



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 1, 2018

Subject: Investigation on Waste Allegedly Sent to Keller Canyon Landfill

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**RECOMMENDATION(S):**

ACCEPT report from the Director of Environmental Health and the Director of Conservation & Development regarding media coverage asserting that loads of material that may not have been adequately screened for radioactivity were trucked from Hunters Point Naval Shipyard site to multiple different landfills in the state, including Keller Canyon Landfill.

**FISCAL IMPACT:**

Acceptance of this report is not expected to impact the General Fund.

**BACKGROUND:**

Contra Costa Environmental Health and the Department of Conservation & Development are providing this report due to concerns resulting from recent media coverage alleging that potentially radioactive material was sent to landfills in the state not suitable for disposal of such material, including Keller Canyon Landfill. Attached is an article that was published in the San Francisco Chronicle on Sunday, April 22, 2018 (Exhibit A) asserting that loads of material may not have been adequately screened for radioactivity prior to being transported from the Hunter's Point Naval Shipyard to various landfills.

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☐ APPROVE

☒ OTHER

☐ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **05/01/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

See Addendum

**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 1, 2018

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

By: June McHuen, Deputy

Contact: 925-674-7825

cc: Marilyn Underwood, CCEH



## BACKGROUND: (CONT'D)

Staff work to investigate these allegations and assess any threats to public health and safety is ongoing and will continue past the publishing deadline for the May 1, 2018 Board agenda. Staff from the two Departments will provide a verbal report to the Board on May 1 with additional detail on the status of the investigation as of that time.

## CONSEQUENCE OF NEGATIVE ACTION:

If recommendation is not approved, this report regarding recent media assertions would not be accepted.

## CLERK'S ADDENDUM

*Speakers: Laura Wright, Environmental Affairs Manager, City of Pittsburg; Joe Sbranti, Pittsburg City Manager; Wolfgang Roskey, resident of Pittsburg; Nancy Parent, resident of Pittsburg; Lisa Della Rocca, resident of Pittsburg; Hope Johnson, City of Concord, Frank Aiello, Citizen United; Luis Arroyo, Citizens United; Jesus Hernandez; Citizens United; A.J. Fardella, Oak Hills Community Group; Russel Row, resident of Pittsburg, Rosa Fallon, resident of Pittsburg. The following did not wish to speak but left written comments for the Board's consideration (attached): Isvan G. Tolnay, resident of Pittsburg; Rosa Fallon, resident of Pittsburg; Jen Borcic, resident of Pittsburg. Rick King, General Manager of Keller Canyon Landfill provided a powerpoint presentation (attached).*

*Dr. Marilyn C. Underwood, Director of Environmental Health, presented an oral report. She said that regulatory agencies have found that a contractor hired by the U.S. Navy to clean up Hunter's Point shipyard in San Francisco misrepresented radiologic sampling data that was taken from soil at the shipyard. To date, these misrepresentations are tied to potentially contaminated soil and material being left on the site instead of being removed. The studies that have so far been published (U.S. Nuclear Regulatory Commission and the Environmental Protection Agency) reveal that data were falsified to allow potentially contaminated soil to remain in place at Hunter's Point shipyard.*

*Dr. Underwood said that at this point there is no evidence that radiological material was sent to Keller Canyon Landfill. She noted the investigation is ongoing.*

*Dr. Underwood made the following recommendations: 1) Formally request the Department of the Navy to make itself available for meetings with the community and all stakeholders as soon as possible to provide information on the soil data falsification incident and what further investigation(s) are ongoing; 2) Formally request the Navy to investigate whether the soil data falsification incident affected Keller Canyon Landfill, including whether any contaminated soil was transported from Hunter's Point shipyard to Keller Canyon Landfill; 3) Formally request the Navy to conduct a surface survey of Keller Canyon Landfill to determine if there is any radiological hazard at the landfill.*

*Rick King, General Manager of Keller Canyon Landfill, provided the Board with a detailed explanation of how material was received from the site, the reporting responsibility of the source of the material, and procedures in place to inspect incoming material. He noted that immediately upon hearing of the false data issue, he suspended receipt of any material from Hunter's Point shipyard. He provided a PowerPoint presentation for reference (attached).*

*Having discussed the matter at length, and receiving public comment, the Board gave the following direction:*

- 1. Implement all the recommendations put forth by Dr. Underwood;*

2. *Dr. Underwood will return to the Board in 30 days with a written report and any updated information;*
3. *Staff will seek answers on the notification process from the state and federal agencies to find out why the County, the City of Pittsburg, and Keller Canyon Landfill were not notified of the investigation into the soil data falsification;*
4. *Staff will examine its notification protocols and work with Keller Canyon landfill to ensure timely communication with the District Supervisor and the Board;*
5. *Staff will compose letters for the Chair of the Board to sign that will the assistance of state and federal legislative representatives in obtaining swift and appropriate help from the Navy and other applicable agencies with expertise in radiological matters;*
6. *Staff will seek information from consultant TetraTech regarding the incident;*
7. *Staff will research what, if any, mechanism is in place to hold the contractor hired by the Navy financially responsible for any third-party investigative and/or testing to be conducted at Keller Canyon Landfill;*
8. *Staff will provide further information for the Board on the history of alerts from the radiologic sensors located at Keller Canyon Landfill, and how those incidents are documented;*
9. *Staff will immediately look into the hiring of an expert consultant to assist the County on next steps and appropriate actions to be taken going forward with respect to this incident;*
10. *Staff will prepare a report addressing the effects of designating the City of Pittsburg as the Local Enforcement Agency (LEA) for the Keller Canyon Landfill site.*

*Dr. Underwood and John Kopchik will be in attendance at an emergency meeting of the Bay Point Municipal Advisory Committee at 7 p.m. this evening. Supervisor Glover said more community meetings will be arranged and the public notified as soon as is possible.*

## ATTACHMENTS

Exhibit A - Newspaper Article