

TO: BOARD OF SUPERVISORS
FROM: VAL ALEXEEFF, DIRECTOR, GROWTH MANAGEMENT & ECONOMIC DEVELOPMENT AGENCY
DATE: June 20, 1995
SUBJECT: CRITERIA FOR REVIEW ON KELLER CANYON LANDFILL LAND USE PERMIT (LUP 2020-89)



SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

- 1. Accept the staff submittal entitled Outline of Criteria, Review of Land Use Permit Conditions for Keller Canyon Landfill (Attachment 1).
2. Adopt criteria for the review of the Keller Canyon Landfill Land Use Permit Conditions of Approval at the Board meeting of June 20, 1995.
3. Refer the Conditions of Approval for the Keller Canyon Landfill Land Use Permit to the County Planning Commission for review pursuant to the Board's review criteria.
4. Direct staff to prepare a staff report on the above referred for consideration by the County Planning Commission.

FISCAL IMPACT

No General Fund impact. The review will be paid for by the permittee as a Land Use Permit Implementation/Mitigation Monitoring Program (I/MM) cost.

BACKGROUND:

The Board of Supervisors, on June 6, 1995, determined that a review of the Keller Canyon Landfill Land Use Permit Conditions of Approval should be performed through a referral to the County Planning Commission. Accordingly, the Board directed staff to prepare criteria to guide the review and to have the criteria considered by the Board at a public meeting. Staff's submittal is the attached document entitled Outline of Criteria, Review of Land Use Permit Conditions for Keller Canyon Landfill.

CONTINUED ON ATTACHMENT:

X YES

SIGNATURE:

[Handwritten signature]

RECOMMENDATION OF COUNTY ADMINISTRATOR APPROVE
RECOMMENDATION OF BOARD COMMITTEE OTHER

SIGNATURE(S):

ACTION OF BOARD ON June 20, 1995 APPROVED AS RECOMMENDED X OTHER X

Following presentation by Dennis Barry, Community Development Department, of the report on the above matter, and Board discussion of the issues, IT IS BY THE BOARD ORDERED that the recommendations 1,2,3, and 4 are APPROVED: AND THE City of Pittsburg and Browning Ferris Industries are INVITED to discuss whether to activate the Keller Canyon Landfill Advisory Committee or another process for community/citizen input in this process; and DIRECTED the Growth Management and Economic Development (GMEDA) staff to address the issue of definitions of classifications of waste.

VOTE OF SUPERVISORS

X UNANIMOUS (ABSENT)
AYES: NOES:
ABSENT: ABSTAIN:

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

Attachment:

Contact: Charles A. Zahn (510) 646-2096
cc: Community Development Department (CDD)
County Administrator
County Counsel
County Health Services Department
Central and East County Cities
Central County Waste Management Authority
Browning-Ferris Industries
Citizens' United

ATTESTED June 20, 1995

PHIL BATCHELOR, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

BY: [Handwritten signature] DEPUTY

**ATTACHMENT 1**

**OUTLINE OF CRITERIA  
REVIEW OF LAND USE PERMIT CONDITIONS FOR  
KELLER CANYON LANDFILL**

**PART I  
BACKGROUND FOR REVIEW**

**A. AUTHORITY**

**1. Land Use Permit**

Condition 11.1 of Land Use Permit 2020-89 states the following:

**11.1 ADMINISTRATION**

Permit Review. The Board of Supervisors will hold annual public hearings to review the Conditions of Approval for this Land Use Permit for three years beginning one year after the commencement of operations of the Landfill. The Board may refer proposed changes to the Land Use Permit to the County Planning Commission for processing. Thereafter, the County Planning Commission shall hold public hearings on the Land Use Permit at three-year intervals. As a result of a review and public hearing, the County Planning Commission may recommend to the Board of Supervisors new or modified conditions to improve the public health, safety, and welfare. Nothing in this condition shall preclude the landfill owner from applying for amendments to the Land Use Permit at any time or preclude the County from addressing emergency situations or new requirements imposed by State or Federal legislation or the courts.

**2. Intent of Review**

**B. CONTEXT FOR THE REVIEW**

**1. Applicable Laws and Regulations**

2. Terms of Applicable Permits
  - a. Solid Waste Facilities Permit (LEA)
  - b. Waste Discharge Requirements (RWQCB)
  - c. Permit to Operate (BAAQMD)
  - d. Other Regulatory Agency Requirements
3. Compliance with CEQA; Consistency with Keller EIR
4. Vested Rights of Permittee
5. Demonstration of Compelling Public Necessity

C. STATUS OF EXISTING LAND USE PERMIT CONDITIONS OF APPROVAL  
(IMPLEMENTATION/MITIGATION MONITORING PROGRAM)

D. COMPLAINTS REVIEW

1. Complaints to CCDD and LEA
2. Complaints to Regulatory Agencies
3. Complaints to other Local Agencies

E. ISSUES RAISED

1. Construction Issues
2. Operating Issues (Except Special Wastes)

3. Special Wastes Issues
  - a. Direct Haul of Non-transferable MSW
  - b. Direct Haul of Designated Wastes
  - c. Contaminated Soils as Proposed Cover
  - d. Proposed Disposal of Asbestos Waste
4. Haul Route Issues
5. Other Transfer/Direct Haul Issues

**PART II  
REVIEW CRITERIA FOR  
COUNTY PLANNING COMMISSION**

**F. REVIEW CRITERIA FOR EXISTING CONDITIONS OF APPROVAL**

1. Changes Required by New Regulations
2. Changes Required by Court Decisions
3. Correction of Demonstrated Significant Health Impacts
4. Correction of Demonstrated Significant Safety Impacts
5. Correction of Demonstrated Significant Public Welfare Impacts