

**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

February 5, 2009

CALL TO ORDER:

The special meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 6:03 p.m. on February 5, 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.

MEMBERS ABSENT: None.

STAFF PRESENT: Bill Zumwalt, Chuck Kinney, Pete Moock, Johannah Hartley.

CONSULTANTS PRESENT: Douglas Noll, Tim Sudiagal.

VISITORS PRESENT: See attached sign-in sheet.

SUMMARY OF AGENDA:

Mr. Noll 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.

APPROVAL OF MINUTES:

A motion was made and seconded (Verboon/Starrett) to approve the minutes of the meeting of January 29, 2008. Motion carried unanimously.

OLD BUSINESS:

- 1. Consider requesting that the Board of Supervisors increase the budget as a result of the additional work the LAC has requested Boogaert & Noll to perform.**

Chairman Grewal announced there was one item of old business, which per the advice of counsel would be considered last because it noticed on the Addendum to the Agenda. At the end of the agenda, Chairman Grewal announced that discussion of the item, consideration of Boogaert & Noll's request for an increase in its contract budget, would be tabled until the next meeting because the noise from the chanting and shouting of protesters made it impossible to conduct further proceedings.

NEW BUSINESS:

- 1. Local Assessment Committee dialogue with project proponent, Chemical Waste Management, Inc., concerning (1) the measures that should be taken by the Kettleman Hills Facility to protect the public health safety, welfare and environment of the County, and (2) the special benefits the Kettleman Hills Facility will provide the County as compensation for the local costs associated with operation of the proposed project.**

As spokesperson for the Committee, Mr. Noll asked the representatives of Chemical Waste Management, Inc. (CWMI) what their intentions were with respect to the items on the list of measures and special benefits compiled by the Committee, which was provided at the meeting on January 29, 2009. Mr. Jan Kahn, the attorney for CWMI, said CWMI needed more information on the items on the list to determine which ones are doable. In response to Mr. Noll's inquiry as to what additional information was needed, Mr. Kahn referred to Item no. 4, which included playground equipment at the community park in Kettleman City. Mr. Kahn asked what is the connection between that item and the Kettleman Hills Facility (KHF)? He asked the same question with respect to Item no. 1 on the list concerning funds to construct a new water treatment plant in Kettleman City. He believes the plant would cost more than \$3.5 million and wants the Community Services District (CSD) engineer to comment. Mr. Noll explained that the estimated cost of \$3.5 million was provided by the CSD engineer. Mr. Kahn asked what other alternatives are there to provide fresh water? Mr. Kahn also stated that Item no. 3, regarding waste hauling trucks parking in residential areas of Kettleman City, would require an ordinance which would apply to all trucks, not just waste hauling trucks, and could be enforced to prevent such parking. Member Deming suggested Items nos. 2, 3 and 7 were related and should be moved up on the list. Mr. Kahn said CWMI does not agree with the item concerning the use of CWMI air quality monitoring equipment to monitor air quality in Kettleman City because CWMI already monitors the air quality on-site at the KHF. Member Deming said the point of doing monitoring in Kettleman City is to determine if there is any difference in the air quality there. Mr. Kahn said the monitoring should be done by the air district and not by borrowing CWMI's equipment. Chairman Grewal noted that CWMI may measure different things and that monitoring provides a public record available to all. With respect to the truck parking issue, Mr. Bob Henry of CWMI stated that CWMI does not own waste hauling trucks and that the

transport of waste to the KHF is done by subcontractors.

The meeting was then interrupted by a group of persons who identified themselves as members of GreenAction/Action Verde, who chanted and shouted demands that they want justice now, they want the members of the Committee to resign, and they would stay at the meeting and continue to chant and shout their demands for as long as it takes. Mr. Noll invited the group to participate in the meeting. Chairman Grewal also asked the members of the group to take their seats and participate in the meeting. When the chanting and shouting continued, Chairman Grewal announced a fifteen-minute recess. When the meeting resumed, the protesters continued chanting and shouting and made it impossible to conduct further proceedings.

2. **Review and update the list of potential measures that should be taken by the Kettleman Hills Facility to protect the public health safety, welfare and environment of the County, and the special benefits the Kettleman Hills Facility will provide the County as compensation for the local costs associated with operation of the proposed project.**

Mr. Noll said that an item should be added to the list of potential measures regarding a comprehensive health survey by the Adventist health group. Member Starrett said she had contacted the Kings County Health Department to obtain information regarding the number of cases of children born with cleft lips or palates and to ask it to look into such cases in neighboring areas, and but has not yet received the information. Chairman Grewal invited public comment on the agenda item and there was none.

3. **Consider establishing the date, time and location of additional special meetings of the Local Assessment Committee as may be needed for dialogue with the project proponent concerning the measures that should be taken by the Kettleman Hills Facility to protect the public health safety, welfare and environment of the County, and the special benefits the Kettleman Hills Facility will provide the County as compensation for the local costs associated with operation of the proposed project.**

With respect to the date, time and location of additional special meetings of the Committee as may be needed for dialogue with the project proponent, the Committee noted there were scheduling conflicts on February 12, 2009, and the Kettleman City Community Center was unavailable for a special meeting on February 19, 2009. Accordingly, a motion was made and seconded (Starrett/Deming) to cancel the regularly scheduled meeting of the Committee on February 12, 2009, and to establish February 26, 2009, at 6:00 p.m. at the Kettleman City Community Center, 75 Fifth Street, Kettleman City, CA, as the date, time and place of the next special meeting of the Committee. Motion carried unanimously.

MISCELLANEOUS:

FUTURE MEETINGS:

The next special meeting of the Committee is scheduled for Thursday, February 26, 2009, at 6:00 p.m. in the Kettleman City Community Center.

CORRESPONDENCE:

None.

STAFF COMMENTS:

None.

COMMITTEE COMMENTS:

None.

ADJOURNMENT:

Because the noise from the protesters chanting made it impossible for the Committee members and other persons present to hear any further business before the Committee, the meeting was adjourned at 7:22 p.m.

Respectfully Submitted,

**KINGS COUNTY LOCAL ASSESSMENT
COMMITTEE**

Vern Grewal, Chairman