

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Waste Management Department

SUBMITTAL DATE:
January 6, 2004

SUBJECT: El Sobrante Landfill – Report on Status of Citizens Oversight Committee

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the report on the El Sobrante Landfill Citizens Oversight Committee (COC);
2. Provide the COC guidance on potential local mitigation projects in areas surrounding the landfill, for which \$150,000 has been placed in a trust account.
3. Direct the COC to report back to the Board with a list of recommended local mitigation projects for funding consideration.

BACKGROUND: As stipulated in the Conditions of Approval of the Second El Sobrante Landfill Agreement and Section 13 of the Agreement, the Administrative Review Committee (ARC) is comprised of representatives from the Waste Management Department, Executive Office and Planning Department. The ARC reviewed the El Sobrante Landfill Annual Status Report, dated March 2003, and submitted it to the Board of Supervisors for Receive and File on July 1, 2003 and to the Citizens Oversight Committee (COC) for review on July 14, 2003. The COC, which was formed in 2003, is comprised of five members, three appointed by the 1st District Supervisor (in which District the El Sobrante Landfill is located) and two at large members appointed by the Board. *(continued)*

Joseph R. McCann, General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 12.1 (7/1/03) | District: 1 | Agenda Number: **12.2**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

FORM APPROVED COUNTY COUNSEL
JAN 8 2004
Departmental Concurrence

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The ARC, which is required to work closely with the COC to solicit and consider input received as part of the Annual Status Report review, helped facilitate the two meetings held by the COC on September 19, 2003 and November 13, 2003, along with support from various County staff. This report is meant to update the Board with the input provided by the COC and the resulting recommendations/considerations by staff.

As stated in the El Sobrante Agreement, the COC is tasked with submitting written comments to the Board on the El Sobrante Annual Report, the landfill project, and recommending appropriate local mitigation projects in areas surrounding the landfill, for which \$150,000 has been placed in a trust account. This report is not intended to supplant the COC's ability to submit written comments directly to the Board, but rather to provide the Board with an opportunity to solicit staff input and provide formal direction on any comments made by the COC at their September 19, 2003 and November 13, 2003 meetings.

2003 STATUS REPORT – EL SOBRANTE LANDFILL CITIZEN'S OVERSIGHT COMMITTEE (COC)

Background

The COC was legally formed and constituted by the Riverside County Board of Supervisors on June 24, 2003 with the final two appointments to the committee of Jack Wyatt and Louise Mazochi. Previously on April 8, 2003, the initial members to the five member committee, Marshall Beede, Joyce Deleo and Gena Osborne, had been appointed by the Board.

COC Meeting Summaries

On September 19, 2003, the first meeting of the COC occurred at the County Administrative Center Annex (see attached meeting minutes). A tour of the El Sobrante Landfill subsequently occurred on October 9, 2003.

On November 13, 2003, a second meeting of the COC was held and three separate action items were taken up (see attached meeting minutes and record of action items). In the first action item taken, the COC voted unanimously that the El Sobrante Landfill was operating in conformance with the Second Agreement, as evidenced by the Annual Status Report. The second action item, recommendations to the Board on how to use the \$150,000 held in trust for local mitigation projects, was not voted on but rather postponed until a later time. The third action item, regarding other items the COC wished to make comment on to the Board, was again not voted on, but rather a list of items was provided to staff by the COC members for consideration by the Board. The COC decided that an additional meeting should take place in January (currently scheduled for 1/29/04) to develop recommendations on the use of the \$150,000 trust. A comprehensive overview of the County's Solid Waste System was presented by staff (also attached).

During each of the COC meetings, a public comment period ensued, during which members of the public raised questions and expressed concern about the project. Staff attempted to answer a majority of the questions, but, many times, the discussions centered around the 1998 Board-approval of the expansion project. Many of the questions related to the business decisions made by the Board in approving the project in 1998 and not to the Annual Status Report, which documents operator project compliance as stipulated by the Second Agreement and Environmental Mitigation & Monitoring Program. No suggestions were made by the public that the COC pursued related to how the County could best use the \$150,000 for local mitigation projects in the community. In order for the COC to be able to make an informed decision regarding operator compliance with the Second El Sobrante Agreement, the following reports and information has been provided to the COC:

- Second El Sobrante Landfill Agreement (including the First Amendment)
- Environmental Impact Report (including the Traffic Study)
- El Sobrante Landfill Annual Flare Source Test
- 2002 UCR Annual Report
- Information on County-wide Litter Clean-up Programs
- Development Monitoring Program (addresses certain transportation related conditions of approval)

Recommendations

Staff recommendations on the three action items considered by the COC are as follows:

1. Accept the COC's concurrence with the ARC that the El Sobrante Landfill is operated in compliance with the project documents as evidenced by the Annual Status Report.

2. Urge the COC to propose uses of the \$150,000 for local mitigation projects by the end of calendar year 2004. If no recommendations or consensus comes forth from the COC, the Board should consider utilizing the money on priority projects in the area.
3. Receive and file staff responses regarding the COC's other related comments:
 - a. *An incentive or requirement should be implemented for both in-county and out-of-county trucks to avoid peak traffic time.*

Staff Response: Currently, the sole requirement the El Sobrante Landfill operator must comply with for peak hour avoidance is from the 1998-adopted Mitigation Monitoring Program, which specifies that only out-of-county transfer trucks are required to avoid peak hour traffic while traveling on State Highway 91. No other requirement exists for off-peak deliveries of solid waste to the facility. The Department, as a course of its normal CEQA review of other in-county facilities, assesses the need for such restrictions and implements conditions as deemed appropriate to address this issue, as was recently the case for the Edom Hill Transfer Station project. Additionally, the Department will continue to work with the El Sobrante operator to provide incentives that promote off-peak deliveries, when required, to insure compliance. The Department will also work with the operator to either restrict those trucks required to deliver off-peak along State Highway 91 from entering the landfill at an agreed upon gate arrival time or pursue alternative routes that avoid Highway 91.

- b. *I-15 expansion project to include truck lanes.*

Staff Response: The I-15 expansion project is not subject to the purview of the Department. This comment has been forwarded to the Transportation Department.

- c. *Accelerate the Temescal Canyon road realignment project.*

Staff Response: The Temescal Canyon Road realignment project is not subject to the purview of the Department. This comment has been forwarded to the Transportation Department.

- d. *Transfer trucks should be more identifiable to the public (e.g., bigger decals; colored decals to represent the responsible county so that if there is a problem, citizens can contact the appropriate Waste Management office).*

Staff Response: Because subcontract haulers can haul for other companies or entities that have no affiliation with the El Sobrante Landfill, at this time staff only recommends that an additional Departmental ID be applied to the transfer trailers. Staff believes that the current level of transfer truck identification is sufficient, when coupled with the additional transfer trailer Department ID. Currently, each transfer truck is already placarded with a unique hauler ID that consists of approximately 7-8 digits, which are located on three sides of the cab. If a transfer truck utilizes any of the County landfills, the cab will also contain the Department ID, which is a 4-digit number located on both sides of the cab that denotes the hauler account and vehicle tare weight. Should citizen concerns be raised about a transfer truck that requires follow-up or subsequent enforcement action, either ID (hauler or Department) and/or the vehicle license number(s) can be reported to the Environmental Health Department or Waste Management Department, along with other pertinent information, such as time and location, to confirm hauler account information, jurisdictional origin, etc. The addition of the transfer trailer ID (placed on the sides and back of the trailers) will allow for easier reporting.

- e. *Certain roads should be made off-limits to trucks by way of their vehicle weight with appropriate signage.*

Staff Response: Staff has confirmed with the Riverside County Transportation Department that signage prohibiting trucks by way of their vehicle weight on certain roadways would not be permitted on public roads, especially in areas where there are existing, approved commercial and industrial land uses.

- f. *Appropriate phone number(s) should be added to the signs on the backs of trucks for citizens to call in case there is a problem (e.g., trash flying out of the truck and littering debris on the roads).*

Staff Response: The Environmental Health Department should be contacted for any litter concerns associated with hauler vehicles. Also, current ordinance requires the company's name and phone number on the sides of hauler vehicles. This comment has been forwarded to Environmental Health Department staff.

It is staff's opinion that the El Sobrante Landfill, as evidenced by both the ARC and COC review, continues to operate in compliance with the Second El Sobrante Agreement with the County. Staff will continue to work with the various agencies involved with the project and the COC to ensure continued compliance.