EL SOBRANTE LANDFILL
ADMINISTRATIVE REVIEW COMMITTEE MEETING

AGENDA

January 14, 2015
10:30 a.m.

Location: Riverside County Waste Management Department
14310 Frederick Street
Moreno Valley, CA 92553

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Committee meeting, please contact the Riverside County Waste Management Department at (951) 486-3200. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

I. CALL TO ORDER AND INTRODUCTIONS

II. APPROVAL OF AUGUST 28, 2014 MINUTES

III. DISCUSSION ITEMS

A. Landfill Update
   1. Phase 11 Construction
   2. Landfill Resource Agency Permitting Status
   3. Contingency Parcel Deed Restriction Status
   4. 5 Year Permit Review/JTD Amendments
   5. Other

IV. ACTION ITEMS

A. Approval of the 2013 El Sobrante Annual Status Report

V. PUBLIC COMMENTS (Individuals desiring to speak to the Administrative Review Committee will be limited to a maximum of three minutes)

VI. COMMENTS FROM COMMITTEE MEMBERS

VII. NEXT MEETING DATE

VIII. ADJOURNMENT
El Sobrante Landfill
Administrative Review Committee
Minutes
August 28, 2014

The following were present

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>REPRESENTING</th>
<th>STAFF</th>
<th>REPRESENTING</th>
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<tbody>
<tr>
<td>Kristi Lovelady</td>
<td>TLMA – Planning</td>
<td>Bob Magee</td>
<td>1st Supervisoral District</td>
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<td>Alex Gann</td>
<td>Executive Office</td>
<td>Jeff Johnson</td>
<td>Environmental Health - LEA</td>
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<td>Matthew Hickman</td>
<td>Waste Management Dept.</td>
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<td>Todd Shibata</td>
<td>Waste Management Dept.</td>
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<td>Frances Zamora</td>
<td>Waste Management Dept.</td>
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INTERESTED PARTIES

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<tr>
<th>Name</th>
<th>Organization</th>
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<tr>
<td>Paul Willman</td>
<td>Waste Management, Inc.</td>
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<td>Damon DeFrates</td>
<td>Waste Management, Inc.</td>
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<td>Mike Williams</td>
<td>Waste Management, Inc.</td>
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<td>David Harich</td>
<td>Waste Management, Inc.</td>
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<td>Miriam Cardenas</td>
<td>Waste Management, Inc.</td>
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<td>Jerry Sincich</td>
<td>Temescal Valley</td>
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<td>Jannlee Watson</td>
<td>We Are Temescal Valley</td>
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<td>John Watson</td>
<td>We Are Temescal Valley</td>
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<td>Bill Rice</td>
<td>Calif. Regional Water Quality Control Board</td>
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<td>Amie Kinne</td>
<td>El Sobrante Citizens Oversight Committee</td>
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<td>Rob Mucha</td>
<td>El Sobrante Citizens Oversight Committee</td>
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AGENDA ITEM 1
CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 9:05 a.m. by Hans Kernkamp, with self-introductions.

AGENDA ITEM II
DISCUSSION ITEMS

A. Administrative Review Committee

1. Purpose

Hans Kernkamp stated that the Administrative Review Committee (ARC) was formed in 2003, and is comprised of members from the Executive Office, Planning Department, and Waste Management Department. Ryan Ross reviewed the purpose and goals of the ARC. Mr. Ross also reviewed a flow chart describing the El Sobrante Landfill Annual Report review process. Ryan Ross stated that one function of the ARC is to assure that the construction and operation of the El Sobrante Landfill complies with the Second Agreement, and review any minor changes not subject to CEQA. Another function is to evaluate and process the Annual Status Reports as prepared by Waste Management, Inc., (WMI).
B. Landfill Update

1. Phase 11 Construction

David Harich said there are 17 phases for the entire development of the site. They are currently landfilling in Phase 9B/10. Phase 11 consists of two cells, 11A/11B. They are currently constructing cell 11A (approximately 20 acres), which should be completed by the end of November, providing 2½ years of life in that cell. They will then continue onto Phase 11B.

2. Landfill Resource Agency Permitting

a. Ponds 3 & 4

Damon DeFrates said WMI submitted information regarding the Ponds 3 and 4 to the Army Corps of Engineers a couple of months ago and are waiting to hear back from them for any additional information that may or may not be needed to final the reports.

Mr. DeFrates said Pond 3 is a replacement pond to the pond that was taken out during Phase 8 by a large stability berm. That pond goes into their contingency parcel. When WMI received their Habitat Conservation Permit from U.S. Fish and Wildlife Service, they wanted a contingency parcel in case their restoration activities on the landfill in disturbed areas were unsuccessful. However, WMI did not discuss the pond relocation with the Habitat Management Committee at the time.

Pond 4 was built in 2011 outside of the landfill’s permitted disturbance/grading limits on WMI owned property, near several residences. WMI notified LEA and CRWQCB, but did not go through the ARC process.

Ryan Ross said he recently met with CRWQCB, Army Corp, Fish & Game, US Fish and Wildlife to discuss all these issues (Pond 3, Pond 4, as well as existing drainages on-site) at a Regional Conservation Agency (RCA) meeting. The resource agencies are aware of the issues and are working to correct or identify if any permits are required. Mr. Ross stated that since Pond 4 was built outside of the landfill property and that the activity materially departed from what was assessed in the EIR, WMI should have presented the proposal for pond 4 construction to the ARC. Pond 4 is still not within their limit of disturbance in their permit. Mr. Ross said that for the on-site drainage permitting issue, it is possible that this could be a procedural oversight where WMI just did not get the actual permits, but did set aside land and conserved on-site resources as stated in their Mitigation Monitoring Plan (MMP) prepared for the Expansion EIR.

b. On-site Drainages

Damon DeFrates said with regard to the on-site drainages, from 2001 up until 2014 the belief was that they did not have to get Army Corps permits until the final phase of the landfill, which is now Phase 17. He said as part of the Pond 3 and Pond 4 analysis, they have looked at all on-site drainages and have that information in draft form. As soon as they hear back from the Army Corps, that report can be finalized.

Ryan Ross said WMI did get a State & Federal Wildlife Permit relating to habitat and species conservation for their Habitat Conservation Plan (HCP), they just didn’t get the streambed authorization permits. Kristi Lovelady said what would be helpful is to
understand the rationale that was used to make the determination that Pond 4 is an ancillary facility to the landfill. Hans Kernkamp said that can be provided, along with exhibits identifying a sedimentation pond in the general vicinity. Alex Gann asked if the landfill boundaries would change as part of this proposal. Hans Kernkamp said that the boundaries would change to capture the Pond and this will be part of the forthcoming JTD Amendment.

3. **Contingency Parcel Deed Restriction**

Damon DeFrates stated that this is being reviewed by the State Fish & Wildlife. Ryan Ross said he believes this will also be discussed at the October Habitat Management Committee meeting.

4. **5 Year Permit Review/JTD Amendments**

Paul Willman stated that there are three boundaries that have to do with the landfill that have changed since the original Environmental Impact Report (EIR). He said the landfill footprint has shrunk from 495 to 468 acres. The area of disturbance has shrunk in some areas, but has bulged out in other areas. He said in the EIR they anticipated 11 acres of landfill related items that were outside of the property boundary and it said that WMI would either purchase it or get easements. That number is still 11 acres, just not necessarily in the same locations as evaluated in the EIR.

Mr. Willman said the LEA is preparing their five (5) Year Permit Review Report based on a permit application and revised JTD submitted by WMI. The LEA’s report should be available next month. Mr. Willman said he believes some type of CEQA will need to be done. Mr. Willman said they are already developing biological reports for ponds 3 and 4, and those will be incorporated into CEQA.

Kristi Lovelady said while this is all now being addressed, going forward there is an important distinction to make to be more transparent and follow CEQA and the jurisdictional requirements, both federal and state. She said it is important to take note for future operations that if WMI goes outside of the footprint, it is important to not only communicate that to the ARC, but also address it through the CEQA process.

5. **City of Norco Manure-to-Energy Plant**

Damon DeFrates said there is no manure project planned at the El Sobrante Landfill or adjacent property.

C. **Treated Incinerator Ash**

Hans Kernkamp stated that the Waste Management Department was approached by WMI about the acceptance of treated incinerator ash at the El Sobrante Landfill. The material was approved for acceptance by all local regulatory agencies, and they have been using it for alternative daily cover. However, the El Sobrante Agreement excludes this material as acceptable material. Jerry Sincich asked why this material was originally prohibited from the landfill in the agreement. Hans Kernkamp said around that time there was a lot of back and forth between the incinerator industry and the Department of Toxic Substance Control on whether or not this wastestream should be allowed into a Class III landfill. He believes that the decision was made at the time of the El Sobrante Agreement that, due to that controversy of the overall project, it was decided to
stay away from that potentially hazardous material. Mr. Kernkamp said the lab data has proven the ash to be non-hazardous. It is now a contractual issue that the County Waste Management Department and WMI are working on.

D. Disposal of Non-Hazardous –Non-Designated Contaminated Soils

Staff included in the agenda packet a copy of CRWQCB Order No. R8-2014-0006 – Amending Waste Discharge Requirements (WDR) for Facilities for Disposal of Nonhazardous/Non-designated Contaminated Soils at Active Municipal Solid Waste Facilities. Paul Willman stated that WMI has submitted their waste acceptance protocol to the CRWQCB, are currently revising it, and will resubmit it in the next couple of weeks to make any necessary revisions. Mr. Willman described the soil testing procedures that WMI has in place.

Todd Shibata stated that Waste Management Department staff has expressed the following concerns to the CRWQCB regarding WMI’s waste acceptance protocol: 1) some of the values or assumptions used to calculate waste acceptance criteria for lined areas were not conservative and do not represent various case scenarios; 2) values that were initially proposed were made by calculation and were protective of groundwater, but not necessarily protective of human health; and 3) there is a cumulative effect of having multiple constituents at the facility.

Matt Hickman said the new Waste Discharge Requirements streamline the process and make it much clearer. He said it clarifies what is allowed for beneficial reuse. Mr. Hickman said the WDR designates where this material can go and makes you consider other values like the maximum contamination levels, where before we we were just looking at Title 22 hazardous waste levels.

Hans Kernkamp stated that at the present time, there is an ongoing evaluation by the CRWQCB, and they will be reviewing the revised waste acceptance protocol once it has been resubmitted by WMI.

AGENDA ITEM III
ACTION ITEMS

A. 2013 Annual Report

The ARC reviewed the El Sobrante Landfill 2013 Annual Status Report and Mitigation Monitoring Program Status Report. On the motion of Kristi Lovelady, seconded by Hans Kernkamp, the ARC agreed to submit all comments as discussed today, in writing, to WMI. Motion carried unanimously.

Mr. Ross anticipates that by the end of October 2014, staff will have incorporated the Citizen Oversight Committee’s (COC) comments and have a Draft Annual Report to bring back to the ARC for approval.
AGENDA ITEM IV
PUBLIC COMMENTS

Rob Mucha said he would like to have seen items such as the ponds and treated incinerator ash come to the Administrative Review Committee before instead of after the fact, as these are significant changes in WMI’s operation.

Amie Kinne said she would be open for a meeting where both the El Sobrante Citizens Oversight Committee and Administrative Review Committee could both come together. The next Citizens Oversight Committee is scheduled for October 8, 2014.

Jerry Sincich said he would like to see the treated incinerator ash that is received at the El Sobrante Landfill buried within 48 hours.

Janlee Watson asked if going forward, would the agenda for the ARC meetings and minutes be posted as a public notice or will be they put on the WMD’s web page. Hans Kernkamp said the agenda is posted by the Riverside County Clerk of the Board.

Janlee Watson said regarding ash, if there are other options besides amending the original contract. She also asked if the contract is amended to include ash, if there would be a public hearing process. Hans Kernkamp stated that the Agreement is very clear that ash cannot be accepted at this time. The Agreement would need to be amended to allow this material. The amendment to the agreement will need to go before the Board of Supervisors, where the public would have an opportunity to comment.

AGENDA ITEM V
COMMENTS FROM COMMITTEE MEMBERS

None.

AGENDA ITEM VI
NEXT MEETING DATE

TBD (late October/early November, 2014)

AGENDA ITEM VII
ADJOURNMENT

The meeting was adjourned at 11:46 a.m.

HK:fz