



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 11, 2018

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

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**RECOMMENDATION(S):**

1. ACCEPT report on status of third annual Keller Canyon Landfill land use permit review.
2. DIRECT staff to continue the third annual Keller Canyon Landfill land use permit review at the Planning Commission and report to the Board of Supervisors at the conclusion of the permit review process.

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

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☐ APPROVE

☒ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **12/11/2018** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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: December 11, 2018

Contact: David  
Brockbank, (925) 674-7794

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

By: , Deputy

cc:

## BACKGROUND:

On October 25, 2017, the County Planning Commission (CPC) held its first hearing to consider the 3rd annual permit review for the Keller Canyon Landfill (KCL). The purpose of the permit review process is to assess compliance with the Land Use Permit (LUP) for KCL and consider whether to recommend any modifications to permit conditions to the Board of Supervisors. The CPC has been thoroughly reviewing compliance with the LUP and complaints about the landfill over the course of the last year, continuing the hearing five times and requesting staff to analyze and report on a number of matters. The CPC review is ongoing.

At the October 24, 2018, County Planning Commission (CPC) meeting, staff informed the Commissioners about the District V Supervisor's interest in bringing an update on the third annual permit review to the full Board. The CPC approved staff updating the Board on the CPC efforts thus far and continued the third permit review process to February 13, 2019 to allow additional time for CPC and staff to monitor the effectiveness of recently installed infrastructure improvements (see Exhibit A) during the winter months, (when the County and Bay Area Air Quality Management District (BAAQMD) have received the majority of complaints), assess compliance with Conditions of Approval (COA) and formulate any recommendations to the Board.

This is the last annual permit review provided for by LUP Condition 11.1. Once the third permit review is complete, future permit reviews are scheduled to occur once every three years.

**THIRD PERMIT REVIEW PROGRESS TO DATE:** The CPC has continued the KCL permit review five times since October 2017. The first hearing, held on October 25, 2017, was continued to December 6, 2017, and subsequently continued a second time to January 10, 2018, due to time constraints. The continuances were based on testimony from some of the residents living in the neighborhoods north of the landfill that brought up concerns associated with the landfill, including odor, dust, noise, visual impacts, seagulls, and litter. The CPC wanted to continue the permit review and give staff time to prepare responses to questions from both the CPC and the public. Staff's supplemental staff reports included information related to each of the concerns brought up by the local residents and provided updates on landfill infrastructure improvement projects (all staff reports to the CPC are provided as attachments to this Board Order).

On January 10, 2018, the CPC continued the hearing a third time to July 11, 2018. Staff was also directed to prepare a three-month status update in April 2018, informing the CPC and other interested parties about the landfill's progress on improvement projects expected to help reduce odors. Those projects included installing methane gas capture wells; and moving disposal activities to a new disposal cell (new Phase) one-half mile south away from the residential neighborhoods (see Exhibit A for current progress report). Staff recommended the fourth continuance in July in order for the landfill operator to complete the improvement project expected to have the greatest odor reducing

potential, namely the construction of the new disposal cell, which was completed in September of this year. An additional matter related to the landfill was raised during public testimony beginning with the July hearing, the ongoing investigation being spearheaded by Contra Costa Environmental Health (CCEH), acting as the Local Enforcement Agency (LEA), related to acceptance of potentially ineligible waste generated from the Hunters Point Naval Shipyard (HPNS).

The remainder of this report's content is intended to summarize and supplement information presented in prior staff reports (Attachments 1-6) pertaining to major areas of concern raised by residents during hearings conducted by the CPC, as well current or potential future actions to address them.

**ODORS:** A primary complaint of residents over the past year has been odors emanating from the landfill. The landfill operator has implemented several best management practices (BMPs) to address odors potentially migrating off-site. The operator has contracted with odor experts, installed odor suppression devices, and continues to routinely monitor/inspect potential on-site odor sources, including leachate tanks. The operator conducts regular odor investigations on and off-site. Several landfill employees automatically receive copies of all odor complaints at the time they are submitted through the County's website, ensuring that the landfill operator is made aware of complaints immediately. In addition to the operator, the LEA also receives email notifications automatically for each odor complaint submitted through the online complaint form on the County's website. Provided below is a monthly breakdown of odor complaints submitted through the County's on-line system starting with September 2017:

- September 2017 = 1 complaint
- October 2017 = 31 complaints
- November 2017 = 8 complaints
- December 2017 - 13 complaints
- January 2018 = 36 complaints
- February 2018 = 49 complaints
- March 2018 = 27 complaints
- April 2018 = 2 complaints
- May 2018 = 1 complaints
- June 2018 = 0 complaints
- July 2018 = 2 complaints
- August 2018 = 6 complaints
- September 2018 = 0 complaints
- October 2018 = 12 complaints
- November 2018 = 7 complaints

A noticeable pattern shows the vast majority of complaints are generally submitted in the winter months. This is also reflected in the 2016 / 2017 complaint log.

The CPC asked staff to research other landfills and solid waste facilities to determine

what other facilities have used or are using to address odor issues. Specifically, the CPC requested staff to research the potential effectiveness of installing tree lines/breaks to mitigate odors. Staff discovered a feasibility assessment of installing physical barriers to contain dust/odors at Sunshine Canyon Landfill (SCL) in Southern California. Republic Services (Republic) actually authored this feasibility assessment in March 2017. It was found that vegetative barriers such as tree-lined windbreaks of either single row or multiple rows of varied species may be effective in controlling windblown dust. Physical barriers such as earthen berms were found to be more effective addressing odor and visual impacts. The SCL used a combination of odor/dust BMPs that included the planting of trees on top of physical berms. Approximately 1,000 trees were planted along several earthen berms engineered near the entrance to the landfill to offset potential dust, visual, and odor impacts. This feasibility study is attached as Exhibit B to Attachment 1.

As indicated previously, the landfill operator has implemented a number of actions to address odor and other concerns (see Exhibit A). Chief among these was developing and implementing a plan to discontinue use of a disposal cell in the front of the landfill and open a new cell in the back of the canyon. Moving the disposal activity further from sensitive receptors is anticipated to address odor issues, potential noise and dust impacts, and off-site visibility of landfill operations. The operator accelerated the scheduled construction of disposal cell Phase 2E, to move away from the previous disposal cell, where the anaerobic compost material was disposed in 2016. Construction of Phase 2E was completed in August of this year. The new cell started being used for disposal in the middle of September. Relocating from Phase 3B1 to Phase 2E increases the distance between the nearest residential neighborhood and the active disposal cell by approximately 0.5 miles. The landfill operator has indicated that it may seek future permit amendments to permanently shift the disposal envelop further back in the canyon.

**VEGETATIVE BARRIER:** At the request of the CPC, staff investigated the idea of a vegetative barrier and identified considerations. The following steps and vegetation related factors should be considered in collaboration with CCEH, BAAQMD, and the landfill operator, in order to determine what, if any, tree planting requirements would be most potentially effective:

- \* consulting / hiring a certified arborist;
- \* assessing different species susceptibility to disease/pests, growth rates, suitability in/near landfill environment;
- \* planting a single row versus multiple rows of mixed trees;
- \* soil analysis;
- \* adequate on-site irrigation; and
- \* planting location, including feasibility to plant on mitigation berms.

Planting a sizable vegetative barrier consisting of multiple rows of trees will need proper irrigation and will most likely require connecting to municipal water as existing well water will not be a sufficient source. Bringing municipal water to the landfill site will necessitate the City of Pittsburgh's involvement and authorization.

**LITTER:** Since the beginning of 2018, eight litter complaints were submitted to the LEA and/or Department of Conservation and Development (DCD). Staff investigated the litter complaints and also forwarded the complaints to the operator to address on-site clean-up. The complaints could not be confirmed, as the submitted photo evidence did not show litter blowing off site or through the community.

The operator deploys a litter crew on-site to clear debris from the litter fences, but also collects litter from the buffer areas (open hillsides surrounding the disposal area). On windy days, the operator will increase the size of the litter crew as needed. It is known that this area of the County can experience high winds, which can make it more challenging to control litter on-site. The landfill operator is responsible for controlling and containing the litter on-site. The operator is 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 is currently seeking to modify the online odor complaint form to provide for submittal of litter complaints that will rely on a feature that allows for the uploading of digital photos. Staff hopes to implement these modifications either before the end of the year, or early next year. In the meantime, when DCD staff receives a litter complaint, that complaint is forwarded to both the operator and the LEA for appropriate response and the LEA follows up with the complainant.

**DUST & VISIBILITY:** Certain previously noted site improvements that can help reduce potential off-site odors should also reduce potential off-site visibility and dust. For example, moving the disposal activity further from sensitive receptors is expected to reduce concerns about dust and visibility. Trucks entering and leaving the landfill continue to be visible along the main access road, but the operator also recently hydro-seeded 60 acres of the landfill that will help with visual and future dust impacts.

**HUNTERS POINT NAVAL SHIPYARD (HPNS):** On April 21, 2018, the San Francisco Chronicle published an article regarding material that may have been sent to KCL back in 2010-2011. The article alleged falsified documentation associated with radiological waste from HPNS that was sent to one or more landfills across the state, including KCL. The LEA is working with state and federal agencies, in coordination with DCD and the landfill operator, to investigate if any of the radioactive waste material in question was disposed of at KCL. If radiological waste was disposed at KCL, the investigation will examine if there are potential health concerns for employees and local residents and what, if any, remedial actions are necessary.

At the Board's direction, on May 1, 2018, CCEH staff prepared a brief report related to the allegations printed in the newspaper. At the end of May, CCEH put out a Request for Qualifications / Proposal (RFQ/P) in order to contract with a consultant to recommend the most appropriate means of assessing the landfill and surrounding community to detect the presence of any potential radioactive material that may have been disposed at KCL. During the May 1, 2018, Board meeting, the District V Supervisor requested a

community meeting be held for residents of Pittsburg and Bay Point, with representatives from applicable federal, state and local agencies on hand to discuss the on-going investigation and future potential testing for radioactive material. CCEH organized a community meeting held on June 21, 2018, at the Ambrose Community Center in Bay Point. Experts from the Radiologic Health Branch of the state Department of Public Health, US Navy, San Francisco Regional Water Quality Control Board (RWQCB), and other state and local agencies were in attendance to speak and/or answer questions.

Over the course of six weeks, between the end of July through early September, the County conducted a solicitation process. This involved CCEH collaborating with DCD, the City of Pittsburg, the landfill operator, and a representative of the local community to review the RFQ/Ps received by CCEH and interviewing the qualified consultants. After some follow up inquiries were made, and responses received, a potential consultant was selected. CCEH has entered into a contract with the chosen consultant, TRC Solutions. The consultant is reviewing initial information and data provided by the LEA. The LEA has introduced the consultant to representatives from the following key agencies involved with the Hunters Point site: U.S. Navy, U.S. Environmental Protection Agency, California Department of Toxic Substances, and the California Department of Public Health Radiological Health Branch as well as the City of Pittsburg and the Keller Canyon Landfill. Pursuant to the terms of the contract, over the next six months, the consultant is expected to gather and analyze data, provide next step recommendations, conduct process to gather community concerns and convene a community meeting.

#### CONSEQUENCE OF NEGATIVE ACTION:

The Board would not accept a status report on the CPC's ongoing permit review.

#### CLERK'S ADDENDUM

***Speakers: Laura Wright, City of Pittsburg; Jenn Borcic, resident of Pittsburg; Rosa Fallon, resident of Pittsburg; Siu Ing Kobata, resident of Pittsburg. 'A Concerned Resident' did not wish to be speak but left written commentary (attached). The Board adopted the recommendations; DIRECTED that the annual review process continue rather than move to a 3-year cycle, with an annual report sent to the Transportation, Water and Infrastructure Committee; and that the future report contain information on the new cell location results and litter mitigation effects.***

#### ATTACHMENTS

Exhibit A: Landfill Infrastructure Improvements

Attachment 1: 10-24-2018 Continued Permit Review

Attachment 2: 7-11-2018 Continued Permit Review

Attachment 3: 4-11-2018 Continued Permit Review

Attachment 4: 1-10-2018 Continued Permit Review

Attachment 5: 12-06-2017 Continued Permit Review

Attachment 6: Initial 10-25-2017 Permit Review Report