

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

908



FROM: County Counsel

SUBMITTAL DATE: February 3, 2004

SUBJECT: Settlement Agreement between Synagro Composting Company of California, Inc. and County of Riverside

RECOMMENDED MOTION: 1.) Approve Resolution 2004-056 Authorizing Settlement with Synagro Composting Company of California, Inc.; 2.) Authorizing the Director of Environmental Health to administer the Settlement Agreement.

BACKGROUND: For the past several years, the County has been involved with two lawsuits filed by Synagro Composting Company of California, Inc. with regard to Synagro's biosolid composting facility. Through ongoing negotiations, the County and Synagro have reached tentative settlement and hereby seek to memorialize such settlement under the following terms:

1. The Conditional Use Permit ("CUP") under which Synagro is operating, shall expire on December 31, 2008.
2. Synagro shall pay the County a host fee consisting of fifty cents (.50) per wet ton of biosolids received at the facility generated within Riverside County and one dollar and fifty cents (\$1.50) per wet ton of biosolids received at the facility generated outside Riverside County.
3. County has the option of ceasing enforcement of the Odor Monitoring Plan and receiving two hundred twenty five thousand dollars (\$225,000) per year or leaving the Odor Monitoring Plan in place but rather than reducing Synagro's daily intake for violations, each violation shall require payment of five thousand dollars (\$5,000) to County, not to exceed twenty five thousand dollars (\$25,000) per year. On a semi-annual basis, the County may re-select either option so long as the CUP is in force. (Continued on Page two)

JOE S. RANK, Assistant County Counsel

Policy

Consent

Department Recommendation:
Per Executive Office:

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Prev. Agn. ref.

Dist.

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.8

4. During the remaining life of the CUP, Synagro shall reduce the onsite inventory consistent with the table attached to the Settlement Agreement and during the last year of operation (2008) Synagro shall increase the clean-up bond from four hundred thousand dollars (\$400,000) to one million dollars (\$1,000,000) to ensure clean-up of the site.

Execution of the proposed Settlement Agreement will result in dismissal, with prejudice, of both lawsuits and provide a date certain for expiration of the CUP.

2 RESOLUTION NO. 2004-056

3 APPROVAL OF SETTLEMENT AGREEMENT
4 AND GENERAL RELEASE BETWEEN
5 THE COUNTY OF RIVERSIDE AND
6 SYNAGRO COMPOSTING COMPANY OF CALIFORNIA, INC.

7 WHEREAS, the Board of Supervisors of the County of Riverside approved on October 29, 1996,
8 Revised Permit No. 171, Amended No. 1 to Conditional Use Permit No. 2999 issued to Synagro
9 Composting Company of California, Inc. authorizing Synagro's operation of a biosolid composting
10 facility on Assessor Parcel Nos. 283-120-001, 283-120-002 and 283-120-003 (the "Facility") in the
11 County of Riverside, California; and

12 WHEREAS, the Conditions of Approval to Revised Permit No. 171, Amended No. 1 to
13 Conditional Use Permit No. 2999 consist of Conditions of Approval 1.1 through 1.6; Conditions of
14 Approval 2.1 through 2.9; Conditions of Approval 3.1 through 3.14; Conditions of Approval 4.1 through
15 4.2; Conditions of Approval 5.1 through 5.2; Conditions of Approval 6.1 through 6.2; Condition of
16 Approval 7.1; Condition of Approval 8.1; Conditions of Approval 9.1 through 9.2; and pages 1 through
17 10, inclusive, which requirements together constitute the Conditions of Approval to Conditional Use
18 Permit No. 2999; and

19 WHEREAS, Synagro filed in Riverside County Superior Court on July 29, 1999 a lawsuit
20 against the County of Riverside entitled *Synagro Composting Company of California v. County of*
21 *Riverside* (Riverside County Superior Court Case No. RIC 331001); and

22 WHEREAS, Synagro also filed in Riverside County Superior Court on September 26, 2000 a
23 second lawsuit against the County of Riverside entitled *Synagro Composting Company of California v.*
24 *Aleta Laurence, et al.* (Riverside County Superior Court Case No. RIC 348723); and

25 WHEREAS, Synagro and the County have reached a settlement in the aforementioned lawsuits,
26 the terms of which are set forth in the "Settlement and General Release" attached hereto as Exhibit "A"
27 and incorporated herein by this reference; and

28 WHEREAS, Mitigation Measure 9.2e of the Conditions of Approval to Revised Permit No. 171,
Amended No. 1 authorize the County to monitor, determine the effectiveness of, and remediate

1 deficiencies in odor control mitigation methods, and to ensure compliance with applicable significance
2 threshold criteria, with respect to ongoing Facility operations; and

3 WHEREAS, it is the intent of the County and Synagro to enter into this Settlement Agreement
4 pursuant to and in compliance with Mitigation Measure 9.2e; and

5 WHEREAS, the County has considered the requirements of the California Environmental
6 Quality Act (Public Resources Code sections 21000, "CEQA"), its implementing regulations (Title XIV,
7 Cal. Code Regs., sections 15000 *et seq.* "CEQA Guidelines"), and the Riverside County Rules to
8 Implement the Act, and has determined that this activity does not qualify as a project under CEQA or
9 the CEQA Guidelines that will result in a direct or indirect change in the physical environment requiring
10 additional environmental review; now, therefore

11 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the County
12 of Riverside, State of California, in regular session assembled on February 3, 2004 that:

- 13 1. The Board of Supervisors finds and declares that the above recitals are true and correct;
14 and
- 15 2. The Settlement Agreement attached hereto as Exhibit "A" is approved; and
- 16 3. The Director of Environmental Health is hereby authorized to execute any and all
17 documents necessary to complete the Settlement Agreement.

18
19 G:\Property\DBONELLI\2004 Resolutions\2004-056.doc

FORM APPROVED
COUNTY COUNSEL

JAN 26 2004

BY 
ASSISTANT COUNTY COUNSEL