



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 18, 2021

Subject: Third Permit Review of Keller Canyon Landfill's Land Use Permit

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**RECOMMENDATION(S):**

1. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
2. ACCEPT the permit review report for the Keller Canyon Landfill land use permit, as recommended by the County Planning Commission.
3. DIRECT Department of Conservation and Development staff to provide the County Planning Commission with a status report on Keller Canyon Landfill operations and condition of approval compliance in May 2022, as recommended by the County Planning Commission.
4. DIRECT Department of Conservation and Development staff to schedule the next permit review for the County Planning Commission in May 2024, consistent with permit Condition of Approval No. 11.1.

**FISCAL IMPACT:**

The land use permit (LUP) review itself has no impact to the County General Fund. Keller Canyon Landfill Company, the landfill operator, is responsible for providing reimbursement

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **05/18/2021** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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.

ATTESTED: May 18, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: David Brockbank,  
(925) 655-2911

By: June McHuen, Deputy

cc:

for the County's staff costs associated with the permit review process.

## BACKGROUND:

The land use permit (LUP) for the Keller Canyon Landfill (KCL) requires periodic review, or "permit review", of the KCL to assess compliance with conditions of approval (COA) and determine if new or modified conditions should be considered. This report describes the results of the third such permit review. As part of this review, eight public hearings were held before the County Planning Commission (CPC) from October 2017 through May 2019. The initial hearing was held on October 25, 2017, and the last CPC hearing was held on May 22, 2019. Over the 18-month permit review process, residents living in the adjacent neighborhood brought up various issues associated with the landfill, including odor, dust, noise, visual impacts, seagulls (bird control), and litter complaints. The landfill operator worked diligently to address the issues through the CPC's direction. A detailed summary of the CPC's review of the LUP is found in Exhibit A. Staff reports to the CPC (Exhibits B-I) were prepared in accordance with LUP condition 11.1 and the Permit Review Criteria (Exhibit J), approved by the Board in 1995. The CPC recommended the Board NOT pursue modifications to the conditions of approval. The CPC voted to recommend that the Board of Supervisors accept the Permit Review Reports (Exhibits B - I) and direct DCD staff to schedule the next permit review in three years. The CPC also recommended staff bring this permit review to the Board following the conclusion of the separate investigation managed by Contra Costa Health Services into allegations that unauthorized waste from the former Hunters Point Naval Shipyard was disposed of at KCL. A report on the outcomes of that investigation were presented to the Board in December 2020, clearing the way for this permit review to proceed.

RECOMMENDATION 3 of this staff report, would direct staff to return to the CPC in one year to conduct a hearing to review KCL operations relative to the COAs. That hearing would not constitute a formal permit review pursuant to LUP condition 11.1 and would not be subject to the 1995 Board-approved Permit Review Criteria. However, any concerns or non-compliance issues raised could still be readily addressed within the County's existing authority to enforce the LUP and Franchise Agreement.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not accept the report on the third KCL land use permit review, the existing conditions of approval would still remain in effect and continue to govern the use of the landfill site.

## CLERK'S ADDENDUM

**Written commentary was received from Laura Wright, Environmental Affairs Manager, City of Pittsburg (attached).**

## ATTACHMENTS

Exhibit A-Detailed Summary of 3rd Permit Review for Keller Canyon Landfill

Exhibit B: Permit Review staff Report / Existing LUP Conditions of Approval / Maps - October 2017

Exhibit C: Permit Review Staff Report - December 2017

Exhibit D: Permit Review Staff Report - January 2018

Exhibit E: Permit Review Staff Report - April 2018  
Exhibit F: Permit Review Staff Report - July 2018  
Exhibit G: Permit Review Staff Report - October 2018  
Exhibit H: Permit Review Staff Report - February 2019  
Exhibit I: Permit Review Staff Report - May 2019  
Exhibit J: Permit Review Criteria - June 1995  
Exhibit K: Compliance Status Table - October 2017