11 PERCENT, AGAIN, I EMPHASIZE THAT, OF THE COUNTY IS WHITE.

12 WHY ARE PREDOMINANTLY ALL OF THE LANDFILLS
13 BEING PLACED TOWARD MINORITY COMMUNITIES? TO ME THERE'S
14 AN OBVIOUS REASON FOR THAT. IT HAS BEEN DOCUMENTED BY
15 THE GENERAL ACCOUNTING OFFICE AND OTHERS THROUGHOUT THIS
16 COUNTRY THAT BLACKS, HISPANICS, AND OTHER MINORITIES ARE
17 VICTIMIZED BY THE PLACEMENT OF JUNKYARDS, TOXIC DUMPS,
18 AND LANDFILLS NEXT TO THEIR HOMES. HOW CAN WE FIGHT THE
19 RAVAGING OF POVERTY AND POOR EDUCATION, OF SUBSTANCE
20 ABUSE, WHEN WE HAVE TO FIGHT GARBAGE TOO? WE'RE ASKING
21 YOU TO, PLEASE, IN YOUR CONSIDERATION OF CHOOSING A SITE,
22 PLEASE TAKE THIS ONE THOUGHT INTO CONSIDERATION.
23 THE MINORITY COMMUNITY HAVE HAD MORE THAN THEIR SHARE,
24 MORE THAN THEIR SHARE OF LANDFILLS NEXT TO OUR HOMES.

25 I DON'T BELIEVE THAT IF THIS PROPOSAL WAS.



1 FOR INSTANCE, TO BE PUT UP NEXT TO A COMMUNITY LIKE
2 BLACKHAWK, I DOUBT VERY SERIOUSLY IF IT WOULD HAVE EVER
3 GOTTEN THIS FAR. I DOUBT VERY SERIOUSLY IF IT EVER WOULD
4 HAVE GOTTEN OFF THE PAPER, THE PROPOSAL. BUT AGAIN,
5 BECAUSE IT'S A PREDOMINANTLY MINORITY COMMUNITY, PUT IT
6 THERE. I HOPE THAT YOU WILL TAKE THAT INTO
7 CONSIDERATION. LOOK AT THE HISTORY OF LANDFILLS AND DUMP
8 SITES IN CONTRA COSTA COUNTY AND SEE WHERE THEY HAVE BEEN
9 PLACED. CHECK THE RECORD, NOT ONLY IN CONTRA COSTA
10 COUNTY, BUT CHECK THE RECORD OF THIS STATE AND THIS
11 NATION. WHEN NOBODY ELSE WANTS IT, WE END UP WITH IT.

12 AND WE'RE ASKING FOR YOU TO MAKE A SOUND
13 STATEMENT TO CONTRA COSTA MINORITY COMMUNITIES THAT YOU
14 DO COUNT, THAT YOU ARE PEOPLE, THAT YOU ARE HUMAN BEINGS,
15 AND WE REPRESENT YOU JUST LIKE WE REPRESENT EVERYONE
16 ELSE. THANK YOU.

17 CHAIRMAN HUFF: THANK YOU. THANK YOU. I DON'T
18 KNOW IF I CAN FORM THIS IN THE WAY OF A QUESTION. I
19 PROBABLY CAN'T, SO LET ME JUST MENTION TO YOU, SIR, LAST
20 MONTH THIS BOARD DID SITE A LARGE, LARGER THAN THIS ONE,
21 SOLID WASTE LANDFILL IN THE LOS ANGELES COMMUNITY, AND WE
22 HAD A NUMBER OF PEOPLE WHO WERE OPPOSED TO THAT. AND I
23 CAN SAY THAT DURING THE COURSE OF THAT MEETING, I DON'T
24 BELIEVE A SINGLE MEMBER OF ANY ETHNIC MINORITY APPEARED
25 BEFORE THIS BOARD IN OPPOSITION BECAUSE THE LANDFILL WAS



1 SITED IN THE GRANADA HILLS SECTION OF LOS ANGELES, AND
2 THAT'S A WELL-TO-DO NEIGHBORHOOD. IT, TOO, ENDED UP WITH
3 A DUMP. I'M NOT GOING TO TELL YOU ALL DUMPS ARE LOCATED
4 IN WELL-TO-DO AREAS OR POOR AREAS, AND I'M NOT GOING TO
5 TELL YOU THAT ENVIRONMENTAL RACISM DOESN'T EXIST, BUT I'M
6 GOING TO TELL YOU THAT THIS COMMITTEE AND THIS BOARD IS
7 BLIND WHEN IT COMES TO THAT ISSUE.

8 AND PERHAPS MR. RELIS OR MR. EGIGIAN HAS
9 SOMETHING ELSE TO ADD.

10 BOARD MEMBER RELIS: I WAS JUST GOING TO
11 REFERENCE THE SAME THING. I'M AWARE OF MANY FACILITIES
12 BEING PUT IN IN LOW-INCOME MINORITY AREAS. THAT HAS BEEN
13 A PROBLEM. I THINK WHAT MR. HUFF SAID, THOUGH, IS TRUE.
14 MANY OF THE LANDFILL SITINGS THAT LIE BEFORE US, IN FACT,
15 ARE NOT IN MINORITY AREAS AT ALL. SO IT'S JUST
16 IMPORTANT, I THINK, FOR THE RECORD THAT YOU UNDERSTAND,
17 THAT THE AUDIENCE UNDERSTAND THAT, THAT WE ARE, I
18 CONSIDER, VERY OBJECTIVE ON THAT POINT. I THINK OUR
19 RECORD WILL SHOW THAT.

20 CHAIRMAN HUFF: IN FACT, LET ME ELABORATE. NEXT
21 MONTH WE WILL BE HEARING ABOUT SAN MARCOS IN NORTHERN SAN
22 DIEGO COUNTY, WHICH IS A SUBURBAN SETTING AND NOT
23 IMPOVERISHED. AND THEN IN A COUPLE OF MONTHS WE'LL HERE
24 ABOUT ELSMERE CANYON, WHICH IS IN LOS ANGELES, AND AGAIN
25 IN THE NORTHERN SAN JOAQUIN VALLEY AREA CLOSE TO SUCH



1 SUBURBS AS SANTA CLARITA AND THOSE. AND AGAIN, THEY ARE
2 NOT IMPOVERISHED AREAS.

3 THERE ARE MAJOR FACILITIES COMING BEFORE
4 US, MANY OF THEM INVOLVE CANYONS. THAT SEEMS TO BE A
5 FAVORITE PLACE FOR LANDFILLS, AND MANY OF THE CANYONS
6 INVOLVE PEOPLE WHO LIKE TO LIVE ON TOP OF HILLS, AND MANY
7 OF THOSE PEOPLE ARE NOT POOR.

8 BOARD MEMBER EGIGIAN: REVEREND TIMMONS, I COME
9 FROM SOUTHERN CALIFORNIA IN ORANGE COUNTY, AND IT'S NOT
10 THE POOREST NEIGHBORHOOD IN THE COUNTRY. THE EARNING
11 RATE IS HIGHER THERE THAN JUST ABOUT ANYPLACE IN THE
12 STATE NEXT TO SAN FRANCISCO. ORANGE COUNTY HAS ONE OF
13 THE BIGGEST LANDFILLS IN THE COUNTRY. LOS ANGELES COUNTY
14 HAS ONE IN THE PUENTE HILLS IN VERY, VERY GOOD AREAS.

15 THEY WERE BOTH COMMENDED ON THE KIND OF
16 LANDFILLS BY THE ORGANIZATION THAT'S CALLED ATSWANA
17 THAT'S MADE UP OF PEOPLE THAT BELONG TO CITIES THAT ARE
18 PUBLIC WORKS PEOPLE, SO WHAT THE OTHER TWO BOARD MEMBERS
19 TOLD YOU IS TRUE. WE ARE COLOR-BLIND. WE DON'T USE THAT
20 AS A METHOD FOR DEVELOPING OR GOING ALONG WITH ANY
21 LANDFILL.

22 ONE OTHER THING, MR. CHAIRMAN, THE
23 ENGINEERS HAVE BEEN BEATEN UP PRETTY BAD HERE TODAY.

24 CHAIRMAN HUFF: WELL, THEY DRAW THE BIG BUCKS.

25 BOARD MEMBER CHESBRO: I MIGHT NOTE THAT OUR



1 COUNSEL IS GLAD TO BE GETTING SOME ENGINEERING JOKES
2 INSTEAD OF ALWAYS THE LAWYER JOKES.

3 BOARD MEMBER EGIGIAN: WE SHOULD CHECK WITH OUR
4 ENGINEERS TO MAKE SURE THIS BUILDING IS SAFE.

5 CHAIRMAN HUFF: NO, I DON'T WANT TO.

6 OKAY. I'M SORRY TO INTERRUPT YOUR PROCESS,
7 MR. MAYOR.

8 MAYOR CURRIE: NO PROBLEM. THANK YOU, MR. HUFF.

9 THE NEXT SPEAKER WILL BE MR. JIM HICKS. HE
10 REPRESENTS CITIZENS UNITED, WHICH IS A CITIZENS GROUP
11 THAT WAS CREATED AROUND THIS WHOLE DUMP SITING PROCESS A
12 NUMBER OF YEARS AGO. MR. HICKS?

13 MR. HICKS: THANK YOU, MAYOR CURRIE, MEMBERS OF
14 THE BOARD. FOR THE RECORD, MY NAME IS JIM HICKS. I'M
15 CHAIRMAN OF THE ORGANIZATION KNOWN AS CITIZENS UNITED.

16 FIRST OF ALL, I'D JUST LIKE TO PERHAPS
17 COMMENT ON THE REVEREND'S LAST STATEMENT AND THANK THE
18 BOARD FOR THEIR OBJECTIVITY IN TERMS OF BEING COLOR-BLIND
19 TO THIS ISSUE. I THINK ONE OF THE REASONS THAT THE
20 REVEREND RAISED THAT ISSUE IS TO POINT OUT TO YOU THAT
21 CONTRA COSTA COUNTY, ITSELF, HASN'T BEEN SO ENLIGHTENED
22 AS YOU OBVIOUSLY ARE. THE HISTORY OF LANDFILLS IN CONTRA
23 COSTA COUNTY INDICATES THAT THAT IS A PRIMARY SELECTION
24 CRITERIA AS IS EVIDENCED BY LANDFILLS IN RICHMOND,
25 MARTINEZ, ANTIOCH, AND PITTSBURG.



1 AGAIN, FOUR OF THE FIVE SITES SURROUNDED
2 PITTSBURG; IN FACT, THE TOTAL COMBINED AREA WAS GREATER
3 THAN THE ENTIRE RESIDENTIAL AREA OF THE CITY. AGAIN, IT
4 JUST GOES TO SHOW PART OF A NUMBER OF THE GAPS THAT EXIST
5 IN THE HISTORY YOU WERE GIVEN BEFORE YOU THIS MORNING.

6 I'VE BEEN INVOLVED IN THIS FIGHT, IN FACT,
7 LONG BEFORE BFI EVEN ENTERED THE PICTURE. ONE OF THE
8 THINGS MR. GORDON NEGLECTED TO TELL YOU THIS MORNING IS
9 THAT BECAUSE OF THE -- BECAUSE OF YOUR LAWSUIT AND
10 MANDATE ON THE COUNTY, THAT THEY DID, IN FACT, START A
11 LANDFILL SITING PROCESS.

12 THEY WAITED MANY YEARS INTO WHAT WAS
13 ALREADY OBVIOUSLY A CRISIS BY THEIR OWN TERMS BEFORE
14 CONVENING A LANDFILL SITING TASK FORCE, IN FACT, IN 1987.
15 IT'S IRONIC THAT THE SITES THAT WERE DEEMED MOST
16 APPROPRIATE WERE, INDEED, IN HIGHER SOCIOECONOMIC AREAS
17 OF THE COUNTY, AREAS SUCH AS TASAHERA (PHONETIC) RANCH
18 NEAR BLACKHAWK, CUMMINGS SKYWAY, AND OTHERS. I'D JUST
19 LIKE TO LEAVE THAT FOR YOUR CONSIDERATION BECAUSE
20 BASICALLY WE BELIEVE THAT, BECAUSE OF YOUR MANDATE, WHICH
21 THE COUNTY USED AN EXCUSE TO JUMP-START THE PROCESS, THE
22 COUNTY DECIDED NOT TO PICK THE MOST APPROPRIATE SITES FOR
23 A LANDFILL, BUT THE SITES THAT WERE GOING TO BE EASIEST
24 TO GET THROUGH THE PROCESS. AND IT WAS SUPPOSED TO BE
25 EASY BECAUSE ALL THEY HAD TO DO WAS PUT IT IN PITTSBURG.



1 I'D LIKE TO POINT OUT TO YOU, YOU ALSO MADE
2 A COMMENT EARLIER THAT IT'S TOO LATE TO DEAL WITH THE
3 CEQA PROCESS. IN FACT, WE'RE HERE BEFORE YOU TO INDICATE
4 OUR DISAGREEMENT TO THAT COMMENT. THE VERY FACT THAT A
5 THE STATE WATER BOARD IS CONSIDERING SERIOUS ISSUES IS
6 PART OF THAT CEQA PROCESS. WE'VE BEEN INVOLVED IN EVERY
7 STAGE OF THAT PROCESS FROM THE VERY BEGINNING. DURING
8 THE EIR PROCESS, WE RAISED MANY CONCERNS ON SERIOUS
9 ISSUES REGARDING ENVIRONMENTAL SUITABILITY, ENGINEERING
10 COMPLETENESS, AND PUBLIC SAFETY.

11 WHEN THOSE CONCERNS WEREN'T SIMPLY IGNORED,
12 THEY WERE ANSWERED BY COUNTY STAFF'S FAMOUS,
13 CONCLUSIONARY DOUBLE-TALK OR REFERRED TO THE REGIONAL
14 WATER QUALITY CONTROL BOARD. AFTER ALL, THEY TOLD US, IT
15 WAS THE REGIONAL BOARD'S JOB TO THOROUGHLY REVIEW THE
16 PROJECT AND INDEPENDENTLY ASSURE THAT ALL ALTERNATIVES
17 HAVE BEEN RAISED. WHEN WE WENT TO THE REGIONAL BOARD, WE
18 RAISED MANY OF THE SAME ISSUES, FIRST IN WRITING AND THEN
19 AT THE PUBLIC HEARING. ALTHOUGH THEIR STAFF INDICATED WE
20 WOULD RECEIVE ANSWERS TO OUR CONCERNS, NONE EVER CAME.

21 THEY CONCLUDED THAT THE KELLER DESIGN WAS
22 SAFE AND THEN, OF COURSE, ISSUED THE WASTE DISCHARGE
23 PERMIT. BUT THE APPROPRIATE DATA, CALCULATIONS, AND
24 DESIGNS NEEDED TO SUPPORT THOSE ASSUMPTIONS OFFERED AS
25 FACT WERE NEVER MADE PUBLIC. BFI CHAIRMAN, WILLIAM



1 RUCKELSHOUSE (PHONETIC), SAID IN A SPEECH HERE IN
2 SACRAMENTO JUST LAST YEAR THAT WHEN NEW LANDFILLS ARE
3 SITED, QUOTE, ENVIRONMENTAL SAFEGUARDS SHOULDN'T BE
4 RELAXED, NOR SHOULD SITES BE FORCED ON COMMUNITIES THAT
5 DON'T WANT THEM.

6 HE WENT ON TO SAY, AND I QUOTE, BFI HAS
7 MADE COMMUNITY CHOICE A CRITICAL FACTOR IN OUR DECISION
8 TO LOCATE A FACILITY. WE OPENLY DISCUSS ANY RISKS
9 ASSOCIATED WITH THAT FACILITY AND NEGOTIATE COMPENSATION
10 BASED ON THAT DISCUSSION. WE PROVIDE TECHNICAL
11 INFORMATION TO COMMUNITY MEMBERS AND HELP THEM TO
12 UNDERSTAND IT.

13 WELL, WHY THEN, WE'D LIKE TO PROPOSE TO
14 YOU, WHEN THE LOCAL ADVISORY COMMITTEE, WHICH THE BOARD
15 OF SUPERVISORS CREATED AS PART OF A CONDITION OF APPROVAL
16 TO OVERSEE OPERATIONAL CONSIDERATIONS IN KELLER CANYON,
17 WHY WHEN THE LOCAL ADVISORY COMMITTEE RAISED QUESTIONS
18 ABOUT THE STATE BOARD MEMO ISSUED IN DECEMBER, DID MR.
19 GORDON HIMSELF CLAIM THAT THIS WAS PRIVILEGED INFORMATION
20 THAT THE PUBLIC HAD NO RIGHT TO KNOW, OR THE PROJECT
21 MANAGER OUT OF THE HEARING JUST MOMENTS BEFORE A
22 SCHEDULED PRESENTATION ON KELLER CANYON'S GROUNDWATER
23 PROTECTION AND RECOMMEND THAT BFI DISCONTINUE ALL FURTHER
24 PARTICIPATION IN THESE PUBLIC MEETINGS?

25 NOW, YOU'VE HAD BEFORE YOU, ESSENTIALLY,



1 THE PRESENTATION THAT WE WERE SUPPOSED TO HAVE. TO
2 MR. GORDON'S CREDIT, HE HAS OBVIOUSLY RECOGNIZED THE
3 ERROR IN HIS WAYS AND INVITED THE KELLER CANYON LANDFILL
4 COMPANY BACK TO THE LOCAL ADVISORY COMMITTEE MEETINGS;
5 HOWEVER, WE CONTINUE TO SEE A DIFFERENT SIDE OF BFI THAN
6 YOU DO HERE. WE HAVE NUMEROUS CONCERNS THROUGHOUT THE
7 ENTIRE PROCESS.

8 I THINK PART OF THE HISTORY INDICATES THE
9 START OF CONSTRUCTION NOVEMBER 4TH. THAT IS INDEED TRUE
10 AND, IN FACT, THEY HAVEN'T STOPPED EVER SINCE. WE HAVE
11 CONSTANTLY RUN AFOUL OF ISSUES REGARDING OPERATING HOURS,
12 OR CONSTRUCTION HOURS RATHER, AND NUMEROUS CONCERNS THAT
13 LOCAL CITIZENS HAVE RAISED ARE TYPICALLY, SIMPLY IGNORED
14 OR KIND OF SHUFFLED UNDER -- WELL, THERE'S PENDING
15 LITIGATION. WE CAN'T TALK ABOUT THAT.

16 ONE OF THE THINGS I'D LIKE TO POINT OUT,
17 MOSTLY FOR THE BENEFIT OF THE FOLKS IN THE ROOM, THE
18 INTENT OF STATE LAW IS ACTUALLY FAIRLY SIMPLE. YOU NEED
19 TO CONTAIN THE WASTE, PROTECT THE WATER, AND MOST
20 IMPORTANTLY, PROTECT THE PEOPLE. WE BELIEVE YOU DON'T DO
21 THAT BY BUILDING A DUMP ON LANDSLIDE MATERIALS ANCHORING
22 MILLIONS OF TONS OF GARBAGE WITH AN ALLEGEDLY UNSTABLE
23 200-FOOT BERM DIRECTLY ADJACENT TO A MAJOR RESIDENTIAL
24 AREA A HALF MILE ABOVE THE PRIMARY WATER SOURCE FOR OVER
25 400,000 PEOPLE ON AN INADEQUATE LINER SYSTEM THAT EVEN



1 BFI'S OWN EXPERTS AGREE WILL LEAK.

2 IN OUR VIEW, THAT VIOLATES NOT ONLY STATE
3 LAW, BUT COMMON SENSE. WE'RE NOT CONFUSED -- OR BFI SAYS
4 THAT WE DON'T HAVE OUR FACTS STRAIGHT AND THAT WE'RE JUST
5 CONFUSED. WELL, I WOULD PUT TO YOU THAT WE'RE NOT
6 CONFUSED; WE'RE JUST FRIGHTENED. WE'RE JUST FRIGHTENED
7 OF THE ENTIRE PROCESS: AT EVERY TURN, WHEN WE ASK FOR
8 QUESTIONS, WE'RE ALWAYS TOLD IT WILL BE HANDLED AT THE
9 NEXT LEVEL. AND WE'RE RUNNING OUT OF TIME.

10 AS FOR THE FACTS, IF BFI WOULD STOP
11 CHANGING THEM AND QUIT HIDING KEY INFORMATION FROM THE
12 PUBLIC, WE'D HAVE A MUCH CLEARER PICTURE THAN WE ALREADY
13 DO. FIRST, THE GARBAGE IS 5 FEET ABOVE THE WATER, THEN
14 IT'S 65 FEET. FIRST, BFI SAYS THE GROUNDWATER AT THE
15 SITE IS CONTIGUOUS TO PITTSBURG'S WATER SUPPLY, AND NOW
16 IT'S CONTAINED WITHIN THE SITE. THEY SAY IT'S A SAFE,
17 STATE-OF-THE-ART PROJECT THAT POSES NO THREAT TO WATER
18 QUALITY OR SAFETY, BUT WE CAN'T SEE THE DATA ON WHICH
19 THOSE CONCLUSIONS ARE BASED.

20 WE BELIEVE WE HAVE A RIGHT TO AN OBJECTIVE
21 EVALUATION OF ALL THE FACTS, NOT JUST THE ONE BFI LIKES.
22 I KIND OF LIKE MR. GORDON. HE COMES ACROSS AS A VERY
23 SMOOTH GUY. I'D LIKE TO POINT OUT ONE DIFFERENCE. HE'S
24 PAID TO BE HERE AND WE'RE NOT. WE GOT A LOT OF FEEDS AND
25 SPEEDS THIS MORNING IN TERMS OF HOW ALL OF THE ENGINEERS'



1 DETAILS MATCH THE STATE'S MINIMUM STANDARDS. I WOULD PUT
2 TO YOU IN THIS ERA OF MAJOR DROUGHT, MINIMUM STANDARDS
3 ARE SIMPLY NOT APPROPRIATE ENOUGH, AND YOU OUGHT TO TAKE
4 THAT INTO CONSIDERATION.

5 IN A SENSE, I KIND OF GOT A FEEL THIS
6 MORNING, IT WAS SORT OF LIKE WALKING INTO AN AUTO
7 SHOWROOM NEAR THE END OF THE MONTH WENT THE SALESMAN WAS
8 RUNNING OUT OF TIME AND ON QUOTA. YOU KNOW, "HEY, ISN'T
9 THIS CAR NICE AND SHINY AND LOOK AT ALL THE PRETTY SHINY
10 BUTTONS." I'M AFRAID THAT'S HOW THEY'RE PORTRAYING
11 KELLER BECAUSE EVERYTHING SEEMS TO BE APPROPRIATE. ALL
12 THE EXPERTS SEEM TO HAVE EVERYTHING LINED UP, AND THERE'S
13 A SOLID ANSWER FOR EVERY ISSUE THAT COMES UP. BUT WE MAY
14 BE DEALING WITH A LEMON HERE.

15 THE STATE BOARD STAFF, AS YOU OBVIOUSLY
16 KNOW, FOUND NUMEROUS DATA GAPS, UNANSWERED SAFETY
17 QUESTIONS, AND THAT THE SITE COULD INDEED POSE
18 SIGNIFICANT DANGER TO WATER SUPPLIES. THEIR PRUDENT
19 REASONABLE REVIEW TO DATE HAS RESTORED OUR FAITH IN THE
20 PUBLIC PROCESS. WE THINK THAT IT'S NICE TO SEE AN AGENCY
21 PROTECT STATE LAW, RATHER THAN THE SELF-SERVING SCHEDULE
22 BFI HAS THEIR REGULATORY STEAMROLLER ON. WE URGE YOUR
23 STAFF TO DO THE SAME. AFTER ALL, WHAT'S THE RUSH? WE
24 HAVE TIME TO DO THE JOB RIGHT; AND AS THE SAYING GOES, IF
25 YOU'RE NOT GOING TO DO THE JOB RIGHT, DON'T DO IT AT ALL.



1 WE'RE HERE TO ASK YOU TODAY TO SPECIFICALLY
2 RECOMMEND DENIAL OF THE SOLID WASTE FACILITY PERMIT
3 BEFORE YOU UNTIL ALL OF THE ISSUES BEFORE THE WATER BOARD
4 AND YOURSELVES ARE RESOLVED TO ALL SATISFACTION. WE MAY
5 KNOW THE ANSWER IN AS LITTLE AS 30 DAYS. THE LANDFILL
6 CRISIS IN CONTRA COSTA COUNTY HAS BEEN GOING ON FOR 20
7 YEARS. IS 30 DAYS TO PROTECT THE PUBLIC INTEREST A LOT
8 TO ASK WHEN THE ALTERNATIVE COULD MEAN AN UNSAFE, LEAKING
9 LANDFILL THAT WE'LL HAVE TO LIVE WITH FOR OVER 30 YEARS?
10 WE DON'T BELIEVE PRUDENT, REASONABLE PEOPLE WILL AGREE.

11 NOW, I REALIZE THERE'S SOME CONCERN AS TO
12 WHETHER THE 60-DAY CLOCK, WHEN IT STARTS AND WHEN IT
13 STOPS. IF INDEED IT STOPS MAY 4TH, YOU HAVE PLENTY OF
14 TIME TO HEAR THE STATE'S ISSUES AND TO GIVE THE PUBLIC
15 THE PERCEPTION AND THE WARM, FUZZY FEELING THAT THIS IS
16 NOT BEING STEAMROLLED THROUGH ON SOME ARTIFICIAL TIME
17 TABLE, WHICH IS SOMETHING THAT WE'VE RARELY HAD IN THIS
18 PROCESS TO DATE.

19 I'D LIKE TO POINT OUT TO THE
20 ENVIRONMENTALISTS IN THE ROOM. YOU MENTIONED YOUR NEXT
21 MEETING IS IN REDDING, CALIFORNIA. WELL, WE TRAVELED UP
22 HERE BY BUS TODAY. I WOULD CERTAINLY PREFER TO TAKE BART
23 TO OAKLAND, WHICH IS CERTAINLY A MUCH MORE
24 ENVIRONMENTALLY FEASIBLE ALTERNATIVE THAN PUTTING A
25 COUPLE DOZEN BUSES ON THE ROAD TO REDDING, BUT I WILL



1 LEAVE THAT FOR YOUR CONSIDERATION.

2 IN SUMMARY, I WOULD JUST LIKE TO, AGAIN,
3 THANK YOU FOR YOUR TIME AND ASK THAT YOU NOT LET THE
4 REPRESENTATIVES OF THE COUNTY FOOL YOU INTO BELIEVING
5 THAT THIS IS A CRISIS WHICH WE'LL HAVE GARBAGE ON OUR
6 STREETS THE FIRST WEEK IN APRIL SHOULD YOU NOT MAKE A
7 DECISION TODAY. AGAIN, AS I SAID, IS 30 DAYS TOO MUCH TO
8 ASK?

9 ONE OTHER COMMENT THAT I WOULD LIKE TO
10 MAKE. YOU'VE HEARD SOME OF THE SELECTIVE HISTORY OF THE
11 SITE. THERE'S BEEN SOME DISCUSSION OF THE SIERRA CLUB'S
12 SUPPORT. THERE ARE A NUMBER OF THINGS THAT HAVE BEEN
13 LEFT OUT, WHICH I WILL LEAVE YOU TO CONSIDER. THE CONTRA
14 COSTA WATER DISTRICT, WHOSE CANAL WE'VE BEEN TALKING
15 ABOUT, WAS VIGOROUSLY OPPOSED TO THIS SITE UNTIL A WEEK
16 BEFORE THE ELECTION IN JUNE OF 1990. THERE WERE VARIOUS
17 AGREEMENTS THAT WERE CIRCULATED BETWEEN BFI AND CCWD, AND
18 BASICALLY WHAT IT ENDED UP WITH IS A PAYMENT OF ABOUT
19 \$400,000 TO CCWD TO PROTECT THE WATER AS IT SEES FIT.
20 THAT'S LESS THAN A DOLLAR PER PERSON SERVED.

21 WE DON'T THINK THAT'S NECESSARILY
22 APPROPRIATE. WE'D LIKE TO POINT OUT THAT, IN OUR
23 OPINION, THE SIERRA CLUB'S SUPPORT OF THE SITE CERTAINLY
24 WEIGHED HEAVILY IN THE ELECTIONS, NO DOUBT ABOUT IT. OUR
25 POLLING SHOWED THAT PEOPLE THINK IF THE SIERRA CLUB



1 SUPPORTS IT, IT MUST BE GOOD.

2 LET ME JUST LEAVE FOR YOUR CONSIDERATION
3 THAT THE SIERRA CLUB DOES NOT SUPPORT KELLER CANYON
4 BECAUSE KELLER CANYON IS A GOOD SITE. THE SIERRA CLUB
5 SUPPORTS KELLER CANYON BECAUSE THE ONLY ALTERNATIVE THAT
6 THE COUNTY LEFT THEM WITH IS MARSH CANYON, AND THEY ARE
7 VIGOROUSLY OPPOSED TO MARSH CANYON. THEREFORE, THEIR
8 ONLY ALTERNATIVE WAS TO SUPPORT KELLER CANYON.

9 I'D LIKE TO THANK YOU FOR YOUR TIME AND
10 THIS OPPORTUNITY TO SPEAK BEFORE YOU AND WOULD LIKE TO
11 URGE YOU, ONCE AGAIN, TO CONSIDER EITHER DELAYING OR
12 DENYING THE PERMIT BEFORE YOU.

13 ONE OTHER THING, IF I MAY, I'D LIKE TO
14 LEAVE A LETTER WITH YOU FROM THE PITTSBURG COMMUNITY
15 ADVISORY COMMISSION, WHICH IS AN ORGANIZATION
16 REPRESENTING VARIOUS COMMUNITY GROUPS AND BUSINESSES
17 THROUGHOUT THE CITY OF PITTSBURG. IN SHORT, THEY ALSO
18 SUPPORT THE POSITION OF CITIZENS UNITED.

19 CHAIRMAN HUFF: ANY QUESTIONS?

20 BOARD MEMBER RELIS: THIS IS A POINT OF
21 DEFINITION. I THINK SINCE THE POINT WAS RAISED ABOUT
22 MINIMUM STANDARDS, MAYBE FOR ALL OUR WHOLE EDUCATION
23 HERE, IF WE COULD ASK STAFF, MARTHA, PERHAPS. I THINK
24 THERE'S A MISNOMER ABOUT WHAT MINIMUM STANDARDS ARE
25 BECAUSE IT SOUNDS LIKE IT'S MINIMUM.



1 COULD YOU PLEASE JUST EXPLAIN BRIEFLY TO
2 THE BOARD AND THE AUDIENCE WHAT MINIMUM STANDARDS ARE?

3 CHAIRMAN HUFF: DON'T DESCRIBE THE STANDARDS
4 THEMSELVES, BUT THE CONCEPT.

5 BOARD MEMBER RELIS: NO. NOT ALL THE STANDARDS,
6 BUT THE CONCEPT.

7 CHAIRMAN HUFF: THE CONCEPT. WHY DO WE HAVE
8 MINIMUM STANDARDS?

9 MS. VAZQUEZ: THE STATE MINIMUM STANDARDS ARE
10 FOR DESIGN AND OPERATION. THE MAJORITY OF THOSE
11 REGULATIONS REGARD THE OPERATION; THAT IS, THE MINIMUM AN
12 OPERATOR CAN DO AT A FACILITY TO KEEP IT IN COMPLIANCE.

13 CHAIRMAN HUFF: AND THESE MINIMUM STANDARDS ARE
14 EMBODIED IN STATE REGULATION?

15 MS. VAZQUEZ: YES, THEY ARE.

16 CHAIRMAN HUFF: ADOPTED BY THIS BOARD AND THEN
17 APPROVED BY THE OFFICE OF ADMINISTRATIVE LAW.

18 MS. VAZQUEZ: THAT'S CORRECT.

19 CHAIRMAN HUFF: WHEN WE DESIGN MINIMUM
20 STANDARDS, DO WE DESIGN THEM WITH WHAT WE BELIEVE TO BE A
21 MARGIN OF SAFETY?

22 MS. VAZQUEZ: YES. THIS FACILITY IS A CLASS II
23 FACILITY, AND IT'S BEEN DESIGNED TO WITHSTAND A
24 1,000-YEAR STORM.

25 CHAIRMAN HUFF: OKAY.



1 BOARD MEMBER RELIS: I THINK IT'S IMPORTANT
2 BECAUSE THERE'S CONFUSION ON THAT POINT. BECAUSE MINIMUM
3 IS THAT WE TRY TO DO THINGS WITH THE LEAST POSSIBLE, LIKE
4 EFFORT OR DILIGENCE, AND THAT IS NOT WHAT MINIMUM
5 STANDARDS MEAN. I JUST WANTED TO GET THAT OUT FOR THE
6 RECORD HERE.

7 CHAIRMAN HUFF: OKAY. THANK YOU.

8 WHO'S THE NEXT SPEAKER?

9 MAYOR CURRIE: THE NEXT SPEAKER IS A RESIDENT OF
10 JACQUELINE STREET AND LIVES IMMEDIATELY ADJACENT TO WHAT
11 IS THE PROPOSED DUMP SITE. IT'S JULIA DRUMMOND.

12 MS. DRUMMOND.

13 MS. DRUMMOND: GOOD AFTERNOON. MY NAME IS JULIA
14 DRUMMOND. I'M A CITIZEN OF PITTSBURG, AND MY HOME IS
15 DIRECTLY ADJACENT AND BELOW THE KELLER DUMP SITE. I HAVE
16 LIVED THERE FOR MORE THAN TEN YEARS. FOR THE RECORD, I
17 SUBMIT TO YOUR BOARD PICTURES DOCUMENTING THE LOCATION OF
18 MY HOME. IT'S NOT AT JACQUELINE DRIVE; IT IS AT THE END
19 OF SANTA MARIA DRIVE. I ASK YOU TO REVIEW THE PICTURES.
20 I'VE ALSO MADE NOTATIONS ON THE BACK AND CIRCLED AREAS ON
21 THE FRONT OF MY PICTURES. THESE ARE FOR YOU TO KEEP AND
22 HOPEFULLY LOOK AT CAREFULLY. MY PROPERTY LINE IS NOT 60
23 FEET, NOT A HALF A MILE; IT'S 3 INCHES FROM THE DUMP
24 SITE, SO I'LL HAND THESE OUT TO YOU.

25 I STAND BEFORE YOU AS AN INDIVIDUAL MOTHER,



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1 BUT MY VOICE ECHOES THE FEARS OF HUNDREDS OF MY
2 NEIGHBORS, MOST OF THEM FAMILIES WITH LITTLE CHILDREN.
3 WE FEAR FOR THE QUALITY OF OUR LIVES, YES, EVEN OUR
4 HEALTH. MANY OF US HAVE ALLERGIES AND ASTHMA. WITH THE
5 PREVAILING AND SOMETIMES GALE-FORCE WINDS, IT WILL ONLY
6 BE A MATTER OF TIME BEFORE ALLERGENS FROM THE DUMP BLOW
7 OVER OUR HOMES AND THROUGH THE YARDS THAT OUR CHILDREN
8 PLAY IN.

9 MY MOTHER USED TO SAY TO ME, "HONEY, YOU
10 CAN'T MAKE A SILK PURSE OUT OF A SOW'S EAR." I URGE YOU
11 TO USE THE SAME, GOOD, OLD-FASHIONED, COMMON SENSE. THE
12 KELLER DUMP SITE IS LIKE THAT SOW'S EAR. IT WILL NEVER
13 BE A SAFE DUMP FOR THE SURROUNDING HOMES. THERE ARE JUST
14 TOO MANY POTENTIAL HEALTH RISKS TO THE HUNDREDS OF PEOPLE
15 AND THEIR CHILDREN WHO LIVE AND PLAY DIRECTLY ADJACENT TO
16 KELLER. PLEASE SAY NO TO KELLER FOR ALL THE CHILDREN IN
17 PITTSBURG. THANK YOU.

18 CHAIRMAN HUFF: ANY QUESTIONS? OKAY.

19 MAYOR CURRIE: I STAND CORRECTED. SANTA MARIA
20 IS THE STREET IMMEDIATELY ADJACENT. THERE ARE A NUMBER
21 OF STREETS THAT RUN UP THERE, BUT THE CANYON ITSELF
22 ACTUALLY DUMPS INTO JACQUELINE. THESE HOMES HAVE THEIR
23 REAR FENCE LINE, SIDE FENCE LINE AND THE DUMP FENCE LINE
24 ARE ONE AND THE SAME.

25 CHAIRMAN HUFF: OKAY.



1 MAYOR CURRIE: WHAT I'D LIKE TO DO NOW IS TURN
2 THE NEXT PORTION OVER TO BILL YEATES AND OUR ENGINEER,
3 MR. PHIL GREGORY.

4 MR. YEATES.

5 MR. YEATES: THANK YOU, MAYOR. I THINK I'D LIKE
6 TO DEAL WITH THE ISSUE THAT COMMISSION MEMBER RELIS
7 RAISED. DO I SET THINGS OFF HERE?

8 CHAIRMAN HUFF: YOU DO HAVE TO BE CAREFUL WHERE
9 YOU PUT YOUR HAND ON THAT PODIUM.

10 MR. YEATES: OKAY. I'LL BE REALLY CAREFUL.

11 MAYOR CURRIE: MAYORS ARE GOOD FOR SOMETHING.
12 BOOKENDS.

13 MR. YEATES: I KNOW THERE ARE A LOT OF US THAT
14 WERE INVOLVED IN THIS ISSUE. I WAS HIRED LAST YEAR TO
15 FILE A PETITION WITH THE STATE WATER RESOURCES CONTROL
16 BOARD TO ESSENTIALLY REVIEW THE REGIONAL BOARD'S
17 DECISION. WHEN I STARTED DOING THAT, I WAS AMAZED AT THE
18 CIRCULAR FINDINGS THAT OCCURRED.

19 YOU HAVE TO UNDERSTAND THAT, AS WAS STATED,
20 THE COUNTY DID A COSWMP DETERMINATION OF SITES; AND WHEN
21 THEY DID THE EIR ON THAT, A LOT OF PEOPLE, INCLUDING THE
22 CITY OF PITTSBURG AND THE RESIDENTS, SAID, "WELL, GEE, WE
23 HAVE SOME CONCERNS ABOUT YOUR SITE. WE DON'T THINK THIS
24 IS A SUITABLE SITE. IT'S GOT SEEPAGE. IT'S GOT
25 LANDSLIDE MATERIALS. IT'S GOT A LOT OF PROBLEMS. IT'S A



1 VERY COMPLEX GEOLOGICAL SITE. THERE'S GOT TO BE A BETTER
2 SITE THAN THIS." DON'T WORRY. WE'LL ADDRESS THESE
3 ISSUES WHEN WE DO THE DESIGN OF THE PROJECT, WHICH WAS
4 ESSENTIALLY THE KELLER DEIR'S.

5 IN THAT ONE, WHEN IT CAME TO THE QUESTION
6 OF WATER QUALITY REQUIREMENTS, I THINK THE COUNTY SAID,
7 "WELL, THOSE ARE WATER QUALITY ISSUES, AND THOSE SHOULD
8 BE DEALT WITH BY THE REGIONAL WATER QUALITY CONTROL
9 BOARD." AND THE REGIONAL WATER QUALITY CONTROL BOARD
10 HEARD THIS MATTER, AS WAS POINTED OUT, ON MARCH 20TH.
11 WHEN THEY ADOPTED THEIR FINDINGS, WHAT THEY SAID WAS WE
12 CONCUR WITH THE FINDINGS MADE BY CONTRA COSTA COUNTY.
13 WELL, WAIT A MINUTE. WHO'S LOOKED AT THE WATER QUALITY
14 FINDINGS?

15 SO WE, ESSENTIALLY, HAD TO GO THROUGH THIS
16 PROCESS OF FILING A PETITION WITH THE STATE WATER
17 RESOURCES CONTROL BOARD SAYING, "WE DON'T BELIEVE THAT AS
18 THE RESPONSIBLE AGENCY DEALING WITH WATER QUALITY UNDER
19 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, YOU HAVE
20 COMPORTED WITH THE REQUIREMENTS OF CEQA. FURTHERMORE, WE
21 DISAGREE WITH YOUR DETERMINATION REGARDING THE
22 REQUIREMENTS OF THE CHAPTER 15 WATER QUALITY STANDARDS."
23 AND WE HAVE ISSUES REGARDING STABILITY WHICH WERE NOT
24 RAISED AND WERE NOT ALLOWED TO BE RAISED AT THE REGIONAL
25 BOARD HEARING WHEN THE CITY MADE ITS PRESENTATION, AND AS



1 WAS POINTED OUT, THEY WERE CUT OFF.

2 WE HAD TO, ESSENTIALLY, WAIT UNTIL SOME OF
3 THESE COUNTY PLANS STARTED TO SURFACE. THERE WERE
4 REQUIREMENTS BY THE COUNTY AS CONDITIONS APPROVED FOR A
5 LANDSLIDE STUDY, FOR SEISMIC STUDIES, FOR ALL SORTS OF
6 STUDIES, WHICH THEY CALLED DESIGN DETAILS, BUT THEY WERE
7 THE HEART AND SOUL OF THE ENVIRONMENTAL MITIGATIONS THAT
8 WENT INTO THE SITING OF THIS FACILITY, THE CONSTRUCTION
9 OF THIS FACILITY, AND THE WATER QUALITY DETERMINATIONS OF
10 THIS FACILITY. SO IT WASN'T UNTIL AUGUST WHEN THE STATE
11 BOARD SAID THAT OUR PETITION WAS COMPLETE THAT WE HIRED
12 ROGERS/PACIFIC TO LOOK AT THE QUESTION OF STABILITY. IS
13 THERE REALLY A STABILITY ISSUE HERE? WE HAD TO KNOW.

14 SO WE HIRED, ESSENTIALLY -- AND YOU CAN
15 LOOK AT THEIR RESUME -- EXTREMELY CREDIBLE ENGINEERING
16 GEOLOGISTS THAT ACTUALLY REPRESENT A LOT OF
17 MUNICIPALITIES IN CONTRA COSTA COUNTY. AND THAT'S THE
18 REASON WE HIRED THEM, BECAUSE THEY KNEW -- WERE THE
19 LANDSLIDE EXPERTS THAT KNEW THIS HILLSIDE. THEY KNEW IT
20 LIKE THE BACK OF THEIR HAND. IT CAME ACROSS THAT WAY AT
21 THE PREHEARING CONFERENCE ON JANUARY 22D. EVEN THOUGH
22 THEY HAD BEEN HIRED IN AUGUST OF '91, THEY KNEW AS MUCH
23 ABOUT THIS HILLSIDE OR MORE THAN CH2M HILL, WHO HAD BEEN
24 ON THE SITE FOR YEARS.

25 SO THESE ARE THE PEOPLE THAT ARE CRITIQUING



1 CH2M HILL. IT'S NOT TO SUGGEST THAT CH2M HILL IS NOT AN
2 EXTREMELY CREDIBLE AGENCY OR ORGANIZATION OR ENGINEERS.
3 THEY ARE. THERE'S NO DOUBT ABOUT THAT. BUT, YOU KNOW,
4 GOLDER ASSOCIATES ARE EQUALLY CREDIBLE, AND THEY DESIGNED
5 KETTLEMAN. AND BECAUSE THEY DIDN'T CONSIDER THE
6 DURING-CONSTRUCTION PHASE OF THAT LANDFILL CONSTRUCTION,
7 AND DIDN'T CONSIDER IT AT ALL, IT FAILED. THE SLOPES
8 FAILED. THE LINER FAILED, COSTING GOLDER AND KINGS
9 COUNTY AND KIM WASTE A LOT OF MONEY.

10 THERE ARE COUNTLESS CASES WE CAN GIVE WHERE
11 VERY CREDIBLE ENGINEERING FIRMS OR AGENCIES MAKE BAD
12 DECISIONS. WHO DESIGNED THE O-RINGS ON THE SPACE
13 SHUTTLE? THE CORVAIR WAS STATE-OF-THE-ART. THE FACT OF
14 THE MATTER IS TIMES CHANGE; AND WHEN OUR EXPERTS LOOKED
15 AT THE QUESTION OF STABILITY, THEY SAID -- IT WASN'T LIKE
16 THEY DISAGREED WITH CH2M HILL. THEY SAID THERE'S NOTHING
17 HERE. THERE'S NO ANALYSIS OF SLOPE STABILITY ON AN AREA
18 THAT WE KNOW AS LANDSLIDES AND HAS BEEN IDENTIFIED AS A
19 RESULT OF THE EIR AND HOW THEY'RE GOING TO ADDRESS THAT
20 ISSUE. WE HAD TO WAIT FOR THE LANDSLIDE STUDY.

21 WE ACTUALLY WENT TO THE COUNTY TO LOOK AT
22 THE LANDSLIDE STUDY WHEN THE FINAL DEVELOPMENT AND
23 IMPROVEMENT PLAN WAS DONE, AND WE WERE HANDED A NICE,
24 THICK BLACK VOLUME I'VE GOT HERE. HERE IT IS. FINAL
25 DEVELOPMENT AND IMPROVEMENT PLAN. IT'S NICE. AND WHAT



1 IT HAD WAS AN APPENDIX I, ONE PAGE ANNOUNCING THE FACT
2 THAT IT WAS APPENDIX I, AND THAT WAS IT. WE ASKED,
3 "WELL, WHERE IS THE LANDSLIDE STUDY?" "IT'S TO BE
4 SUBMITTED." "WELL, WAIT A MINUTE. YOU'RE MAKING
5 DECISIONS ON THIS AND YOUR CONDITIONS OF APPROVAL REQUIRE
6 A LANDSLIDE STUDY." "IT'S GOING TO BE SUBMITTED."

7 AND WHAT IT REALLY AMOUNTS TO IS THAT THE
8 COUNTY HAS MADE A DETERMINATION THAT THIS PROJECT CAN BE
9 DONE IN PHASES. SO AS EACH PHASE GOES ALONG -- I THINK
10 THERE'S EIGHT OF THEM -- THEY'LL BE ANALYZED. WELL,
11 THAT'S THE VERY ISSUE WHICH ROGERS/PACIFIC POINTS OUT.
12 WE NEED TO KNOW ALL THE WAY THROUGH HOW YOU ARE GOING TO
13 DESIGN THIS, HOW YOU'RE GOING TO ADDRESS THOSE QUESTIONS.

14 SO WE ASKED THE STATE WATER RESOURCES
15 CONTROL BOARD TO INCLUDE THE ROGERS/PACIFIC STUDY AS A
16 SUPPLEMENT TO OUR PETITION ON OCTOBER 28TH OF LAST YEAR.
17 IT WAS OPPOSED BY BFI, BUT THE WATER BOARD EVENTUALLY
18 AGREED WITH US. AND HOW DID WE FIND THAT OUT? WE GOT A
19 FAX ON JANUARY 10TH, 1992, ANNOUNCING A NOTICE OF A
20 PREHEARING CONFERENCE AND ATTACHED TO THAT WAS THIS
21 DECEMBER 5TH MEMO FROM HARRY M. SCHULLER, CHIEF OF THE
22 DIVISION OF CLEAN WATER PROGRAMS. I REMEMBER READING
23 THIS. IT WAS INCREDIBLE TO GET A MEMO LIKE THIS.

24 ON THE QUESTION ON SETTLEMENT OF SLOPE
25 STABILITY, THEY SAID THE REGIONAL BOARD ORDER DID NOT



1 ADDRESS THIS ISSUE, NOT THAT THEY DID AN ADEQUATE JOB OR
2 AN INADEQUATE JOB. THE REGIONAL BOARD ORDER DID NOT
3 ADDRESS THIS ISSUE. WELL, THIS IS GREAT. THEN I WENT TO
4 THE SUMMARY AND SAID WITHOUT AN ANALYSIS OF SLOPE
5 STABILITY AND POTENTIAL FOR DIFFERENTIAL SETTLEMENT, IT'S
6 IMPOSSIBLE TO DETERMINE IF THIS SITE IS SUITABLE FOR A
7 CLASS II LANDFILL. NOW, I'M SURE IF THEY'RE A CITY
8 COUNCIL MEMBER OR THE MAYOR OR FOR THE CITY MANAGER AND
9 EVERYBODY ELSE, THEY PROBABLY WENT TO BED WITH THIS
10 REPORT.

11 THIS IS THE FIRST TIME SOMEONE HAS ACTUALLY
12 PAID ATTENTION TO THE CITY OF PITTSBURG. THEY QUIT
13 CALLING US NIMBY'S. THEY REALIZED WE'RE REALLY SERIOUS.
14 THIS IS REALLY A BAD SITE. IGNORE THE LINERS, THE HOOPS,
15 THE JINGLES, ALL OF THE OTHER STUFF TO CONVINCING YOU TO
16 BUY THIS. LOOK AT THE SITE. THE SITE ISN'T SUITABLE.
17 AND IT'S NOT ME SAYING IT, IT'S THE CHIEF OF THE DIVISION
18 OF CLEAN WATER PROGRAMS.

19 NOW, SCOTT GORDON SAYS, "GEE, THIS WAS JUST
20 ATTACHED TO THE SIDE AND WE JUST THOUGHT IT WOULD BE AN
21 AREA OF DISCUSSION." WELL, THIS WENT TO THE CHIEF
22 COUNSEL, THE LAB WATER. IT WAS A REAL CONCERN ABOUT
23 "THERE'S NOTHING IN THE REGIONAL BOARD'S FILE." SINCE
24 OCTOBER 15TH, THERE WAS NOTHING IN THE REGIONAL BOARD'S
25 FILE. SO IF THERE WAS A LOT OF STUFF IN THE REGIONAL



1 BOARD FILE, THEN BFI SHOULD HAVE GONE TO THAT JANUARY 22D
2 PREHEARING AND SAID, "LOOK, SCHULLER, YOU'RE NUTS." THEY
3 DIDN'T.

4 THEY CAME AND GAVE US VOLUMES OF NEW
5 MATERIAL. THEY GAVE US A JANUARY 1992 SUPPLEMENTAL
6 LANDFILL SETTLEMENT AND STABILITY INFORMATION. THEY GAVE
7 US A MATERIALS REPORT, KELLER CANYON LANDFILL, CONTRA
8 COSTA, CALIFORNIA. THEN, THEY GAVE US A THING THEY CALL
9 A MATERIALS REPORT. IT HAS A LOT OF BORING LOGS AND
10 THINGS LIKE THAT THAT PHIL GREGORY WILL TALK ABOUT. THAT
11 BASICALLY SHOWED ALL THE WORK THEY HAD SUPPOSEDLY DONE,
12 BUT THE DATE ON THIS IS JULY 1991. THIS MEANS THIS
13 WASN'T COMPILED UNTIL ALMOST THREE MONTHS AFTER THE
14 REGIONAL BOARD MADE ITS DECISION.

15 SO WE ASKED HOW DID THE REGIONAL BOARD MAKE
16 THIS DECISION? WELL, WE HAD MEETINGS WITH BFI. YEAH, WE
17 SAT DOWN WITH THEM AND WENT OVER THE DESIGN. WELL, WHAT
18 DID YOU DISCUSS? THEIR CONCLUSIONS. LIKE WHAT? WAS IT
19 CONSISTENT WITH CHAPTER 15? WELL, NO, BUT JUST THE
20 CONCLUSION. WE DIDN'T WANT TO BE BOTHERED WITH THE DATA.
21 WE JUST WANTED THE CONCLUSIONS. IT WAS INCREDIBLE. SO,
22 YEAH, WE FINALLY GOT THE STATE WATER RESOURCES CONTROL
23 BOARD TO HOLD A HEARING, AND NOT UNTIL WE GOT A DATE FOR
24 A HEARING OR AN AGREEMENT ON A HEARING COULD WE HAVE
25 FILED FOR A STAY BECAUSE WE HAD TO HAVE A HEARING.



1 THE STATE BOARD CANNOT MAKE A DECISION ON
2 THE STAY UNLESS THEY HAVE A HEARING. NOW, WE ASKED THEM,
3 INFORMALLY, AND MEMBERS OF THE LEGISLATURE THAT REPRESENT
4 THIS AREA ASKED THEM, INFORMALLY, YOU HAVE THE POWER TO
5 ISSUE A STAY. IT DOESN'T SEEM TO MAKE MUCH SENSE WHY
6 YOU'RE CONSIDERING ALL OF THIS TO ALLOW BFI TO GO AHEAD
7 AND CONSTRUCT. THEY HAVE NOT CHOSEN TO DO THAT. SO WE
8 FILED A FORMAL REQUEST FOR A STAY.

9 I'M POINTING OUT THAT ALL OF THIS
10 INFORMATION NEEDS TO BE ANALYZED. AND I BELIEVE,
11 REGARDLESS OF WHAT YOUR STAFF SAYS, I GUESS I JUST
12 DISAGREE WITH THEM, BUT THERE ARE SOME CONDITIONS THAT
13 YOU HAVE TO PLACE ON THIS REGARDING SLOPE FAILURES AND
14 OTHER ISSUES, THAT WHEN THE CHIEF OF THE DIVISION OF
15 CLEAN WATER PROGRAMS SAYS THE REGIONAL BOARD DID NOT EVEN
16 ADDRESS THIS ISSUE, AND YOU'RE RELYING ON THE WASTE
17 DISCHARGE ORDER 9152 FOR A BASIS FOR ISSUING YOUR PERMIT,
18 THERE'S A REAL GAP HERE IN WHAT YOU'RE ANALYZING.

19 AND ALL OF THESE ISSUES HAVE BEEN RAISED,
20 AND I WOULD LIKE TO BRING UP, AT THIS POINT, PHIL GREGORY
21 JUST TO GO OVER SOME OF THE ISSUES BECAUSE OF ALL THAT
22 MATERIAL I JUST BROUGHT OUT THAT WAS SUPPOSED TO BE PART
23 OF THE LANDSLIDE STUDY TO DEAL WITH THIS ISSUE, AS
24 POINTED OUT IN THE ROGERS/PACIFIC STUDY I SENT TO YOU --
25 I THINK I EVEN EXCERPTED THIS OUT -- ONLY ONE DRILLING



1 OCCURRED SINCE THE TIME OF THE DEIR IN 1989, ONE
2 GEOTECHNICAL BORE. IT DIDN'T GO ALL THE WAY THROUGH THE
3 LANDSLIDE MATERIAL. IT COULDN'T POSSIBLY CHARACTERIZE
4 THE LANDSLIDE MATERIAL IN THIS AREA, AND YET YOUR STAFF
5 IS WILLING TO SAY THAT'S SUFFICIENT TO MAKE A
6 DETERMINATION THAT FOR 30 YEARS THIS FACILITY CAN OPERATE
7 WHEN, I THINK, A VERY CREDIBLE EXPERT, AN EXPERT IN
8 LANDSLIDES SAYS, "WAIT A MINUTE. THE TOE BERM IS BASED
9 ON WRONG FACTORS. THERE IS NO ANALYSIS, ESSENTIALLY, OF
10 THE DURING-CONSTRUCTION PHASE OF THIS PROJECT WHICH WILL
11 BE THERE FOR 30 YEARS. AND THEN LONG AFTER THEY'RE GONE,
12 FILLING IT IN, WILL LIVE WITH THESE RESIDENTS FOR HOW
13 LONG?

14 SO WE FINALLY HAVE GOTTEN TO THE POINT.
15 IT'S LIKE THE LIGHT AT THE END OF THE TUNNEL. SOME
16 PEOPLE SAY PITTSBURG IS COMING IN WITH A LATE HIT. WE
17 FINALLY GOT THROUGH THIS DARK TUNNEL. THE SCHULLER MEMO
18 SAID IT JUST LIKE WE'VE BEEN SAYING IT, AND IT LITERALLY
19 WAS EXACTLY WHAT NEEDS TO BE LOOKED AT. BECAUSE IGNORE
20 THE DOUBLE LINER, THE TRIPLE LINER, THE CLAY LINER, THE
21 COMPOSITE LINER, ALL THESE THINGS. UNDER CHAPTER 15, THE
22 FIRST CRITERIA IS THE GEOLOGIC SETTING OF THAT SITE. WHY
23 PUT IT ON A SITE THAT IS DESCRIBED BY OTHER EXPERTS AS A
24 MAJOR RECHARGE AREA FOR GROUNDWATER? THAT DOESN'T MAKE
25 SENSE.



1 A LOT OF PEOPLE THAT HAVE LOOKED AT THIS
2 NOW, INDEPENDENT OF THOSE THAT ARE PAID FOR BY BFI, HAVE
3 RAISED SOME ISSUES ABOUT THE DESIGN OF THIS THING. AND
4 THAT'S BEEN VALIDATED, ESSENTIALLY, BY THE STATE WATER
5 RESOURCE CONTROL BOARD STAFF. THEY HELD A PREHEARING
6 CONFERENCE ON IT, AND A LOT OF INFORMATION CAME OUT. A
7 LOT OF INFORMATION WAS BROUGHT IN BY BFI. WE HAD TO DO
8 IT IN A TERRIFIC TURNAROUND TIME. BY FEBRUARY 14TH, WE
9 HAD TO REANALYZE THIS STUFF.

10 WE'RE NOT TRYING TO SLOW THIS THING UP.
11 WE'RE TRYING TO GET THE PROCESS MOVING. WE FILED OUR
12 PETITION ON APRIL 19TH. NOW WE'RE GOING TO HAVE A
13 HEARING ON MARCH 31ST. I DON'T THINK THAT'S OUR FAULT.
14 EVERY TIME WE'VE BEEN ASKED TO DO SOMETHING, WE'VE DONE
15 IT. AND WE'VE DONE IT WITHIN THE TIME LIMITS. WE'VE
16 PROVIDED VERY CREDIBLE EXPERTS TO LOOK AT THIS ISSUE, AND
17 THEY'RE RAISING LOTS OF CONCERNS ABOUT THIS.

18 IT BOILS DOWN TO THE FACT THAT WHETHER YOU
19 CALL THIS A CLASS II, III, IV, V, OR VI LANDFILL, THIS IS
20 NOT A SUITABLE SITE FOR THIS FACILITY. I THINK YOU'RE
21 RIGHT. YOU'VE GOT TO LOOK AT THIS SUITABILITY OF THE
22 SITE, AND I THINK THAT'S WHY YOU CAN'T MAKE THOSE
23 FINDINGS. I DON'T THINK YOU CAN MAKE THE FINDINGS WHEN
24 ANOTHER AGENCY IS SAYING, "LOOK. THE REGIONAL BOARD
25 DIDN'T EVEN LOOK AT THIS ISSUE." YET, YOU HAVE ON YOUR



1 LIST OF ENTITLEMENTS THAT WASTE DISCHARGE ORDER AS A
2 BASIS TO SUPPORT YOUR DECISION. OR YOU HAVE,
3 ESSENTIALLY, WHAT OUR EXPERTS HAVE FOUND OUT, ONE
4 ADDITIONAL BORING AMIDST THOUSANDS OF PAGES OF MATERIAL
5 THAT CAN'T POSSIBLY CHARACTERIZE THIS LANDSLIDE.

6 SO IF I COULD, I'LL INTRODUCE PHIL GREGORY.
7 IF I DO NEED TO PROVIDE HIS CREDENTIALS, THEY'RE ATTACHED
8 TO THE REPORTS THAT I SENT YOU IN MY MARCH 4TH LETTER.

9 ANY QUESTIONS?

10 BOARD MEMBER EGIGIAN: YES. MR. CHAIRMAN, I
11 THINK YOU'VE BEEN VERY PATIENT HERE, AND YOU'RE ALLOWING
12 EVERYBODY THAT WANTS TO SAY SOMETHING THE OPPORTUNITY TO
13 SAY IT, BUT I DON'T THINK THIS IS A LICENSE TO GO AFTER
14 OUR STAFF. OUR STAFF HAS DONE A GOOD JOB. I'VE BEEN
15 HERE OVER 18 MONTHS AND NOT ONE TIME HAS A RECOMMENDATION
16 OF OUR STAFF BOUNCED BACK IN OUR FACE. YOU OWE OUR STAFF
17 AN APOLOGY. I DON'T THINK THAT YOU SHOULD BERATE THEM
18 FOR WHAT THEY'VE DONE. THEY'VE DONE A GOOD JOB WITH WHAT
19 THEY HAVE TO WORK WITH. SO MR. CHAIRMAN, YOU'VE GOT MORE
20 PATIENCE THAN I HAVE.

21 CHAIRMAN HUFF: I WORKED FOR THE LEGISLATURE FOR
22 TEN YEARS, ELEVEN YEARS. OKAY.

23 MR. GREGORY: MR. CHAIRMAN AND BOARD MEMBERS,
24 I'D LIKE TO INTRODUCE MYSELF. I AM PHIL GREGORY WITH THE
25 ENGINEERING FIRM OF ROGERS/PACIFIC LOCATED IN PLEASANT



1 HILL, CALIFORNIA, WHICH IS RIGHT IN THE MIDDLE OF CONTRA
2 COSTA COUNTY.

3 FIRST OFF, I'D LIKE TO START OUT BY LETTING
4 YOU KNOW I DON'T INTEND TO BASH ANY OTHER ENGINEERS
5 BECAUSE I DON'T THINK IT'S APPROPRIATE, AND I DON'T THINK
6 IT'S A QUESTION HERE OF WHO'S RIGHT AND WHO'S WRONG. I'D
7 LIKE TO POINT OUT REAL QUICKLY THAT I DO AGREE
8 WHOLEHEARTEDLY WITH THE STATEMENT MADE BY YOUR STAFF
9 EARLIER, THAT MANY OF THE ISSUES AT HAND HERE ARE A
10 QUESTION OF NOT RIGHT OR WRONG, BUT INTERPRETATION.
11 INTERPRETATION OF THE METHODOLOGIES USED, INTERPRETATION
12 OF THE EXISTING CONDITIONS, ET CETERA. I WOULD AGREE
13 WITH THAT WHOLEHEARTEDLY, AND I THINK WE NEED TO TAKE
14 THAT INTO ACCOUNT.

15 WITH THAT UP FRONT, I'D JUST LIKE TO GO
16 OVER REAL QUICKLY MY HISTORY AND INVOLVEMENT AND THE
17 HISTORY AND INVOLVEMENT OF OUR COMPANY WITH THIS PROJECT,
18 WHY WE ARE HERE, WHO WE'RE WORKING FOR, ET CETERA.

19 IN 1991, AUGUST 1991, WE WERE ASKED BY THE
20 CITY OF PITTSBURG TO REVIEW THE PUBLICLY AVAILABLE
21 DOCUMENTS DEALING WITH THE PROPOSED KELLER LANDFILL SITE.
22 THESE DOCUMENTS ARE NAMELY THE DRAFT ENVIRONMENTAL IMPACT
23 REPORT, THE REPORT OF WASTE DISCHARGE, AND THE SITE
24 CHARACTERIZATION REPORT THAT WERE AVAILABLE AT THAT TIME.

25 WE WERE ASKED MAINLY TO LOOK AT THE



1 QUESTION OF SLOPE STABILITY IN LANDSLIDES WITHIN THE
2 CANYON AS THAT IS OUR FIRM'S FORTE. THAT IS WHAT WE ARE
3 KNOWN FOR. I WORKED ON THIS PROJECT AS PROJECT MANAGER
4 ALONG WITH DR. JAY DAVID ROGERS, WHO IS A NOTED AUTHORITY
5 ON LANDSLIDING. HE IS NATIONALLY RECOGNIZED, I WOULD
6 SAY, IN THE SAME SENSE THAT THE OTHER ENGINEERS YOU HAVE
7 HAD BEFORE YOU HERE TODAY. HE IS NATIONALLY RECOGNIZED
8 AS AN EXPERT IN LANDSLIDE ANALYSIS AND CONTROL.

9 ANYWAY, AT THAT TIME, WE WERE ASKED BY THE
10 CITY TO LOOK AT SLOPE STABILITY ISSUES. ON OCTOBER 13TH,
11 1991, WE PRESENTED OUR FINDINGS IN A REPORT TO THE CITY,
12 WHICH I BELIEVE HAS BEEN MADE AVAILABLE TO THE BOARD.
13 OUR REVIEW, BASICALLY, CONCLUDED THAT THERE DID NOT
14 APPEAR, IN OUR OPINION, TO BE ENOUGH DATA TO PROPERLY
15 CHARACTERIZE THE SITE WITH RESPECT TO LANDSLIDING AND
16 SLOPE STABILITY. THIS FINDING WAS THEN, I BELIEVE,
17 FORWARDED TO THE STATE WATER RESOURCES CONTROL BOARD
18 THROUGH THE CITY OF PITTSBURG AND THEIR ATTORNEYS.

19 IN DECEMBER OF 1991, AS BILL HAS PREVIOUSLY
20 MENTIONED, THE STATE WATER RESOURCES CONTROL BOARD MEMO
21 WAS ISSUED BY MR. SCHULLER, WHICH CONCLUDED THAT, AND I
22 QUOTE FROM THE MEMO, "NO DETAILED ANALYSIS OF THE
23 STABILITY OF THE SITE OR POTENTIAL DIFFERENTIAL
24 SETTLEMENT WAS DONE BY BFI." NOW, THOSE ARE NOT MY
25 WORDS. THEY WERE NOT THE WORDS THAT WERE USED IN OUR



1 REPORT OF OCTOBER 13TH. THAT IS THE UNBIASED AGENCY, THE
2 STATE WATER RESOURCE CONTROL BOARD, WHICH WAS ISSUING
3 THOSE FINDINGS AT THAT TIME.

4 I'D LIKE TO POINT OUT HERE THAT A LOT HAS
5 BEEN SAID ABOUT THE REVIEW WHICH HAS BEEN UNDERTAKEN BY
6 REPUTABLE NATIONAL FIRMS ON BEHALF OF THE COUNTY. A LOT
7 OF PEOPLE HAVE LOOKED AT THIS, AND I RECOGNIZE THAT.
8 IT'S EASY TO SAY, "HEY, ROGERS/PACIFIC, YOU'RE BEING PAID
9 BY THE CITY. OF COURSE, YOU'RE GOING TO COME UP WITH
10 THESE FINDINGS." TO THAT I WOULD MOST DEFINITELY SAY TO
11 YOU, WELL, THE STATE WATER RESOURCES CONTROL BOARD IS NOT
12 BEING PAID BY THE CITY OF PITTSBURG. AS FAR AS AN
13 UNBIASED OPINION AS TO THE AVAILABLE DOCUMENTATION
14 REGARDING THE STABILITY OF THE SITE, I BELIEVE THAT THEIR
15 ASSESSMENT IS ABOUT AS UNBIASED AS YOU CAN GET.

16 ANYWAY, TO CONTINUE ON WITH OUR
17 INVOLVEMENT, ON JANUARY 17TH, WHICH WAS APPROXIMATELY
18 FIVE DAYS BEFORE THE PREHEARING CONFERENCE HELD AT THE
19 STATE WATER RESOURCES CONTROL BOARD, WE RECEIVED
20 ADDITIONAL INFORMATION FROM BFI RELATING TO SLOPE
21 STABILITY AND SETTLEMENT ISSUES, AND THAT INFORMATION IS
22 WHAT BILL JUST PRESENTED IN FRONT OF YOU. I WON'T GO
23 INTO THAT HERE IN DETAIL RIGHT NOW.

24 ON JANUARY 22D, WE ATTENDED THE PREHEARING
25 CONFERENCE HERE IN SACRAMENTO WITH THE STATE WATER



1 RESOURCES CONTROL BOARD, AND AT THAT PREHEARING
2 CONFERENCE WE BASICALLY WENT OVER VARIOUS ISSUES THAT WE
3 HAD BROUGHT UP IN OUR OCTOBER 13TH MEMO, AND THEN BFI'S
4 CONSULTANTS AND BFI THEN BROUGHT UP THE WAY THEY FELT
5 ABOUT IT, ET CETERA, ET CETERA.

6 ON FEBRUARY 14TH, FOLLOWING THAT MEETING,
7 WE PRESENTED OUR FINDINGS OF OUR CONTINUING REVIEW BASED
8 ON OUR REVIEW OF THE ADDITIONAL DATA MADE AVAILABLE ON
9 JANUARY 17TH, AND PRESENTED THAT IN A LETTER OR IN A
10 REPORT TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH
11 I BELIEVE YOU ALSO HAVE A COPY OF, THAT IS OUR REPORT OF
12 FEBRUARY 14TH, 1992.

13 THAT KIND OF GETS US UP TO WHERE WE ARE
14 TODAY, SO WHAT I'D LIKE TO DO BRIEFLY, IF I MAY, IS GO
15 OVER WHAT WAS INCLUDED OR ADDRESSED IN THAT FEBRUARY
16 14TH, OUR LATEST REPORT, REGARDING THIS ISSUE, AND I'LL
17 TRY ONLY TO ADDRESS ISSUES WHICH I BELIEVE TO BE RELEVANT
18 TO THE WATER -- OR THE WASTE MANAGEMENT BOARD. I'M NOT
19 GOING TO TRY AND STRAY FROM THAT. IT'S MY UNDERSTANDING
20 THAT MAINLY WHAT YOU'RE CONCERNED WITH IS THE OPERATIONAL
21 AND POSTCLOSURE STABILITY OF THE SITE.

22 THERE ARE BASICALLY FOUR ISSUES WHICH WE
23 HAVE MAINTAINED ARE IN QUESTION HERE REGARDING STABILITY
24 AND SETTLEMENT OF THE PROPOSED LANDFILL. THOSE ISSUES
25 ARE THE QUESTION OF STABILITY OF EXISTING LANDSLIDES



1 AROUND THE PERIMETER OF THE PROPOSED LANDFILL. THEIR
2 STABILITY DURING THE OPERATIONAL LIFE OF THE FACILITY,
3 APPROXIMATELY 30 YEARS. AND OUR MAIN REASON FOR LOOKING
4 AT THIS ISSUE IS IF YOU LOOK AT THE GEOLOGIC MAP OF THE
5 SITE AND WHAT YOU QUICKLY FIGURE OUT IS THAT THE LANDFILL
6 SITE IS UNDERLAIN BY -- APPROXIMATELY, I'D SAY, 30
7 PERCENT OF THE SITE IS UNDERLAIN BY ANCIENT LANDSLIDE
8 MATERIAL. THAT IS MATERIAL WHICH HAS SLID DOWN
9 PREVIOUSLY FROM THE HILLSIDES WITHIN THE CANYON, EITHER
10 LOWER ON TO THE CANYON WALL OR INTO THE BOTTOM OF THE
11 CANYON.

12 NOW, WHEN YOU THINK OF LANDSLIDES, YOU
13 THINK OF, WELL, THE SLIDE BEHIND YOUR HOUSE. IT'S MAYBE
14 50 FEET HIGH AND 10 FEET THICK. THESE LANDSLIDES THAT
15 ARE AT KELLER CANYON ARE MUCH DIFFERENT. THEY'RE IN THE
16 ORDER OF SEVERAL HUNDRED FEET LONG, A HUNDRED FEET THICK,
17 AND 400 FEET WIDE. THERE ARE SEVERAL MAJOR LANDSLIDES
18 WHICH, IN PREVIOUS TIMES, DEPOSITED THEMSELVES, SLID DOWN
19 THE CANYON, BASICALLY, THE CANYON WALLS.

20 NOW, THE REASON THAT'S A CONCERN IS THAT
21 ONCE YOU HAVE AN UNSTABLE MASS, THE MASS REMAINS
22 UNSTABLE. SO WHEN YOU HAVE A LANDSLIDE THAT HAS OCCURRED
23 AT ONE POINT IN TIME, WHEN YOU DO SOMETHING TO CHANGE THE
24 CONFIGURATION OF THAT SLIDE, IN ALL LIKELIHOOD, IT'S
25 GOING TO MOVE --



1 BOARD MEMBER RELIS: IF I COULD INTERRUPT HERE
2 FOR ONE SECOND. AT WHAT POINT IN TIME ARE WE TALKING
3 ABOUT? WHAT DO WE KNOW ABOUT WHEN THESE SLIDES HAPPENED?

4 MR. GREGORY: THESE SLIDES ARE, IN ALL CASES,
5 YOU WOULD CALL THEM ANCIENT SLIDES. THEY'RE NOT DURING
6 OUR LIFETIME. IT'S ANCIENT.

7 BOARD MEMBER RELIS: LIKE THOUSANDS OF YEARS?

8 MR. GREGORY: IT WOULD BE DIFFICULT FOR ME TO
9 SAY. I'M PERSONALLY A SOILS ENGINEER. I'M NOT A
10 GEOLOGIST, AND ACTUALLY CH2M HILL MAY BE ABLE TO ADDRESS
11 THAT.

12 BOARD MEMBER RELIS: I THINK IT WOULD BE GOOD
13 FOR US TO KNOW WHAT ANCIENT MEANS.

14 MR. GREGORY: WELL, SURE. ANCIENT MEANS BEFORE
15 ANYONE WAS IN CONTRA COSTA COUNTY, IN THE ORDER OF
16 THOUSANDS OF YEARS WHEN IT INITIALLY STARTED, PROBABLY.

17 BOARD MEMBER RELIS: OKAY.

18 MR. REEVES: I'D JUST LIKE TO SAY SOMETHING
19 ABOUT THAT. I DON'T KNOW EXACT AGE, BUT IT'S AT LEAST A
20 COUPLE OF THOUSAND YEARS. THAT WASN'T REALLY AN ISSUE,
21 THE AGE.

22 BOARD MEMBER RELIS: THAT IS YOUR THOUGHT, THAT
23 IT WOULD BE AT LEAST A COUPLE OF THOUSAND YEARS.

24 MR. GREGORY: I WOULDN'T DISAGREE WITH THAT AT
25 ALL.



1 ANYWAY, WHAT WE'RE CONCERNED ABOUT IS THAT
2 NOW YOU GO IN AND YOU WANT TO CONSTRUCT THIS LANDFILL IN
3 THE MIDST OF THESE LARGE DEPOSITS OF UNSTABLE MATERIAL,
4 WHAT HAPPENS WHEN YOU CUT OUT THE BASE OF THOSE
5 LANDSLIDES, THE OLD LANDSLIDES, WHEN YOU'VE GOT A
6 HUNDRED-FOOT THICK PILE OF UNSTABLE DEBRIS? WHAT HAPPENS
7 WHEN YOU CUT INTO THAT? IS IT GOING TO SLIDE DOWN?
8 THAT'S THE BASIC CONCERN WITH THIS ISSUE. AND WHEN WE'RE
9 TALKING ABOUT LANDSLIDES, THAT'S WHAT WE'RE TALKING
10 ABOUT. WE'RE TALKING ABOUT THE ISSUE OF REACTIVATING
11 EXISTING SLIDES DURING THE OPERATIONAL LIFE OF THE
12 FACILITY.

13 NOW, ESSENTIALLY, IN OUR INITIAL REVIEW, IT
14 WAS BROUGHT UP THAT, IN OUR OPINION, THE POTENTIAL FOR
15 LANDSLIDE REACTIVATION DURING THE OPERATIONAL LIFE OF THE
16 FACILITY HAD NOT BEEN ADDRESSED ADEQUATELY. THE STATE
17 BOARD BASICALLY AGREED WITH US. A CONTENTION OF BFI IS
18 THAT, AND THIS IS BASED ON A COUNTY CONDITION THAT
19 STABILITY OF THE LANDFILL DURING CONSTRUCTION BE DEALT
20 WITH DURING CONSTRUCTION. WELL, OUR CONTENTION IS THAT
21 WE DISAGREE WITH THAT. WE DISAGREE THAT YOU CAN
22 BASICALLY SAY THERE'S THIS HUNDRED-FOOT LANDSLIDE THERE.
23 WE'LL DEAL WITH IT DURING CONSTRUCTION DOWN THE ROAD.

24 SO WHAT WE DID IN OUR NEXT PHASE IN LOOKING
25 AT THIS PROBLEM IS, OKAY, LET'S SEE HOW UNSTABLE THE



1 MATERIAL MAY POSSIBLY BECOME IF YOU CUT INTO THIS
2 LANDSLIDE MATERIAL. SO WHAT WE DID IS WE TOOK CH2M
3 HILL'S DATA, WHICH WE POINTED OUT EARLIER. WE USED THEIR
4 INFORMATION AND RAN SOME ANALYSES ON THE EXISTING
5 LANDSLIDES. WE DID TAKE A HYPOTHETICAL CUT SLOPE, AS
6 MENTIONED PREVIOUSLY BY CH2M HILL, BECAUSE NOWHERE IN THE
7 DESIGN DOCUMENTS IS IT SHOWN HOW THE VARIOUS PHASES OF
8 THE LANDFILL ARE CONSTRUCTED. HOW DO YOU GET THAT
9 MATERIAL THAT'S THERE OUT OF THE WAY FOR THE NEXT PHASE?

10 SO WE ASSUMED A CUT SLOPE, A 3-TO-1 CUT
11 SLOPE, WHICH IS A VERY CONSERVATIVE ASSUMPTION FOR
12 CONSTRUCTION, MODELED THAT AND FOUND THAT THE STABILITY
13 OF THE LANDSLIDE SURROUNDING THE SITE HAD A FACTOR OF
14 SAFETY OF ABOUT 1 OR 1.1, I BELIEVE IS WHAT WE CAME UP
15 WITH. IF IT WERE A SITE THAT WAS GOING TO BE IN
16 OPERATION FOR A YEAR, PERSONALLY, I WOULD SAY, YOU KNOW,
17 THAT'S OKAY. I COULD DEAL WITH THAT. IT'S PROBABLY
18 BELOW THE REGULATIONS, BUT USE SOME JUDGMENT. FROM THE
19 CONTEXT AT THIS OPERATIONAL LIFE OF THE FACILITY, WHICH
20 IS 30 YEARS, IN OUR OPINION, THAT'S NOT AN APPROPRIATE
21 FACTOR OF SAFETY.

22 CH2M HILL HAS SAID THAT THEY WILL, IF
23 REQUIRED, OVEREXCAVATE THE EXISTING LANDSLIDES SO THAT
24 THEY ARE STABLE. I WOULD LIKE TO -- WE WOULD HAVE LIKED
25 TO HAVE SEEN THAT IN AN ORIGINAL DESIGN, DEAL WITH THE



1 ENTIRE LANDSLIDES UP FRONT RATHER THAN WHEN IT COULD
2 HAPPEN. ANYWAY, THAT'S THE ISSUE OF LANDSLIDES WHEN WE
3 TALK ABOUT LANDSLIDES.

4 LET'S SEE. NOW, THE ISSUE OF THE STABILITY
5 OF THE TOE BERM, WHICH EVERYONE'S BEEN TALKING ABOUT, AND
6 YOU PAINT THIS BIG PICTURE OF THIS BIG 200-FOOT TOE BERM
7 COMING DOWN, WELL, I WOULD LIKE TO GET AWAY FROM THE
8 RHETORIC OF A BIG MOUND OF GARBAGE COMING IN YOUR BACK
9 YARD AND LOOK AT WHERE WE CAME UP WITH OUR CONCERNS AND
10 WHY. THE CONCERNS THAT WE HAD TO DEAL WITH,
11 CONCEPTUALLY, THE CONCEPT OF BUILDING A STABLE MASS ON
12 TOP OF A MATERIAL WHICH IS INHERENTLY UNSTABLE, THAT IS
13 THE TOE BERM IS ACTUALLY CONSTRUCTED ON LANDSLIDE DEBRIS
14 AND/OR ALLUVIAL MATERIAL WHICH IS EQUALLY UNSTABLE.

15 NOW, THE REASON THAT WE BRING UP THIS
16 QUESTION, YOU LOOK AT THAT INTUITIVELY AND SAY, "WE
17 BETTER LOOK AT THIS AND MAKE SURE EVERYTHING IS RIGHT."
18 SO WHAT WE DID AT THAT POINT WAS TOOK A LOOK AT IT AND
19 SAID TO OURSELVES, "WHAT IMPACT DOES CONSTRUCTING THE TOE
20 BERM HAVE ON THAT MATERIAL UNDERNEATH THAT IT IS BEING
21 FOUNDED ON, ON THE FOUNDATION SOILS?" YOU LOOK AT IT
22 REAL STRAIGHTFORWARD AND SAY, "THE MATERIAL UNDERNEATH
23 THE LANDFILL AND UNDERNEATH THE TOE BERM IS GOING TO
24 CONSOLIDATE. IT'S GOING TO SQUISH UP AND SETTLE."
25 THAT'S A GIVEN.



1 NOW, WHAT'S THE CONSEQUENCE WHEN THAT
2 HAPPENS? THE CONSEQUENCE IS THAT AS THE MATERIAL
3 SETTLES, THE WATER THAT'S IN THAT MATERIAL NEEDS TO GO
4 SOMEWHERE. THE WATER THAT -- IN ORDER FOR THE LANDFILL
5 AND THE MATERIALS BELOW TO SETTLE, THE WATER NEEDS TO GO
6 SOMEWHERE. SO THAT MEANS THAT WHAT'S GOING TO HAPPEN IS
7 IT'S EITHER GOING TO GO OUT RAPIDLY AND MAKE A QUICK
8 SETTLEMENT, OR IT'S GOING TO GO OUT SLOWLY AND YOU'RE
9 GOING TO INCREASE THE WATER PRESSURE IN THE LANDSLIDE
10 MATERIAL, THEREBY DECREASING THE STRENGTH OF THE
11 LANDSLIDE MATERIAL.

12 SO, IN ESSENCE, WHAT WE DECIDED WAS TO LOOK
13 AT -- IT'S APPROPRIATE TO ASSUME THAT THAT MATERIAL
14 ISN'T GOING TO DRAIN FAST ENOUGH, AND THE REASON FOR THAT
15 IS THAT THE CONSOLIDATION -- THE SETTLEMENT CALCULATIONS
16 WHICH WERE DONE PREVIOUSLY INDICATE THAT IT'S NOT GOING
17 TO DRAIN RAPIDLY. THE MATERIALS IN THE FOUNDATION ARE
18 NOT GOING TO DRAIN RAPIDLY. YOU KNOW, YOU'RE GOING TO
19 GET A BUILDUP OF PRESSURE. SO WHAT WE DID IS LOOK AT A
20 SO-CALLED UNDRAINED CONDITION, A WORSE CASE, AND SEE WHAT
21 HAPPENS. WHAT WE DID IS WE CAME UP WITH A SITUATION
22 WHERE IT SHOWS THAT THE STABILITY OF THE LANDFILL IS
23 MARGINAL AT THAT POINT, AROUND THE FACTOR SAFETY OF 1.0.

24 NOW, TO ADDRESS THE EARLIER QUESTIONS
25 REGARDING OUR ANALYSIS WITH REGARD TO THE TOE BERM, I'D



1 JUST LIKE TO POINT OUT THAT IT WAS STATED EARLIER THAT WE
2 HAD SAID IN PREVIOUS MEETINGS, THE USE OF AN UNDRAINED
3 ANALYSIS IS APPROPRIATE FOR LANDSLIDES. I AGREE. I
4 AGREE WHOLEHEARTEDLY. I WOULD SAY TO YOU THAT WE'RE
5 TALKING ABOUT APPLES AND ORANGES HERE. WE'RE TALKING
6 ABOUT LANDSLIDE MATERIAL, BUT WE'RE NOT TALKING ABOUT THE
7 STABILITY OF A LANDSLIDE. WE'RE TALKING ABOUT STABILITY
8 OF A BERM PLACED ON LANDSLIDE MATERIAL.

9 WHEN WE HAD DISCUSSED THIS EARLIER WITH
10 REGARD TO DRAINED VERSUS UNDRAINED ANALYSES, IT WAS WITH
11 REGARD TO STABILITY OF AN EXISTING LANDSLIDE
12 REACTIVATING. NOW WHAT WE'RE TALKING ABOUT IS THE
13 STABILITY OF A BERM CONSTRUCTED ON A MATERIAL WHICH IS
14 LANDSLIDE MATERIAL THAT IS NOT A LANDSLIDE, PER SE. IT'S
15 LANDSLIDE MATERIAL WHICH DOES NOT HAVE A CHANCE TO DRAIN.
16 I DON'T KNOW IF YOU EVEN WANT TO TRY AND UNDERSTAND WHAT
17 I'M TALKING ABOUT, AS FAR AS FROM A TECHNICAL SENSE, BUT
18 THERE IS A JUSTIFICATION FOR WHY WE'RE SAYING WHAT WE'VE
19 SAID.

20 NOW, IN ADDITION, I WOULD LIKE TO POINT OUT
21 THAT WHEN OUR ANALYSIS OF THE TOE BERM WAS DISSECTED BY
22 CH2M HILL, IT WAS STATED THAT THE ACTUAL UNDRAINED
23 STRENGTH IS AT LEAST 2,000 PSF. I'M NOT GOING TO STAND
24 UP HERE AND FIGHT THAT. AS I SAID EARLIER, I THINK
25 THERE'S A LOT OF INTERPRETATION AND METHODOLOGY



1 DIFFERENCES WHICH COME INTO PLAY. BUT WHAT I WOULD LIKE
2 TO POINT OUT IS THAT EVEN USING, AND I BELIEVE I'M
3 PARAPHRASING WHAT CH2M HILL SAID HERE EARLIER, USING
4 LOWER BOUND VALUES OF AN UNDRAINED SHEER STRENGTH
5 ANALYSIS, THEY CAME UP WITH A FACTOR OF SAFETY OF 1.4.
6 NOW, I'M ASSUMING THAT IS A STATIC FACTOR OF SAFETY. IT
7 WASN'T STATED.

8 EITHER WAY, I BELIEVE BILL COULD ENLIGHTEN
9 ME HERE, PART OF THE REGULATIONS THAT YOU'RE TO ENFORCE
10 REQUIRE THAT THE FACTOR OF SAFETY IN THE LONG-TERM
11 SEISMIC CONDITION BE A MINIMUM OF 1.5. DO YOU KNOW?
12 I'VE GOT IT RIGHT HERE, BILL, IF YOU CAN TELL ME.

13 MR. YEATES: ESSENTIALLY, IT'S SECTION 17777 OF
14 YOUR REGULATIONS, WHICH REQUIRE THAT IN THE FINAL SITE
15 COVER, YOU'RE ESSENTIALLY TRYING TO ACHIEVE A FACTOR OF
16 SAFETY OF 1.5 UNDER DYNAMIC CONDITIONS. THAT'S WHY I
17 MARKED IT THERE, AND I RAISED THE CONCERNS ABOUT IF
18 ROGERS/PACIFIC'S ANALYSIS WAS ACCURATE, YOU CAN'T MAKE
19 THAT FINDING.

20 MR. GREGORY: TO GET BACK TO THE -- I THINK I'VE
21 ADDRESSED EVERYTHING I WANTED TO SAY ABOUT STABILITY OF
22 THE TOE BERMS AND STABILITY OF THE LANDSLIDES. THERE'S
23 ONE OTHER ISSUE WHICH HAS NOT BEEN DISCUSSED YET BY
24 ANYONE THAT I'D LIKE TO TALK ABOUT BRIEFLY; BUT IF YOU
25 HAVE ANY QUESTIONS NOW REGARDING THE STABILITY ISSUES



1 THAT WE'VE ADDRESSED, I'D BE GLAD TO TRY AND ANSWER THEM.

2 CHAIRMAN HUFF: ANY QUESTIONS?

3 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I DON'T
4 HAVE ANY QUESTIONS OF THIS GENTLEMAN.

5 CHAIRMAN HUFF: HE STILL HAS A LITTLE MORE OF
6 HIS PRESENTATION.

7 BOARD MEMBER EGIGIAN: THEN I'LL WAIT.

8 CHAIRMAN HUFF: HE WAS THINKING THERE MIGHT BE
9 SOME INTERIM QUESTIONS.

10 OKAY. CONTINUE.

11 MR. GREGORY: ALL RIGHT. THE LAST ISSUE THAT
12 WE'VE ADDRESSED IN OUR PREVIOUS REPORTS AND STUDIES IS
13 THE ISSUE OF SETTLEMENT OF THE LANDFILL AND WHAT'S GOING
14 TO BE HAPPENING TO THE LANDFILL DOWN THE ROAD WITH
15 RELATION TO SETTLEMENT OF THE UNDERLYING MATERIALS. WE
16 BROUGHT UP THE QUESTION OF, WELL, SETTLEMENT ANALYSIS
17 THAT'S BEEN DONE IS FINE IF IT'S A CONTINUOUS HOMOGENEOUS
18 MATERIAL THAT'S UNDERLINING THE LANDFILL.

19 THE PROBLEM THAT WE SEE OR THE QUESTION
20 THAT WE HAVE IS, WELL, WE KNOW IT'S NOT A HOMOGENEOUS
21 MATERIAL. YOU'RE NOT TALKING ABOUT A LAYER OF CLAY
22 UNDERNEATH THE WHOLE LANDFILL, THE EXISTING MATERIAL I'M
23 SAYING, THE FOUNDATION. WHAT WE HAVE IS LANDSLIDE DEBRIS
24 THAT HAS THE POTENTIAL, AND WE KNOW LANDSLIDE DEBRIS HAS
25 THESE, HAS INCLUSIONS THAT ARE MUCH HARDER THAN THE



1 SURROUNDING MATERIAL. THEY'RE BASICALLY INTACT BEDROCK
2 PIECES THAT HAVE SLID DOWN OVER THE YEARS.

3 NOW, OUR CONCERN REGARDS WHAT HAPPENS WHEN
4 THE WHOLE LANDFILL IS LOADED UP HERE, THE MATERIAL
5 UNDERNEATH THE LANDFILL SETTLES EXCEPT FOR THESE INTACT
6 HARD SPOTS OR BEDROCK MASSES? WHAT RESULT DOES THAT HAVE
7 ON THE INTEGRITY OF THE LINER SYSTEM? IT'S AN ISSUE
8 WHICH, IN OUR OPINION, HASN'T BEEN ADDRESSED. WE HAVEN'T
9 SEEN THIS ISSUE MENTIONED ANYWHERE, AND WE THINK IT
10 WARRANTS FURTHER CONSIDERATION, BASICALLY, BEFORE WASTE
11 IS ALLOWED TO BE PUT INTO THE SITE.

12 THAT CONCLUDES THE TECHNICAL ISSUES WHICH I
13 WANTED TO DISCUSS, AND I'M HAPPY TO ANSWER ANY QUESTIONS.

14 BOARD MEMBER RELIS: DOES STAFF HAVE ANY COMMENT
15 ON IT?

16 MR. REEVES: WE'D LIKE TO RESPOND TO A FEW OF
17 THOSE ISSUES SINCE I ALREADY LOOKED AT MOST OF THE ISSUES
18 THAT ROGERS/PACIFIC HAD IN THEIR MEMO OF FEBRUARY 14TH.

19 FIRST OF ALL, ABOUT THE FACTOR OF SAFETY OF
20 1.5 THAT THEY BROUGHT OUT, THAT ACTUALLY ONLY REFERS TO
21 THE FINAL SLOPE OF THE FILL MATERIAL ITSELF, NOT TO THE
22 UNDERLYING MATERIAL. THEY DID AN ANALYSIS OF THE
23 UNDERLYING MATERIAL AND CAME UP WITH A FACTOR OF
24 SAFETY -- CH2M HILL DID -- WHERE THEY CAME UP WITH 1.4
25 UNDERDRAINED SHEER STRENGTH. AND THAT IS ACCEPTABLE. OUR



1 REGULATIONS, OUR CLOSURE REGULATIONS, ONLY REFER TO THE
2 FINAL SLOPE CONFIGURATION. THAT'S WHERE THE 1.5 COMES
3 IN. THAT WAS THE FIRST THING.

4 WE DID ALSO ADDRESS, LOOK AT SOME OF THE
5 COMMENTS THEY HAD ON -- ROGER/PACIFIC HAD ON SETTLEMENT
6 AS WELL. JUST A FEW NOTES. I LOOKED AT SOME, WHAT YOU
7 CALL, ISOSETTLEMENT MAPS, WHICH CH2M HILL PROVIDED ALONG
8 IN THE SLOPE STABILITY ANALYSIS, AND ALSO THE MATERIALS
9 REPORT, WHICH WAS SUBMITTED IN RESPONSE TO THE SCHULLER
10 MEMO, AND FOUND THAT THE ISOSETTLEMENT MAP INDICATED
11 SETTLEMENT ONLY IN AREAS WHICH, WELL, MOSTLY AREAS THAT
12 EXPERIENCED NO SETTLEMENT AT ALL, ACCORDING TO THEIR
13 CALCULATIONS.

14 THE TOE BERM AREA EXPERIENCED MAXIMUM
15 SETTLEMENT OF ABOUT 5 FEET OVER A 50-YEAR OR 30-YEAR
16 PERIOD. I'M NOT SURE EXACTLY ANYMORE ABOUT THE DATES,
17 BUT ESSENTIALLY, EVEN CONSIDERING SOME OF THE SETTLEMENT
18 CALCULATIONS THAT WERE LATER DONE BY ROGERS/PACIFIC, SOME
19 OF THE ESTIMATES THAT THEY MADE, WHICH THEY DIDN'T
20 INCLUDE ANY ADDITIONAL INFORMATION ON HOW THEY DERIVED
21 THOSE SETTLEMENTS, YOU WOULD EXPECT PERHAPS THAT A
22 SEVEN-AND-A-HALF FOOT SETTLEMENT VERSUS 5 FEET AND IN
23 SOME AREAS WE WOULDN'T EXPERIENCE ANY SETTLEMENT AT ALL
24 BECAUSE CH2M HILL HADN'T CALCULATED ANY ADDITIONAL
25 SETTLEMENT IN A MAJORITY OF -- WHERE THE LANDFILL



1 EVENTUALLY WILL BE LOCATED. THAT WAS ESSENTIALLY MY
2 ASSESSMENT ON SETTLEMENT AND THE TOE BERM AREA.

3 I LOOKED AT SOME OF THE INFORMATION ON THE
4 ADDITIONAL SETTLEMENT CALCULATIONS AROUND THE TOE BERM
5 AREA AND FOUND THAT EVEN WITH THE ADDITIONAL SETTLEMENT
6 EXPERIENCED, THAT IT WOULDN'T MAKE A BIG DIFFERENCE ON
7 THE PIPES AND THE DESIGN, AT LEAST, SO THERE WASN'T ANY
8 CONSIDERATION THERE AT LEAST. IT APPEARED THAT CH2M HILL
9 HAD OVERDESIGNED THOSE PIPES, EVEN IF YOU INCLUDED THIS
10 ADDITIONAL SETTLEMENT IN THOSE AREAS. THAT WAS MY
11 ASSESSMENT, AT LEAST, SO I WANTED TO JUST ADD THOSE
12 THINGS.

13 CHAIRMAN HUFF: OKAY. PAPER BREAK. FIVE
14 MINUTES.

15 (A BREAK WAS TAKEN.)

16 MR. YEATES: MR. CHAIRMAN, THAT PRETTY MUCH
17 CONCLUDES MY PART OF THIS PRESENTATION UNLESS THERE ARE
18 QUESTIONS.

19 CHAIRMAN HUFF: ARE THERE ANY QUESTIONS? THERE
20 APPEAR TO BE NONE.

21 MR. MAYOR?

22 MAYOR CURRIE: THANK YOU, MR. CHAIRMAN AND
23 MEMBERS OF THE COMMITTEE. I JUST HAVE A COUPLE OF
24 SENTENCES. I KNOW THE DAY HAS BEEN LONG, BUT I WANTED TO
25 THANK YOU FOR YOUR INDULGENCE. YOU HAVE GIVEN US MORE OF



1 A HEARING THAN WE HAVE COLLECTIVELY RECEIVED UP TO THIS
2 POINT IN OUR OVER EIGHT YEARS, IF YOU CAN BELIEVE THAT.
3 I LOOK FORWARD TO YOUR DELIBERATIONS IN MAKING A
4 DECISION. I THINK I WOULD BE REMISS IF I DIDN'T SAY THAT
5 MANY OF THE PEOPLE OF THE AUDIENCE HERE CAME UP FROM
6 PITTSBURG WITH US TODAY. ONE INDIVIDUAL THAT I
7 INDICATED, MR. AIELLO, SAID THAT HIS REMARKS HAVE ALREADY
8 BEEN COVERED SO HE WILL NOT BE SPEAKING AT THIS TIME.

9 I THINK THIS WILL CONCLUDE OUR
10 PRESENTATION. I WANT TO THANK YOU VERY MUCH. WE
11 RECEIVED A BETTER RECEPTION HERE THAN WE HAVE EVER
12 RECEIVED ANYWHERE. THANK YOU VERY MUCH.

13 CHAIRMAN HUFF: YOU'RE WELCOME. I THINK YOU'RE
14 ENTITLED TO IT. REGARDLESS OF HOW THE DECISIONS GO, I
15 THINK THAT THE PEOPLE'S BUSINESS OUGHT TO BE CONDUCTED IN
16 A CIVIL, OPEN MANNER, AND THAT'S WHY WE DO IT.

17 MAYOR CURRIE: THAT'S MY ONLY CONCERN. QUITE
18 FRANKLY, I HAVE GOTTEN WORSE TREATMENT BEFORE COMMITTEES
19 AND BOARDS THAN I HAVE RECEIVED AT THE HOME OF OPPONENTS
20 AS I'VE BEEN CAMPAIGNING. I'VE HAD FOUR-LETTER WORDS AND
21 EVERYTHING THROWN AT ME, SO YOU CAN IMAGINE WHAT TODAY
22 HAS BEEN. IT'S BEEN AN EXPERIENCE TO REMEMBER. THANK
23 YOU.

24 CHAIRMAN HUFF: OKAY. MR. EGIGIAN, DO YOU HAVE
25 ANY QUESTIONS?



1 BOARD MEMBER EGIGIAN: I DON'T HAVE ANY
2 QUESTIONS, BUT LISTENING TO EVERYTHING THAT HAPPENED
3 TODAY, I THINK THAT WE MUST NOW PUT THE ENGINEERS IN A
4 CLASS WITH THE ATTORNEYS, DOCTORS, ELECTED OFFICIALS,
5 APPOINTED PEOPLE, BOARD MEMBERS.

6 CHAIRMAN HUFF: WHAT DOES THAT LEAVE, SAM?

7 BOARD MEMBER EGIGIAN: NOT TOO MUCH.

8 CHAIRMAN HUFF: NEWSPAPER REPORTERS.

9 WELL, BEFORE THE CHAIR ENTERTAINS ANY
10 MOTIONS, LET ME ASK QUESTIONS OF STAFF. AFTER ALL THIS
11 TESTIMONY AND ALL THIS HEARING AND DUELING ENGINEERS, IF
12 YOU WILL, DO YOU, STAFF OF THE INTEGRATED WASTE
13 MANAGEMENT BOARD, STILL HOLD TO YOUR CONCLUSION THAT THE
14 PERMIT BEFORE US MEETS STATE MINIMUM STANDARDS?

15 MR. WATHNEY: YES, WE DO.

16 CHAIRMAN HUFF: THANK YOU. I'LL ENTERTAIN A
17 MOTION.

18 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, AS WAS
19 STATED TO BEGIN WITH, JUST BEFORE MY MOTION --

20 CHAIRMAN HUFF: YOUR MIKE ISN'T ON, SAM.

21 BOARD MEMBER EGIGIAN: OKAY. BEFORE MY MOTION,
22 OUR ATTORNEY AND I THINK YOU EXPOUNDED ON THE FACT THAT
23 WE DO NOT ISSUE ANY PERMITS. THIS BOARD DOES NOT ISSUE
24 ANY PERMITS. THIS BOARD ONLY REACTS TO PERMITS THAT ARE
25 ISSUED FROM LOCAL GOVERNMENT.



1 BASED ON THAT AND BASED ON WHAT OUR STAFF
2 SAYS. I WOULD LIKE TO MOVE THAT WE ACCEPT STAFF
3 RECOMMENDATIONS, THAT THE BOARD ADOPT PERMIT DECISION NO.
4 92-18.

5 CHAIRMAN HUFF: MR. RELIS? TURN ON YOUR MIKE.

6 BOARD MEMBER RELIS: I CAN'T SUPPORT THAT
7 PARTICULAR MOTION BECAUSE I THINK WE SHOULD GIVE THIS A
8 LITTLE MORE TIME, BUT THAT'S UP TO YOU, MR. CHAIR.

9 CHAIRMAN HUFF: OKAY. LET ME ASK STAFF: ARE WE
10 SURE THAT THE 60-DAY CLOCK EXPIRES MAY -- WHAT WAS IT? --
11 4TH? WAIT. THE ATTORNEY IS COUNTING. THAT MAKES ME
12 NERVOUS.

13 MR. CONHEIM: MAY 4TH IS BASED ON WHAT APPEARS
14 TO BE IN THE RECORD AS ACKNOWLEDGED AS THE COUNTING DAY
15 STARTING MARCH 3D. NOW, JUST FOR THE RECORD, I SHOULD
16 HAVE LOOKED UP THE CIVIL CODE SECTION, BUT IF MARCH 3D
17 WAS THE 63D DAY, 60 DAYS LATER IS SATURDAY, MAY 2D. WE
18 DO NOT HAVE TO ACT ON SATURDAY. WE DO NOT HAVE TO ACT ON
19 A SUNDAY. WE MUST ACT ON MONDAY, BEFORE CLOSE OF
20 BUSINESS MONDAY, MAY 4TH.

21 CHAIRMAN HUFF: OKAY. OF COURSE, OUR OAKLAND
22 MEETING IS APRIL 29TH.

23 MR. CONHEIM: ALL OF THAT IS MOOT.

24 CHAIRMAN HUFF: OKAY. WE HAVE A MOTION TO ADOPT
25 THE STAFF RECOMMENDATION, WHICH IS CONCURRENCE IN THE



1 PERMIT. WE'LL HAVE A ROLL CALL, PLEASE.

2 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

3 BOARD MEMBER EGIGIAN: AYE.

4 COMMITTEE SECRETARY: BOARD MEMBER RELIS?

5 BOARD MEMBER RELIS: NO.

6 COMMITTEE SECRETARY: CHAIRMAN HUFF?

7 CHAIRMAN HUFF: THAT MOTION CARRIES TWO TO ONE.

8 MR. RELIS, DO YOU HAVE A MOTION?

9 BOARD MEMBER RELIS: YES. I WOULD LOOK TO PUT
10 FORTH THIS POSITION: I'M PERSUADED BY WHAT I'VE HEARD
11 HERE TODAY THAT THIS ISSUE WOULD BE BEST SERVED BY GIVING
12 OURSELVES ANOTHER MONTH. I DON'T THINK IT'S -- WE'RE
13 LOOKING AT A SIX-YEAR FRAMEWORK TO BRING US TO THIS
14 POINT. WE'RE NOT GOING TO IRREPARABLY HARM THE DISPOSAL
15 OPTION OF CONTRA COSTA COUNTY WITHIN THIS TIME FRAME.

16 WE AND THE WATER BOARD, I THINK, NEED TO
17 GET TOGETHER, AT LEAST INFORMALLY, BETWEEN OUR STAFFS.
18 I'D LIKE TO SEE THIS GONE OVER IN DETAIL AT LEAST ONE
19 MORE TIME, GET OUR EXPERTS TOGETHER WITH THEIRS, THEN,
20 WHILE TIME IS OF THE ESSENCE, I DON'T THINK, AS I SAID,
21 THAT THIS TIME FRAME IS UNREASONABLE.

22 I WOULD THEN PROPOSE THAT CONSIDERATION OF
23 CONCURRENCE IN THE ISSUANCE OF THE NEW SOLID WASTE
24 FACILITY PERMIT FOR KELLER CANYON BE REMOVED FROM THE
25 MARCH AGENDA, PLACED ON THE APRIL AGENDA, FOR CONCURRENCE

1 OR DENIAL BY THE FULL BOARD AT OUR APRIL 29TH, I BELIEVE
2 IT IS, OAKLAND MEETING. THAT WOULD BE MY POSITION.

3 CHAIRMAN HUFF: OKAY. IS THAT A MOTION?

4 ROLL CALL?

5 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

6 BOARD MEMBER EGIGIAN: NO.

7 COMMITTEE SECRETARY: BOARD MEMBER RELIS?

8 BOARD MEMBER RELIS: AYE.

9 COMMITTEE SECRETARY: CHAIRMAN HUFF?

10 CHAIRMAN HUFF: AYE. THAT MOTION CARRIES.

11 SO THAT EVERYONE KNOWS, THIS COMMITTEE IS
12 RECOMMENDING CONCURRENCE IN THE PERMIT, BUT RECOMMENDING
13 THAT THIS MATTER NOT BE TAKEN BY THIS BOARD, BY THE FULL
14 BOARD IN THE MARCH REDDING MEETING, BUT RATHER WE'RE
15 ASKING THAT IT BE TAKEN IN THE APRIL OAKLAND MEETING.

16 BOARD MEMBER EGIGIAN: MR. CHAIRMAN?

17 CHAIRMAN HUFF: YES, MR. EGIGIAN.

18 BOARD MEMBER EGIGIAN: IS THAT DECISION GOING TO
19 BE MADE AT OUR NEXT BOARD MEETING, WHETHER THE BOARD GOES
20 ALONG WITH THAT DATE?

21 CHAIRMAN HUFF: NO. THE CHAIR SETS THE AGENDA,
22 THE CHAIR OF THE BOARD.

23 BOARD MEMBER EGIGIAN: THANK YOU.

24 CHAIRMAN HUFF: I THINK I KNOW HOW IT'S GOING TO
25 HAPPEN.



1 BOARD MEMBER EGIGIAN: YOU WANT TO TELL ME?

2 CHAIRMAN HUFF: OKAY. THAT CONCLUDES ITEM 10.

3 BOARD MEMBER RELIS: I WOULD JUST LIKE TO ALSO
4 SAY I THINK WE'VE HEARD -- I REALLY RESPECT THE WAY
5 EVERYONE HANDLED THIS TODAY. THIS IS A HOT ISSUE, AND I
6 THINK THE TESTIMONY WAS GOOD AND EVERYBODY REMAINED
7 CIVIL, WHICH WAS VERY POSITIVE HERE.

8 CHAIRMAN HUFF: I CONCUR IN YOUR REMARKS. WE
9 HAD A GOOD HEARING.

10 THANK YOU ALL FOR PARTICIPATING. WE WILL
11 MOVE ON TO THE NEXT ITEM, BUT GIVE YOU A COUPLE MINUTES
12 TO LEAVE IF YOU DON'T WANT TO HEAR THE REST OF OUR
13 AGENDA.

14 BOARD MEMBER HUFF: WE'RE AT ITEM 11.

15 LET ME ANNOUNCE NOW THAT IT IS THE
16 INTENTION OF THE CHAIR THAT WE'RE SHUTTING DOWN AT 6:00.
17 ANY OF WHO WANT TO CATCH AIRPLANES, THAT'S WHEN IT'S
18 GOING TO BE.

19 NOW, LET'S MARCH THROUGH THIS. ITEM 11 IS
20 THE PERMIT DESK MANUAL.

21 I HAVE A LETTER FROM RICHARD HANSON, WHICH
22 SAYS THAT HE NOT ONLY SPEAKS FOR HIMSELF, BUT ALSO THE
23 LEA'S OF VENTURA, SANTA BARBARA, ORANGE, AND SAN DIEGO
24 COUNTIES, AND THEY WANT ANOTHER MONTH WITH THIS THING.

25 I'VE ALSO SPOKEN WITH STAFF. THEY TELL ME



1 THAT THEY CAN PRODUCTIVELY USE ANOTHER MONTH WITH THIS
2 THING, SO UNLESS THERE'S OBJECTION WE ARE GOING TO
3 POSTPONE CONSIDERATION OF APPROVAL OF THE PERMIT DESK
4 MANUAL UNTIL OUR APRIL COMMITTEE MEETING. OKAY? SO
5 ORDERED.

6 ITEM 12, APPROVAL OF SUBTITLE D MUNICIPAL
7 SOLID WASTE LANDFILL PERMIT APPLICATION TO THE U.S. EPA.

8 THIS IS ONE WE WANT TO DO TODAY. I THINK
9 EVERYONE REALIZES THAT WE HAVE BEEN PARTICIPATING WITH
10 U.S. EPA ON THE SUBTITLE D PROGRAM. WE'VE MET WITH THEM.
11 WE'VE SPENT CONSIDERABLE TIME WITH THEM. THEY SEEM TO BE
12 NICE PEOPLE. THIS IS, THEN, A FORMAL INITIATION FOR
13 WHAT'S GOING TO BECOME MAINTENANCE OF OUR ABILITY TO DO
14 THINGS OUR WAY IN CALIFORNIA DESPITE THE FEDS.

15 SO I THINK IT'S A SLAM DUNK UNLESS SOMEONE
16 ELSE HAS ANY OTHER OPINION. IS THERE A MOTION?

17 BOARD MEMBER EGIGIAN: I'LL SO MOVE.

18 CHAIRMAN HUFF: SAM MOVES THE SLAM DUNK. ROLL
19 CALL, PLEASE.

20 BOARD SECRETARY: BOARD MEMBER EGIGIAN?

21 BOARD MEMBER EGIGIAN: YES.

22 BOARD SECRETARY: RELIS?

23 BOARD MEMBER RELIS: AYE.

24 BOARD SECRETARY: CHAIRMAN HUFF?

25 CHAIRMAN HUFF: AYE.



1 SLAM DUNK IS A TECHNICAL SOLID WASTE TERM.
2 MR. CONHEIM: I THOUGHT IT WAS A SIGNIFICANT
3 TERM OF ADMINISTRATIVE LAW?

4 BOARD MEMBER HUFF: THAT TOO.

5 OKAY. YES, THAT'S A CONSENT ITEM.

6 ITEM 13. THIS IS A DISCUSSION ITEM, WHICH
7 MEANS THAT WE COULD WAIT AND SEE IF WE HAD TIME TO
8 DISCUSS IT SOME OTHER TIME. IF WE HAVE TIME LEFT AT THE
9 END OF THIS MEETING, EVEN.

10 OKAY. ITEM 14 IS ANOTHER DISCUSSION ITEM.
11 IT'S IN THE SAME CATEGORY.

12 ITEM 15 IS A BRIEFING OF THE STATUS OF THE
13 WASTE TIRE PROGRAM. BUT BEFORE WE TAKE THAT, LET'S TAKE
14 ITEM 16.

15 MR. ADAMS: GOOD AFTERNOON, MR. CHAIRMAN,
16 MEMBERS OF THE COMMITTEE. MY NAME IS GARTH ADAMS AND
17 WITH ME TODAY IS RICHARD CASTLE AND DIANA THOMAS. WE'RE
18 HERE TODAY TO PRESENT ITEM 16, A DISCUSSION OF ISSUES
19 RELATED TO IMPLEMENTATION OF OPERATING LIABILITY
20 REGULATIONS.

21 THE BOARD ADOPTED THE PROPOSED REGULATIONS
22 ON DECEMBER 11TH, 1992. THE PERMITTING AND ENFORCEMENT
23 COMMITTEE ALSO MET ON JANUARY 8TH TO DISCUSS
24 IMPLEMENTATION OF THESE REGULATIONS. THE RULE MAKING
25 FILE WAS SUBMITTED TO THE OFFICE OF ADMINISTRATIVE LAW



1 FEBRUARY 21ST. THEY HAVE 30 DAYS TO REVIEW AND COMMENT.

2 AS THE COMMITTEE IS AWARE, THERE ARE
3 CONCERNS BY BOTH PRIVATE AND PUBLIC OPERATORS REGARDING
4 THESE REGULATIONS. THERE ARE INTERESTED PARTIES HERE
5 TODAY THAT MAY WISH TO ADDRESS THESE CONCERNS.

6 STAFF HAVE HAD FIVE ITEMS BROUGHT TO OUR
7 ATTENTION THAT ARE RELATED TO IMPLEMENTATION OF THESE
8 REGULATIONS. THEY ARE AS FOLLOWS: WILL THESE
9 REGULATIONS REQUIRE AN OPERATOR TO SECURE FINANCIAL
10 ASSURANCES FOR OFFERING LIABILITY WHEN ISSUED A CLOSURE
11 PERMIT? WE DO NOT ANTICIPATE THAT A CLOSURE PERMIT WILL
12 TRIGGER FINANCIAL ASSURANCE REQUIREMENTS FOR OFFERING
13 LIABILITY.

14 CHAIRMAN HUFF: SO ANYONE WITH THAT ISSUE, THAT
15 IS, THE CLOSURE PERMIT TRIGGERING OPERATING LIABILITY,
16 THE ANSWER IS NO, IT DOESN'T TRIGGER IT. NEXT ONE?

17 MR. ADAMS: IF A LANDFILL IS CLOSING IN LESS
18 THAN FIVE YEARS, IS THE ENVIRONMENTAL LIABILITY FUND
19 MECHANISM AVAILABLE AS AN OPTION?

20 THE REGULATIONS DO NOT CURRENTLY PROHIBIT
21 AN OPERATOR FROM SELECTING THIS MECHANISM AS AN OPTION IN
22 CLOSING IN LESS THAN FIVE YEARS; HOWEVER, THIS RAISES TWO
23 ISSUES: FIRST, THE LEVEL OF REQUIRED COVERAGE WILL NEVER
24 BE ACHIEVED BY THE CLOSURE; SECOND, IF THE BOARD WERE TO
25 REQUIRE THAT THE LEVEL OF COVERAGE BE ACHIEVED PRIOR TO



1 CLOSURE, THEN THE REGULATIONS WOULD HAVE TO BE AMENDED TO
2 SPECIFY THAT THE ENVIRONMENTAL LIABILITY FUND WILL BE
3 FULLY FUNDED TO REQUIRED LEVELS IN FIVE YEARS OR LESS.

4 THIS WOULD MAKE THE AMOUNT OF THE ANNUAL
5 DEPOSIT FOR THE FUND DEPENDENT ON THE CLOSURE DATE.
6 CURRENTLY THE MINIMUM DEPOSITS ARE APPROXIMATELY
7 \$400,000. IF THE LANDFILL WERE REQUIRED TO CLOSE IN TWO
8 YEARS, THE FIRST DEPOSIT IS \$400,000. THE SECOND IS \$1.6
9 MILLION.

10 CHAIRMAN HUFF: RIGHT NOW THE REGULATIONS DO
11 NOT. OKAY. NEXT ONE?

12 MR. ADAMS: CAN AN OPERATOR PROVIDE ONE
13 INSURANCE POLICY FOR MULTIPLE SITES? YES, AS LONG AS THE
14 POLICY IDENTIFIES EACH SITE COVERED BY THAT POLICY.

15 ANOTHER QUESTION OR ISSUE?

16 CHAIRMAN HUFF: THE ANSWER IS YES.

17 MR. ADAMS: YES. IF AN OPERATOR SUBMITS AN
18 APPLICATION FOR PERMIT ACTION PRIOR TO JULY 1ST, 1992,
19 AND THE PERMIT IS NOT ACTUALLY ISSUED UNTIL AFTER JULY
20 1ST, DOES THAT OPERATOR HAVE TO PROVIDE THE FINANCIAL
21 ASSURANCE REQUIRED UNDER THESE REGULATIONS? YES.

22 THE LAW SAYS THAT AS A CONDITION FOR
23 ISSUANCE OF MODIFICATION REVISION OR REVIEW, THE OPERATOR
24 SHALL PROVIDE ASSURANCES IN THE MATTER OF FINANCIAL
25 ABILITY.



1 CHAIRMAN HUFF: JUST A STRAIGHT RELIANCE ON THE
2 LAW?

3 MR. ADAMS: YES.

4 CHAIRMAN HUFF: OKAY.

5 MR. ADAMS: THE LAST ONE IS IF A LANDFILL OPENS
6 AFTER JULY 1ST, 1992, CAN AN OPERATOR SELECT THE
7 ENVIRONMENTAL LIABILITY FUND AS AN OPTION? NO.

8 THE REGULATIONS DO NOT REQUIRE AN OPERATOR
9 TO PROVIDE FINANCIAL ASSURANCES FOR A LANDFILL THAT IS
10 NOT OPERATING.

11 CHAIRMAN HUFF: OKAY.

12 MR. ADAMS: AS YOU MAY RECALL, THIS MECHANISM
13 WAS CREATED IN RESPONSE TO OPERATORS OF SINGLE SITES
14 EXPRESSING THEIR CONCERNS TO THE COMMITTEE THAT THEY MAY
15 NOT BE ABLE TO OBTAIN ENVIRONMENTAL IMPAIRMENT LIABILITY
16 COVERAGE. AN ADDITIONAL DEPOSIT OF \$2 MILLION IN TRUST
17 FUND COULD BE A FINANCIAL HARDSHIP. AS A RESULT, THE
18 COMMITTEE SPECIFIED A FIVE-YEAR BUILDUP FOR THIS
19 MECHANISM, A ONE-TIME OPPORTUNITY TO USE IT.

20 IN ADDITION, A LANDFILL SCHEDULED TO OPEN
21 IN THE FUTURE MAY HAVE TIME TO PLAN FOR THESE REGULATORY
22 REQUIREMENTS OR HAVE THE ABILITY TO OBTAIN ENVIRONMENTAL
23 IMPAIRMENT LIABILITY INSURANCE GIVEN THE LIMITED
24 ENVIRONMENTAL LIABILITY ASSOCIATED WITH THE LANDFILL.

25 BY THIS I MEAN A NEW LANDFILL WOULD BE



1 SUBJECT TO THE MOST CURRENT DESIGN AND MONITORING
2 REGULATIONS AND JUST BE STARTING TO ACCEPT WASTE.

3 THAT'S ALL WE HAVE AS FAR AS WHAT'S BEEN
4 BROUGHT TO OUR ATTENTION. IF YOU HAVE ANY QUESTIONS?

5 CHAIRMAN HUFF: I DON'T THINK THERE ARE
6 QUESTIONS OF THE COMMITTEE MEMBERS.

7 LET ME SAY AT THE BEGINNING THAT THIS ITEM
8 IS ON THE AGENDA AS A DISCUSSION ITEM, AND THERE'S A
9 REASON FOR THAT. THAT REASON IS WE PRESENTLY HAVE THE
10 REGULATIONS THAT THE BOARD ADOPTED IN DECEMBER BEFORE
11 OAL.

12 IT IS THE DESIRE OF THE CHAIR OF THIS
13 COMMITTEE, AND I THINK IT'S PROBABLY THE DESIRE OF THE
14 MEMBERS ALSO, THAT WE NOT DO ANYTHING TO DISTURB THAT OAL
15 PROCESS. WE DON'T WANT TO START OVER AGAIN WITH OAL OR
16 ANYBODY, SO WE WANT TO HAVE THAT PROCESS UNFOLD AS IT
17 SHOULD.

18 NONETHELESS, ALL OF US, BOTH COMMITTEE
19 MEMBERS AND OTHER BOARD MEMBERS HAVE RECEIVED A FLOOD OF
20 MAIL IN THE LAST MONTH OR SO, SO SOMEONE OUT THERE HAS
21 SUCCESSFULLY GOTTEN THE INTEREST OF SOME PEOPLE, STATING
22 TO SOME DEGREE THAT THERE ARE IMPLEMENTATION PROBLEMS
23 WITH THESE REGULATIONS.

24 AND THAT HAS BEEN A STATED INTEREST OF THIS
25 COMMITTEE FROM THE VERY BEGINNING. WE WANT TO KNOW IF



1 THERE ARE IMPLEMENTATION ISSUES. WE THINK THAT WE'VE
2 RESOLVED ISSUES ON HOW THIS IS SUPPOSED TO -- WHAT
3 CONSTITUTES INSURANCE AND THAT SORT OF THING, BUT WE WANT
4 TO KNOW WHETHER THERE ARE PROBLEMS IN IMPLEMENTING THIS
5 PROGRAM. THAT'S WHAT WE WANT TO FOCUS ON TODAY.

6 IF GARTH HASN'T RESOLVED ALL THE POSSIBLE
7 PROBLEMS, IF THERE ARE STILL SOME PROBLEMS, NOW IS YOUR
8 TIME. IF YOU COULD PLEASE IDENTIFY WHAT THE PROBLEM IS,
9 HOW IT IMPACTS LANDFILL OPERATION AS YOU KNOW IT, PERHAPS
10 WE CAN DETERMINE HOW WE SHOULD BEST ADDRESS IT BEGINNING
11 NOW.

12 MR. FRANCHETTI?

13 MR. FRANCHETTI: THANK YOU, MR. CHAIRMAN. THANK
14 YOU. I'M MIKE FRANCHETTI, AND I AM REPRESENTING A
15 LANDFILL IN SAN JOAQUIN COUNTY OWNED BY FORD
16 INCORPORATED. IT'S A SMALL SINGLE FACILITY LANDFILL.
17 I'LL BE RATHER BRIEF BECAUSE I KNOW YOU'VE HAD A LONG
18 DAY.

19 CHAIRMAN HUFF: NO, THIS IS JUST LIKE ANY DAY
20 FOR US.

21 MR. FRANCHETTI: IT ISN'T THAT WAY WHEN I COME
22 BY HERE AT 4:30 OR 4:00, JESS.

23 WELL, ANYWAY. ALSO, WE'LL HAVE INDIVIDUALS
24 FROM THE LEAGUE OF CALIFORNIA CITIES, FROM CSAC, A
25 SUPERVISOR FROM NEVADA COUNTY AND ALSO SOME INDEPENDENT



1 OPERATORS OR SMALL OPERATORS TESTIFY.

2 THE BASIC CONCERN THAT WE'D LIKE TO BRING
3 TO THE ATTENTION OF YOUR COMMITTEE -- OF THIS COMMITTEE
4 IS THE PORTION OF THE REG WHICH REQUIRES A SINGLE
5 FACILITY OPERATOR TO HAVE COVERAGE OR PAY INTO THE TRUST
6 FUND THE AMOUNT OF \$2 MILLION. AS YOU ALL KNOW, THE
7 MULTIPLE FACILITY OPERATOR BASICALLY IS REQUIRED TO HAVE
8 EACH FACILITY COVERED BY ESSENTIALLY \$1 MILLION.

9 IN LOOKING AT HOW TO IMPLEMENT THIS FROM
10 THE STANDPOINT OF THE SMALLER PRIVATE OPERATOR, WE
11 BELIEVE THERE ARE SOME SERIOUS PROBLEMS. I KNOW YOU'VE
12 GOTTEN LETTERS ON THIS. I DON'T WANT TO REPEAT
13 EVERYTHING THAT YOU HAVE READ; BUT, BASICALLY, WHAT HAS
14 OCCURRED IS THAT THE \$2 MILLION REQUIREMENT HITS THE
15 OPERATOR, WHO, IN MOST CASES, PERHAPS NOT IN EVERY CASE,
16 BUT IN MOST CASES IS REALLY LEAST ABLE TO DEAL WITH IT.
17 THERE ARE TWO REASONS FOR THAT.

18 FIRST, BECAUSE FOR THE MOST PART THEY ARE
19 SMALLER OPERATORS, WHETHER THEY'RE PRIVATE OR PUBLIC.
20 THEY REALLY DON'T HAVE THE CAPITAL AVAILABLE TO PAY INTO
21 THE TRUST FUND EASILY. SECONDLY, BECAUSE THEY ONLY
22 OPERATE ONE FACILITY, THEY DON'T HAVE THE ABILITY TO SORT
23 OF AVERAGE THE COST OF EITHER INSURANCE OR THE MONEY INTO
24 THE TRUST FUND OVER A NUMBER OF FACILITIES, BUT HAVE TO
25 CONCENTRATE THAT COST ON ONE OPERATION.



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1 AND THIS MEANS ESSENTIALLY THAT IF IN ORDER
2 TO RAISE \$2 MILLION, THEY HAVE TO RAISE THEIR FEES BY \$1
3 AT ONE FACILITY. IF THEY HAD TWO FACILITIES, IF THEY HAD
4 THE SAME VOLUME, THEY WOULD HAVE TO RAISE THEIR FEES AT
5 THOSE TWO FACILITIES ONLY BY 50 CENTS. SO THE PERSON
6 WITH THE ONE FACILITY FINDS THEMSELVES COMPETITIVELY AT A
7 DISADVANTAGE.

8 SOME OF THE INPUT THAT WE HAVE GOTTEN HAS
9 INDICATED THAT SOME OPERATORS ARE SAYING, WELL, THIS IS
10 JUST ONE MORE THING THAT'S GETTING TO BE THE STRAW THAT
11 BREAKS THE CAMEL'S BACK. IT'S GETTING THE HABIT, AND
12 I'M SURE THEY CAN CONTINUE IN OPERATION. SOME ARE SAYING
13 THAT THEY FEEL THAT THEY'LL BE HARMED IN THEIR OPERATION
14 BECAUSE THEIR COSTS WILL GO UP IN A PROPORTION GREATER
15 THAN THOSE PEOPLE THAT RUN MULTIPLE FACILITIES.

16 THERE ARE CONCERNS THAT THIS WILL LEAD TO
17 ILLEGAL DUMPING, PERHAPS TO HAULING TO OTHER WASTE SITES
18 THAT ARE FARTHER AWAY BUT WHICH ACTUALLY WILL BE CHEAPER
19 FOR THE PEOPLE WHO ARE DOING THE -- OR USING THAT
20 FACILITY.

21 WE BELIEVE THAT RIGHT AT THIS MOMENT, BASED
22 ON A REVIEW OF YOUR RECORDS, THERE ARE APPROXIMATELY 18
23 PRIVATE LANDFILLS THAT ARE SINGLE FACILITY LANDFILLS, AND
24 APPROXIMATELY 39 MUNICIPAL LANDFILLS WHICH ARE IMPACTED
25 IN THIS MANNER. WE KNOW THAT FROM MY CLIENT, FORWARD



1 INCORPORATED, THAT IN ORDER TO MEET THE \$2 MILLION
2 COVERAGE LEVEL, THAT THEY WILL PROBABLY HAVE TO RAISE
3 THEIR FEES FROM 50 TO 100 PERCENT, AND THAT OBVIOUSLY IS
4 GOING TO DIRECTLY IMPACT HOW THEY'RE ABLE TO FUNCTION.

5 WE VIEW THIS AS AN IMPLEMENTATION ISSUE
6 MORE THAN WHETHER THIS IS A GOOD IDEA OR NOT. WE
7 APPRECIATE WHY THIS REGULATION WAS ADOPTED. BUT IN THIS
8 IMPLEMENTATION, WE WOULD LIKE THE BOARD TO CONSIDER SOME
9 CHANGES, AND I'M NOT SURE IF THESE ARE SUBSTANTIAL
10 CHANGES OR NOT. I'M NOT SURE IF THEY IMPACT THE PROBLEM
11 THAT YOU HAVE WITH THE FACT THAT THE REGS ARE ALREADY AT
12 THE OFFICE OF ADMINISTRATIVE LAW.

13 THE CHANGE THAT WE WOULD LIKE TO RECOMMEND
14 IS THAT THE SINGLE FACILITY BE REQUIRED TO HAVE ONLY \$1
15 MILLION IN COVERAGE. THAT BASICALLY TREATS THAT FACILITY
16 JUST LIKE ANY OTHER FACILITY WHETHER ITS MULTIPLE OR NOT.
17 IT MAY NOT BE A TOTAL ANSWER TO THE PROBLEM, BUT IT
18 CERTAINLY REDUCES THE COST AND WILL LESSEN THE NEGATIVE
19 IMPACTS.

20 ONCE, AGAIN, WE RECOGNIZE THAT YOU'VE GOT
21 THIS PROCEDURAL PROBLEM. AND THE FIRST QUESTION I'D
22 RAISE IS WHETHER THIS IS A SUBSTANTIAL CHANGE. IF IT'S
23 NOT, THEN PERHAPS IT CAN STILL BE DONE WITHIN THE CURRENT
24 PROCESS. IF YOU CAN'T DO THAT, WE WOULD LIKE TO SUGGEST
25 THAT THE BOARD CONSIDER ISSUING AN ORDER, ASSUMING YOU



1 AGREE WITH DOING THIS, OF COURSE, THAT THE BOARD ISSUE AN
2 ORDER SAYING THAT WHEN THE REGULATION THAT IS AT OAL IS
3 FINAL, IS ACTUALLY ISSUED, THAT IT'S THE BOARD'S
4 INTENTION OR THE BOARD HAS INSTRUCTED STAFF TO PREPARE AN
5 AMENDMENT WHICH WOULD IMMEDIATELY FOLLOW THE ISSUANCE OF
6 THE BROADER REG OR OF THE BASIC REG MAKING THIS CHANGE.

7 IT SEEMS TO US THESE MAY BE TWO WAYS OF
8 POSSIBLY DEALING WITH THAT PROBLEM. I WILL NOT GO INTO
9 ANYMORE DEPTH ON IT. THERE MAY BE SOME OTHER THINGS THAT
10 WE MIGHT LIKE, BUT THAT'S REALLY THE BASIC THRUST OF WHAT
11 WE'RE TALKING ABOUT.

12 CHAIRMAN HUFF: MR. CONHEIM, FIRST QUESTION,
13 WOULD DROPPING THE ONE FACILITY REQUIREMENT FROM TWO
14 MILLION TO ONE MILLION CONSTITUTE A SUBSTANTIAL CHANGE?

15 MR. CONHEIM: I THINK THE ARGUMENT COULD BE MADE
16 THAT IT WOULD NOT; HOWEVER, I CAN ARGUE IT BOTH WAYS.
17 AND I'M NOT SURE THE QUESTION IS EVEN -- I THINK IT'S
18 MOOT UNTIL WE KNOW WHAT OAL IS GOING TO DO WITH THE
19 REGULATIONS.

20 BOARD MEMBER HUFF: THAT'S TRUE.

21 MR. CONHEIM: I THINK THAT THAT IS NOT AN EASILY
22 ANSWERED QUESTION. I THINK THAT THE LAWYERS CAN TAKE A
23 SHOT AT IT. I THINK THAT THE PROFESSIONALS WHO HAVE
24 LIVED THROUGH THIS PROCEEDING AND NEED TO TALK ABOUT IT,
25 I CAN MAKE THE ARGUMENT THAT IT IS NOT SUBSTANTIAL; ON



1 THE OTHER HAND, IT HAS FISCAL IMPACTS THAT HAVE TO BE
2 REASSESSED AND IT COULD BE CONSIDERED.

3 CHAIRMAN HUFF: ULTIMATELY, WHO MAKES THAT
4 JUDGMENT, OAL?

5 MR. CONHEIM: OAL WOULD MAKE THAT JUDGMENT. WE
6 MAKE THE CALL, THEN THEY WOULD ACCEPT IT OR NOT. AND IF
7 WE COULD ONLY DO IT, PLEASE BE CLEAR --

8 CHAIRMAN HUFF: BUT IF THEY SEND IT BACK --

9 MR. CONHEIM: -- IF THEY SENT IT BACK TO US, IF
10 THEY DON'T SEND IT BACK TO US WITH ANY REJECTION. IF
11 THEY APPROVE OUR REGULATIONS BY THE 21ST, THEN ANY
12 AMENDMENT TO THE REGS IS A NORMAL REGULATORY PROCEEDING
13 WITH THE 45-DAY NOTICE AND ALL THE TRAFFICS.

14 BOARD MEMBER HUFF: OF COURSE, WE COULD ALSO DO
15 EMERGENCY.

16 MR. CONHEIM: AS LONG AS WE MET THE CRITERIA FOR
17 AN EMERGENCY, I THINK WE COULD MAKE A SUBSTANTIAL
18 ARGUMENT BECAUSE WE'RE SPEEDING TOWARDS THE BRICK WALL OF
19 THE DEADLINE OF THIS.

20 CHAIRMAN HUFF: THAT'S RIGHT.

21 MR. FRANCHETTI: ONE OF THE CONCERNS THAT I
22 THINK THAT EVERYONE HAS IS THAT THERE IS AN OPTION TO PAY
23 INTO THE FUND IN SORT OF A YEARLY DOWN PAYMENT KIND OF
24 PROCESS. IT'S MY UNDERSTANDING THAT IN ORDER TO OPT INTO
25 THAT, THE OPERATOR MUST MAKE THAT OPTION DECISION BY JULY



1 1ST OR JULY 2D. AND SO THIS IS WHY WE'RE ASKING TO HAVE
2 SOMETHING DONE NOW TO SPEED THIS PROCESS. AGAIN,
3 ASSUMING YOU'RE IN AGREEMENT WITH THE BASIC UNDERLYING
4 ISSUE, AND TO TRY TO SPEED IT BECAUSE MANY OF THESE
5 PEOPLE ARE GOING TO HAVE TO MAKE A CHOICE AND THEY'RE
6 VERY CONCERNED ABOUT IT.

7 I'LL LET SOME OF THE OTHERS COME UP AND
8 SHARE THAT, BUT AGAIN WE WOULD TRULY REQUEST THAT THE
9 BOARD CONSIDER TAKING SOME ACTION AT THIS HEARING TO MOVE
10 THIS PROCESS FORWARD IF YOU'RE IN AGREEMENT WITH THE
11 UNDERLYING ARGUMENT.

12 CHAIRMAN HUFF: LET ME ASK A QUESTION. ARE YOU
13 THEN SAYING THAT IT IS POSSIBLE THAT THE FINANCIAL
14 IMPACTS OF THIS REGULATION ON THE LANDFILL THAT YOU
15 REPRESENT MAY BE SO SEVERE AS TO CLOSE IT?

16 MR. FRANCHETTI: WELL, I DON'T THINK THAT THE
17 PARTICULAR LANDFILL I REPRESENT WILL BE CLOSED, NO. I DO
18 THINK IT WILL SUBSTANTIALLY UNDERCUT THEIR ABILITY TO
19 COMPETE WITH OTHER LANDFILLS.

20 CHAIRMAN HUFF: IT WOULD CURTAIL THEIR
21 PROFITABILITY?

22 MR. FRANCHETTI: POSSIBLY, YES, AND WHO KNOWS
23 WHAT THE LONG-TERM IMPACT. I HAVE SEEN COPIES OF LETTERS
24 THAT HAVE BEEN SENT TO MEMBERS OF THE BOARD WHERE
25 LANDFILLS HAVE SAID THEY'RE NOT TOO SURE WHAT THEY CAN



1 REALLY DO. AND THIS LIST OF LANDFILLS THAT ARE IMPACTED,
2 I MEAN, THERE'S LIKE A LANDFILL AT HAPPY CAMP. I MEAN,
3 YOU KNOW, I CAN'T IMAGINE THAT THE HAPPY CAMP LANDFILL IS
4 GOING TO BE ABLE TO PUT UP \$2 MILLION. THE ROAD ENDS AT
5 HAPPY CAMP.

6 CHAIRMAN HUFF: WELL, ONCE YOU GET TO HAPPY
7 CAMP, WHERE'S TO GO?

8 MR. CHESBRO: IT'S A HAPPY PLACE TO GO AND WATCH
9 THE BEARS.

10 MR. FRANCHETTI: SO ANYWAY, I THINK IT'S FAIR TO
11 SAY THAT THERE IS THAT TYPE OF IMPACT UPON FACILITIES
12 THAT ARE SERVING CERTAIN PARTS OF THE STATE AND CERTAINLY
13 A NEGATIVE IMPACT ON THE SMALLER INDEPENDENT OPERATORS.

14 CHAIRMAN HUFF: OKAY.

15 MR. FRANCHETTI: OKAY. AND I THINK NEXT
16 YVONNE'S ON.

17 MR. ADAMS: IF I MAY, MR. HUFF, I'D LIKE TO
18 RESPOND TO THE PREVIOUS QUESTION ABOUT THE 45 DAY CHANGE,
19 15 DAY CHANGE.

20 AT THIS TIME STAFF IS OF THE OPINION THAT
21 ANY CHANGES IN THE LEVEL OF COVERAGE WOULD CONSTITUTE A
22 SUBSTANTIAL CHANGE TO REGULATIONS BECAUSE IT IS A
23 SUBSTANTIAL PORTION OF THE REGULATIONS AND THE
24 REQUIREMENTS ON THE OPERATORS.

25 CHAIRMAN HUFF: OKAY. OF COURSE THE LAWYERS CAN



1 ALWAYS ARGUE AND DO.

2 OKAY. YVONNE?

3 MS. HUNTER: YVONNE HUNTER WITH THE LEAGUE OF
4 CALIFORNIA CITIES, A NONLEGAL OPINION ON SUBSTANTIAL
5 CHANGES. YOU'RE JUST CHANGING A TWO TO A ONE, YOU KNOW.
6 CALL IT A TYPO.

7 IN ADDITION TO EVERYTHING THAT THE
8 PROCEEDING SPEAKER SAID, I'M HERE JUST TO GIVE A FEW
9 COMMENTS FROM THE CITIES' PERSPECTIVE. MY GUESSTIMATE
10 AND FROM WHAT WE UNDERSTAND OF THE DATA, THERE ARE
11 PROBABLY ABOUT 25 CITIES THAT ARE SINGLE OPERATORS. AND
12 LOOKING AT THE LIST OF THE CITIES, AND I'M SURE YOU'VE
13 SEEN FROM THE LETTERS, THERE ARE SMALL CITIES, AND THERE
14 ARE LARGE CITIES. THERE ARE RURAL, AND THERE ARE URBAN.
15 BUT PREDOMINANTLY THEY ARE SMALL AND A LITTLE BIGGER THAN
16 SMALL CITIES.

17 WE DON'T DISAGREE WITH THE NEED FOR
18 COVERAGE FOR LIABILITY. WHAT WE ARE CONCERNED ABOUT IS
19 THE \$2 MILLION COVERAGE LEVEL FOR SINGLE OPERATOR
20 FACILITIES. AND OUR CONCERN IS FOCUSING PRIMARILY ON THE
21 COST. I'M SURE YOU'VE HEARD CITIES AND COUNTIES COME UP
22 HERE BEFORE. I'VE SAID IT, BUT I'LL SAY IT AGAIN. AS
23 THE STATE CONTINUES TO REQUIRE FOR, I'M SURE WE ALL AGREE
24 VERY GOOD PURPOSES, MORE AND MORE FEES ON LOCAL
25 GOVERNMENT AND LANDFILL FEES AND WE PASS THEM ON TO OUR



1 CITIZENS, IT MAKES IT, NUMBER ONE, HARDER FOR US TO
2 CONTINUE TO OPERATE. IT GIVES US LESS CEILING OR LESS
3 SPACE TO INCREASE RATES TO COVER OUR OWN LOCAL SERVICES.
4 AND IN SOME AREAS, SOME OF THE FACILITIES MAY JUST HAVE
5 TO SHUT DOWN.

6 I HAVE ONE LETTER IN MY FILE IN THE OFFICE
7 FROM A VERY SMALL CITY RESPONDING TO THIS QUESTION, AND
8 YOU CAN ALMOST HEAR THEM SCREAMING AS THEY WERE WRITING
9 THE LETTER. THEY WERE LITERALLY PANICKED.

10 SO WE AGREE WITH THE NEED TO REDUCE THE
11 COVERAGE TO \$2 MILLION. LET ME JUST PUT ON MY HAT, IN
12 ADDITION TO THE LEAGUE HAT, I'LL PUT ON MY HAT AS THE
13 CHAIR OF THE YOLO COUNTY WASTE ADVISORY COMMITTEE. AT
14 OUR LAST MEETING, TWO MEETINGS AGO, WE JUST REVIEWED
15 PROPOSAL, STAFF PROPOSAL TO INCREASE THE TIPPING FEES AT
16 THE YOLO COUNTY LANDFILL, AND A GOOD PORTION OF THOSE
17 FEES WERE RESULTING FROM STATE REQUIRED EITHER FEES OR
18 STUDIES OR COVERAGE. AND WE RECOMMENDED TO THE BOARD OF
19 SUPERVISORS THAT THEY GO AHEAD WITH IT, AND THE CITIES
20 CONCURRED, BUT IT'S CHIPPING AWAY MORE AND MORE FEES. TO
21 GET THE ADDITIONAL TWO MILLION COVERAGE WILL BE
22 EXPENSIVE.

23 ONE FINAL COMMENT IS I DID TALK TO SENATOR
24 CALDRON'S OFFICE ABOUT THIS ISSUE. HE WAS THE AUTHOR OF
25 THE BILL THAT INCLUDES THE LITTLE PARAGRAPH ABOUT



1 OPERATING LIABILITY, AND EXPLAINED TO HIS STAFF THE
2 ISSUE, WHAT WAS GOING ON, AND TO FIND OUT WHETHER THEY
3 WOULD HAVE ANY CONCERNS AND THEY DON'T. HE SAID HE
4 UNDERSTOOD IT, HE UNDERSTOOD WHAT WE WERE TRYING TO DO,
5 THE TWO MILLION TO THE ONE MILLION, AND THEY HAVE NO
6 PROBLEMS WITH THIS APPROACH.

7 SO WITHOUT SOUNDING LIKE I WANT TO
8 INTERRUPT THE OAL PROCESS, AND WE DON'T, THERE MUST BE
9 SOME WAY TO SOLVE THIS WITHOUT INTERRUPTING THE PROCESS.

10 WE DO URGE YOU TO ACT NOW IN SOME
11 DEFINITIVE WAY SO THAT LOCAL GOVERNMENT WILL HAVE SOME
12 SURE SIGNAL ONE WAY OR THE OTHER OF WHICH DIRECTION TO
13 GO. THANK YOU VERY MUCH.

14 CHAIRMAN HUFF: OKAY. WE HAVE SOME QUESTIONS,
15 SO DON'T GO AWAY.

16 BOARD MEMBER RELIS: WELL, THIS ISN'T A
17 QUESTION, BUT I'VE GOTTEN TWO CALLS TODAY FROM A SENATOR
18 CLINTON COUGHLIN (PHONETIC) AND ASSEMBLYWOMAN BETH HANSON
19 BASICALLY ECHOING YOUR --

20 CHAIRMAN HUFF: YOU GUYS HAVE BEEN EFFECTIVE.

21 MS. HUNTER: I'D LIKE TO TAKE CREDIT FOR THOSE
22 CALLS, BUT I DON'T THINK I CAN. I'LL TAKE CREDIT FOR A
23 FEW OTHERS, THOUGH.

24 BOARD MEMBER RELIS: GO AHEAD AND TAKE WHATEVER
25 YOU WISH.



1 MS. HUNTER: MY BOSS ALWAYS SAYS TAKE FULL
2 CREDIT.

3 MR. CHESBRO: MR. CHAIRMAN.

4 BOARD MEMBER HUFF: MR. CHESBRO.

5 MR. CHESBRO: I JUST WANTED TO SAY YOU EARLIER
6 GAVE CREDIT TO A GOOD ORGANIZING JOB OF THE FACT WE GOT
7 THESE MESSAGES. I THINK IT'S VERY DIFFICULT TO ORGANIZE
8 THE KIND OF INPUT THAT WE'VE RECEIVED IF THERE ISN'T A
9 REAL SIGNIFICANT AND SERIOUS PROBLEM OUT THERE. I THINK
10 IT'S BEEN A VERY CLEAR, STRONG MESSAGE FROM BOTH PRIVATE
11 AND PUBLIC SECTORS THAT THERE'S A PROBLEM.

12 CHAIRMAN HUFF: OKAY.

13 MS. HUNTER: MR. HUFF, IF I MAY. AS I SAID, I
14 DO WANT TO REPEAT WE DID TALK TO SENATOR CALDRON'S OFFICE
15 AND THEY'RE COMFORTABLE WITH ALL OF THIS. I EXPLAINED TO
16 THEM WHAT WAS GOING ON, AND THEY HAVE NO PROBLEMS WITH
17 IT.

18 CHAIRMAN HUFF: GOOD. DON'T GO AWAY. YOU'RE
19 TAKING TO HEART MY 6:00 TIMING.

20 MS. HUNTER: I WAS AFRAID I WAS GOING TO BE HERE
21 UNTIL MIDNIGHT.

22 CHAIRMAN HUFF: EXCUSE ME IF YOU ANSWERED THIS
23 IN YOUR PRESENTATION, BUT I WAS HAVING A COUPLE OF SIDE
24 CONVERSATIONS. ARE YOU AWARE OF LANDFILLS WHICH
25 POTENTIALLY MAY CLOSE AS A RESULT OF THIS REGULATION,



1 EITHER IN THE ATTEMPT TO FINANCIALLY COMPLY OR JUST
2 THROWING UP THEIR HANDS AND SAYING WE CAN'T COMPLY?

3 MS. HUNTER: I'M NOT AWARE OF ANYONE IN
4 SPECIFIC. I'VE HEARD OF A COUPLE OF LANDFILLS, A COUPLE
5 OF JURISDICTIONS THAT ARE THROWING UP THEIR HANDS AND
6 SAYING, "THIS IS CRAZY. WE DON'T KNOW WHERE WE'RE GOING
7 TO GET THE MONEY." THEY ARE ALL GETTING TO THE EDGE.
8 WHETHER THIS IS WHAT PUTS THEM OVER THE EDGE AND SAYS
9 "THAT'S IT, WE'RE CLOSING," OR IT'S THIS ALONG WITH MAYBE
10 THE NEXT ONE THAT PUTS THEM OVER THE EDGE. BUT CLEARLY
11 THIS IS PUTTING ON A LOT OF FINANCIAL PRESSURE.

12 CHAIRMAN HUFF: YOU WOULD SAY THAT IT
13 SUBSTANTIALLY IMPAIRS THEIR FINANCIAL LIABILITY?

14 MS. HUNTER: IT IMPEDES AND IMPAIRS THEIR
15 ABILITY TO CONTINUE TO OPERATE.

16 MR. CONHEIM: PERHAPS EVEN TO MEET THE AB 939
17 GOALS?

18 MS. HUNTER: WELL, THAT IS POSSIBLE. YOU KNOW,
19 THEY MIGHT NOT BE ABLE TO SHOW THEIR 15-YEAR DISPOSAL
20 CAPACITY IF THE LANDFILL CLOSES. AND THAT'S NOT -- AND
21 I'M BEING SERIOUS HERE. THAT'S NOT THE DIVERSION GOALS,
22 BUT IT IS RELATIVE TO WHAT THEY HAVE TO DEMONSTRATE IN
23 THEIR SOURCE REDUCTION RECYCLING ELEMENT.

24 CHAIRMAN HUFF: OKAY. ANY OTHER QUESTIONS?
25 THANK YOU.



1 MS. KEENE: GOOD EVENING. I'M KAREN KEENE
2 REPRESENTING THE CALIFORNIA STATE ASSOCIATION OF
3 COUNTIES. WE ALSO ARE IN STRONG SUPPORT OF THE PROPOSAL
4 TO REDUCE THE REQUIRED ANNUAL AGGREGATE COVERAGE FOR THE
5 OPERATION OF THE SINGLE LANDFILLS FROM TWO MILLION TO ONE
6 MILLION.

7 AS MENTIONED TO YOU BY MISS HUNTER IN
8 RESPECT TO THE CITIES, THE COUNTIES' SOLID WASTE
9 MANAGEMENT SYSTEMS ARE ALSO BEING OVERSTRESSED BY OTHER
10 FINANCIAL COSTS RELATED TO CLOSURE/POSTCLOSURE, THE WATER
11 BOARD'S FINANCIAL ASSURANCE REQUIREMENTS, AS WELL AS THE
12 DIRECT COSTS ASSOCIATED WITH AB 939.

13 ALTHOUGH THE REDUCTION FROM TWO MILLION TO
14 ONE MILLION WILL NOT SOLVE ALL OUR COST PROBLEMS IN
15 COUNTY LAND, IT CERTAINLY WILL HELP OUR SINGLE LANDFILLS.
16 WE ARE CONCERNED WITH THE POTENTIAL SIDE EFFECTS OF THESE
17 CONTINUOUS COSTS, SUCH AS ILLEGAL DUMPING AS WELL AS THE
18 POSSIBILITY OF CLOSING DOWN OUR LANDFILLS.

19 IN CLOSING, I'D LIKE TO SAY THAT WE HOPE
20 YOU WILL DIRECT STAFF TO DRAFT AMENDMENTS TO THE
21 REGULATION SO THAT OUR REQUESTING AMENDMENT CAN BE PLACED
22 IN THE REGULATIONS AT THE EARLIEST OPPORTUNITY WHETHER
23 IT'S DURING THE OAL PROCESS OR AFTERWARDS.

24 CHAIRMAN HUFF: ANY QUESTIONS? NEXT?

25 MR. SCHULTZ: I'M BILL SCHULTZ. GOOD AFTERNOON,



1 GENTLEMEN. I'M REPRESENTING NEVADA COUNTY AS A CHAIRMAN
2 OF THE BOARD OF SUPERVISORS AS WELL AS THE REGIONAL
3 COUNSEL OF RURAL COUNTIES ON SOLID WASTE COMMITTEE.

4 CHAIRMAN HUFF: YOU DIDN'T FILL OUT ONE OF
5 THESE, DID YOU?

6 MR. SCHULTZ: YES, SIR, I DID. EARLY THIS
7 MORNING, AS A MATTER OF FACT. AND I'VE BEEN MOVING UP IN
8 CHAIRS FROM THE BACK OF THE ROOM.

9 CHAIRMAN HUFF: THERE IT IS, I GOT IT.

10 MR. SCHULTZ: THANK YOU.

11 TODAY, MR. HUFF, OUR ABILITY IS IMPAIRED,
12 SEVERELY IMPAIRED, WHEN IT COSTS US \$560,000 BEFORE WE
13 EVEN OPEN THE GATE ON A LANDFILL AND TAKE ONE DROP OF
14 GARBAGE. THAT'S WHAT REGULATION IS COSTING US TODAY
15 BEFORE WE OPEN THE GATE.

16 SO AS YOU CAN SEE FROM THAT, THAT'S AN --
17 AND I KNOW OF TWO INSTANCES, OF TWO OTHER COUNTIES WITHIN
18 THE RCRC CONFORM THAT MONO COUNTY AND TUOLUMNE COUNTY ARE
19 HAVING A GREAT NUMBER OF DIFFICULTIES AT THIS POINT IN
20 MEETING THOSE FINANCIAL THINGS.

21 ON DECEMBER THE 11TH, 1991, THE CALIFORNIA
22 INTEGRATED WASTE MANAGEMENT BOARD ADOPTED REGULATIONS
23 RELATED TO FINANCIAL RESPONSIBILITY FOR BODILY INJURY AND
24 PROPERTY DAMAGE CAUSED BY A FACILITY OPERATIONS PRIOR TO
25 CLOSURE. THESE REGULATIONS REQUIRE THAT LANDFILL



1 OPERATORS PROVIDE \$2 MILLION OF COVERAGE FOR SINGLE
2 LANDFILL OPERATORS AND AN ADDITIONAL \$1 MILLION FOR EACH
3 ADDITIONAL LANDFILL OPERATED BY THE SAME PARTY.

4 SECTION 18232 SET FORTH, AMONG OTHER
5 THINGS, THE ACCEPTABLE MECHANISMS AND COMBINATION OF
6 MECHANISMS THAT MAY BE USED TO MEET THE REQUIRED
7 COVERAGE. ACCEPTABLE METHODS FOR GOVERNMENTS INCLUDE
8 TRUST FUNDS, GOVERNMENT SECURITIES, INSURANCE,
9 SELF-INSURANCE, SELF-INSURANCE RISK MANAGEMENT, AND
10 INSURANCE AND ENVIRONMENTAL FUND.

11 NEVADA COUNTY OPERATES ONE LANDFILL AND
12 WOULD BE REQUIRED TO HAVE \$2 MILLION OF INSURANCE.
13 ESTABLISHING A TRUST FUND WOULD MEET THESE REQUIREMENTS.
14 NEVADA COUNTY HAS CONTACTED THEIR INSURANCE AGENTS
15 ATTEMPTING TO OBTAIN COVERAGE, BUT WAS TOLD IT WAS NOT
16 AVAILABILITY. OTHER INSURANCE CARRIERS HAVE BEEN
17 CONTACTED AND THE SAME RESPONSE WAS RECEIVED. THE CSAC
18 EXCESS INSURANCE AUTHORITY, OF WHICH NEVADA COUNTY IS A
19 MEMBER, IS EXPLORING THE POSSIBILITY OF DEVELOPING A
20 LIABILITY PROGRAM FOR MEMBER COUNTIES.

21 AS OF THIS DATE THERE APPEARS TO BE
22 INTEREST FROM TWO INSURERS WHO ARE WILLING TO WRITE A
23 GROUP POLICY; HOWEVER, THE INITIAL PREMIUM COST PER
24 LANDFILL IS ESTIMATED AT \$50,000. PRIOR TO INSURING EACH
25 SITE, THESE INSURANCE ENGINEERS WILL INSPECT EACH



1 LANDFILL AT A COST TO THE OPERATOR, THE COUNTY, OF
2 \$8,000. BASED ON THE ENGINEERING REPORT, THE INSURERS
3 THEN EXCLUDE OR PROVIDE COVERAGE FOR LANDFILLS THAT MEET
4 THE INSURER'S CRITERIA FOR ACCEPTABLE RISK.

5 THE SELF-FUNDING TRUST FUND WOULD ESTABLISH
6 A FUND DEPOSITING \$400,000 PER FOR FIVE YEARS. THIS IS
7 AN UNREASONABLE AMOUNT ESPECIALLY WHEN YOU ADD THE OTHER
8 STATE REQUIRED COSTS. THESE OTHER COSTS ARE CLOSURE AND
9 POSTCLOSURE AT APPROXIMATELY \$212,000 ANNUALLY AND THE
10 ANNUAL STATE FEE TAX OF \$1.75 PER TON OF REFUSE DEPOSITED
11 IN THE MCCORTNEY ROAD LANDFILL.

12 TO SUPPORT THE STATE REQUIREMENTS OF
13 INSURANCE, CLOSURE/POSTCLOSURE AND ANNUAL TONNAGE FEES,
14 NEVADA COUNTY WOULD BE REQUIRED TO DEPOSIT OR REMIT
15 \$682,000 EQUATING TO APPROXIMATELY \$17 PER TON. THIS FEE
16 DOES NOT TAKE INTO CONSIDERATION AN EARLY CLOSURE PLAN
17 WHICH WOULD REQUIRE THE COUNTY TO ACCELERATE THE DEPOSIT
18 INTO THE CLOSURE OR POSTCLOSURE FUND.

19 THE MAINTENANCE AND OPERATION CAPITAL COST
20 WHICH, AGAIN, ARE REGULATED BY THE STATE, ARE IN ADDITION
21 TO THESE COSTS. IF THE SELF-FUNDING TRUST FUNDING WAS
22 INCLUDED IN THE PRESENT FISCAL YEAR'S FEES, THE CURRENT
23 FEE WOULD BE \$128 A TON, AN INCREASE -- AND WOULD
24 INCREASE BY \$10.

25 THE COUNTY BELIEVES THAT THE ENVIRONMENTAL



1 PROTECTION SHOULD NOT BE COMPRISED, HOWEVER --
2 COMPROMISED -- I'M SORRY -- HOWEVER, IF IT BECOMES TOO
3 COSTLY, PEOPLE WOULD NOT DISPOSE OF REFUSE IN THE PROPER
4 MANNER AND WILL DAMAGE THE ENVIRONMENT BY DUMPING WASTE
5 ILLEGALLY. EVEN MORE IMPORTANTLY, THE LOSS OF REVENUE
6 SERIOUSLY JEOPARDIZES THE ENTIRE SYSTEM OF FINANCIAL
7 LIABILITY.

8 NEVADA COUNTY BELIEVES THAT THE MOST
9 EFFECTIVE WAY TO PROTECT THE ENVIRONMENT IS TO STRIKE A
10 BALANCE BETWEEN PROVIDING ENVIRONMENTALLY SOUND WASTE
11 DISPOSAL METHODS AND COSTS INHERENT IN HANDLING SUCH
12 WASTES. TO FUND THE HIGH INSURANCE PREMIUMS OR ESTABLISH
13 LARGE TRUST FUNDS PLACES AN UNREASONABLE BURDEN ON RURAL
14 COUNTIES, ESPECIALLY DURING A TIME WHEN RURAL COUNTIES
15 ARE EXPERIENCING FINANCIAL DIFFICULTY AND SUFFERING FROM
16 THE EFFECTS OF LINGERING RECESSION.

17 IN CONCLUSION, BECAUSE OF THE EXTREMELY
18 HEAVY FINANCIAL BURDEN PLACED ON SMALLER ENTITIES AND
19 WITHOUT AN ACTIVE AVAILABLE INSURANCE MARKET NOR
20 CONSIDERATION OF COSTS, NEVADA COUNTY REQUESTS THAT THE
21 GOVERNMENT AGENCIES NOT BE REQUIRED TO ESTABLISH A TRUST
22 FUND OR PURCHASE INSURANCE, BUT THAT THEY BE GIVEN AN
23 OPPORTUNITY TO ESTABLISH RESERVE ACCOUNTS OF \$1 MILLION
24 WITHIN THEIR OWN COUNTY SYSTEM TO FUND THESE TYPES OF
25 CLAIMS.



1 THANK YOU VERY MUCH. ANY QUESTIONS?

2 CHAIRMAN HUFF: THAT'S THE DIFFERENT SOLUTION
3 THAN -- WELL, \$1 MILLION, I SEE. A RESERVE ACCOUNT.

4 MR. SCHULTZ: YES.

5 BOARD MEMBER HUFF: THAT'S ALREADY WITHIN, \$2
6 MILLION IS WITHIN OUR -- RIGHT?

7 MR. ADAMS: IF HE'S SUGGESTING A TRUST FUND HELD
8 IN TRUST BY THE COUNTY OF \$1 MILLION, HE'S ADVOCATING A
9 ONE AND ONE, HELD IN TRUST BY THE LOCALS.

10 CHAIRMAN HUFF: BUT WHAT DO THE REGULATIONS HAVE
11 NOW?

12 MR. ADAMS: NOW, IT'S ONE AND TWO AND THEN HELD
13 IN TRUST BY TRUST DEED AND IT'S REGULATED BY FEDERAL OR
14 STATE AGENCY.

15 CHAIRMAN HUFF: OKAY, NOW, THAT LAST PART IS
16 IMPORTANT, TOO?

17 MR. SCHULTZ: YES, IT IS.

18 MR. ADAMS: BUT THERE'S ALSO SELF-INSURANCE
19 WHICH IS AS HE HAD INDICATED, APPARENTLY IS NOT
20 OBTAINABLE BY THEMSELVES FOR THE SITE IN QUESTION AND --

21 CHAIRMAN HUFF: SELF-INSURANCE DOESN'T WORK IN
22 YOUR SITUATION?

23 MR. SCHULTZ: WE'RE SELF-INSURED WITH CSAC, AND
24 IT WON'T WORK IN OUR SITUATION.

25 CHAIRMAN HUFF: I SEE. OKAY.



1 MR. SCHULTZ: THANK YOU.

2 CHAIRMAN HUFF: DOES ANYONE ELSE HAVE A PROBLEM
3 THAT IS DIFFERENT THAN WHAT WE'VE HEARD? I HAVE BRIAN
4 REAMS. I HAVE GENE DUPREAU. I'VE GOT BOB PESTONI. I'VE
5 GOT DAVID KOCH. I'VE GOT TOM VERNON.

6 TOM'S PROBLEM ISN'T THE SAME AS THE REST OF
7 YOU GUYS.

8 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, WE HAVE ONE
9 OTHER WHO WANTED TO COME BEFORE THE COMMITTEE TODAY, MR.
10 AL MORENO OF THE CRC. HE IS VOICING HIS OPINION THE SAME
11 AS WE'VE HEARD HERE, SO LET THAT SHOW ON THE RECORDS
12 ALSO.

13 MR. CONHEIM: MR. CHAIRMAN?

14 CHAIRMAN HUFF: YES, MR. CONHEIM.

15 MR. CONHEIM: PERHAPS IN THIS SLIGHT BREAK --
16 BILL, WILL YOU FORGIVE ME FOR INTERACTING? IT MIGHT BE
17 WORTHY TO KIND OF SET THE RECORD STRAIGHT ON WHAT THE
18 LEGAL REQUIREMENTS ARE FOR A NONSUBSTANTIAL OR
19 SUFFICIENTLY RELATED CHANGE.

20 LET ME START AGAIN. YOU ASKED THE QUESTION
21 TO ME WHETHER THESE CHANGES WERE SUBSTANTIAL OR NOT. NO
22 DOUBT THAT THEY'RE SUBSTANTIAL, BUT THAT'S NOT THE
23 QUESTION THAT THE LAW ASKS. THE LAW ASKS ARE THESE
24 CHANGES SUFFICIENTLY RELATED TO THE ORIGINAL PROCEEDING
25 SO THAT A REASONABLE MEMBER OF THE DIRECTLY AFFECTED



1 PUBLIC COULD HAVE DETERMINED FROM THE NOTICE THAT THESE
2 CHANGES TO THE REGULATION COULD HAVE RESULTED?

3 THE ISSUE OF THE LEVEL OF COVERAGE WAS
4 ALWAYS THE ISSUE IN THESE REGULATIONS. AND THE CHANGING
5 OF THE ORIGINAL REQUEST FROM ONE TO TWO, WHILE CLEARLY
6 SUBSTANTIAL. WITH A SMALL "S," OTHERWISE THESE PEOPLE
7 WOULDN'T BE IN THE AUDIENCE ASKING FOR THAT DISPENSATION
8 OR THAT CHANGE, ARE SUFFICIENTLY RELATED TO THE
9 PROCEEDING SO AS TO BE SUBJECT TO THE 15-DAY CHANGE. YOU
10 DO NOT APPLY THE ECONOMIC EFFECT OR THE REGULATORY EFFECT
11 OF A REGULATION TO THAT DETERMINATION, ONLY THE
12 DETERMINATION OF WHETHER A PROPOSED AMENDMENT IS
13 SUFFICIENTLY RELATED.

14 CHAIRMAN HUFF: YEAH.

15 MR. CONHEIM: SO I THINK THAT'S THE ANALYSIS
16 THAT WE WOULD HAVE TO UNDERTAKE IN ORDER TO MAKE THE
17 DETERMINATION AS TO WHETHER A 15-DAY NOTICE OR A MORE
18 LENGTHY NOTICE. AGAIN, THERE COULD BE DIFFERENCES OF
19 OPINION, BUT I STILL THINK THE BOARD HAS SUFFICIENT
20 FLEXIBILITY TO UNDERTAKE THAT DECISION AT THE APPROPRIATE
21 TIME.

22 CHAIRMAN HUFF: BUT THAT ONLY OCCURS SHOULD OAL
23 SEND US BACK THE PACKAGE OF REGULATIONS THAT THEY HAVE?

24 MR. CONHEIM: FOR CHANGES --

25 CHAIRMAN HUFF: FOR SOME OTHER SET OF CHANGES.



1 MR. CONHEIM: WE CANNOT WITHDRAW NOW THE
2 REGULATIONS AND STILL RESUBMIT THEM WITHIN THE ONE YEAR
3 THAT THE LAW REQUIRES TO COMPLETE A FILING SUBMISSION TO
4 OAL. THAT IS THE ONE-YEAR COUNTING FROM THE DATE OF THE
5 ORIGINAL NOTICE. WE WOULD LOSE THE WHOLE PROCEEDING IF
6 WE PULLED THEM BACK OURSELVES.

7 CHAIRMAN HUFF: OKAY. THEN WE ARE NOT GOING TO
8 DO THAT.

9 SO WHAT OPTIONS EXIST FOR US, IF WE WANT TO
10 MAKE A CHANGE AND OAL DOES NOT SEND THEM BACK? BECAUSE
11 IF OAL SENDS THEM BACK, AND WE WANT TO MAKE THIS ONE
12 MILLION CHANGE WE COULD DO IT, OKAY. BUT WHAT IF OAL
13 DOESN'T SEND THE REGS BACK, WHAT PATH WOULD YOU RECOMMEND
14 WE FOLLOW IN TERMS OF MAKING A CHANGE?

15 MR. CONHEIM: IF THE BOARD DETERMINED THAT ONE
16 MILLION CHANGE OR SUPERVISOR SCHULTZ' CHANGES OR ANY
17 OTHER CHANGES THAT WERE SUFFICIENTLY RELATED TO THE TEXT
18 WERE TO BE ADOPTED, IT WOULDN'T MATTER WHETHER THEY WERE
19 SUFFICIENTLY RELATED OR NOT BECAUSE WHAT I'M SUGGESTING
20 IS THAT IF WE ARE FORTUNATE ENOUGH TO HAVE OAL APPROVE
21 THE REGULATIONS BY THE END OF THE -- AND I'VE GOT A HEAD
22 SHAKING, IT'S NEVER GOING TO BE POSSIBLE. BUT IF IT WERE
23 POSSIBLE, THEN I WOULD SUGGEST THAT THE BOARD, AS QUICKLY
24 AS IT DEEMS POSSIBLE, EMBARK ON A SUBSEQUENT REGULATORY
25 PROCEEDING WHICH COULD BE COMPLETED IN 90 DAYS OR SO AND



1 MOVE IT FORWARD.

2 NOW, WE CAN ALSO EXPLORE EMERGENCY
3 REGULATIONS. THERE ARE SPECIFIC FINDINGS THAT MUST BE
4 MADE FOR EMERGENCY REGULATIONS. I THINK WE CAN MAKE A
5 GOOD CASE, BUT THAT ONE --

6 CHAIRMAN HUFF: THAT DETERMINATION ALSO RESTS AT
7 OAL. THEY CAN KICK BACK EMERGENCY REGS IF THEY SAY THERE
8 ISN'T SUCH AN EMERGENCY.

9 MR. CONHEIM: THAT'S CORRECT. I DON'T HAVE THAT
10 SECTION OF THE BOOK OPEN, BUT EMERGENCIES GENERALLY
11 RELATE TO TYPICAL KINDS OF EMERGENCIES. CERTAINLY OAL
12 HAS TAKEN THE POSITION IN THE PAST THAT A BUREAUCRATIC
13 EMERGENCY IS NOT AN EMERGENCY, HOWEVER.

14 SO THE CLEANEST AND EASIEST AND MOST SURE
15 WAY OF DOING THIS, THE ONE YOU CAN RELY ON, THE ONE THAT
16 YOU CAN TELL THE PUBLIC THEY CAN CERTAINLY EXPECT WOULD
17 BE MORE SUCCESSFUL THAN NOT, WOULD BE TO COMMENCE
18 SUBSEQUENT REGULATORY PROCEEDING AFTER OAL COMPLETED ITS
19 REVIEW.

20 BOARD MEMBER HUFF: AND WE COULD DO IT RATHER
21 QUICKLY IF WE WERE JUST GOING TO MAKE A LIMITED CHANGE
22 AND WE ALL AGREED ON THE CHANGE?

23 MR. CONHEIM: AND WE DEFINE, THE BOARD THAT IS,
24 DEFINES THE SCOPE OF THE REGULATORY PROCEEDING. IF WE
25 OPEN UP ONE REGULATION, THAT'S ALL THAT'S OPEN. AND SO



1 THAT WOULD BE THE BEST WAY TO PROCEED.

2 CHAIRMAN HUFF: IT'S NOT QUITE A SLAM DUNK?

3 MR. CONHEIM: NO. BUT THEN THIS ITEM WAS NOT
4 CHARACTERIZED THAT WAY SO.

5 CHAIRMAN HUFF: OKAY. MR. YEATES.

6 MR. YEATES: MR. CHAIRMAN, I JUST WANT TO GET
7 SOME CLARIFICATION. I'M HERE REPRESENTING KINGS COUNTY
8 WASTE MANAGEMENT, AND I WOULD LIKE TO THANK STAFF FOR ITS
9 THE TIME AND EFFORT.

10 AS FAR AS THE QUESTION OF ITS IMPACT BASED
11 ON THE MEMO I'VE RECEIVED FROM THE KINGS COUNTY WASTE
12 MANAGEMENT AUTHORITY, CERTAINLY THIS IS ONE THAT MAKES OR
13 BREAKS SOME OF THEIR COSTS CONSIDERING THE SIZE OF THE
14 COUNTY, THE IMPACT ON ITS --

15 CHAIRMAN HUFF: MAKES OR BREAKS, YOU MEAN YOU
16 MIGHT GO BELLY UP?

17 MR. YEATES: WELL, THEY'RE PUTTING ON LINE A NEW
18 FACILITY SO WE HAVE, ONE, THE PROBLEM OF EVEN QUALIFYING
19 FOR THE ENVIRONMENTAL IMPAIRMENT THING BASED ON THE
20 DEADLINE THAT'S BEEN ESTABLISHED AND ALSO THE \$2 MILLION
21 FIGURE, THE CONCERN THAT THIS COUNTY HAS IS THAT SOME OF
22 ITS WASTE HAULERS HAVE FACILITIES IN NEIGHBORING
23 COUNTIES. IF THEIR TIPPING FEES ARE HIGHER, SUCH AS
24 THAT, THEY'RE GOING TO END UP HAVING SOME KIND OF GARBAGE
25 TAKEN OUT OF THE COUNTY. THAT CERTAINLY WILL AFFECT



1 THEIR ABILITY TO MAKE ENDS MEET WITHIN THE CITIES THAT
2 ARE THERE.

3 WE'RE TALKING ABOUT A JURISDICTION OF
4 29,500 HOUSEHOLDS WITH A GROSS PER CAPITA INCOME OF
5 \$13,900. SO YOU START ADDING \$13.46 PER FAMILY TO THE
6 COST OF THESE THINGS AND IT GETS --

7 MR. CHESBRO: IF IT AFFECTS THE COUNTY'S ABILITY
8 TO SITE A LANDFILL OR THE AUTHORITY'S ABILITY TO SITE A
9 LANDFILL, THEN IT ALSO AFFECTS YOUR ABILITY TO MEET THE
10 LEGAL REQUIREMENT FOR THE CAPACITY, FOR THE 15-YEARS
11 CAPACITY.

12 MR. YEATES: ABSOLUTELY.

13 MR. COOK: MY NAME IS DAVID COOK. I'M THE
14 DIRECTOR OF UTILITIES FOR THE CITY OF WATSONVILLE.
15 WATSONVILLE IS A FULL SERVICE CITY WHICH INCLUDES THE
16 OPERATION OF A SINGLE LANDFILL. WE, TOO, ARE CONCERNED
17 ABOUT THE \$2 MILLION REQUIREMENT AND WOULD LIKE TO SEE IT
18 REDUCED TO A MILLION DOLLARS. THE CITY'S LANDFILL HAS A
19 CURRENT ANNUAL OPERATING BUDGET OF \$700,000 PER YEAR, SO
20 YOU CAN SEE WHAT TYPE OF IMPACT PUTTING AWAY \$400,000 A
21 YEAR FOR FIVE YEARS WOULD HAVE ON THAT OPERATION.

22 I'D ALSO -- I'LL TRY NOT TO REPEAT ANYTHING
23 THAT'S BEEN SAID ALREADY, IT'S BEEN A LONG DAY. IN
24 ADDITION TO WANTING TO SEE THIS LIABILITY LIMIT REDUCED
25 FROM TWO MILLION TO ONE MILLION. WE NOTED THAT THE



1 FINANCIAL MEANS TEST APPROACH THAT WAS PRESENTED IN THE
2 REGULATIONS APPLIED ONLY TO PRIVATE OWNED LANDFILLS.

3 NOW, SURE THERE IS A SELF-INSURANCE OPTION
4 FOR PUBLIC AGENCIES, BUT THE REQUIREMENTS ARE SOMEWHAT
5 DIFFERENT AND THE CITY DOESN'T CURRENTLY MEET THE
6 REQUIREMENTS FOR SELF-INSURANCE BUT WOULD BE ABLE TO MEET
7 A VERY STRONG FINANCIAL MEANS TEST, WE BELIEVE. AND IF
8 THE OPTION WERE TO BE MADE AVAILABLE, I NOTICE THAT IN
9 THE OPTION FOR THE PRIVATE OWNERS THEY USE BOND RATING
10 APPROACH AS A WAY OF ANALYZING WHAT THE FINANCIAL MEANS
11 IS OF THE OWNER AND WHAT NOT.

12 IF THAT COULD BE APPLIED TO A CITY, THE
13 CITY HAS A VERY GOOD BOND RATING, AND AS A MATTER OF
14 FACT, IF THE CITY WERE FACED WITH PAYING A JUDGMENT
15 TODAY, NOT HAVING THIS \$2 MILLION SET ASIDE IN A TRUST
16 ACCOUNT OR ANYTHING OF THAT NATURE, THE CITY WOULD
17 UTILIZE A COMBINATION OF RESERVE FUNDS AND A BOND, A
18 REVENUE BOND THAT THEY WOULD ISSUE TO RAISE THE NECESSARY
19 FUNDS.

20 I MIGHT ASK, AS A SLIGHTLY DIFFERENT SLANT,
21 WE WOULD BE INTERESTED IN SEEING IT REDUCED FROM TWO
22 MILLION TO ONE MILLION. TWO MILLION IS MOST CERTAINLY A
23 HARDSHIP. ONE MILLION DOLLARS MAY BE LESS, BUT EVEN
24 FURTHER THAN THAT, RATHER THAN TIE UP A MILLION DOLLARS
25 AND REMOVE A LOT OF FLEXIBILITY FROM AN AGENCY'S



1 OPERATION, IF CONSIDERATION COULD BE GIVEN TO SOME SORT
2 OF A FINANCIAL MEANS TEST THAT WOULD BE EVALUATED ON A
3 PERIODIC BASIS, WE WOULD ALSO LIKE TO SEE THAT GIVEN SOME
4 CONSIDERATION. THANK YOU.

5 MR. WISE: MY NAME IS JAMES WISE, JAMES A. WISE
6 INCORPORATED. WE'RE A WASTE MANAGEMENT CONSULTANT FOR
7 NUMEROUS SMALL LANDFILLS IN CALIFORNIA, SPECIFICALLY WEST
8 MARIN LANDFILL, HILLSIDE DISPOSAL SITE AND MARIPOSA
9 COUNTY LANDFILL, EACH OF WHICH HAVE ANNUAL TONNAGE
10 DISPOSAL RATES OF BETWEEN 10,000 TONS PER YEAR AND 50,000
11 TONS PER YEAR. AS YOU CAN SEE VERY, VERY, VERY SMALL
12 SITES.

13 QUESTIONS REGARDING IMPLEMENTATION.
14 BASICALLY, IT'S MY UNDERSTANDING IN TALKING WITH INDUSTRY
15 REPRESENTATIVES THAT THERE ARE ONLY TWO INSURANCE
16 COMPANIES IN CALIFORNIA THAT CAN BIND THE TYPE OF
17 COVERAGE THAT IS REQUESTED IN THIS REGULATION. IT'S OUR
18 UNDERSTANDING THAT THE PREMIUMS FOR THAT COVERAGE, IF
19 AVAILABLE, IS BETWEEN \$75,000 TO \$100,000 PER YEAR. AND,
20 AGAIN, IT'S DEPENDENT UPON AVAILABILITY.

21 THE SECOND QUESTION ASSOCIATED WITH
22 IMPLEMENTATION IS WITH JUST TWO INSURERS WILL THERE BE
23 ENOUGH BINDING CAPABILITY FOR THOSE WHO TAKE THAT ROUTE
24 TO COVER THE SITES THAT ARE INTERESTED AND CAN ALSO
25 QUALIFY? AND THAT RAISES THE QUESTION OF WHAT IS THE



1 ALTERNATIVE?

2 CERTAINLY THE GENERAL LIABILITY COMBINED
3 WITH THE ENVIRONMENTAL FUND, WHICH RIGHT NOW REQUIRES AN
4 INITIAL DEPOSITION OF \$400,000, WHICH IN ALL THOSE FOUR
5 SITES I MENTIONED IS ABOUT TWO-THIRDS OF THEIR ANNUAL
6 SOLID WASTE BUDGET, WOULD BE A KILLER FOR THEM. IT JUST
7 WOULDN'T WORK. THEY COULDN'T COME UP WITH \$400,000 AS OF
8 JULY 1ST. AND IN THOSE SPECIFIC SITES, I HAVE ONE
9 FACILITY THAT WILL BE IN FRONT OF YOU PROBABLY RIGHT
10 AFTER JULY 1ST, AND I KNOW THAT \$400,000 IS JUST NOT IN
11 THE CARDS.

12 SO THE QUESTION IS IF THE LIABILITY
13 COVERAGE DOES COME DOWN IN -- FROM TWO WAYS, FROM TWO
14 MILLION TO ONE MILLION, CERTAINLY \$200,000 PER YEAR IS A
15 MORE FEASIBLE NUMBER AND ACHIEVABLE NUMBER, AND WE WOULD
16 SUPPORT THAT PROCESS.

17 TIMING. JULY 1ST IS THE IMPLEMENTATION
18 TIME. AS YOU CAN SEE WITH THE SIZE OF THE FACILITIES I'M
19 TALKING ABOUT, WE'RE TALKING ABOUT HAVING TO RAISE THE
20 GATE FEES ANYWHERE FROM \$10 TO \$40 PER TONS CONCEIVABLY
21 TO BASICALLY PAY FOR THIS SPECIAL COVERAGE. IN ALL THESE
22 CASES, THEY ALL REQUIRE SOME TYPE OF PUBLIC REVIEW
23 APPROVAL WHICH TAKES TIME AND CERTAINLY SOME EFFORT ON
24 EVERYBODY'S PART; OTHERWISE, WE'RE BASICALLY CONTINUING
25 RECEIVING WASTES AT A LOWER COST THAN WHAT WE'RE



1 INCURRING. THE QUESTION, AGAIN, IS JULY 1ST, IS THAT A
2 REASONABLE DATE TO IMPLEMENT THESE REGULATIONS?

3 ONE OF THE EMBARRASSING THINGS I HAVE TO
4 ADMIT TO IS I DID NOT REALIZE THESE REGULATIONS WERE EVEN
5 BEING PROPOSED OR ON THE BOOKS TWO MONTHS AGO, AND
6 SUBSEQUENTLY HAVE CONTACTED MY CLIENTS AND ADVISED THEM
7 AS TO WHAT'S HAPPENING AND THEY WERE NOT AWARE OF IT.
8 CSAC GOT IN TOUCH WITH THEM. I UNDERSTAND THEY WERE
9 AWARE OF IT SOMETIME IN DECEMBER. AND I UNDERSTAND JUST
10 FROM HEARING TODAY'S COMMENTS THAT THERE IS A LOT OF
11 INFLUX OF PUBLIC REACTION, OPERATOR REACTION TO THIS
12 LEGISLATION.

13 IT'S A QUESTION OF WHERE WAS THIS
14 REGULATION ALL THE WAY ALONG AND WHY WASN'T IT NETWORKED
15 TO THE POINT WHERE EVERYBODY WAS AWARE OF IT, SO WE COULD
16 HAVE BEEN COMMENTING LIKE WE ARE HERE TODAY BACK BEFORE
17 DECEMBER 11TH WHEN THIS WAS ADOPTED.

18 CERTAINLY, I'M ON MAILERS. MY CLIENTS ARE
19 ON MAILERS. NONE OF US EVER RECALL SEEING THE TYPE OF
20 PROPOSED REGULATION THAT WAS ISSUED. AND I'D LIKE TO
21 BASICALLY -- IF YOU HAVE ANY QUESTIONS, I'D BE HAPPEN TO
22 ANSWER THEM. I HAVE A LETTER FOR YOU AND ALSO MY CARD
23 FOR YOU. ANY QUESTIONS?

24 CHAIRMAN HUFF: ANY QUESTIONS?

25 BOARD MEMBER EGIGIAN: NO QUESTION. I JUST WANT



1 TO REMIND YOU THAT WE HAVE BEEN WORKING ON THIS -- WHEN
2 WAS IT, AUGUST?

3 MR. WISE: I UNDERSTAND THAT.

4 BOARD MEMBER EGIGIAN: THE MAILERS WENT OUT. A
5 LOT OF PEOPLE THAT CAME THROUGH AND ADDRESSED US LIKE
6 YOU'RE DOING NOW, SAID, "WELL, WE DIDN'T THINK IT WAS
7 IMPORTANT SO WE JUST DIDN'T DO ANYTHING ABOUT IT."

8 MR. WISE: WELL, I THINK ONE OF THE REASONS, IF
9 YOU LOOK BACK TO THE REGULATIONS AND I HAD SOME EXPERTS,
10 INSURANCE ATTORNEYS LOOK AT IT, IT CERTAINLY DOESN'T COME
11 OUT WHEN YOU READ THROUGH IT FIRST THAT ENVIRONMENTAL
12 IMPAIRMENT IS WHAT IS INTENDED. WHEN YOU LOOK AT IT
13 FIRST, IT REALLY LOOKS LIKE A GENERAL LIABILITY TYPE
14 QUESTION. BUT WHEN YOU GET INTO IT IN MORE DETAIL, WHEN
15 YOU'RE NOT EXCLUDING POLLUTION COVERAGE, THEN THAT
16 BASICALLY PORTRAYS IT AS AN ENVIRONMENTAL IMPAIRMENT
17 ALSO.

18 MAYBE THAT'S THE REASON WHY THERE WASN'T
19 THE TYPE OF -- THAT'S MY OWN PERSONAL PERCEPTION. MAYBE
20 OTHERS WILL DISAGREE, BUT THAT'S MY OWN PERSONAL
21 PERCEPTION.

22 MR. CHESBRO: MR. CHAIRMAN?

23 CHAIRMAN HUFF: YES, MR. CHESBRO.

24 MR. CHESBRO: AT THIS POINT I THINK, YOU KNOWN,
25 REHASHING WHAT'S GOING ON -- MY SENSE FROM HAVING TALKED



1 TO MY COLLEAGUES IN VERY GENERAL TERMS, NO COMMITMENTS ON
2 THE SUBJECT, IS THERE'S A REAL INTEREST IN CHANGE.

3 I THINK RATHER THAN US TREADING THE WATER
4 ABOUT WHY OR HOW PEOPLE WERE INFORMED OR WEREN'T
5 INFORMED, I THINK WE OUGHT TO GET ON WITH TRYING TO
6 FIGURE OUT WHAT TO DO ABOUT IT. ESPECIALLY SINCE ITS
7 6:00.

8 CHAIRMAN HUFF: WELL, WE'RE GOING TO BREAK AT
9 6:00. IT ISN'T 6:00.

10 MR. CHESBRO: IT'S TWO MINUTES BEFORE. I'LL
11 STOP THE CLOCK.

12 CHAIRMAN HUFF: NO. LEGISLATURE DOESN'T STOP
13 THE CLOCK ANYMORE.

14 MR. FRANCHETTI?

15 MR. FRANCHETTI: ONE QUICK COMMENT -- TALKING
16 WITH ALL THE VARIOUS FOLKS HERE. IF, IN FACT, THE REGS
17 ARE NOT KICKED BACK BY OAL OPENING UP THAT PROCESS, AND
18 THE REGULAR REGULATORY PROCESS IS THE ONE THAT IS CHOSEN,
19 WE STILL ARE CONCERNED ABOUT THE TIME THAT'S BEEN SET TO
20 OPT INTO THE TIME PAYMENT PROGRAM AND THE FACT OF WHEN
21 THE PAYMENTS HAVE TO BE MADE.

22 IS IT POSSIBLE TO EITHER DELAY THAT DATE,
23 ASSUMING THAT WAS WHAT THE BOARD DECIDED TO CHANGE FROM
24 THE TWO MILLION TO THE ONE MILLION OR TO -- AND TAKE SOME
25 OTHER ACTION THAT PEOPLE COULD RELY ON SO THEY WOULD NOT



1 OPT INTO THAT, BUT ON THE ASSUMPTION THAT THEY WERE GOING
2 TO HAVE A DIFFERENT PROGRAM?

3 CHAIRMAN HUFF: LET ME TELL YOU WHAT I THINK IS
4 GOING TO HAPPEN. WHAT I THINK IS GOING TO HAPPEN IS THAT
5 YOU ARE GOING TO TALK TO SOME OF YOUR COLLEAGUES, AND I'M
6 GOING TO RECEIVE SOME MORE COMMUNICATIONS ON THIS. I
7 FULLY EXPECT TO RECEIVE MORE COMMUNICATION ON THIS. AND
8 I THINK IN THIS TALKING PROCESS, WHAT WE'VE HEARD HERE
9 TODAY ARE SORT OF SEVERAL STRANDS OF DIFFERENT THINGS. I
10 THINK THAT THE PROPONENTS OF CHANGE NEED TO DISTILL THAT,
11 AND I EXPECT THAT YOU WILL.

12 MR. FRANCHETTI: WE WILL SEND YOU SOMETHING IN
13 WRITING GIVING YOU A DEFINITIVE PLAN OR PROPOSAL.

14 CHAIRMAN HUFF: THAT'S A GOOD IDEA, MR.
15 FRANCHETTI.

16 MR. FRANCHETTI: THANK YOU.

17 CHAIRMAN HUFF: THEN WE'LL CALENDAR THIS -- WHEN
18 DO WE EXPECT -- IN THE BEST OF ALL POSSIBLE WORLDS, WHEN
19 DOES OAL?

20 MR. CONHEIM: THEY HAVE 30 DAYS FROM THE 21ST OF
21 FEBRUARY.

22 CHAIRMAN HUFF: ALL RIGHT. SO THE APRIL
23 COMMITTEE MEETING, WE'RE GOING TO KNOW EXACTLY WHERE WE
24 STAND WITH OAL. AND WE'LL HAVE THIS ON CALENDAR AS AN
25 ACTION ITEM.



1 MR. FRANCHETTI: OKAY, VERY GOOD. WE WILL KEEP
2 IN TOUCH WITH YOU AND FOLLOW UP ON IT.

3 MR. CHESBRO: MR. CHAIRMAN, AS USUAL I WANT TO
4 HAVE THE LAST WORD HERE.

5 CHAIRMAN HUFF: I HAVE THE LAST WORD, MR.
6 CHESBRO. GO AHEAD.

7 MR. CHESBRO: I KNOW YOU THOUGHT I SAT HERE ALL
8 DAY BECAUSE I WAS DYING TO FIND OUT WHAT YOU WERE GOING
9 TO DO ABOUT KELLER CANYON, BUT THE FACT IS I WAS VERY
10 INTERESTED IN THIS SUBJECT. I'M VERY ENCOURAGED BY MY
11 COLLEAGUE'S INTEREST IN MODIFYING THIS. I THINK IT'S
12 REALLY OBVIOUS FROM CRC, THE LEAGUE OF CITIES, THE COUNTY
13 SUPERVISORS, AND ALL THE OPERATORS THAT WE'VE HEARD FROM
14 THAT THERE'S A SIGNIFICANT PROBLEM. I THINK YOUR EFFORTS
15 ARE APPRECIATED.

16 CHAIRMAN HUFF: THANK YOU, SIR.

17 NOW, IT'S TIME FOR MY LAST WORD. WE'RE
18 ADJOURNED.

19 (MEETING ADJOURNED AT 6:05 P.M.)

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Reporter's Certificate

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I, ANNE L. STARK hereby certify:

that on the 11th of
MARCH 1992, 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;

that the foregoing transcript is a true and correct
copy of my shorthand notes thereof.

Anne L. Stark

Certified Shorthand Reporter
Certificate No. 9414

