

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



FROM: Riverside County Department of Waste Resources

SUBMITTAL DATE:
June 15, 2015

SUBJECT: El Sobrante Landfill Citizens Oversight Committee 2014 Annual Report, District 1 & 2, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors receive and file the 2014 Annual Report of the El Sobrante Landfill Citizens Oversight Committee.

BACKGROUND:

Summary

Per Resolution No. 2005-148 Adopting Uniform Rules and Procedures for Advisory Committees, Boards and Commissions of the County of Riverside and Board Policy A-21, advisory groups to the Board are required to file an annual report of its activities. The 2014 Annual Report of the El Sobrante Landfill Citizens Oversight Committee, which includes the minutes of all meetings, is attached.

Impact on Citizens and Businesses

None

Hans Kernkamp
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: N/A				Budget Adjustment: No	
				For Fiscal Year: 15/16	

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 1 & 2

Agenda Number:

12-4C

Departmental Concurrence

**RIVERSIDE COUNTY
EL SOBRANTE LANDFILL CITIZENS OVERSIGHT COMMITTEE**

2014 ANNUAL REPORT

MEETINGS:

The Riverside County El Sobrante Landfill Citizens Oversight Committee met in April, July and October of 2014. A summary of the Committee's activities is below, and the official meeting minutes are attached.

ACTIVITIES:

April 2, 2014

1. The Economic Development Agency provided a Clean Money program update.
2. WMI provided a presentation addressing vehicles and tonnage, landfill development, regulations and permitting, environmental controls and compliance, and an overview of their Habitat Conservation Plan.
3. The committee members discussed concerns regarding Mitigation Measure T-3 Peak Hour Transfer Trucks on SR91, landfill aesthetics, noise, and resource agency permitting.
4. Staff discussed the need for any issues departing from the approved landfill project to go before the ARC, specifically Pond 4.

July 16, 2014

1. The Economic Development Agency provided a Clean Money program update.
2. The committee discussed concerns regarding Mitigation Measure T-3 Peak Hour Transfer Trucks on SR91, landfill aesthetics, and resource agency permitting.
3. WMI provided operational update on landfill.
4. Staff provided information on membership of ARC, Annual Report Review Process, and need for any issues departing from the approved landfill project to go before the ARC.
5. WMI provided update on acceptance of incinerator ash.
6. LEA provided an Organizational Overview presentation and information on inspection protocols

October 8, 2014

1. The Economic Development Agency provided a Clean Money program update.
2. The committee discussed Dawson Canyon ground water wells, SR91 peak hour traffic legal opinion, and incinerator ash update.
3. WMI provided operational update on landfill.
4. The committee provided comments on the 2013 Annual Monitoring Report, Mitigation Monitoring Program Status Report, and Conditions of Approval Status Report, and recommended that their comments be forwarded to the ARC.

Committee Members	Representing	April 2	July 16	October 8	Term Ends
Rob Mucha	1 st District	✓	✓	✓	6/30/17
Amie Kinne	1 st District	✓	✓	✓	6/30/17
Paul Rodriguez	1 st District		✓	✓	6/30/17
Jana Wachle	2 nd District	✓	✓		6/30/17
Jack Wyatt	2 nd District	✓	✓		Resigned
County Staff					
Bob Magee	1 st District	✓	✓	✓	
Alex Gann	Exec. Office			✓	
Steve Horn	Exec. Office		✓		
Jeff Johnson	Env. Health		✓	✓	
Greg Reyes	Env. Health		✓	✓	
Susana Orozco	EDA		✓		
Becky Mitchell	EDA	✓		✓	
Hans Kernkamp	Waste Mgmt.	✓	✓	✓	
Ryan Ross	Waste Mgmt.	✓	✓	✓	
Frances Zamora	Waste Mgmt.			✓	
Keri King	Waste Mgmt.		✓		
Lucy Gonzalez	Waste Mgmt.	✓			
WMI Staff					
Damon DeFrates		✓		✓	
David Harich			✓	✓	
Mike Williams		✓	✓		
Miriam Cardenas		✓	✓	✓	
Lily Quiroa		✓	✓	✓	
Lesley Likins		✓			

✓ = Present

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

**July 16, 2014
10:00 a.m.**

Location: Lee Lake Water District
22646 Temescal Canyon Road
Corona, CA 92883

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Committee meeting, please contact the Riverside County Waste Management Department (951) 486-3200. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

I. CALL TO ORDER and INTRODUCTIONS

II. APPROVAL OF April 2, 2014 MEETING MINUTES

III. DISCUSSION ITEMS

A. Clean Money Program Update

B. Mitigation Measure T-3- Peak hour transfer trucks on SR91

1. Review peak hour traffic documents distributed at last meeting

C. Landfill Aesthetics

1. Update from WMI on appearance improvements to front facing berms since 4/2/14 meeting
2. Review memo from County Biologist advocating watering

D. Landfill Resource Agency Permitting

1. Pond 4
2. Pond 3
3. On-site drainages

E. Incinerator Ash

1. Overview on duration, weekly volume, specific content, and special processing.
2. Update from Department regarding future acceptance

F. Administrative Review Committee

1. Membership
2. Annual Report Review Process

G. 2013 El Sobrante Annual Report Status

H. Local Enforcement Agency (LEA)

1. Organizational Overview
2. Inspection protocols

IV. ACTION ITEMS

V. EL SOBRANTE LANDFILL UPDATE

A. Phase 11 Construction

B. JTD Five (5)-Year Update

VI. COMMENTS FROM COMMITTEE MEMBERS

VII. PUBLIC COMMENTS (Individuals desiring to speak to the Citizens Oversight Committee will be limited to a maximum of three minutes)

VIII. NEXT MEETING DATE

IX. ADJOURNMENT

Non-exempt materials related to an item on this agenda submitted to the El Sobrante Citizens Oversight Committee after distribution of the agenda packet are available for public inspection at the Riverside County Waste Management Department, 14310 Frederick Street, Moreno Valley, CA, during normal business hours.

**EL SOBRANTE LANDFILL
CITIZENS OVERSIGHT COMMITTEE
MINUTES**

April 2, 2014

The following were present:

<u>COMMITTEE MEMBERS</u>	<u>MEMBERS ABSENT</u>	<u>COUNTY STAFF</u>	<u>REPRESENTING</u>
Amie Kinne Rob Mucha Jack Wyatt Jana Walchle	Paul Rodriguez	Hans Kernkamp Ryan Ross Lucy Gonzalez Bob Magee Becky Mitchell	Waste Management Department Waste Management Department Waste Management Department 1 st Supervisorial District Economic Development Agency

GUESTS/INTERESTED PARTIES

Mike Williams, El Sobrante Landfill
Miriam Cardenas, El Sobrante Landfill
Lily Quiroa, El Sobrante Landfill
Damon Defrates, El Sobrante Landfill
Scott Sumner, Waste Management, Inc.
Lesley Likins, El Sobrante Landfill
Cindy Daverin, El Sobrante Landfill
Paul Willman, Waste Management, Inc.
Martin Rosen
Regina Cook
Michelle Randall

**AGENDA ITEM 1
CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order at 10:15 a.m. by Chairperson Rob Mucha, with self-introductions.

**AGENDA ITEM 2
APPROVAL OF DECEMBER 11, 2013 MEETING MINUTES**

Amie Kinne requested the following adjustment to the December 11, 2013 minutes page 3, paragraph 3: "~~Rob Mucha~~ The COC suggested the following comments as concerns of the community..." Ms. Kinne also requested a correction to her first name on page 4 (Item IV. A).

Rob Mucha summoned a motion to approve the meeting minutes for December 11, 2013, as revised. First motion by Jack Wyatt, second motion by Amie Kinne, all in favor, none opposed.

**AGENDA ITEM 3
DISCUSSION ITEMS**

Hans Kernkamp suggested that agenda item 3 (h) Clean Money Program Update, and item 5, El Sobrante Landfill Update, be heard out of order. Mr. Kernkamp stated that many of the discussion topics on the agenda will be addressed within the El Sobrante Landfill presentation.

Rob Mucha summoned a motion to move the order of the items on the agenda for discussion. First motion by Jana Walchle, second motion by Jack Wyatt, all in favor, none opposed.

A. Clean Money Program Update-listed on agenda as item 3(h)

Becky Mitchell stated that there is only going to be one clean-up event per year. The clean-up event will occur in the fall around the first or second week of October. By the end of summer, Ms. Mitchell will forward a list to the COC, via email, of the areas that require clean-up, and will work closely with Miriam Cardenas. Recommendations for additional clean-up locations should be emailed to Ms. Mitchell.

**AGENDA ITEM 5
EL SOBRANTE LANDFILL UPDATE *(Heard out of order)***

- Waste Management Incorporated (WMI) provided a presentation that addressed vehicles and tonnage, landfill development, regulations and permitting, environmental controls and compliance, as well as an overview of the Habitat Conservation Plan, for the El Sobrante landfill. See attached presentation for details.
- Construction of Phase 11 will begin within the next few weeks. The Phase 11 Berm will be completed in 2014. Storm water runoff from the Phase 11 area will be directed to the Phase 10 Berm and collected in Pond 4.
- The issue of water contamination at the Phase 10 location was discussed. Paul Willman advised that while there has not been any contamination issues in the Dawson Canyon, if groundwater contamination was detected and left untreated, it would take nearly 100 years for any potential groundwater contamination to reach the nearest residential groundwater wells. However, if contamination were present, the network of ground water monitoring wells surrounding the landfill would detect the contamination and WMI would immediately prepare and submit a remediation work plan to the appropriate regulatory agencies. Amie Kinne asked which well he was referring to since there were no active water wells in Dawson Canyon identified in the Water Resources Technical Document. Mr. Willman said he did not know.
- Citizens from the Dawson Canyon area raised concerns about the smell of their well water and requested that WMI test their wells. Michelle Randall stated that the sulfurous smell of the water might be attributed to the close proximity to natural hot springs, but requested that WMI test Dawson Canyon resident wells.
- Mike Williams confirmed that the landfill is accepting out of county incinerator ash, as identified in the Joint Technical Document (JTD). No special handling or processing

is required to dispose of the ash. An update on the material will be provided at the next meeting.

AGENDA ITEM 3
DISCUSSION ITEMS (Continued)

B. Mitigation Measure T-3 Peak Hour Transfer Trucks on SR91

Hans Kernkamp stated that WMI will provide GPS monitoring data for WMI owned transfer trucks for inclusion into the 2014 Annual Report. The GPS data will assist in tracking peak hour transfer truck movement along SR91, which is prohibited under Measure T-3. Mr. Kernkamp also provided an update on establishing a fee for trucks traveling on SR91 during peak hours. WMI indicated that they are willing to explore implementing a peak hour fee for new contracts; however, they emphasized that it is difficult to go back and change existing contracts. Mr. Kernkamp stated that this issue is still being explored. Negotiations with WMI are ongoing and updates will be provided to the COC as they become available.

Amie Kinne suggested that morning and afternoon peak hour traffic data be separated for the 2013 annual report.

Rob Mucha pointed out that the OCTA SR 91 data backs the COC assertion that the peak hour traffic windows are significantly longer than the one hour windows utilized in the January 2014 WMI letter to its drivers. Mr. Mucha distributed OCTA SR 91 peak tolls, Riverside County Waste Management Department (RCWMD) transfer truck arrival data, and a URS traffic study (see attachment).

Jack Wyatt summoned a motion to move the topic for discussion to the next meeting to allow time to review the handouts. First motion by Amie Kinne, second motion by Jana Walchle, all in favor, none opposed.

C. Mitigation Measure A-1 Watering of Berms/Slopes

Rob Mucha stated that the front facing landfill berm is visible at many tourist sites in the lower and upper communities of Temescal Valley. The COC suggested adding boulders and/or other features to break up the landscape. Cindy Daverin advised that WMI will add additional rocks and plant extra cactus patches on south facing slopes, which should stay green year round.

D. Mitigation Measure N-6 Acoustic Blankets when Drilling

Hans Kernkamp stated that the acoustic blanket mitigation measure was addressed in the 2012 Annual Report. It is intended to address drilling associated with blasting operations, not for drilling groundwater wells or gas wells requiring no blasting.

Rob Mucha stated that the 2013 Annual Report should stand on its own. If newer regulations or BMPs improve or supersede mitigation measures, then the appropriate agency(ies) should be informed and certify/document the change in the annual report. Mr. Kernkamp stated that the 2013 Annual Report will reflect changes as well as what has been learned in the 2012 effort.

E. Mitigation Measure AQ-1 Intermediate/Final Cover Landfill Gas

Hans Kernkamp stated that the Riverside County Waste Management Department (RCWMD) is reviewing a draft technical memorandum prepared by a third party addressing intermediate/final cover landfill gas barriers. The report will be included in the 2013 annual report.

F. Landfill Resource Agency Permitting

Ryan Ross provided updates for Pond 4, the sedimentation basin just below the Phase 10 berm, and Pond 3, located on the contingency parcel outside of the approved footprint. WMI purchased land adjacent to the permitted landfill property and constructed Pond 4 approximately 400 feet south of the location approved in the EIR. In February 2014, Mr. Ross and Mrs. Kinne met with resource agency (US Fish & Wildlife Service, California Department of Fish and Wildlife, US Army Corps of Engineers, and the Regional Water Quality Control Board) staff to discuss permitting associated with Pond 4, Pond 3, and on-site drainages within the landfill property. Resource agency investigations are ongoing. An update will be provided at the next meeting.

G. Administrative Review Committee (ARC) Notification

Hans Kernkamp advised that the ARC is comprised of three County departments, (Executive Office, Planning, and Waste Management). The El Sobrante Landfill Agreement requires that any issue materially departing from the approved landfill project must come before the ARC for approval. The RCWMD maintains that the construction of Pond 4 materially departed from the approved landfill project, was not addressed in the EIR prepared for the landfill expansion, and was built outside of the original landfill boundary. It should have been reviewed by the ARC.

WMI acknowledged that going forward they will present these types of issues to the ARC for approval, in addition to providing the ARC updates on landfill development and operations.

H. 2013 El Sobrante Annual Reports Status

Mike Williams stated that WMI is preparing to forward the 2013 Annual Report to the ARC. He estimates that it will be presented to the COC in July for review.

AGENDA ITEM 4

ACTION ITEMS

None

AGENDA ITEM 6

COMMENTS FROM COMMITTEE MEMBERS

Amie Kinne stated that since the majority of committee members are new, she would like to provide information about the foundation of the COC. Ms. Kinne distributed copies of previous years Status Reports, outlining specific responsibilities for COC review.

**AGENDA ITEM 7
PUBLIC COMMENTS**

No public comments.

**AGENDA ITEM 8
NEXT MEETING DATE**

The next meeting is scheduled for 10:00 a.m. on July 16, 2014, at the Lee Lake Water District.

**AGENDA ITEM 9
ADJOURNMENT**

The meeting was adjourned at 12:39 p.m.

HK:lg

PD# 151697v2A

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

**October 8, 2014
10:00 a.m.**

Location: Lee Lake Water District
22646 Temescal Canyon Road
Corona, CA 92883

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- I. CALL TO ORDER AND INTRODUCTIONS**
- II. APPROVAL OF JULY 16, 2014 MEETING MINUTES**
- III. DISCUSSION ITEMS**
 - A. Clean Money Program Update**
 - B. Dawson Canyon Ground Water Wells**
 - C. SR-91 Peak Hour Traffic Legal Opinion**
 - D. Incinerator Ash Update**
- IV. EL SOBRANTE LANDFILL UPDATE**
 - A. Phase 11 Construction**
 - B. Resource Agency Permitting- Ponds 3 & 4, Onsite Drainages**
 - C. 5-year Permit Review/JTD Revision**
 - D. Disposal of Non-Hazardous, Non-Designated Contaminated Soils**
 - E. Other**
- V. ACTION ITEMS**
 - A. Review/Comment on the 2013 El Sobrante Annual Reports**
 - 1. Annual Status Report**
 - 2. Mitigation Monitoring Report**
 - 3. Conditions of Approval Report**
- VI. PUBLIC COMMENTS** (Individuals desiring to speak to the Citizens Oversight Committee will be limited to a maximum of three minutes)

VII. COMMENTS FROM COMMITTEE MEMBERS

VIII. NEXT MEETING DATE

IX. ADJOURNMENT

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**EL SOBRANTE LANDFILL
CITIZENS OVERSIGHT COMMITTEE
MINUTES**

July 16, 2014

The following were present:

Committee Members

Amie Kinne
Rob Mucha
Paul Rodriguez
Jana Walchle
Jack Wyatt

County Staff

Susana Orozco
Greg Reyes
Jeff Johnson
Steve Horn
Bob Magee
Hans Kernkamp
Ryan Ross
Keri King

Representing

Economic Development Agency
Environmental Health Department
Environmental Health Department
Executive Office
1st Supervisorial District
Waste Management Department
Waste Management Department
Waste Management Department

Guests/Interested Parties

Mike Williams, El Sobrante Landfill
Miriam Cardenas, El Sobrante Landfill
Lily Quiroa, El Sobrante Landfill
David Harich, El Sobrante Landfill
Nelson Nelson, City of Corona
Regina Cook
Martin Lange
Dave Davis
Barbara Paul
Jannlee Watson
John Watson
Martin Rosen

I. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 10:05 a.m. by Chairperson Rob Mucha, with self-introductions.

II. APPROVAL OF APRIL 2, 2014 MEETING MINUTES

Jack Wyatt moved that the minutes of April 2, 2014 be approved as submitted, seconded by Amie Kinne. Motion carried unanimously. The minutes were filed.

III. DISCUSSION ITEMS

Rob Mucha suggested Item III.E, Incinerator Ash, be heard out of order. Jana Walchle moved that Item III.E be moved up as Item III.C., seconded by Paul Rodriguez. Motion carried unanimously.

A. Clean Money Program Update

Susana Orozco distributed pictures of potential cleanup sites and announced the next cleanup event should be scheduled for September/October 2014. Ms. Orozco said the Clean Money Program, working alongside the Waste Management Department, is always searching for new sites and requested to be notified of any newly discovered locations.

Jana Walchle said some of the money was used for signs that say "Illegal Dumping not Allowed here". She feels that those signs actually help and are a deterrent.

B. Mitigation Measure T-3 – Peak Hour Transfer Trucks on SR91

Rob Mucha said this item was tabled last meeting. He said the question at hand is two-fold. He said there is discussion as to what commute peak hours are on any given day. He said a letter was sent from WMI to their drivers in January, which stated not to be on the Riverside County segment of SR91 from 7:30 a.m. – 8:30 a.m. and from 4:30 p.m. – 5:30 p.m.

Mr. Mucha then distributed additional handouts. He said there have been many conversations about actual commute hours being much longer than that. He said one of the handouts is Waste Management Department (WMD) data from 2012. He said that the data shows that between the hours 6:00 a.m. – 8:00 a.m., the total number of transfer trucks (from Southgate, Carson, and City of L.A.) from 2011 increased from 120 to 131 in 2012, an average of 8.73 trucks that head towards the 91 freeway during the most critical commute hours.

Ryan Ross said just to be clear, those numbers came from tickets coming through the gate. It does not identify that those trucks used SR91. It just shows that those trucks come from facilities that potentially could have used the SR91. He said since this data, they have requested GPS data from WMI to provide specifics from their trucks as to whether they are on the 91 freeway. He said up until last year, this is the best data that the WMD has. Mike Williams added that those numbers may not be precise; however, it is highly likely that there is traffic on the 91 during these particular hours. Mike Williams stated Carson Transfer Station uses the 91 infrequently, Southgate Transfer Station does not, LA City Transfer Station uses the 60 and the only time they come down the 71 to the 91 is when there are problems on the 60. The others use the 60.

Rob Mucha read the following Mitigation Measure (T-3): "Transfer trucks hauling waste from out-of County to El Sobrante that use State Route (SR) 91 shall travel to and from the landfill during off-peak hours for SR 91." Mr. Mucha said when he looks at the WMI letter that was sent out, it says please refrain from using the Riverside County segment of the 91, but the mitigation is really all of the 91. Mike Williams said the requirements that they have with Riverside County is what they are held to, and they track their trucks within Riverside County. He said WMI's responsibility is to comply with Riverside County's requirements, not Orange County requirements.

Rob Mucha handed out pages 1 & 9 of the Second Amendment to the Second El Sobrante Landfill Agreement, from March 2007. He said we talked about peak traffic and there is still discussion of what peak hours are. Mr. Mucha read the following section from the agreement, Item 11.10(b) Avoidance of Peak Traffic Hours: After-Hours Waste Acceptance Commitment "In addition to other requirements related to the transportation of Non-County Waste, USA WASTE will use commercially reasonable efforts to schedule long haul transport vehicles delivering Waste so as to utilize off-peak traffic hours for transportation. In addition, USA WASTE agrees to receive at the Landfill not less than two thousand four hundred (2400) tons of the permitted daily tonnage of Waste between 9:00 p.m. and 5:00 a.m. of each operating day falling on Monday through Friday, excluding holidays, of which not less than two thousand (2000) tons must be Non-County Waste. For purposes of this provision, the Friday operating day is deemed to be completed at 5:00 a.m. on Saturday."

Ryan Ross said the issue and matter has been sent to County Counsel to prepare an opinion on what the peak hours are as assessed in the EIR and what the County can hold WMI to as far as reviewing the Annual Report and determining compliance. He said earlier discussions with County Counsel indicates that the peak hours of the EIR will stand (7:30 -8:30 and 4:30-5:30) and that there is no requirement to change those hours unless there is a new discretionary action relating to a traffic issue with the project. Mr. Ross said the opinion is not final. Mr. Ross said once they receive the final opinion staff will share it with the COC and put the peak hour issue to rest. He said then they can work on whether or not WMI is complying with Measure T-3.

Rob Mucha said that in December the COC made a recommendation to the Board to increase the transfer truck pricing during the peak hour window, defined as 6-9am (*note: actual Board date was March 18, 2014*). He said they learned at the last meeting that out-of-county pricing is under WMI's control, not the County's control. Ms. Kinne said she feels that the COC needs to wait for the final opinion from County Counsel.

C. **Landfill Aesthetics**

Mike Williams said there have been 3,000 types of species planted on that space. There are four plots for significant boulder placement. Amei Kinne asked if they will be able to see it from the freeway. Mr. Williams said yes, and the cactus is already in place. Rob Mucha asked if there were ongoing efforts going forward, are they done, or is that the first phase? Mr. Williams said as far as the boulders and the cactus that will be it. He said there is seed there, they have had some growth, but as soon as we get some rain there will be more.

Rob Mucha said the COC was informed by WMI that the hydroseed process takes a minimum of five years per phase, and they have issues with at least one phase. Rob Mucha said they received a second opinion in May 2014, which basically supports watering the hydroseed during an establishment period. He said it is from Harry Sandoval, Ecological Resource Specialist, Riverside County Planning Department, Environmental Programs Division. He said it is on the web site and called "Use of Irrigation for Vegetation Restoration Projects". Mr. Mucha stated that the Memo advises that supplemental irrigation be employed to establish a native plants species in Riverside County when it is anticipated that an adequate amount of precipitation will not be available. Mr. Mucha said since we are in a drought where is all the water going to come from. Amie Kinne asked regarding the watering of the plants on Dawson Canyon Road, where is that water coming from. Mike Williams said that their contractor uses a small water truck.

Paul Rodriguez asked if the COC would feel more comfortable with WMI's process if their biologist gave a presentation at a future meeting. Amie Kinne said their biologist did give a presentation. Rob Mucha said that the result of not watering seeds during a drought is that plants do not grow. Paul Rodriguez asked Ryan Ross how he feels, since the County is managing the system. Does he feel that WMI should be doing more or they are doing as much as they should be?

Ryan Ross said this is a compliance issue to be addressed by the ARC. This is a mitigation measure, and as long as they are following it, they will be in compliance. Since watering is not required, he said it seems to be more of a good neighbor policy than a compliance issue.

D. **Landfill Resource Agency Permitting**

Ryan Ross distributed a handout. He said basically there have been a few sedimentation ponds that have been moved from their originally approved locations. One pond (Pond 4), while never constructed in its permitted, assessed location within the landfill property boundary, was constructed outside of the landfill property boundary, within newly acquired WMI property. He said another pond was moved from its original existing location to just a little further south, within an area known as the Contingency Parcel. He said there have not been any permits or approval obtained from resource agencies regarding the

moving of the ponds. Mr. Ross said that it has been discussed with the resource agencies (CRWQCB, Dept. of Fish & Wildlife, U.S. Fish & Wildlife Service, US Army Corps of Engineers) and they are currently investigating the issue. He said the process and investigation typically takes a long time, it has been five months since the meeting. Some of the agencies have been on-site and visited with WMI. Amie Kinne asked if there is going to be any type of public outreach or hearings on bringing those parcels into the project. She said she has tried to get on the mailing list or comment list and has been excluded. She said there are people that have been negatively impacted directly in their front yards and there needs to be some type of mechanism to take into consideration what they have to say. She asked at what point is that going to come into play. Ryan Ross said each permit has a process that they have to follow. He said it has not yet been decided if a 404 Permit is needed. It has not been determined if it is going to impact jurisdictional waters. If it does happen, there is a process for a public review period for the permit. He said Fish & Game has not come to the table yet as far as their investigation. WMI is held to comply with CEQA. As far as pulling it into the landfill permit, that is currently being done with a JTD revision and 5-year permit review. He said the landfill boundary is being proposed to include the sedimentation basin (Pond 4).

Greg Reyes said the LEA is reviewing it now based on what they had, what they said they say they are going to change, and what the LEA thinks they need to do to make that all in compliance. Amie Kinne asked if when WMI submits the package to LEA what if there is conflict as far as needing to be a certain distance from a resident. Mr. Reyes said one of their notes is that would have to be resolved. LEA is going to tell them these are all the things that they expect WMI to get back to them to complete the 5-year permit review. Mr. Reyes said the LEA is simply looking at the document as it stands today and whether it matches the operations. Mr. Reyes said once they submit a formal package to the LEA, which will not be done until they resolve some of the contract and CEQA issues, then they will file a public notice saying these things have changed. He said at this point, he does not know when they will receive the final package. Mr. Reyes said he has to finish his review by the end of September, which will tell WMI this is what we have found that you need to address.

Ryan Ross said staff can make sure that residents get notified, but the requirement to notify depends on what the project entails. He said if they get a JTD that involves very minor operational changes, that does not require additional CEQA, they can find that exempt. There is a process to address it. He said it will go to the Administrative Review Committee (ARC), which is a Brown Act meeting where the public can comment. He said if it is a larger project requiring a permit revision, it would go before the Board of Supervisors. This would require not only additional CEQA, triggering a public review period, but a public hearing as well.

Paul Rodriguez said the particular issues or actions is there a simple cheat sheet that says for substantial issues this is our noticing process and for non-substantial issues, this is the process, and for routine issues this is the process that we follow. Ryan Ross stated he would work on a flow chart/cheat sheet highlighting the processes for various actions relating to landfill projects.

Rob Mucha asked if there is a distinction between buying a Dawson Canyon residence and building a run-off basin versus building on an environmental contingency parcel. He asked if they are treated differently. Ryan Ross said it is more of a resource agency issue and the level of scrutiny or reaction from these agencies depends on the resources impacted by constructing ponds in one area versus another. Rob Mucha asked if there are any types of penalties. Ryan Ross said they looked into it and the landfill operations are exempt from a grading permit. He said that pond is solely for the landfill. Mr. Mucha said outside of the footprint. Mr. Ross said those are different issues. What they are trying to figure out is what they are actually in violation of. It is not required for them to get a building or grading permit, it's landfill related, and it's on WMI property. Mr. Mucha said what is to stop this from occurring again. Ryan Ross said one of the reasons that this occurred was that it was not brought before the ARC for review. He feels that at that time it would have been brought to staff's attention that it is not permitted and not inside the property, and all the permits that they are going through now would have had to have been obtained first. Mr. Ross said WMI is now more aware and more sensitive of their operation and how it could come in conflict with what was approved in the EIR. Staff does meet with WMI quarterly to receive updates.

Hans Kernkamp said the way the agreement is written is that ARC meetings are to be held as part of annual review process or if there is a change that materially departs from the project. Mr. Kernkamp said staff has learned that the ARC meetings are subject to the Brown Act, which entails a more formal process to schedule meetings.. Staff and WMI have agreed to hold regular meetings so these types of issues can be raised.

Hans Kernkamp said that originally WMIs position was that they didn't have to notify ARC because this was not a change that materially departed from the project. Mr. Kernkamp stated that as discussions have evolved WMI has changed their position and that they should have notified the ARC, which has led to agreement to involve ARC and staff on these types of changes, and update the COC.

Amie Kinne said she has gone over several years of inspection reports and has not seen any inspection of pond 4 or the berm, or even Dawson Canyon. She would like for the inspections to include Dawson Canyon, looking for trash, looking at that berm. She does not know how that works. Greg Reyes said the berm is an engineering feature that he does not have jurisdiction over; the retention basin is a Water Board element. He said based on the State content of what he can inspect,

he does not have anything that he can write up. Mr. Reyes said he will talk to his staff to look for trash run-off or exposed waste.

(Note: The following item was discussed after Item III.B.)

E. Incinerator Ash

Mike Williams said the ash received is between 450-500 tons per day and it is used for alternative daily cover (ADC). Amie Kinne asked for clarification on the incinerator ash cement, and asked for a definition. Mr. Williams said in California there is a requirement for land disposal, and this material which is used as ADC at El Sobrante has to be treated before it can be disposed of. Mr. Williams said at this particular site in Long Beach, they send non-hazardous residual waste and treat the residual with cement to bind any of the metals that might be in that waste. He said that material has been used for over 20 years as a road base. He said outside of California, it does not have to be treated at all.

Amie Kinne asked since the material is used as ADC, is it included as disposal tonnage? Mr. Williams said it is tracked, but not included as disposal tonnage. She questioned the practice of maximizing daily waste limits and still bringing in this material. Mr. Williams said they are so far away from reaching their limit. They bring in about 8,000 tons per day and their limit is 16,000 tons per day. Rob Mucha said but in terms of clarification it is separate. Ms. Kinne said so for practical purposes, WMI uses this for base of the roads. Mr. Williams said some for base, but primarily for cover on the trash.

Rob Mucha asked why this material was specifically excluded in the Agreement. Hans Kernkamp said that is not entirely clear because that goes back to 1998. He said the thinking is at the time there was a lot of controversy regarding these particular waste streams and whether or not they should be allowed into Class III landfills. The Department of Toxic Substance Control was wrestling with whether that should be allowed or not. There were proponents and opponents to that waste stream going into a regular Class III landfill. Staff believes that the decision was made at that time when this Agreement was formed to specifically exclude it and stay away from any controversial waste stream, such as incinerator ash, because it does have the potential to be hazardous. Mr. Kernkamp stated the Riverside County Waste Management Department (RCWMD) has received all of the lab results for this material. He said it is not hazardous material, but potentially can be because of the metal content. Rob Mucha asked if this is something that the Department is contemplating amending the contract to. Mr. Kernkamp said they are currently in negotiations with WMI to potentially allow that. He said it is an ongoing negotiation. Staff's position has been that it is not a hazardous waste stream so, therefore, by permit it is allowed to come into the landfill, but by contract, it is not. RCWMD does not make any distinction between cement-treated and straight incinerator ash when it comes to the contract. The contract says no incinerator ash regardless of the treatment process that it

goes through, it is still incinerator ash. Environmental Health agrees with that position as well. Mr. Kernkamp said from that standpoint it is still in conflict with the language in the Agreement. Mr. Mucha asked so how is County Counsel resolving that inconsistency because WMI is in violation of the contract. Mr. Kernkamp replied that is why they are in current negotiations.

Mike Williams said they have received approvals from regulatory agencies. Amie Kinne asked if RCWMD takes incinerator ash at the Riverside County landfills. Hans Kernkamp said not currently, but they have in the past. Ms. Kinne asked why. Mr. Kernkamp said it is not available within the County. He said at one point the County was taking it from the Colmac facility in the Mecca area, about 10-12 years ago but Colmac stopped bring it to us when they found an alternative use for it. He said the incinerator ash is an out-of-County wastestream. The County does accept some out-of-County waste at County landfills, but under the El Sobrante Agreement we are maxed out at how much we are allowed to accept, so the County would not be able to bid on this material. Ms. Kinne asked if County landfills are permitted to take it? Mr. Kernkamp said yes.

Jack Wyatt said it is clear that incinerator ash is not a part of the existing agreement. WMI and the County are in negotiations, the COC is aware, and it will be included in the Annual Report.

F. Administrative Review Committee

Hans Kernkamp stated that right before the ARC meeting was scheduled, staff did have communication with County Counsel and was informed that the meeting was subject to the Brown Act, so the June ARC meeting was cancelled. Staff then met with WMI as a department. Mr. Kernkamp said in the process of the last review of the Annual Report, WMI expressed that there is a defined format in the Agreement for the Annual Report. What the COC saw for the 2012 report that combined the Annual Report and the Mitigation Measure Report, is not exactly how it is written in the El Sobrante Agreement. That discussion led them to take a closer look at the Agreement and what exactly is required. Rob Mucha asked if there is a benefit in breaking it up. Mr. Kernkamp said he does not believe so. Mike Williams said in the interest of looking at the Agreement and finding things like the definition for "ash", they started looking at different elements of the Agreement. He said there is a defined list of what goes into the reports. Mr. Kernkamp said particularly with the 2012 report, the mitigation measures are what delayed approval of the Annual Report. He feels in theory the Annual Report is information on the tonnage, truck trips, those types of things that the COC did not have issue with. He said, however, the mitigation measures are more complicated and we are still today talking about them. Paul Rodriguez said his recollection is that the COC's responsibility is to provide input to the Annual Report, he does not recall if it says that they provide input for the mitigation measure report. Hans Kernkamp said he would have liked for the language to be clearer in the agreement. Ryan Ross said the COC is supposed to review the

Annual Report submitted by the ARC. The ARC Annual Report includes mitigation updates, annual status updates, and now conditions of approval update. He said the ARC is tasked with reviewing WMI's compliance with conditions of approval that were approved by the Board of Supervisors for the landfill expansion project. One of the conditions is that WMI comply with mitigation measures, and the Annual Status Report. Mr. Ross said they are all tied together. Mr. Ross said the COC is not approving the reports; rather, they are reviewing for comment. Mr. Ross said the COC comments go to the ARC. The ARC considers the COC's input. Once the ARC has made their determination they send it to the COC and the Board of Supervisors.

Paul Rodriguez said it sounds like they are reviewing a variety of reports and he wants to make sure that was the intention. He wants to be clear. Hans Kernkamp said he believes that is flexible. Paul Rodriguez said he thought the reports went out in the spring. He said he feels that the 2013 report should have been sent to the County Board this year. The Board of Supervisors has an expectation that they receive the reports in a timely manner. Mr. Rodriguez hopes to receive the 2014 report in a timely manner. Amie Kinne said it is appropriate to receive the reports on schedule. She said when you compare the 2009, 2010, 2011, and 2012 reports, there is a lot of cut and paste, they are not written from scratch.

Hans Kernkamp said the ARC is to approve the annual reports and consider any landfill issue that materially departs from the project. Rob Mucha asked if the basins and incinerator ash fall under that review. Hans Kernkamp said certainly the basin, but the incinerator ash seems to be a contract issue.

Rob Mucha said it seems to him that after something is out of compliance that it would be a good time for the ARC to reconvene and weigh in on next step. He said maybe the ARC may not want the County to bring in incinerator ash. Hans Kernkamp said the ARC could possibly weigh in on that, but it is being handled at the staff level with WMI. He said staff will be advising Planning Department and the Executive Office on these issues. Mr. Kernkamp said staff's position has been that the ARC only meets when the annual report is due. Amie Kinne asked when the next ARC meeting is scheduled. Mr. Kernkamp said it has not yet been scheduled, but will be scheduled as soon as we know that the report is ready for their review. Mr. Mucha asked if it is possible that the incinerator ash issue will be fully negotiated prior to the ARC meeting. Mr. Kernkamp said no because this would require a contract amendment, which would have to go through proper reviews, and Board approval. Mr. Mucha said there were conversations where the COC recommended that the ARC meet on a quarterly basis, and now he is hearing that they will meet annually around the annual report. Mr. Kernkamp said that how it is currently written, but if it is desired to have quarterly meeting, staff can coordinate with WMI. WMI can come in and talk about all the things that are going on at the landfill. Mr. Mucha said, but without the ARC members. Mr. Kernkamp said that is correct. Amie Kinne asked if there has ever been a meeting

where the ARC members are all in the same room. Mr. Kernkamp said yes. He said the ARC's role has been to review the reports.

Paul Rodriguez said the Brown Act is not an excuse for not scheduling a meeting. He said it seems that if there are issues that are within the purview of the ARC, we should not wait until the report that was filed very late is ready to go.

G. 2013 El Sobrante Annual Report Status

Ryan Ross stated the 2013 El Sobrante Annual Reports should be available for COC review in October.

H. Local Enforcement Agency

Greg Reyes gave an overview of the roles and responsibilities of the Local Enforcement Agency (LEA). He said the Department of Environmental Health is a non-General Fund Department. They derive all of their funding from the monies they take back to do all the oversight on permits, state laws, county laws, and ordinances. In the case of solid waste the money comes from tipping fees. He said they have 204 positions, and 109 of those positions are field inspectors. They have eight offices throughout the County. FY 2012/13 they did 37,210 routine inspections, 4,247 complaint investigations. He said from the solid waste side they are the local enforcement agency designated by CalRecycle. CalRecycle is the state-wide agency that has complete jurisdiction over solid waste. He said when they are doing solid waste activities, the LEA is acting as a state agent, not as a county agent. They issue permitting based on the state and the way they define the tiers. They have inspection standards that are mandated by the state. He said with the El Sobrante Landfill, the minimum standard is monthly. He said the LEA has unannounced inspections, unless they are going out to a site for a point focused item they are looking for.

Greg Reyes said for El Sobrante if they want to do a landfill gas focused inspection, they usually call them and they monitor behind them with their calibrating equipment. He said at this point they are focusing on a particular probe and they have been trying mitigation efforts to get that under control. He said they had some discussion about that the first time it came to the COC. Rob Mucha said the general public does not understand that over 5% is explosive. Greg Reyes said over 5% is a violation, and they have to do mitigation. He said so you consider fill area where they are going to put waste. He said they assume there is going to be methane in the area where the trash is. He said outside of that area they have a passive monitoring system. He said one probe is reading more than 5% methane so they are working on that. He said if they cannot get that down, then they have a choice. Usually what happens is the passive probe gets added to the active system and then they have to push passive probes out past that probe. He said that would normally be something where they would notify WMI that they wanted to look at because of they would need special staff on-site.

Jannlee Watson asked if the Dawson Canyon residents are breathing in this methane or how does that work, is it going straight up in the sky. Greg Reyes said the wells that they are finding it in are very deep in the ground. He said methane occurs in the ground. Ms. Watson asked if that could get into their well water. Mr. Reyes said that would be a question for the Water Board. Amie Kinne asked if the well that is having a problem the same one where the liner got punctured recently. David Harich said where they were drilling the well, there is no trash underneath.

Greg Reyes said they do get copies of reports from the other regulatory agencies. Rob Mucha asked if the LEA is considered the librarian of the documents. Mr. Reyes said no, they have all the same documentation because they all cc each other. Amie Kinne said that would be a good thing to bring to the ARC and say these are the things that you can include in your report. Rob Mucha said for example WMI has some levels over 5%, they accidentally drilled through the liner. Amie Kinne said when she spoke with John Watkins he said that part of the problem that we are having with the landfills is that there are so many agencies involved and rather than it being a strong safety net. She said there are a lot of little gaps in between. Mr. Reyes said they try to keep each other apprised. He said the probe is really an Air Board issue, but the LEA is on-site so they expect them to monitor. He said if it becomes a major issue, then the Air Board and State will become involved. Amie Kinne said she just does not want it to get to that big level.

Greg Reyes said there are 109 solid waste sites, 7 active landfills, 40 closed landfills, 38 transfer stations and 24 operation sites (i.e. compost operations). He said those all have varying degrees of inspections.

Rob Mucha said so regarding the El Sobrante Landfill, the LEA inspects them once a month. Mr. Reyes said yes. Mr. Mucha asked what the monthly inspection consists of. Mr. Reyes said they look at training records, any special incidents on-site (injury or accidents), load check documentation, hazardous waste on-site (storage, labeling). Mr. Reyes said as far as the statement of standards and the way WMI is running the site on a day to day basis, they run a very good site.

Rob Mucha said so the LEA is more about state regulations than about contractual obligations. Jeff Johnson said that is correct, but they are in the five-year review and will identify the issues, inconsistency with contract and ash. They will want that resolved as well as any other CEQA issues as with the pond.

IV. ACTION ITEMS

None.

V. EL SOBRANTE LANDFILL UPDATE

Mike Williams reviewed the following:

- Phase 11 construction is on-going. They are looking at a liner sometime later this month. They may have blasting like in phase 10. Notification requirements are under way. Acoustic blankets are part of the requirement. That should all take place in the next 2-3 weeks.
- JTD holdup is based on pond issues. They are waiting for a response from the Corps.

VI. COMMENTS FROM COMMITTEE MEMBERS

Amie Kinne said there are real people impacted by the El Sobrante Landfill.

Rob Mucha acknowledged thanks to Lee Lake Water District for use of the meeting room.

Rob Mucha said anything handed out in these meetings are on public website. They are trying to get the meeting minutes up within 30 days. He said they will be creating a contact list.

VII. PUBLIC COMMENTS

Regina Cook said she is concerned with her well water and the methane issue. Jeff Johnson said the Regional Water Board is monitoring and there are wells all around the site. Amie Kinne said there is well water testing (methane) that only comes from landfills. Jeff Johnson said the property owner could have their own water tested. He suggested they contact the Water Board directly.

Regina Cook asked what type of rodents are around the site and what do they do to control that problem. Mike Williams said they have seen some around their trailers. Greg Reyes said they are around, but it is not typical due to the heavy equipment moving on the site. Rob Mucha said this sounds like a one-time incident, but if it continues she should contact WMI.

VIII. NEXT MEETING DATE

The next meeting is scheduled for October 8, 2014.

IX. ADJOURNMENT

The meeting was adjourned at 1:15 p.m.

HK:kk/fz

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

**January 29, 2015
9:00 a.m.**

Location: Lee Lake Water District
22646 Temescal Canyon Road
Temescal Valley, CA 92883

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Committee meeting, please contact the Riverside County Waste Management Department (951) 486-3200. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

- I. CALL TO ORDER AND INTRODUCTIONS**
- II. APPROVAL OF OCTOBER 8, 2014 MEETING MINUTES**
- III. DISCUSSION ITEMS**
 - A. Clean Money Program Update**
 - B. Illegal Dumping in Dawson Canyon**
 - C. Landfill Lighting**
 - D. Landfill Appearance**
- IV. EL SOBRANTE LANDFILL UPDATE**
 - A. Phase 11 Construction**
 - B. Landfill Resource Agency Permitting Status**
 - C. Contingency Parcel Deed Restriction Status**
 - D. 5 Year Permit Review/JTD Amendments**
 - E. Incinerator Ash**
- V. ACTION ITEMS**
 - A. Election of a Chairperson and Vice Chairperson**
 - B. Comments on 2013 El Sobrante Annual Reports**
- VI. PUBLIC COMMENTS** (Individuals desiring to speak to the Citizens Oversight Committee will be limited to a maximum of three minutes)
- VII. COMMENTS FROM COMMITTEE MEMBERS**
- VIII. NEXT MEETING DATE**
- IX. ADJOURNMENT**

Non-exempt materials related to an item on this agenda submitted to the El Sobrante Landfill Citizens Oversight Committee after distribution of the agenda packet are available for public inspection at the Riverside County Waste Management Department, 14310 Frederick Street, Moreno Valley, CA, during normal business hours.

**EL SOBRANTE LANDFILL
CITIZENS OVERSIGHT COMMITTEE (COC)
MINUTES**

October 8, 2014

The following were present:

Committee Members

Paul Rodriguez
Amie Kinne
Rob Mucha

Committee Members Absent

Jack Wyatt
Jana Walchle

Guests/Interested Parties

Damon DeFrates, El Sobrante Landfill
David Harich, El Sobrante Landfill
Miriam Cardenas, El Sobrante Landfill
Lily Quiroa, El Sobrante Landfill
Bill Rice, CRWQCB
Cindy Li, CRWQCB
Martin Rosen
Barbara Paul
Charlie Garvin
Tracy Davis
Jannlee Watson
John Watson
Michelle Randall
Elaine Blackman
Regina Cook

County Staff

Jeff Johnson
Greg Reyes
Alex Gann
Bob Magee
Hans Kernkamp
Ryan Ross
Frances Zamora
Becky Mitchell

Representing

Environmental Health Dept.
Environmental Health Dept.
Executive Office
1st Supervisorial District
Waste Management Dept.
Waste Management Dept.
Waste Management Dept.
Economic Development Agency

I. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 10:02 a.m. by Chairperson Rob Mucha, with self-introductions.

II. APPROVAL OF JULY 16, 2014 MEETING MINUTES

The Committee discussed summarized versus detailed minutes, and agreed that they would like the meeting minutes to reflect a less detailed level of discussion and continue to include handouts. Rob Mucha asked if there were any additions, deletions or corrections to the July 16th minutes, David Harich stated that on page 4 (first sentence) it should read:....3,000 ~~types of species~~ cactus pads. Amie Kinne said on page 4 (second sentence) her name should be spelled ~~Amei~~ Amie. Paul Rodriguez moved that the minutes he approved as corrected, seconded by Amie Kinne. Motion carried unanimously. The minutes were filed.

III. DISCUSSION ITEMS

A. Clean Money Program Update

Becky Mitchell stated that a small event is tentatively scheduled for either November 1st or November 8th from 8:30 a.m. to noon. She distributed an information packet with pictures of cleanup locations. Ms. Mitchell said they will not go on private property unless given permission by the property owner. Ms. Mitchell stated that there is still about \$7,000 left in the fund for this program.

B. Dawson Canyon Ground Water Wells

Amie Kinne handed out a folder with various documents pertaining to the El Sobrante Landfill groundwater monitoring wells. Ms. Kinne reviewed a map showing groundwater well locations, monitoring locations, and the flow of groundwater. Ms. Kinne expressed concern that the 1994 Water Resources Technical Report used in the Expansion EIR references a cut-off wall that was never built, and there is a water course going into the Dawson Canyon with no monitoring wells in that area.

Michelle Randall commented that she previously was a member of the COC and the purview of this Committee is to review the Annual Reports and take care of the landfill's endowment. She feels that his Committee is working outside of their authority. She suggested that the COC invite County Counsel to the next meeting to advise them as to the limits of their authority.

Hans Kernkamp said that WMI is working under the monitoring plan that was approved by the California Regional Water Quality Control Board (RWQCB). Damon DeFrates stated that more monitoring wells will be installed as landfill phases are developed. Mr. DeFrates identified that there is no waste in the area Ms. Kinne discussed as having ground water flowing into Dawson Canyon. As the landfill develops further east, additional monitoring wells will be installed to address this issue, as required by the RWQCB.

C. SR-91 Peak Hour Traffic Legal Opinion

Ryan Ross provided the COC members with a legal opinion from County Counsel, which stated that the peak hours are based on what the peak hours were from the traffic study when Mitigation Measure (MM) T-3 was adopted -7:30am to 8:30am and 4:30 pm to 5:30 pm. MM T-3 was developed for application within the Riverside County SR91 segment.

D. Incinerator Ash Update

Hans Kernkamp stated that WMI and the County are still continuing negotiations on this item.

IV. EL SOBRANTE LANDFILL UPDATE

A. Phase 11 Construction

David Harich said Phase 11a is the current phase where they are installing a new waste cell. Part of that includes the excavation and installation of composite synthetic liner. Once the leachate collection system is in place, the final phase of cell construction is to provide protective cover. At that point, they will request approval from the RWQCB to begin landfill operations within the cell.

B. Resource Agency Permitting – Ponds 3 & 4, Onsite Drainages

David Harich stated that they are still working with the U.S. Army Corps to address the permitting process. They have also had lengthy discussions with the various resource agencies to include the U.S. Fish & Wildlife Service and California Department Fish & Wildlife regarding existing and future ponds that would address the complete build-out of the landfill. WMI is currently negotiating a long-term maintenance agreement to cover the construction, mitigation, operation, maintenance and every aspect having to do with all of the ponds that are either in existence or planned for construction for the term of the landfill. Mr. Harich said WMI has been told that the first mitigation agreement will be an 8-12 year duration, at which point the agreement will be reviewed and renegotiated or recertified every four years after that.

C. 5-year Permit Review/JTD Revision

David Harich said they have recently received the 5-year permit review report from the LEA that outlines their concerns, which WMI is currently addressing. Revisions to the JTD worth noting are:

- Revision to closure date
- Financial assurance revisions
- Alternative Daily Cover (specifically tarps)
- Revised permitted disturbance limit incorporating Pond 4.

Mr. Harich said the portions of the permit that requires modification through CEQA is about 9-10 month process.

D. Disposal of Non-Hazardous, Non-Designated Contaminated Soils

David Harich said staff received additional comments from the RWQCB on the draft waste acceptance criteria under the new waste discharge requirements and they are in the process of drafting responses to those comments. They are not proposing to take any new material. Cindy Li said until the RWQCB approves WMI's plan, they cannot take any contaminated soil. Paul Rodriguez asked if incinerator ash fall under this. Damon DeFrates said WMI already had approval to accept the incinerator ash; therefore, it has been grandfathered in. Greg Reyes said what they are talking about is soil. Hans Kernkamp said the Order does reference alternative daily cover so staff is going to ask the RWQCB whether ash is addressed in the Order.

E. Other

None.

V. ACTION ITEMS

A. Review/Comments on 2013 El Sobrante Annual Reports

Ryan Ross said the Administrative Review Committee (ARC) met in August 2014. During the meeting, they discussed their roles and responsibilities and reviewed the El Sobrante Landfill Annual Reports. Mr. Ross stated that the Annual Reports submitted to the COC contain comments from ARC, LEA, and RCWMD staff, as well as responses from WMI. The COC reviewed/commented on the following reports:

1. 2013 Annual Monitoring Report

Amie Kinne moved that the COC concur with staff's edits to Annual Status Report as submitted and forward the Report to the ARC for approval, seconded by Paul Rodriguez. Motion carried unanimously.

2. 2013 Mitigation Monitoring Program Status Report

• **Air Quality (AQ) Mitigation Measures**

AQ-1 - Rob Mucha suggested including the third party technical report as well as referencing the 2012 Annual Report discussion on the measure.

AQ-12 – Rob Mucha asked if any agency weighs in as to whether or not the alternative fuel trucks are performing well, since SCAQMD has recommended them. Hans Kernkamp said that while SCAQMD has recommended them from an air emissions perspective, they cannot speak for the specific needs of any particular operation and said staff could add language in the annual report to reference that.

• **Traffic and Circulation (T) Mitigation Measures**

T-3 – Rob Mucha suggested adding an appendix to this section regarding the implementation of 24-hour operations and notification to WMI and independent transfer truck operators to ensure that measurable impacts on peak hour traffic on the SR91 do not occur.

The COC also questioned the peak hour analysis completed by WMI, specifically the assertions that the peak hour trips were 0.55 transfer trucks and 0.055 trucks per the AM/PM peak, respectively. Ryan Ross stated staff will review the analysis and prepare comments/recommendations to the ARC in preparation of the final Annual Reports (*Note: Ryan Ross said that going forward, WMI will have GPS data for their trucks, which should clarify numbers*).

- **Water Resources (W) Mitigation Measures**

W-14 – Amie Kinne commented that the 1994 Water Resources Technical Report referenced a cut-off wall to address ground water throughout the plan and is not being followed. She questioned whether this should be identified under this measure since the current practice departs from what was originally assessed. Damon DeFrates said WMI would disagree. A sub-drain system is used at the landfill, as reviewed and approved by the RWQCB.

Paul Rodriguez moved that staff take the COC's feedback on the 2013 Mitigation Monitoring Program Status Report and incorporate it into the document to present to the ARC, seconded by Amie Kinne. Motion carried unanimously.

3. 2013 Conditions of Approval Status Report

Ryan Ross said this is a new document for the COC. He said this report identified all of the conditions of approval on the project, as well as the status of compliance of those conditions. Rob Mucha asked if there is some reason why this was added. Mr. Ross said it was added in order for the ARC to determine compliance with all of the conditions and mitigation measures of the Second Agreement. He said a lot of conditions in this report are duplicates of what is in the mitigation report. Amie Kinne moved that 2013 Conditions of Approval Status report, with staff's comments, be forwarded to the ARC for approval, seconded by Rob Mucha. Motion carried unanimously.

VI. PUBLIC COMMENTS

Regina Cook asked what she would have to do to get WMI to test her water wells. Damon DeFrates responded that there is no evidence that the landfill is impacting anybody's wells and that testing of private wells is just something that WMI is not willing to do. David Harich said that usually the Department of Environmental Health is responsible for private water supply systems, groundwater wells, and permitting the construction of those wells, and will test for nitrates and bacteria to make sure that the drinking water is safe.

Tracy David requested that the location of the meeting on the agenda state Temescal Valley, CA, instead of Corona, CA.

Jannlee Watson asked if with regard to the Mitigation Monitoring Program, will the ARC recommend additional irrigation. Rob Mucha said with regard to aesthetics, the mitigation does not require watering. Ryan Ross said the recommendation is that WMI is in compliance.

Jannlee Watson questioned if WMI's discussions with Wildlife agencies and Army Corps regarding the long-term agreement is to permit Basins 3 & 4. Ryan Ross said not entirely. He believes WMI stated it is for the entire site. Ms. Watson asked what was the resolution on whether or not Basins 3 & 4 needed to have permits, and were constructed without the necessary regulatory agencies' approval. David Harich said that is still ongoing and WMI is working with the Army Corps. There is still no official determination in those regards.

VII. COMMENTS FROM COMMITTEE MEMBERS

Rob Mucha requested a copy of the ARC agenda packet, when available. Mr. Mucha also requested that the COC be notified if there are any significant developments regarding incinerator ash.

VIII. NEXT MEETING DATE – TBD

IX. ADJOURNMENT

The meeting was adjourned at 12:45 p.m.

PD# 162802.v2