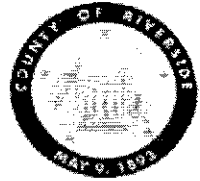


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

102



FROM: Waste Management Department
Facilities Management Department

SUBMITTAL DATE:
February 13, 2008

SUBJECT: Amendment to Declaration of Restrictions by and between Oakmont Dowling Orchard, LLC and the County of Riverside for the Beaumont Sanitary Landfill.

RECOMMENDED MOTION: That the Board Supervisors approve the Amendment to Declaration of Restrictions between Oakmont Dowling Orchard, LLC and the County of Riverside, and authorize the Chairman to execute the Amendment on behalf of the Board.

BACKGROUND: Oakmont Dowling Orchard, LLC is developing land to the east of the closed Beaumont Sanitary Landfill for commercial warehouses. In order to complete construction financing for the project, Oakmont Dowling Orchard, LLC has requested that the Riverside County Waste Management Department (Department) amend deed restrictions placed upon their property in November of 1990, as a condition of the Department assuming ownership of the landfill area. The balance of the property was allowed to be developed under certain conditions (no residential development, no commercial buildings within 100 feet of the landfill, methane gas barrier for any commercial building within 250 feet and boundary probes near the landfill). Since that time, the Department has clean closed 1.6 acres of the landfill, placed a 24 inch cap over the consolidated/remaining 7.2 acres of the landfill, installed a Soil Vapor Extraction (SVE) system to remediate groundwater at the landfill and installed seven boundary gas monitoring probes. (Cont'd)

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 2-14-08
DATE: _____
SYNTHIA M. GUNZEL

Robert Field, Director
Facilities Management Department

Hans W. Kernkamp, General Manager-Chief Engineer
Waste Management Department

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS: Not applicable	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

BY: Alex Gann

County Executive Office Signature Alex Gann

Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: _____ **District:** 5th **Agenda Number:** _____

F11 – Amendment to Declaration of Restrictions by and between Oakmont Dowling Orchard, LLC and the County of Riverside for the Beaumont Sanitary Landfill

February 13, 2008

Page 2

No gas has been detected at the boundary probes as part of the ongoing monitoring program and methane at the SVE inlet, which collects gas from seven interior gas probes, is less than 1% methane (an active landfill typically generates 40-45% methane).

The Amended Declaration of Restrictions before the Board today would clarify the specific location of the landfill area in relationship to the distance restrictions in light of the consolidation project completed in 2002, reduce the requirement for the methane vapor barrier to only office areas that are within 1,000 feet (as approved by the Riverside County Environmental Health Department), and allow the Department to install groundwater monitoring wells on the developer's property in the event the State Water Quality Control Board requires an offsite monitoring point to augment the existing system (currently there are four groundwater monitoring wells onsite). Given the additional environmental controls, data indicating low to non-existent methane levels and benefits of additional future groundwater monitoring points, staff recommends Board approval of the Amendment.