



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 14, 2017

Subject: Direct Haul of Construction and Demolition Material to Keller Canyon Landfill

RECOMMENDATION(S):

CONSIDER extending the date by which the operator of Keller Canyon Landfill must comply with the conditions of the land use permit for the facility that restrict the acceptance and disposal of direct haul of construction and demolition ("C&D") material at the landfill from March 22, 2017 to August 31, 2017.

FISCAL IMPACT:

The County will continue to receive revenue from existing County fees and surcharges collected on direct haul ("C&D") material accepted for disposal at Keller Canyon Landfill.

BACKGROUND:

On September 22, 2015, the Board approved modifications to the Keller Canyon Landfill Land Use Permit 2020-89 ("Permit"). Among the changes was the addition of conditions restricting disposal of direct haul C&D material ("Conditions") at the landfill. The Board determined that this particular change would take effect on March 22, 2017. In response to the Board's action, the landfill operator, Keller Canyon Landfill Company, Inc. ("Keller"), filed a lawsuit against the County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **03/14/2017** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: SEE ADDENDUM

VOTE OF SUPERVISORS

AYE: Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

NO: John Gioia, District I Supervisor
Candace Andersen, District II 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: March 14, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Brockbank
(925) 674-7794

cc:

BACKGROUND: (CONT'D)

Keller has requested an extension of the March 22, 2017 deadline to stop admitting direct haul construction and demolition material trucks at the landfill. A change in the date by which the operator must comply with the Conditions from March 22, 2017, to August 31, 2017, would preserve the status quo between Keller and the County during the initial stage of the litigation. The date change would not amend the terms of the Permit.

CONSEQUENCE OF NEGATIVE ACTION:

The March 22, 2017 compliance deadline would not be changed.

CLERK'S ADDENDUM

Speakers: Laura Wright, City Manager of Pittsburg (handout-photo); Garrett Evans, Assistant City Manager of Pittsburg (handout-letter); Gregory Scorio, resident of Pittsburg; Lisa Della Rocca, resident of Pittsburg; Alberto Ruiz, President, Teamsters Local 315; Marc Lopez, Local 342; Monica White, resident of Orinda; Evan Edgar, Recyclers; Ken Edgecomb, resident of Concord, Mike Dicaprio; Dana Dean, Counsel for Monica White and Evan Edgar, DECLINED to extend the date by which the operator of Keller Canyon Landfill must comply with the conditions of the land use permit for the facility that restrict the acceptance and disposal of direct haul of construction and demolition (C&D) material at the landfill from March 22, 2017 to August 31, 2017.