



Department of Conservation and Development

County Planning Commission

Wednesday, May 22, 2019 – 7:00 .P.M.

SUPPLEMENTAL STAFF REPORT

Agenda Item # _____

Project Title:	Keller Canyon Landfill Land Use Permit Review
County File(s):	#LP89-2020
Applicant/Owner:	Keller Canyon Landfill Company (KCLC) / Republic Services
General Plan/Zoning:	Landfill (LF) / Heavy Agricultural (A-3)
Site Address/Location:	901 Bailey Road, Pittsburg – Bay Point area (APN: 094-060-008, 018, 019, 020 & 021)
California Environmental Quality Act (CEQA) Status:	Exempt. This action does not constitute a project since staff is not currently recommending any new or modified conditions of approval (COA) for the existing land use permit (LUP). This permit review and the preparation and proposed acceptance of the staff report are purely administrative in nature and not subject to CEQA per Section 15061(b)(3).
Project Planner:	David Brockbank, Senior Planner (925) 674-7794
Staff Recommendation:	ACCEPT the eighth staff report prepared for Keller Canyon Landfill's (KCL) third LUP review. RECOMMEND that the Board of Supervisors accept the permit review reports for the Keller Canyon Landfill LUP. (See Section II for Full Recommendation)

I. PROJECT SUMMARY

This remains the third annual permit review of the LUP conditions for KCL that was initiated in October 2017, in accordance with permit condition of approval #11.1. The Permit Review Criteria approved by the Board of Supervisors (Board) in 1995 and COA #11.1 affords the Board the opportunity to approve new and/or modified conditions of approval to improve public health, safety, and welfare or to address inconsistencies resulting from court decisions or regulatory changes made since the land use permit

was last amended in September 2015. The CPC may recommend potential modifications to the LUP's conditions in order to address demonstrated public health, safety, or welfare impacts; or required by new regulations or court decisions. The CPC may propose new or modified conditions to the LUP, however only the Board has the authority to approve any proposed changes.

II. RECOMMENDATION

- A. CONSIDER the information presented in the October 25, 2017, permit review staff report, its Exhibit D – Compliance Table, as well as the supplemental permit review staff reports dated December 6, 2017, January 10, April 11, July 11, October 24 of 2018, and February 13, 2019, and this report to provide appropriate background and context necessary to satisfy Parts I and II of the 1995 Permit Review Criteria approved by the Board of Supervisors for KCL's Land Use Permit (File #LP98-2020).
- B. RECOMMEND that the Board of Supervisors (Board) ACCEPT the permit review reports prepared by staff for the KCL use permit, pursuant the 1995 Board approved Permit Review Criteria.
- C. RECOMMEND that the Board DIRECT staff to return to either the CPC or Board, in one year to provide an update about condition of approval compliance and status of ongoing landfill improvements.
- D. REQUEST that staff work with Contra Costa Environmental Health (CCEH) to report back to the CPC, once CCEH has results from the County's consultant on the assessment of alleged disposal of potentially radioactive material from Hunters Point Naval Shipyard, not a noticed public hearing.

III. BACKGROUND

This third annual permit review has been continued approximately every three months, since the initial hearing held on October 25, 2017. The continued hearings are due to concerns from some residents living in the adjacent neighborhood as well as questions from the CPC. The concerns potentially associated with the landfill include odor, dust, noise, visual impacts, seagulls, and litter. Staff prepared supplemental staff reports for each hearing to address the applicable concerns brought up by the residents and questions from the CPC. At each meeting, the CPC took additional testimony from

residents, as well as the operator, when warranted to respond to questions from the CPC.

IV. STATUS UPDATE

Odors: The landfill operator has and continues to implement numerous improvements to address odors potentially migrating off-site. The operator has contracted with odor experts, installed odor suppression devices, and routinely monitors/inspects potential on-site sources, such as leachate tanks or the landfill gas power plant, as well as conducting regular odor investigations on- and off-site in response to complaints. The operator also conducts routine odor patrols through the nearby residential neighborhood. The operator ceased using the odor suppression devices (mistlers) in December last year in response to feedback from the local residents. Below is a monthly breakdown of odor complaints submitted in the past three months, since the last CPC hearing in February. Heading into late spring there has been a substantive seasonal decline evidenced by the absence of odor complaints.

February 2019: 9 complaints

March 2019: 7 complaints

April 2019: zero complaints

Litter: The operator regularly maintains a litter crew on-site to clear debris from the litter fences, and if/when it occurs to also collect litter from the open hillsides in the landfill buffer area surrounding the disposal area. On windy days, the operator will increase the size of the litter crew as needed. The landfill operator is responsible for controlling and containing the litter on-site and are required to remove litter from the litter fences daily. Since the LEA and the operator already receive email notifications of odor complaints through the County's online complaint form, DCD staff added another online complaint form to account for litter complaints. The new complaint form allows for the uploading of multiple digital photos per complaint. The online litter complaint form available at www.cccounty.us/litter includes an aerial photo with clearly designated zones to help identify which off-site location the complainant has observed litter (see Exhibit D). If staff receives a litter complaint, the same recipients that receive odor complaints (includes landfill personnel) are also on the litter complaint list. Unfortunately, only DCD staff will have access to view the photos at this time, so staff will manually forward any uploaded photos associated with each litter complaint to the operator and the Local Enforcement Agency (LEA). No litter complaints have been submitted online to date, and staff has not received any litter

complaints since late July of 2018.

Visual: The operator constructed disposal cell Phase 2E last year, to accelerate cessation of landfilling in the previous disposal cell, Phase 3B1. This moved the solid waste disposal activity 0.5 miles south, away from the residential neighborhood. It appears this has had a noticeable effect. There has been a reduction in overall odor complaints, reduced noise impacts, and disposal activity is no longer visible from the nearby neighborhood. However, trucks driving on the main access road may still be visible from certain vantage points.

Tree Screening Plan: The landfill operator hired a certified arborist and collaboratively designed a preliminary tree-screening plan to obscure visibility of the access road and potential future disposal activity. Staff from the City of Pittsburg met with the operator and suggested planting two different species, *Sequoia sempervirens* (Coast Redwood) and *Quercus lobata* (Coast Live Oak). The tree-screening plan (Exhibit B) was designed for planting the Coast Redwoods north of the access road as well as in strategic spots northeast of the landfill gas power plant and east of the large litter fences to shield landfill operations for residents in the Jacqueline Drive neighborhood. Live Oaks would be planted higher in elevation, south of the main access road. Coast Redwoods typically grow twice as fast as Live Oaks, but at maturity the Oaks will screen a wider area due to their vast canopies. Several camouflaged water tanks are proposed to be installed for irrigation, which would need to be refilled periodically with the existing on-site water trucks. The screening plan calls for planting approximately 100 trees, while maintaining a small nursery of trees as back up in case some trees do not fully take.

Trees are only proposed to be planted on land owned by Republic Services because the operator was unable to obtain neighboring land owner's approval to plant trees closer to the nearby residential neighborhood. A prominent land development company owns several parcels that make up the hillsides surrounding the Jacqueline Drive neighborhood. The operator approached this developer inquiring about planting screening trees in strategic areas on some of these parcels. Unfortunately, the operator's request was denied vehemently.

On May 1, 2019, the operator held an open house at the landfill's administration building to share the tree-screening plan with residents and get their feedback. The operator reached out to a number of residents that have actively participated in the prior CPC meetings, but unfortunately no residents attended. However, County and

city staff, as well as staff from the District V Supervisor's office attended and received the presentation provided by the acting General Manager and arborist consultant. The same presentation will be shared at the May 22, CPC meeting, where additional details and questions will be covered.

Noise: Staff has not received any noise complaints about the landfill in over a year. The last noise complaint logged was in March 2018.

Air Monitors: At the end of the February CPC meeting, the commission wanted to see air monitors installed. County staff from DCD and the CCEH separately discussed this with the landfill operator. The Bay Area Air Quality Management District's (BAAQMD) Meteorology and Measurement Division was consulted to discuss proper installation of air monitors in/around local communities. Staff explained the general purpose was to detect dust (particulate matter) and possibly odor. BAAQMD staff indicated that a more specific study should be drafted with clear goals as there are a multitude of different types of sensors on the market, with a range of costs. Those sensors designed for measuring levels of particulate matter (PM2.5 and PM10), do not indicate the source of the material. Highway 4 runs through the City of Pittsburg, which is also a source of dust generation. The residents, city and County staff agree this is a windy area with various sources of dust generation.

Recommendations on types of air monitoring equipment will depend on the measurement technology and the intended goals of the monitoring. BAAQMD staff mentioned that the South Coast Air Quality Management District has a program to rate low cost sensors (<http://www.aqmd.gov/aq-spec>). As it has been explained to County staff, the LEA and public, "odors are difficult to characterize and trace, because it is subjective and many types of compounds, both anthropogenic and natural, can be contributors." The nose is the most sensitive detector there is regarding odor because there are no digital sensors that can detect 'odor'.

V. PERMIT REVIEW

Staff requests the CPC to move this third annual permit review on to the Board in accordance with **RECOMMENDATIONS A and B** in Section II of this report, without modifying the LUP conditions. This permit review has proceeded through two winters. Between October 2017 and April 2018, there were 166 odor complaints and for those same months of 2018-2019, there were 75 odor complaints. There were 91 fewer odor complaints this past winter. Two major improvements were implemented in late 2018,

relocating the disposal cell further back in the canyon and the installation of the new blower skid for the landfill gas collection system. It is unfortunate that the anaerobic compost material from West County was disposed in the front cell, likely a major source of odor complaints. Since disposal activity moved to the back, an intermediate cap cover was also installed, which seems to have aided in odor reduction. The operator intends to place final cover in order to fully cap the front cell (Phase 3B1) at the end of this summer, and therefore prefers not to return to this disposal cell. In order to permanently abandon use of the front disposal cell, the remaining air space will need to be recaptured in the rear of the canyon, however, the total permitted disposal capacity would remain the same. Recapturing air space will involve a significant amount of work, and regulatory approvals, including an LUP modification that the operator is willing to actively pursue. The CPC has acted diligently to continue this permit review, working with staff, and listening to the needs of the local residents. The CPC's proactive efforts to address community concerns aided in prompting the operator's response to installing improvements to date, and continues with the tree-screening plan to be finished this summer. Staff is not recommending the CPC modify the COAs at this time.

If the Board completes the permit review by the end of the summer staff will have time to monitor the implementation of the tree-screening plan as well as continue working with the LEA and the County's consultant on next steps related to the Hunters Point Naval Shipyard (HPNS) material investigation (see Section VII below). The landfill operator will install 20 new methane gas extraction wells this summer (Exhibit C), and complete construction of the new replacement flare before the rainy season starts. If the CPC votes to move the permit review forward, staff would schedule a noticed public hearing before the Board, providing another opportunity to help keep the local community apprised of progress and improvements at the landfill. If the CPC determines the potential need to add or modify conditions in the LUP, staff would need specific recommended language for each condition proposed to be modified in order to seek the operator's concurrence as well as consult County Counsel about the necessary findings.

VI. FUTURE COMPLIANCE UPDATE

Under **RECOMMENDATION C** of this staff report, at the Board's discretion, staff will return to either the CPC or Board in one year to provide a COA compliance update on the landfill's LUP. The operator has already voluntarily agreed to participate in a public hearing process, regarding LUP compliance one year after the completion of this

permit review. At that time, the operator will update the Compliance Status Table (Exhibit D of the 10-25-2017 staff report), and the residents will be able to participate in the proceedings. Holding a COA compliance hearing will also allow time for the operator to provide updates on the key 2019-20 improvement milestones (Exhibit A). That hearing would not constitute a formal permit review; subject to the 1995 Board approved Permit Review Criteria. Although the LUP would not be subject to modification or having the Board approve new conditions, any concerns or non-compliance issues raised would still be readily addressed within the County's existing authority provided for in the County's LUP and Franchise Agreement.

VII. HUNTERS POINT NAVAL SHIPYARD:

An April 2018 article in the San Francisco Chronicle discussed material sent to KCL back in 2010-2011 from HPNS. According to that article, former HPNS employees contend that potentially radioactive soil was trucked to landfills across California due to allegations of inadequate screening of outgoing loads starting in 2011 as well as possible falsification of records. Waste identified to exceed radioactive thresholds was disposed of in Utah. However, the news story stated the following about waste identified as nonhazardous:

"It was hauled to Kirby Canyon in Morgan Hill, near San Jose. It was transported to Keller Canyon in Pittsburg. It went to a dump in Buttonwillow, near Bakersfield, and to facilities in Vacaville and Brisbane owned by Recology, which collects San Francisco's household trash. Most landfills also have portal monitors, although environmental experts say they are used sporadically and do not test for radiation. If soil contaminated with radioactive material left the shipyard site without being properly vetted, it is possible it landed in one of these landfills."

Although portal monitors may be used sporadically at some other landfills that is not the case at Keller Canyon Landfill. KCL continuously uses portal monitors, which are specifically designed to detect radiation and they are tested on a weekly basis.

CCEH acting as the LEA is working with DCD, state and federal agencies in coordination with the landfill operator to investigate if any potentially radioactive HPNS waste material was disposed at KCL. County staff collaborated with the City of Pittsburg, the landfill operator, and a representative of the local community to select the most qualified consultant. TRC Solutions was selected and started a forensic audit (document review) last fall to determine if there is any evidence that inaccurate

radiologic sampling data was used to provide waste acceptance eligibility for the soil transported to KCL. Unfortunately, this paperwork audit is only now being wrapped up, at the time of the writing of this staff report the consultant is now starting to draft the technical memorandum containing their findings. The findings are intended to be used to develop a future work plan, a community participation plan, a sampling and analysis plan, and a quality assurance plan, all of which will help the County determine next steps. Under the current contract, the consultant is not charged with performing any radiologic testing or other sampling at the landfill or in the surrounding neighborhood. However, the sampling and analysis plan to be prepared by the consultant will assist staff in bringing options to the Board for further direction. It is also in the contract to hold at least one more community meeting to update the local residents about their findings. Staff plans to wait until after the community meeting has taken place to schedule the permit review hearing before the Board.

Radiological Monitoring: Staff recommends waiting for the County's consultant, TRC Solutions, to finish the technical memorandum and see what specific goals and next steps are determined in order to move forward putting the proper air sensors in place. The County has already invested resources in the consultant to better understand how we should approach next steps in the investigation of potential radiological material being disposed at KCL.

VIII. CONCLUSION

Staff recommends that the CPC recommend the Board of Supervisors accept the original staff report from October 25, 2017, including its Exhibit D (Compliance Status Table), as well as the subsequent staff reports associated with this third annual permit review as adequate to satisfy Parts I and II of the Board approved 1995 Permit Review Criteria.

Exhibit A: 2019/20 Timeline of Scheduled Improvements at KCL

Exhibit B: Tree Screening Plan

Exhibit C: Landfill Gas Well Improvement Plan

Exhibit D: County Online Litter Complaint Form

Exhibit E: County Response Letter to City of Pittsburg, dated April 4, 2019.

EXHIBIT A

County Planning Commission 5-22-2019

Improvement Milestone	Status	Targeted Start Date	Targeted Completion Date	Comments
Gas Collection & Control System	COMPLETE/ In Progress	Spring 2018	June 2019	26 landfill gas extraction wells went online in April 2018. 20 new gas extraction wells planned for Spring/Summer 2019.
Replacement Flare Electrical System and New Blower Skid	COMPLETE	Spring 2018	Late Autumn 2018	Electric Panel upgrade completed in 2017. Blower skid installed December 2018, providing greater landfill gas collection capacity.
Replacement Flare	In Progress	Late Spring 2019	Autumn 2019	BAAQMD reviewing emission calculations. New replacement flare to go online this summer.
Phase 2E Construction	COMPLETE	March 2018	September 2018	RWQCB and County approved in August 2018. In use starting September 2018.
Tree-Screening Plan	Under Construction	Late Spring 2019	Summer 2019	Landfill operator hired certified arborist that designed tree-screening plan. Open house held May 1, 2019. Irrigation construction underway.
Final Cover on Front Cell (3B1)	In Approval Process	Late Summer 2019	Autumn 2019	Planning and cost estimate completed.
Toe Berm / Mitigation Lift Level Berms Feasibility Study	PLANNED	Autumn 2019	Winter 2019	Study of Toe / Mitigation berms requires assessment of future berm plans compared to phasing plan and existing tree-screening plan.
Berm Construction	PLANNED	Spring 2020	Autumn 2020	Construction of mitigation berms completion date dependent on permissible weather. Phased construction of Toe Berm to reach ultimate planned height.



KELLER CANYON LANDFILL: CONCEPT SCREENING PLAN



Coastal Redwood



Coastal Live Oak

2018-2019 Gas Well Improvements

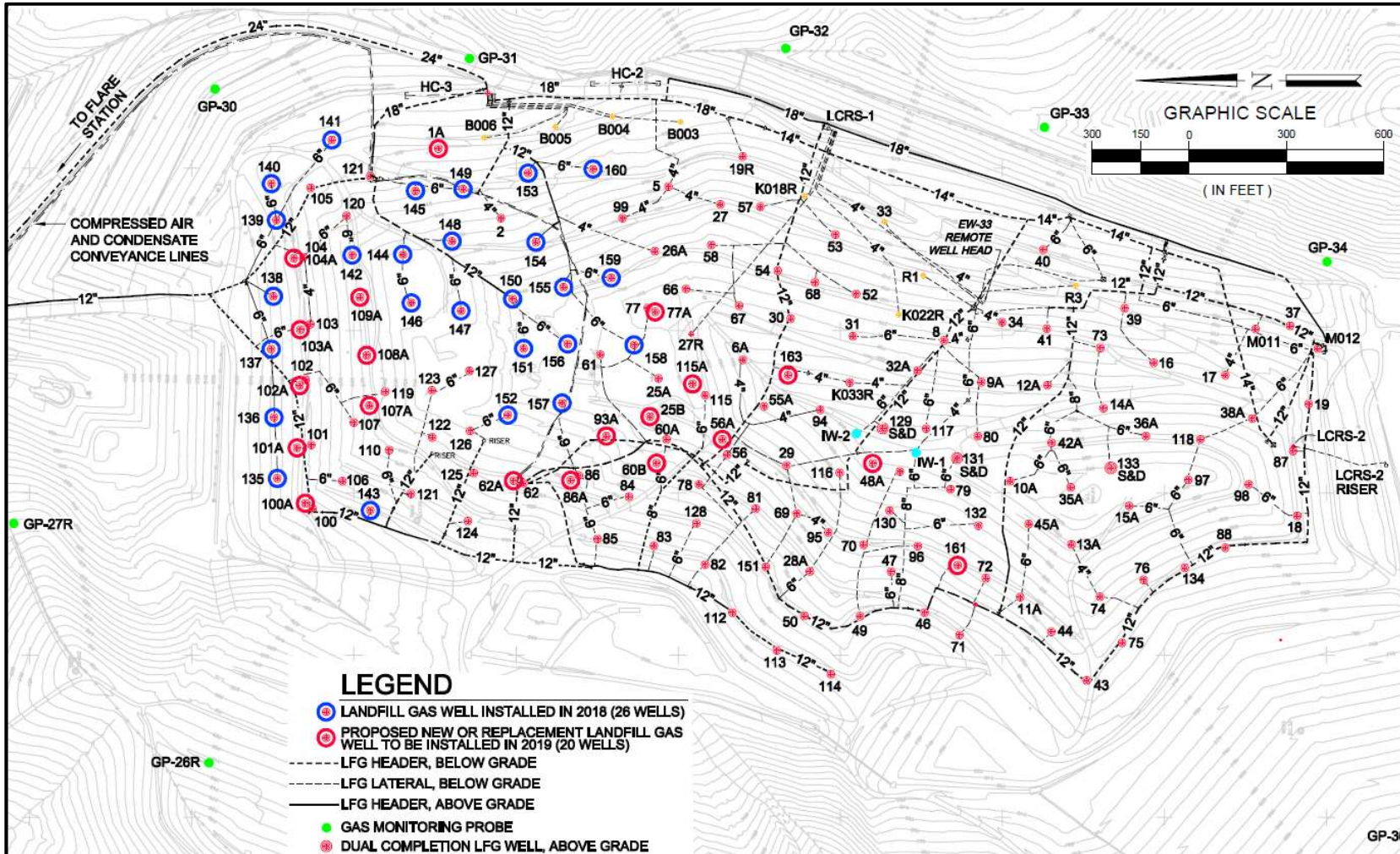


EXHIBIT D



Form Center

By [signing in or creating an account](#), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Litter Complaint - Keller Canyon Landfill

Reporting Potential Landfill Litter

Complete this form and upload photo to document litter suspected to be associated with the Keller Canyon Landfill located on Bailey Road adjacent to the City of Pittsburg. It is important to upload photo showing the type, amount and location of litter that came from the landfill. Complaints from community members are often the only indication agencies receive about potential litter issues. Details you submit using this on-line form will be simultaneously directed to staff from two County departments (Contra Costa County Department of Conservation and Development and County Environmental Health Division) as well as the operator of the Keller Canyon Landfill. **In order to effectively investigate and address litter concerns, all of the details listed in the "Required Information" section must be submitted.** If you would like to speak to County staff regarding your submitted complaint, please call the Conservation Programs Division helpline at (925) 674-7203.

Although you may submit a litter complaint anonymously, you are discouraged from doing so because that is the only way that staff can follow-up with you if deemed necessary, which may compromise investigation effectiveness. **IMPORTANT NOTE: If you choose to file an ANONYMOUS COMPLAINT without providing adequate details or contact information, your complaint MAY NOT BE INVESTIGATED.**

Tips for Filing Litter Complaints

Complaints should be made as soon as possible after detecting litter coming from the landfill. The sooner an agency receives a complaint, the sooner an investigation can be conducted. Submitting photos of the litter and describing the location, where the photo was taken will be extremely helpful with any necessary investigation

Describe the litter location in as much detail as possible. Is the litter escaping the landfill and where is it blowing? **Please provide photos of the litter complaints and describe the location the photo was taken from, along with the direction it is facing.** This will help agency staff track the extent of the problem.

Required Information

Each * denotes information that must be submitted in order to investigate litter being reported to the County.

Click below to:
[Report Odor](#)
[Complaints](#)

When Litter Photo was Taken*

mm/dd/yyyy

hh:mm am/pm

Enter the date and time that the litter was documented in the photo being uploaded.

Location of Litter in Photo*

-- Select One --

Identify where litter was observed by selecting from drop-down menu options. Please include any other details in the below section entitled "Further Information that may Assist Investigation Section", especially important if selecting 'Other' in the drop-down menu.

Upload Photo of Litter

Choose File No file chosen

Please upload a photo of the litter.

NOTE: Only one photo can be uploaded at a time, photos of litter in any other locations must be uploaded separately below.

Photo of Litter 2

Choose File No file chosen

Photo of Litter 3

Choose File No file chosen

Photo of Litter 4

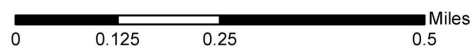
Choose File No file chosen

Keller Canyon Litter Zones



This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

Map Created 1/12/2019
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37.59-41.791N 122.07-03.756W



If possible, please identify the area where the litter was seen. If you are unsure, choose other and describe the area.

Litter Zone*

Please select the zone the litter was seen. If unknown, please select other and describe

- A
- B
- C
- D
- E
- Other

If Other, please describe

Additional Information (optional)

Although not required, the following information is requested. **We strongly encourage you to provide contact information because conducting an effective investigation usually requires some follow-up communication with the complainant.**

Further Information that may Assist Investigation

Use this field to enter any other potentially pertinent information related to the litter being reported. Be as detailed as possible because that is the best way to make the investigation as effective as possible.

First Name

Last Name

Street Address

City

State

Zip

Email Address

Phone Number

- 1. **Receive an email copy of this form.**

Email address

This field is not part of the form submission.

*** indicates a required field**

EXHIBIT E

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PHD, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH



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April 4, 2019

Honorable Juan Antonio Bangles
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

**RE: Contra Costa County Response to the City of Pittsburg Keller Canyon Landfill
Correspondence Dated February 6, 2019**

Contra Costa Environmental Health (CCEH) remains committed to alleviating the concerns and fears expressed by residents at the community meeting held at the Ambrose Community Center in July 2018 and in subsequent conversations with CCEH staff in the ensuing months regarding the alleged radioactive contaminated soil from Hunters Point Naval Shipyard (HPNS). To this point CCEH engaged with a group of stakeholders, including representatives from the City of Pittsburg as well as the local community, in a formal solicitation process for an independent contractor to investigate the potential presence of radioactive and hazardous wastes at Keller Canyon Landfill (KCL) originating from HPNS. The contract was awarded to TRC Solutions, Inc. (TRC) and approved by the Board on September 25, 2018.

The intent of the contract was to allow TRC to perform a forensic audit of available data in an attempt to determine the potential presence of radioactive and hazardous wastes at KCL originating from HPNS, and provide feedback about pros and cons of next steps. TRC's findings would be compiled for review in a Technical Memorandum and used to develop a Community Participation Plan as well as a Work Plan comprised of a Sampling and Analysis Plan (if warranted) and a Quality Assurance Plan (if warranted) with input from CCEH.

TRC is in the final stages of their comprehensive document review and actively preparing a draft Technical Memorandum of their findings. CCEH is confident that TRC's report will shed light on the presence or absence of radioactive and hazardous wastes at KCL originating from HPNS. Considering that TRC was awarded the contract for this investigation based on their technical expertise related to radiologic and hazardous waste contamination, CCEH believes that if radiologic or hazardous material was deposited in KCL that TRC is best equipped to provide guidance on a path moving forward.



CCEH and TRC are aware of the various monitoring, sampling, and testing protocols requested by both the City of Pittsburg as well as residents, and respectfully request that all parties allow TRC's investigation be completed. All options for monitoring, sampling, and testing protocols remain on the table and will be considered following the submittal of TRC's Technical Memorandum during the preparation of a comprehensive Work Plan as mentioned above. In response to the City of Pittsburg's demands, the County offers the following:

- A. See responses outlined below corresponding to the numbering schema in original letter:
1. Republic Services has a vested right to operate the Keller Canyon Landfill pursuant to the terms of the County issued Land Use Permit. The County does not have sufficient cause to require the landfill to cease accepting waste pending the outcome of the current investigation related to acceptance of waste from Hunters Point Naval Shipyard.
 2. Awaiting completion of TRC's forensic audit, Technical Memorandum, and Sampling and Analysis Plan (if warranted).
 3. Awaiting completion of TRC's forensic audit, Technical Memorandum, and Sampling and Analysis Plan (if warranted).
 4. Awaiting completion of TRC's forensic audit and Technical Memorandum.
 5. The landfill operator conducts radiation monitor testing weekly as described in the monthly Local Enforcement Agency (LEA) inspection reports (which the City Manager's office receives).
 6. Awaiting completion of TRC's forensic audit, Technical Memorandum, and Sampling and Analysis Plan (if warranted).
 7. Completed as previously noted.
 8. Awaiting completion of TRC's forensic audit and Technical Memorandum.
 9. KCL is a Class II disposal site, designed to take and dispose of waste/materials with non-hazardous levels of contamination, including by-products from industrial processes. However, KCL is not allowed to accept hazardous or radioactive wastes. Although the County does not have the authority to impose such a requirement, it is worth noting that the landfill operator ceased accepting any waste/materials from HPNS in 2017.
 10. The County's position remains unchanged since responding to the City's request to be designated as the LEA in the letter dated 12/5/2016 (see enclosed letter from the County Administrator). The County has jurisdictional land use authority over the land in the unincorporated area, including the KCL. In order for the City Planning Department to gain oversight over the KCL, the City would need to annex all property owned by the landfill.
- B. CCEH acting in its capacity as the LEA for Contra Costa County requires that KCL comply with the daily cover requirements stipulated in the California Code of Regulations (CCR), Title 27, Section 20680. In addition, the Contra Costa County Department of Community Development (DCD) requires under LUP Condition # 30.3 that newly disposed refuse be covered with "compacted soil or other cover material meeting state regulatory requirements enforced by the CCEH and CalRecycle" and approved in writing by DCD.



- C. The Board of Supervisors would have to approve an LUP amendment or modification in order to require the formal Permit Reviews called for by LUP condition # 11.1 be conducted on an annual basis. However, as an alternative, in response to potential interest expressed by the CPC and Board, County staff and the landfill operator are discussing potentially having a less formal compliance review next year to provide an update about landfill improvement activity and status of LUP compliance in an open public forum. This permit compliance update would *not* follow the Board Approved Permit Review Criteria nor require approval of any LUP amendment or modification.
- D. DCD must presume that references to the Community Advisory Group in the City's letter refers to the "Local Advisory Committee" (LAC) that had been established pursuant to the requirement in the LUP conditions of approval. Based on existing Board policy, advisory bodies are only formed and maintained when the Board of Supervisors determines there is sufficient need. The LAC was eliminated by formal action of the Board once there was no longer an on-going need for it. Therefore, this Committee would only be reinstated if and when, the Board determines they need an advisory body that is charged with focusing on landfill development and operations. In lieu of reinstating the LAC, for the purpose of keeping interested neighbors updated about landfill operations, it would be more useful to hold less formal and more inclusive community meetings that all interested nearby residents could participate in equally. This less formal structure would eliminate the limitations, complications and administrative burden associated with more formal committee meetings, which are subject to the Brown Act, the County's Better Government Ordinance and the County's Advisory Body policies. The landfill operator has previously expressed a willingness to host/arrange community meetings twice a year or more that may include tours of the landfill site, as a means of keeping lines of communication open between the landfill and local residents.
- E. Permits issued for the landfill provides the operator with a vested right to dispose of a specified amount of waste in the designated waste placement area. Therefore, in order to close the front cell to any future disposal it is necessary for the landfill operator to agree to such. The landfill operator has expressed willingness to pursue redesign of the waste placement area, creating commensurate airspace elsewhere, allowing the abandonment of the use of remaining airspace in the front disposal cell (where Phase 3B1 is located). During a couple of public meetings, a landfill representative has indicated a strong preference to avoid placing any future waste in the front cell. However, that will require going through the necessary approval/permitting processes to allow development and use of equivalent airspace elsewhere on-site. It will take time for the operator to go through the numerous design/permitting processes involved to officially modify the allowable waste placement area (i.e. study of lost air space to be recaptured elsewhere, modifying the existing 244-acre extent of waste disposal, and possibly the baseline extent of (land) disturbance for dirt capture purposes). The timing should not be an issue since the active disposal cell and adjacent cells located in the back of the canyon is estimated to have enough capacity to last for at least five years.



CCEH will inform you, City of Pittsburg staff, and the community when the information from TRC's Technical Memorandum is finalized and made publicly available.

Sincerely,



Marilyn C. Underwood, Ph.D., REHS
Director of Environmental Health

MU/cdm

Enclosure: County Administrator's Response to City of Pittsburg Request to be Designated as KCL LEA dated December 5, 2016

cc: City of Pittsburg Vice-Mayor Jelani Killings
City of Pittsburg Councilmember Marilyn Craft
City of Pittsburg Councilmember Shanelle Scales-Preston
City of Pittsburg Councilmember Holland Barrett White
Garrett Evans, City of Pittsburg City Manager
Fritz McKinley, City of Pittsburg Assistant City Manager
Laura Wright, City of Pittsburg Environmental Affairs Manager
Deidra Dingman, DCD Principal Planner
Kristian Lucas, CCEH Supervising Environmental Health Specialist
The Honorable John M. Gioia, Board of Supervisors, District I
The Honorable Candace Andersen, Board of Supervisors, District II
The Honorable Diane Burgis, Board of Supervisors, District III
The Honorable Karen Mitchoff, Board of Supervisors, District IV
The Honorable Federal D. Glover, Board of Supervisors, District V



County Administrator

County Administration Building
651 Pine Street, 10th Floor
Martinez, California 94553-1229
(925) 335-1080
(925) 335-1098 FAX

David J. Twa
County Administrator

Contra Costa County



Board of Supervisors

John M. Gioia
1st District

Candace Andersen
2nd District

Mary N. Piepho
3rd District

Karen Mitchoff
4th District

Federal D. Glover
5th District

December 5, 2016

Honorable Joe Sbranti, City Manager
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Dear Mr. Sbranti:

As requested by Laura Wright during the November 1, 2016, Board of Supervisors meeting, this letter serves as a formal response to your January 9, 2015, letter to the Board, proposing that the Pittsburg Local Enforcement Agency (Pittsburg LEA) be designated as the local enforcement agency to conduct solid waste inspections and enforcement at Keller Canyon Landfill ("Landfill").

Public Resources Code section 43202 authorizes the Board to designate a local enforcement agency (LEA) to enforce solid waste laws in unincorporated areas. Only one local agency may be designated to be the County's LEA. (Cal. Code Regs., tit. 14, § 18050.) After certification by the California Department of Resources Recycling and Recovery (CalRecycle), the designated agency becomes the sole LEA in its jurisdiction. (Cal. Code Regs., tit. 14, § 18070.) CalRecycle staff has confirmed that state laws and regulations authorize the County to designate only one agency as its LEA and that the designated agency must act as the LEA for the entire unincorporated area.

Contra Costa Environmental Health (CCEH) is the designated and certified LEA for the unincorporated area and has served in this capacity since 1992. CCEH is also the designated and certified LEA for 18 of the County's cities. CCEH remains committed to fulfilling its solid waste enforcement duties in Contra Costa County.

Because of the above restrictions, the Board cannot designate the Pittsburg LEA as the LEA solely for the Landfill.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Twa".

David J. Twa
County Administrator

cc: Marilyn Underwood, Environmental Health Director
John Kopchik, Conservation and Development Director
Deidra Dingman, Principal Planner