

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



188

**FROM:** Waste Management Department

**SUBMITTAL DATE:**  
June 27, 2005

**SUBJECT:** El Sobrante Landfill – 2003 and 2004 Annual Monitoring Reports

**RECOMMENDED MOTION:**

1. **Receive and File** El Sobrante Landfill Annual Monitoring Reports for 2003 and 2004.
2. **Direct Clerk** to make copies of Annual Monitoring Reports available for public review.

**BACKGROUND:** As stipulated in the Second El Sobrante Landfill Agreement, the Administrative Review Committee (ARC), formed pursuant to Section 13 of the Agreement and comprised of representatives from the Waste Management Department, Executive Office, and Planning Department, reviewed the 2003 and 2004 El Sobrante Landfill Annual Monitoring Reports and determined that Waste Management, Inc. (owner/operator) was in conformance with the conditions imposed upon the landfill in each calendar year. Accordingly, the Annual Status Reports were submitted to the Citizens Oversight Committee (COC), formed pursuant to Item 14a of the Conditions of Approval. On May 18, 2005, the COC unanimously concurred with the finding of the ARC that operation of the El Sobrante Landfill was in compliance with the Second Agreement, dated September 1, 1998 and as amended on July 1, 2003, and recommended that the Annual Monitoring Reports be filed with the Board of Supervisors (see attached Minutes). It is also being requested that the Annual Reports be made available for public review in accordance with the Second Agreement.

Departmental Concurrence

*(Continued)*

Hans W. Kernkamp, General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ -0-	In Current Year Budget:	NA
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	NA
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	NA

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

**C.E.O. RECOMMENDATION:** FORM APPROVED COUNTY COUNSEL

**APPROVE**

JUN 29 2005  
BY Lee A. Viscusi

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 10/19/04 (12.1)	District: 1	Agenda Number:
<b>ATTACHMENTS FILED WITH THE CLERK OF THE BOARD</b>		

12.1

**BOS Form 11: El Sobrante Landfill 2004/2005 Annual Monitoring Reports**

**Submittal Date: June 27, 2005**

**Board Date: July 12, 2005**

**Page 2**

**Update:** On October 19, 2004, the Board of Supervisors approved the COC recommendation to utilize the \$150,000 Local Mitigation Fund that was established through the El Sobrante Landfill Expansion Project on County efforts to cleanup illegal dumping in the Temescal Valley area along the I-15 corridor, focusing on the area from El Cerrito Road south to Lake Street. The Board further authorized the COC to solicit proposals from the Economic Development Agency and/or Code Enforcement in order to develop the illegal dumping program. To date, the COC has received one written proposal from Code Enforcement, which is currently being revised and enhanced to address COC comments (i.e., include maps of targeted areas, implementation schedule, labor and personnel, funding mechanisms to continue the program, etc.). Once finalized, the COC plans to present the illegal dumping program to the Board for final authorization, in accordance with the Board's action on October 19, 2004.

**EL SOBRANTE LANDFILL  
CITIZENS OVERSIGHT COMMITTEE MEETING  
MINUTES**

**May 18, 2005**

The following were present:

**Committee Members**

Jack Wyatt  
Joyce Deleo  
Louise Mazochi  
Marshall Beede  
Gena Osborne

**County Staff**

Sandy Isom  
Kathy Gifford  
Mike Harrod  
Anne Stephens  
Brian Black  
Hans Kernkamp  
Lesley Likins  
France Trevino

**Representing**

Supervisor Buster's Office  
Executive Office  
Planning Department  
Supervisor Tavaglione's Office  
Code Enforcement  
Waste Management Dept.  
Waste Management Dept.  
Waste Management Dept.

**Interested Parties**

Phyllis Beede  
Scott Jenkins (WMI)

**I. CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order at 9:00 a.m., by Jack Wyatt, with self-introductions.

**II. APPROVAL OF SEPTEMBER 23, 2004 MINUTES**

Jack Wyatt asked if there were any corrections, additions or deletions to the September 23, 2004 minutes. Louise Mazochi pointed out several corrections: her name was misspelled on several pages of the minutes, the 4<sup>th</sup> paragraph on page 8 should read that Supervisor Tavaglione partners with Corona, and not Supervisor Buster, Joyce Deleo's name is miswritten on page 10, and the acronym TUMF was incorrect on page 11. Marshall Beede moved that the minutes be approved as corrected, seconded by Louise Mazochi. Motion carried unanimously. The minutes were filed.

**III. ACTION ITEMS**

- A. **2003 Annual Report**
- B. **2004 Annual Report**

Jack Wyatt said he realizes that many of the members did not receive the information for today's meeting in a timely manner, and it was a big packet. He asked if the Committee would like to move forward with an action today.

Hans Kernkamp said he would suggest that since the material was not received in a timely manner, perhaps the Committee would like to come back and take an action after reviewing the documents more closely. Jack Wyatt asked the Committee what they would like to do. Marshall Beede said 2003 is history and any problems would have been carried over to 2004, and there do not seem to be any problems in 2004.

Mr. Beede said that from reading the reports he would move that the Committee accept the 2003 and 2004 Reports, Gena Osborne seconded the motion.

Jack Wyatt asked if there were any concerns or questions, and asked for discussion. Mr. Wyatt said he had the following questions regarding the 2003 Annual Report:

- Page 11 states, "USA WASTE or its successor-in-interest will provide one roll-off bin per quarter in the Spanish Hills area and one roll-off bin per quarter in the Dawson Canyon area for private property owners in those areas." Mr. Wyatt asked if those bins are still there. Scott Jenkins replied yes.
- Page 12 (B-3) states, "During 2003, a receiving site for the many-stemmed Dudleya within the El Sobrante preserve was identified and work began to prepare that site." Scott Jenkins said that is correct, they actually planted some of them in their reserve. Gena Osborne asked what it is. Louise Mazochi said it is a native vegetation plant. Mr. Jenkins said yes, it is a native species.
- Page 24 (AQ-12) talks about a technological and economical feasibility of using natural gas fuel or other alternative fuel in transfer trucks. He said it states, "This evaluation report is currently being prepared and will be submitted to the County for review as soon as it is completed." Scott Jenkins said it has been submitted.
- Page 27 (G-9) states, "A postearthquake inspection plan shall be submitted to the RWQCB and CIWMB for approval which provides for detailed site inspection after an earthquake of magnitude 5.0 or greater within 25 miles of the site to determine the integrity of landfill structures and systems." Mr. Wyatt said we have not had an earthquake of that magnitude in the neighborhood. Scott Jenkins said everything is engineered to meet those requirements and beyond the requirements. Joyce Deleo asked what is their intent regarding blasting. Mr. Jenkins said they only blast when they excavate and meet with material that they cannot move. They try to use equipment first before they go to blast, but they try to minimize the impact.

- Page 37 (U-6) refers to a fire protection/revegetation management plan shall be submitted to the Fire Department. Mr. Wyatt said it may be helpful, maybe through Hans Kernkamp, if the members of the Committee could receive a copy of that plan so they can be aware of what that fire management is in the canyon and the valley. Scott Jenkins said it relates to their habitat and conservation area. The plan provides the firefighters with an idea of where the access points are and where the roads are, so that impacts to habitat are minimized. Mr. Jenkins indicated that he could provide a copy of that plan.
- Page 42 (W-16) talks about the successor-in-interest and the Third Party Environmental Impairment Trust. Mr. Wyatt said he knows it has a \$2 million cap, but asked if we knew what the current balance of that trust was. Hans Kernkamp said it is about \$2.3 million. Mr. Wyatt said he knows it is supposed to go up with CPI, but now, with inflation going up, he asked if we knew where it is supposed to be, because it states, "The cap shall increase annually by 90 percent of the change in the Consumer Price Index starting in the year 2002." Hans Kernkamp said he believes the interest is exceeding that.
- Page 35 (T-6) talks about transfer trucks using a designated route for deliveries of waste. Mr. Wyatt said the reason he is bringing this issue up is because he was at the corner of Temescal Canyon Road and Weirick Road, and he saw a transfer truck on Weirick going through the parking lot of the deli. His concern was that the management team is looking at this, because they are seeing more and more of those transfer trucks off of the approved route. He said he just wants to make sure that that issue is addressed. Marshall Beede said they built a travel lane from that road to the freeway, and it no longer exists. Louise Mazochi said they get off at Weirick, because it is easier for them. She said it is a problem and asked if we could put up some kind of signage telling the truckers they cannot get off there. Scott Jenkins said they have a sign when leaving the landfill stating that they cannot take a right on Temescal, and, when they do see that happening, they call the company. Ms. Mazochi said they may want to go to the deli and then asked about the use of weight limit signs. Sandy Isom said those are the kinds of signs they recognize. Jack Wyatt said it would be nice to put signs on the offramp and at Temescal Canyon Road that say "Trash and Transfer Trucks are Not Allowed." Hans Kernkamp said this issue was talked about before, and it was his understanding from the Transportation Department that trucks are allowed to be on that road from a weight standpoint. Also, Temescal Canyon Road is a public road, and this portion of the road has land uses, other than the landfill, that generate trucks. Mr. Wyatt said on the other hand it might be more appropriate to have somebody down there to enforce it. He said maybe there needs to

be some monitoring of the traffic down there from time to time and if those people are there, and they are not supposed to be, they will be issued citations. Joyce Deleo said that customers of the El Sobrante Landfill are given notices on what routes to take, so they really do try. Jack Wyatt said he thinks what we have are a few drivers that ignore the notices, and one of the ways you make them pay attention is to take some type of action so they understand. Louise Mazochi said it is not just transfer trucks, it is also semi trucks. She said it starts the minute they come down Cajalco, because it is much easier to stop at the light and make a left on Temescal Canyon and go straight down than to try and get on that loop at the freeway and go down to Temescal Canyon and come back up. Lesley Likins said we have to be careful, because the condition pertaining to restricting transfer trucks states that out-of-County vehicles delivering waste from out-of-County to be disposed at El Sobrante shall utilize on all trips (both inbound and outbound) only that portion of Temescal Canyon Road between its intersection with I-15 and the landfill access road, except in the event of a closure of the on-and/or offramps at Temescal Canyon Road and I-15. This was just a prohibition for out-of-County transfers. It was indicated that the Agreement may have further restrictions. Jack Wyatt said maybe we should have a look at the agreement and do everything we can to keep those transfer trucks off of Temescal Canyon Road. Joyce Deleo asked Scott Jenkins what he would suggest. Mr. Jenkins said they issue a notice of violation when the truckers do not follow the rules and follow-up with a phone call, and then, if they continue, they are restricted from using the landfill. He said it gets down to the individual driver. He said he does not know if code enforcement can issue citations. Mike Harrod said that if truckers are just looking for facilities to get food, it may be helpful to provide them with a map showing places nearby to eat. Marshall Beede said when the El Sobrante Landfill was new, an approach from La Sierra was mentioned, and he does not see why they could not have an entrance from La Sierra. Sandy Isom said that has been discussed. Jack Wyatt said maybe that possibility of another access road off La Sierra coming in the back door could be explored further by the Waste Management Department and Waste Management, Inc. Scott Jenkins said they do not really have many vehicles utilizing Cajalco. He said the transfer trucks from Moreno Valley come loaded down through Highway 74 and then they go empty up Cajalco, since they don't like to come full on Cajalco. He said they like to travel in pairs so they do not get cut off and get people in between them.

Joyce Deleo asked why it is that quite often the signal is a blinking red signal. Scott Jenkins said that happens when the power goes off, it takes Transportation time to get down there. Joyce Deleo asked Mr. Jenkins if they have backup generators at their facility. Mr. Jenkins said no.

Jack Wyatt said maybe we could determine whether or not (maybe a feasibility study) to look at a map coming in through La Sierra to see if it would be a viable entry. Hans Kernkamp said we could talk to the Transportation Department. Sandy Isom said she previously spoke to Juan Perez so Hans may want to talk to him since he is aware of that particular topic. Louise Mazochi said we could explore and see if there are monies in WRCOG for this.

On the motion of Marshall Beede, seconded by Louise Mazochi the Committee voted on the following recommended motion:

After reviewing the El Sobrante Landfill Annual Monitoring Reports for 2003 and 2004, the Citizen Oversight Committee concurs with the finding of the Administrative Review Committee that operation of the El Sobrante Landfill is in compliance with the El Sobrante Landfill Second Agreement, dated September 1, 1998 and as amended on July 1, 2003, and recommends that the Annual Monitoring Reports for 2003 and 2004 be filed with the Riverside County Board of Supervisors. **Motion carried unanimously.**

C. **\$150,000 Fund for Illegal Dumping**

Marshall Beede suggested Item 3 (Professional Services) that lists clean up of vacant properties, abandoned vehicles, etc, be deleted, because he thought staff was going to check and make sure that we did not duplicate any existing programs. Jack Wyatt said he is concerned that there is not really a plan in the proposal, just a list of things. He also said he thought we talked about a phased implementation and matching funds.

Joyce Deleo said she is concerned with the funding for an officer. She does not know what part-time means. She asked if anyone has ever had anything like a litter patrol or something similar to COPs (Citizens on Patrol). Louise Mazochi said they tried to start CCOP (Community Citizens on Patrol) where the County partners and gives them vehicles to use. Unfortunately at the time they didn't have volunteers.

Louise Mazochi said she feels the proposal is a little vague and needs to be tightened up. She also remembers the Committee talked about partnering. Ms. Mazochi said on the front page (second paragraph), where it says a windshield survey was completed between the City limits of Corona and Lake Elsinore, it should be noted that the COC had indicated that their area of focus would be from El Cerrito to Lake Street. However, city limits extend to Weirick Road. She said that is a concern to her, because it would mean that this money is being used to the City's benefit. She said if that is the case, then we need to partner with the City and get funding from them. She said she would also like to see their area somewhere in there included in this enforcement.

Joyce Deleo said we are going to have to address the fact that we need to have someone there when the illegal dumping is going on. Marshall Beede said, based on this report, four cameras could be picked up and relocated within a day, and this could cost us about \$2300 per day. Ms. Deleo said we need to consider that the First Supervisorial District has three cameras. She said she feels we should go ahead with the purchase of cameras and also get signs that say, "You are on hidden camera" and post the fine amount. Marshall Beede asked if the County could obtain an unmarked vehicle for the surveillance. Hans Kernkamp said he thinks that is actually happening at the Transportation Department. Brian Black said in terms of vehicles, all vehicles are coming in marked that will be used for this program. He said they did just purchase an old survey truck from Transportation Department, and they disguise themselves as a survey crew when installing the cameras, which helps in the reduction of loss of equipment. He said in terms of success, he has not had a whole lot of personnel assigned to this program. He said the success of the program is not solely based on cameras, but personnel out there sitting on the sites. Eight of the 12 arrests they have had so far in the past eight months were in the Canyon and Trilogy areas, and they have issued fines up to \$3000 and \$4000 for each person, summary probation and search terms. They are working on a vehicle impound ordinance. Jack Wyatt asked where the fine money is going. Brian Black believes that all the money goes to the County. They are supposed to get the base fines back and that would go to the general fund. Jack Wyatt asked if some of those monies could go back into the program. Kathy Gifford said Code Enforcement does get money from the general fund. Gena Osborne asked how accurate the cameras are. It was indicated that this type of surveillance is very good.

Gena Osborne said that while an arrest was made, because it was witnessed by Code Enforcement, there have been situations like where she and Sandy witnessed an incident and called it in, but nothing happened. In that situation the illegal dumping was photographed by them, but she did not know if there was any enforcement, so she asked if cameras are any more enforceable. Brian Black said he took the information that Gena and Sandy supplied, including the photographs. He said they did an investigation and identified the person that the vehicle is registered to and who they suspect did it. However, they cannot find the individual, they have six addresses. In the case where a camera does catch someone on tape, Ms. Osborne asked who monitors the camera. Black said video tapes are retrieved from the video cameras. Ms. Osborne said after the tape is retrieved, viewed, and they see someone in violation, what is their next step? Brian Black said they run the information on the license plate.

Louise Mazochi said if we look at items 2 and 3, labor and personnel, administrative funding, \$55,000 is a third of the Committee's money; if that is part-time, that is pretty good salary for part-time. Ms. Mazochi said at their last meeting this Committee talked about going to the Board of Supervisors with an additional funding request and matching dollars, so assigning these dollars to this proposal does not seem appropriate at this point. Kathy Gifford said perhaps

Brian Black could explain about the different programs, because the match may not be visible here, but if there could be some discussion to find out how much has been invested to date and also the effectiveness. Louise Mazochi said it also needs to identify the area on a map. Jack Wyatt said he is hearing that rather than approve this particular outline, we request further information. Mr. Wyatt suggested expanding on the following:

- maps
- labor and personnel – how many and when?
- how successful video surveillance has been in the past and whether putting more cameras out there will help
- implementation schedule or timeframe
- definition of who is responsible for management oversight
- how do you evaluate and measure the program's effectiveness
- how to get matching funds

Phyllis Beede said several years ago some of the businesses in the area met as a group to address illegal dumping, graffiti, and off-road vehicles. The businesses in the area were willing to put money into preventing this. If this Committee approaches the businesses then you can more than double what you have to spend, because they have these problems already that they are spending money on. Jack Wyatt said that was another area that he was going to suggest be expanded on and that is funding, state grants, and local business community. He said he feels part of the program has to be some effort to meet with local businesses and develop their relationships in the program, too.

Louise Mazochi said many years ago they needed help in the First and Second Districts, and they put a report together, took it to the Board of Supervisors, showed the lack of code enforcement and did a funding request. They funded a code enforcement officer for many years. She said they received \$200,000. As a Committee they have a lot of power, it is going to take a collective effort. Gena Osborne said one thing she hears on the radio is programs where they invite the public to help pick up the trash.

Joyce Deleo said we could get notices out, have the Committee meet and have coffee and a presentation and find out what kind of response we will get, because we are making an assumption that we are going to have a response. Louise Mazochi said she agrees with meeting with the businesses in the area. Ms. Deleo said they have a good list of businesses from the fair. Scott Jenkins said there is a big clean-up this weekend in the wash.

Sandy Isom asked if the Committee is very clear on programs that are already in place, because through Transportation they could put together a program of what the County already provides. Jack Wyatt asked if everyone feels comfortable coming back with more information on these items before going forward. Hans Kernkamp said from the standpoint of approaching other businesses, he would

leave that more to the Committee than staff. Kathy Gifford said before a formal outreach occurs, we should share that new policy put out by the Supervisors and that we get our education fully. Ms. Gifford said for the next meeting it would be very helpful to hear from the team that is dealing with the trash task force. She said then this addresses the question of what is the match. She feels efforts are being made, and if we could see the full context of the efforts already being made, then we would be more savvy as we do public outreach, because we would be able to say that this is what the County is doing and this is where we see the niche that needs to be filled. Mr. Kernkamp said we did provide a summary of that information before, but we could update them. He said there is not one group that addresses illegal dumping. It is a collaborative effort with Code Enforcement, Transportation, Waste Management, and LEA. Mr. Kernkamp said the one issue that is not addressed is illegal dumping on private property. He said it is not an issue that any one department handles. Anne Stephens said Code Enforcement takes care of illegal dumping on private property. Mr. Kernkamp said to the extent that they go after the property owners. Ms. Stephens said the property owner is responsible. Mr. Kernkamp said that's correct if it is the property owner that is collecting the trash, but if it is an owner that has been dumped upon then they tend to be caught in between. Ms. Deleo said that this is unfair. Ms. Stephens said it is unfair, but that is the way it is, so you need to secure your property. Louise Mazochi said she is responsible for her road when people dump on it and they do. She said Code Enforcement does come up periodically and clean it up, as does Waste Management, Inc.

Jack Wyatt said then we should say that we would like to meet again, get additional information that we talked about, and have this proposal strengthened a little bit more to include a time frame before we begin to invest these dollars. Mr. Wyatt requested that, if between now and the next time we meet the Waste Management Department goes before the Board for the 2003 and 2004 reports and they let this Committee know, they will also attend and express to the Board their interest in this particular area of illegal dumping and what they want to do and ask for their support, and next time we get together we can go over all these items and have a more comprehensive approach. We could reschedule Item No. C for the next meeting.

Marshall Beede suggested going ahead with whatever programs we intended and that Joyce Deleo and any other committee members go ahead and meet with businesses. They could then say that this is what we are doing, and next year we are going to come to you for funds. That way, by next year we will have a track record, and we could impress them with how well it works. Then, once they contribute, we could go to the Board of Supervisors and say we have this whole community participating, but we need more money to continue. Ms. Deleo asked how you find out about grants that may be out there. Jack Wyatt said in most cases the County has people who will be made aware. Kathy Gifford said she has been following grants and will try to look into that. She has not seen anything on

this particular issue of illegal dumping. Scott Jenkins said there are tire grants, but he has not seen anything on illegal dumping.

Louise Mazochi moved that this item be continued to the next meeting and that additional information from Building & Safety Department be provided on the proposal to Utilize El Sobrante Landfill Local Mitigation Funding for Enforcement Services to Prevent Illegal Dumping. Motion seconded by Joyce Deleo – carried unanimously.

#### **IV. PUBLIC COMMENTS**

Phyllis Beede said the Fifth Supervisorial District used to have a very good task force. She asked if there is anything like that in the County at this point. Hans Kernkamp said there is an effort to take that on as a County-wide program. He said a meeting was held with many County departments and no measurable progress was made, just basically to talk about funding issues. Joyce Deleo asked if it was appropriate to talk with the Redevelopment Agency for illegal dumping on private roads. Mr. Kernkamp said it is possible, and we could ask. Louise Mazochi said EDA monies could not be used for that, and that Joyce would have to have that road dedicated to the County.

Anne Stephens said in San Bernardino they send out these dumping permits where residents of rural areas are allowed to dump 52 times per year, up to 500 lbs. Ms. Stephens gave Hans Kernkamp a copy of the information on this program. Mr. Kernkamp said he will look into that.

Gena Osborne said a couple of years ago there was \$150,000 in the Mitigation Fund. She asked what is in there now. Kathy Gifford said she is sure it has grown, and she will get that information for the Committee

Gena Osborne said she saw someone dumping at Trilogy and was trying to phone the Sheriff's. She asked if that is who she is supposed to call. Brian Black said she could call Code Enforcement at (951) 955-2004 between 9:00 a.m. and 5:00 p.m. Joyce Deleo said their area is all the way to Lake Street. She asked if this Committee could have representation from someone down there. Louise Mazochi said she thinks it is the Supervisor's appointment so it would be up to Supervisor Buster. Joyce Deleo asked if there is a limit to the size of this Committee. Mr. Kernkamp said it is very specific in the Agreement as to the make up of this Committee. Jack Wyatt said if there are some particular individuals from that way that would be helpful we could invite them to the meetings.

Hans Kernkamp said the Department will go to the Board in June with the 2003 and 2004 Annual Reports, but we also need to report back to the Board once we know what the illegal dumping program exactly consists of. Jack Wyatt said if Mr. Kernkamp can let the Committee know when he is going to the Board, the Committee can be there and share with them what we are trying to accomplish with respect to the

Illegal Dumping Proposal, and they are working with code enforcement to develop that. Mr. Kernkamp said he will let the Committee know of the Board date.

Hans Kernkamp said with reference to the free pass from San Bernardino that Anne Stephens handed him, Riverside County has something similar through land use assessments that mountain residents pay through their property taxes, which allows those residents to bring their waste for free to mountain collection centers.

**V. NEXT MEETING DATE**

The next meeting was scheduled for 9:00 a.m. on June 29, 2005 at the El Sobrante Landfill Site.

**VI. ADJOURNMENT**

The meeting was adjourned at 10:25 a.m.

HK:ft