

**KINGS COUNTY LOCAL ASSESSMENT COMMITTEE (LAC) FOR THE PROPOSED
CHEMICAL WASTE MANAGEMENT, INC. (CWMI) KETTLEMAN HILLS
FACILITY HAZARDOUS WASTE FACILITY EXPANSION PROJECT**

CONDITIONAL USE PERMIT NO. 05-10

MINUTES

Vern Grewal, Chairperson
Aletha Ware, Vice-Chairperson
David Block
Jim Verboon

Mary Lynn Sterrett
Kelly Deming
Alvaro Preciado

January 8, 2009

CALL TO ORDER:

The regular meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 6:00 p.m. on January 8, 2009, in the Kettleman City Community Center, 75 Fifth Avenue, Kettleman City, California.

MEMBERS PRESENT: Vern Grewal, David Block, Kelly Deming, Alvaro Preciado, Lynn Sterrett, Jim Verboon, Aletha Ware.

Chairman Vern Grewal introduced Mr. Alvaro Preciado, who applied for and was appointed by the Board of Supervisors to fill the remaining vacancy on the Committee.

MEMBERS ABSENT: None.

STAFF PRESENT: Sandy Roper, Chuck Kinney.

CONSULTANTS PRESENT: Mike Hogan, Douglas Noll, John Boogaert, Allison Boogaert, Tim Sudiagal.

VISITORS PRESENT: See attached sign-in sheet.

SUMMARY OF AGENDA:

Mr. Hogan announced that translation services were available and the translator announced her services in English and Spanish. There was a request for translation services, which were provided. Mr. Noll then summarized the agenda.

UNSCHEDULED APPEARANCES:

No speakers came forward for the unscheduled appearances portion of the meeting.

APPROVAL OF MINUTES:

A motion was made and seconded (Block/Sterrett) to approve the minutes of the meeting of December 11, 2008. Motion carried unanimously. A motion was made and seconded to approve the minutes of the meeting of December 20, 2008. Mr. Hogan advised that the reference in the minutes to "others not noted" as visitors present at the meeting could be clarified by incorporating the sign-in sheet for the meeting into the minutes. The motion was so amended and carried unanimously.

OLD BUSINESS:

Chairman Grewal asked Mr. Noll to review the list of "Potential Measures to Protect the Public Health, Safety, Welfare and Environment and Special Benefits to be Provided as Compensation for Local Costs Associated with Operation of the Kettleman Hills Facility" which was attached to the Agenda for the meeting. Mr. Noll described each item on the list and explained the status of each item. Members of the Committee discussed each item and made suggestions on how to accomplish the items on the list.

During the discussion, a group of persons entered the meeting room chanting and carrying signs in opposition to the Kettleman Hills Facility. Mr. Ray Leon, a member of the group, addressed the Committee and stated the community was opposed to expansion of the Kettleman Hills Facility, the environmental documents concerning the proposed expansion should be translated into Spanish because most members of the community are Spanish speakers, and there was a lack of equitable representation of the community on the Committee. Richard Valle, a member of the Kings County Board of Supervisors, also spoke and said that he had met with members of the community and wanted to have a fair process in which all sides listened to each other respectfully. Chairman Grewal engaged in a dialogue with Mr. Leon and Supervisor Valle regarding their concerns. After approximately fifteen minutes, Mr. Leon and the persons who accompanied him left the meeting.

Mr. Noll continued his explanation of the remaining items on the list, followed by discussion and recommendations from the Committee on each item. Member Sterrett also inquired about the consultants' outreach in the communities of Avenal and Stratford. Member Verboon expressed concern that some of the proposed measures to provide safe crossing of SR-41 in Kettleman City would increase traffic problems, recommended that waste transport trucks use an alternate route around Kettleman City, and stated that any measures other than a pedestrian bridge over SR-41 would be too dangerous. Mr. Preciado stated the County should return more money to Kettleman City in light of the sales taxes which are generated from businesses in the community. The Committee directed Boogaert & Noll to prioritize the items on the list based on the Committee's discussion.

NEW BUSINESS:

1. Recommendation re Outreach to Avenal and Stratford:

A motion was made and seconded (Verboon/Sterrett) to direct Boogaert & Noll to conduct one roundtable meeting in Avenal and Stratford to identify any concerns regarding the proposed expansion of the Kettleman Hills Facility. The motion carried unanimously.

2. Recommendation re Extension of Time for LAC to Complete Its Work:

A motion was made and seconded (Verboon/Sterrett) to ask the Board of Supervisors to extend the time for the Committee to complete its work to February 15, 2009. Mr. Hogan suggested the Committee request an extension to March 20, 2009, to avoid the need for making a second request in the event additional time were needed. The motion was so amended and carried unanimously.

3. Recommendation re Contract Extension for Boogaert & Noll:

A motion was made and seconded (Verboon/Sterrett) to ask the Board of Supervisors to extend the term of the contract with Boogaert & Noll to February 15, 2009. Mr. Hogan suggested the Committee request an extension to March 20, 2009, to avoid the need for making a second request in the event additional time were needed. The motion was so amended and carried unanimously.

4. Recommendation re Process for Proposed Dialogue with Project Proponent:

Mr. Noll explained the different processes could be used by the Committee in its dialogue with the project proponent concerning the potential measures to protect the public health, safety, welfare and environment and the special benefits to be provided as compensation for local costs associated with operation of the Kettleman Hills Facility. A motion was made and seconded (Sterrett/Deming) to have Mr. Noll serve as the spokesperson for the Committee, with all members of the Committee present and able to participate in the dialogue with the project proponent. After discussion by the Committee, the motion carried unanimously.

5. Recommendation re Date, Time and Location of LAC Dialogue Meetings:

A motion was made and seconded (Block/Deming) to hold special meetings of the Committee for dialogue with the project proponent concerning the potential measures to protect the public health, safety, welfare and environment and the special benefits to be provided as compensation for local costs associated with operation of the Kettleman Hills Facility, on January 22, 2009 and January 29, 2009, at 6:00 p.m. in the Kettleman City Community Center. Member Sterrett recommended also scheduling a special meeting for February 5, 2009, at the same time and place, in case additional time is needed for the dialogue. The motion was so amended and carried unanimously.

MISCELLANEOUS:

FUTURE MEETINGS:

Pursuant to the motion adopted by the Committee, the Committee will hold special meetings on January 22, January 29 and February 5, 2009, at 6:00 p.m. in the Kettleman City Community Center. The next regularly scheduled monthly meeting of the Committee will take place on February 12, 2009, at the Kings County Government Center, Hanford, California. The Committee directed Mr. Hogan to report at the next meeting on the proper procedure for the Committee to follow to change the location of the next regularly scheduled meeting to the Kettleman City Community Center.

CORRESPONDENCE:

Mr. Hogan reported that he received a response from Mr. Bradley Angel of Greenaction to his letter requesting that Mr. Angel provide a copy of the video he made of the meeting of the Committee on December 11, 2008, for inclusion in the minutes of that meeting. Mr. Angel refused to do so. Copies of Mr. Hogan's letter on behalf of the Committee and Mr. Angels' response will be incorporated in the minutes.

STAFF COMMENTS:

None.

COMMITTEE COMMENTS:

None.

ADJOURNMENT:

With no further business before the Committee, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

KINGS COUNTY LOCAL ASSESSMENT COMMITTEE

Vern Grewal, Chairman

HOGAN GUINEY DICK ^{LLP}
A Limited Liability Partnership

MICHAEL M. HOGAN

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December 31, 2008

Ingrid Brostrom, Esq.
Center on Race, Poverty & the Environment
1302 Jefferson Street, Suite 2
Delano, CA 93215

Mr. Bradley Angel
Greenaction
1095 Market Street, Suite 712
San Francisco, CA 94103

Re: Kings County Local Assessment Committee

Dear Ingrid and Bradley:

As you know, I am the attorney for the Kings County Local Assessment Committee. I am writing on its behalf to request copies of the video you or members of your organizations made of the activities which occurred in the Board of Supervisor's hearing room before the start of the Local Assessment Committee's regular meeting on December 11, 2008. The Local Assessment Committee found the dialogue very informative. However, because few, if any, of those who spoke used the microphones, we were unable to obtain a complete audio record of the speakers' comments. Accordingly, I would appreciate your providing me with unedited copies of the video you recorded at the meeting for inclusion in the record of the Local Assessment Committee's proceedings.

Please let me know if there is any cost associated with providing the copies requested and I will arrange for payment. If you have any questions, please feel free to call me. Thank you.

Sincerely,



Michael M. Hogan

MMH

cc: Mr. Vern Grewal, Chairperson

Mike Hogan

From: Bradley Angel [bradley@greenaction.org]
Sent: Monday, January 05, 2009 10:14 AM
To: 'Hogan, Mike'
Cc: Douglas E. Noll; Luke Cole; alatmig@netzero.net; anna@greenaction.org; Marybelle Nzegwu; Ingrid Brostrom
Subject: Response to the LAC's request for video footage

We are in receipt of your letter written on behalf of the so-called Kings County Local Assessment Committee requesting a copy of video footage from the community protest held against the LAC on December 11th in Hanford.

We will not be providing you the requested footage as we take issue with several of the key reasons the LAC stated as the basis of this request.

First, we do not think the LAC was interested in what the residents of Kettleman City and Avenal said that evening. The LAC has been aware of the community concerns and has repeatedly and uniformly rejected and ignored those concerns without exception. The LAC clearly did not care that 75 residents risked their lives while braving almost zero-visibility fog - and missed their dinner - to travel over 30 miles each way to raise their concerns to the LAC and county officials.

Second, the LAC does not need a copy of the footage to understand what the residents said to the LAC and county officials. The LAC was handed a document listing the points residents need addressed so that they could participate in a legitimate and lawful and impartial LAC process. The LAC members heard what was being said, as the residents speaking were just a few feet from the LAC members.

Third, the LAC demonstrated incredible arrogance and contempt for public participation and the Brown Act when it improperly convened the LAC meeting nearly 2 1/2 hours after it was supposed to start, and after all the local residents had left the room.

If the LAC and the County are truly interested in community input and participation, the LAC and County should respond positively to the recommendations made in good faith by El Pueblo Para El Aire y Agua Limpio, Kids Protecting Our Planet, Lucha Por Salud Justicia Ambienta, Greenaction and Center on Race, Poverty and the Environment.

Bradley Angel
Greenaction for Health and Environmental Justice