

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



FROM: Department of Waste Resources

SUBMITTAL DATE:
November 16, 2015

SUBJECT: 2014 El Sobrante Landfill Annual Monitoring Report, District 1[\$0 – Waste Resources Enterprise Funds]

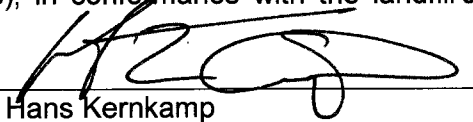
RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the 2014 El Sobrante Landfill Annual Report, dated September 2015; and
2. Direct the Clerk to ensure that a copy of the Annual Report is made available for public review at accessible locations.

BACKGROUND:

Summary

As stipulated in the Conditions of Approval of the Second El Sobrante Landfill Agreement (Agreement), the Administrative Review Committee (ARC), formed pursuant to Section 13 of the Agreement and composed of representatives from the Department of Waste Resources, Executive Office, and Planning Department, reviewed the 2014 El Sobrante Landfill Annual Monitoring Report (Report) to ensure that the landfill is being operated by USA Waste of California (USA Waste), in conformance with the landfill's adopted Mitigation Monitoring Program (MMP). (continued)


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 type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: N/A

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:


Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED to approve staff recommendations with change to find T3 issue in marginal compliance.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: December 8, 2015
xc: Waste

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

Prev. Agn. Ref.:

District: 1

Agenda Number:

12-3

Departmental Concurrence

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

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FORM 11: 2014 El Sobrante Landfill Annual Monitoring Report, District 1[\$0 – Waste Resources Enterprise Funds]

DATE: November 16, 2015

PAGE: Page 2 of 3

BACKGROUND:

Summary (cont'd)

The 2014 El Sobrante Landfill Annual Report consists of the following:

1) Annual Monitoring Report

- Provides annual updates for such topics as in-County and out-of-County tonnage, complaints, pending litigation, hours of operation, facility permits, etc.

2) Conditions of Approval Status Report

- Documents compliance with the Riverside County Board of Supervisors and Riverside County Transportation Department's Conditions of Approval imposed on USA Waste/WMI during the 1998 landfill Expansion Project.

3) Mitigation Monitoring Program Status Report

- Documents compliance with the mitigation measures adopted for the operation of the El Sobrante Landfill.

The ARC reviewed the draft 2014 Annual Report in April 2015. The Report was then submitted to the Citizens Oversight Committee (COC) in May 2015 for review and comments. The ARC approved the 2014 Annual Report on October 5, 2015. Staff notes the following:

- With the exceptions of Mitigation Measures C-4 and T-1, semi-yearly monitoring of recorded cultural resources within the landfill property and delivery of out of county waste in transfer trucks, respectively, USA Waste has complied with the Project's Conditions of Approval, and Mitigation Monitoring Program (MMP).
 - To address Measure C-4, USA Waste contracted with RECON Environmental, Inc. in December 2014 to provide semi-yearly monitoring of recorded cultural resources within the landfill property. For T-1, USA Waste and the County are working cooperatively to identify the types of trucks that meet the definition of a transfer type truck, as well as providing notification to those companies using smaller trucks that clearly do not meet the intent of this measure.
- A detailed analysis of truck traffic data relating to Measure T-3 was performed by RCDWR, County Counsel, and USA Waste. The analysis assumed a conservative approach in assuming all trucks that potentially could use SR91 during the peak hours did so, thus representing a worst case daily average scenario of eight (8) am peak hour trucks and three (3) pm peak hour trucks. The negligible trucks potentially traveling on SR91, along with the additional steps USA Waste has implemented to reduce peak hour trips (stronger contract language, outreach to vendors, enhanced GPS program, etc.), represents substantial compliance with the mitigation measure.
- In addition to the internal T-3 analysis, RCDWR consulted with the Riverside County Transportation Department. The Transportation Department hired a third party traffic consultant to evaluate the data presented in the 2014 Annual Report and prepare a Traffic Impact and Sensitive Analysis Report. The Report supports the ARCs determination that USA Waste was in substantial compliance with Measure T-3, as no significant impacts to SR91 were identified when analyzing the 2014 data. The Report also determined that it would take a minimum of 35 and 40 trucks to result in a significant impact before and after improvements to SR91, respectively.

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PAGE: Page 3 of 3

As required under Conditions of Approval 22(f) for the Agreement, the 2014 Annual Report was transmitted to the Board of Supervisors, as well as the COC, within 60 days of the ARC providing its determination for the 2014 Report. As stated in Conditions of Approval 14(b) for the Agreement, the COC will meet at least annually to review the Annual Report, as submitted by the ARC, and provide written comments to the Board, as deemed necessary. The COC met on November 5, 2015, to review the final Report.

COC Comments:

The COC discussed the 2014 Annual Report, and with a 2-1 vote (Vice Chair Rodriguez and Member Mohr absent), passed a motion stating that USA Waste was non-compliant with Mitigation Measure T-3.

Staff Response:

Staff concurs with the ARC's determination regarding USA Waste's compliance with Mitigation Measure T-3, as it was supported by County Counsel and an independent traffic engineering firm (Webb Associates).

Impact on Citizens and Businesses

No impacts on Citizens or Businesses.

12/8/15 Rob Mucha comments to the Riverside County Board of Supervisors

*Clerk's
Original*

Hello. Thank you for your time today. I have served the last two years on the El Sobrante Landfill Citizens Oversight Committee (COC) and I also volunteer on several neighboring community committees as well.

I apologize for my voice today as I'm getting over a cold so I've made copies for the Board and ask that my comments be entered into the meeting minutes. I'd also be happy to meet with your staffs to discuss the issue in more detail.

I have tried for over two years to work with the Department to get the El Sobrante landfill vendor, WMI, to make a concerted effort to meet its promises to the citizens of Riverside County to keep its out-of-county transfer trucks off our freeways during peak commute hours. I have failed miserably, but it hasn't been for a lack of effort. This is usually a lengthy conversation at all our COC meetings and I have provided outreach documents, personal observations, and suggestions (such as increasing the fee during commute hours), but can't seem to make any headway. In fact, it looks like it is going the opposite direction and its pretty frustrating to me. I would really appreciate your assistance.

This is more than just an annoyance or property value issue, it is a safety issue that is expected to get worse. The traffic situation in the North Western corridor seems to have gotten exponentially worse over the last five years, and is likely to get worse still for us with the 91 widening activities leading into the 15 and Cajalco widening activities. The landfill lays in the heart of all of these projects. I feel these project are all necessary but the reality is that our area is likely to be significantly impacted for the next ten years.

As it is now, if there are issues on the 15 freeway our lone North South transportation artery grinds to a halt making it nearly impossible for fire, sheriff, and ambulances to get through and at significant delays. This is a regular occurrence but was really brought to light in last week's tanker fire incident on the 15 freeway.

I'm also here to provide feedback on the recent 91 freeway traffic study commissioned by the Department. The study is significantly flawed because it didn't take into consideration the 91/15 interchange which is the main bottleneck area that, as you know, merges to one lane on each side. At our last COC meeting even the creator of the study backed away from his findings when he was informed about the 91/15 interchange bottleneck.

It is very frustrating to me that the interchange area was not included in the study in the first place, as it had been discussed at length in multiple COC meetings as the most impacted area, and I specifically reminded the Department to include it via email when I heard the study was being conducted.

The study suggests that the huge trucks aren't impactful to our traffic situation even during our heaviest commute hours until they are coming come in at rate of over one truck every two minutes. Just imagine what it would be like to have one huge transfer truck every two minutes on the merging 91/15 interchange. This suggestion is simply preposterous to anyone who drives the area.

All of this was discussed at length in our last COC meeting. I'm bothered that the study being presented to the Board as though it is not in dispute which I think is misleading. I'm hopeful that the Department's communication process to the Board is more transparent in the future and that the process doesn't rely on COC members having to attend the Board meetings.

Of course, having a steady stream of huge trucks in those merging areas is impactful, but even if it weren't it's a negotiated obligation of the vendor. A deal point. In fact, it has been negotiated twice, both as part of the original EIR and also as part of the more recent Second Amendment to the Second Agreement (slide).

Rob Mucha
12/8/15 12-3C
(COC)

Citizens need to believe that the promises made to go along with projects or developments are going to be kept to the best of everyone's ability, especially those promises memorialized in mitigations and/or contractual obligations.

As part of the 2nd Amendment to the 2nd Agreement, the citizens of Riverside County, especially those in the North West corridor, gave up numerous concessions to WMI, including significant expansion, 24-hour operations, not covering trash daily, etc. In return we were promised a significantly improved effort to lessen the impact to our local traffic. I have seen no evidence of a concerted effort and that really needs to change.

Although performance discussions often veer off into debates of unknown impact or legal phrasing, or other tangent, the fact that they are not avoiding peak hours is not debatable. When looking at Department gate data (which is considered the most accurate source) there is literally no drop-off from the hour before the peak to the peak hour to the hour after the peak. It is literally a straight line with no dip. This is the case for both the 91 freeway subset and the composite of all trucks arriving on the 15 freeway. There hasn't been a drop-off since the contract was updated, including 2014. To label 2014 as "significant in compliance" with no peak dropoff to me is misleading and counter to the intent of the obligation.

By the way, mid-year 2015 Department gate data doesn't look any better for avoiding peak hours, and at our last COC meeting several citizens asked for a better effort to be made.

The good news is that the WMI says regularly in our meetings and the annual report write-ups that it's not in their best interest to be on the freeways during traffic hours. And yet they still are ... during the worst of our traffic. Anyone who suggests otherwise is not being transparent.

This is not a new issue, and in fact the Department promised improved performance to the Board several times over the last ten years. The citizens that I represent would really appreciate your effort in helping make these promises a reality in our time of true need. Thank you.

T-3 mitigation

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.

Second Amendment to Second El Sobrante Landfill Agreement (March 2007)**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 (2,400) 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.

Draft EIR Page 4.5-26, item 4

The following mitigation measures will be implemented to reduce additional congestion from the proposed project:

Bullet 2 – Transfer trucks hauling waste from Los Angeles County to EL Sobrante shall travel to and from the landfill during off-peak hours for SR91

**Riverside County Board of Supervisors
Request to Speak**

Limit

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: ROB MUCHA

Address: 22512 AMBER EYE DR.
(only if follow-up mail response requested)

City: TEMESCAL VALLEY **Zip:** 92883

Phone #: 714-402-7017

Date: 12/8/15 **Agenda #** 12-3C

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support / **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

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**Riverside County Board of Supervisors
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SPEAKER'S NAME: John Watson

Address: 23043 Sun Rose St
(only if follow-up mail response requested)

City: Temescal Valley **Zip:** 92883

Phone #: 951-277-0383

Date: 12/8/2015 **Agenda #** 12-3C

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SPEAKER'S NAME: Holmstrom

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 12-3C

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