

**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 26, 2009**

**CALL TO ORDER:**

The special meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 6:07 p.m. on February 26, 2009, in the Kettleman City Community Center, 75 Fifth Avenue, Kettleman City, California.

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

**MEMBERS ABSENT:** Mari Lynn Starrett.

**STAFF PRESENT:** Bill Zumwalt, Chuck Kinney.

**CONSULTANTS PRESENT:** John Boogaert, Douglas Noll, Tim Sudiacal, Michael Hogan.

**VISITORS PRESENT:** See attached sign-in sheet for partial list of visitors present.

**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/Deming) to approve the minutes of the meeting of February 5, 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 Boogarert & Noll to perform.**

Chairman Grewal announced that this item had been pulled from the agenda and the item would be addressed by the County.

## NEW BUSINESS:

Chairman Grewal announced that items 1 and 2 under ■New Business• would be considered together.

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.**

On behalf of the Committee, Mr. Hogan began the dialogue by stating that the objective of this special meeting was to review and discuss each item on the list of potential measures and special benefits (list) which had been updated, translated into Spanish and English, and distributed with the Agenda. (A copy of the list is attached to these minutes.) Mr. Hogan also stated that the staff and consultants had obtained additional information regarding most items on the list, including their potential costs. Because some of the information had been obtained only recently, the information would be presented orally at the meeting so that it could be translated into Spanish by the meeting translator, and the information would be provided in writing, in Spanish and English, at the next meeting.

The Committee and the project proponent, Chemical Waste Management, Inc. (CWMI), engaged in a dialogue concerning the following items on the list:

1. *Provide funding to conduct community health survey in Kettleman City to address community concern regarding high incidence of birth defects such as cleft lip/palate.*

Mr. Hogan stated that, based on information provided by the Central Valley Health Policy Institute at CSU Fresno, a community health survey would cost approximately \$75,000-100,000. The survey would involve personal interviews with 500 residents conducted by public health and nursing students trained by the Institute. Typically the organization which conducts the survey is selected through a request for proposals (RFP) process. The Institute will provide the names of other organizations, in addition to itself, that are likely to be interested in responding to an RFP and performing such a survey.

Mr. Jan Kahn, the attorney for CWMI, asked who would be the ■lead agency• for a health survey and how this item related to the Kettleman Hills Facility (KHF). Mr. Hogan stated

that, in light of the Committee's limited duration, the County would be the agency which would manage and monitor the health survey. Mr. Hogan also stated that a health survey of Kettleman City residents could be considered a measure to protect the public health safety, welfare and environment of the residents or a special benefit the KHF would provide the County as compensation for the local costs associated with operation of the proposed project.

Mr. Hogan also agreed to provide CWMI, at the next meeting of the Committee, with a written explanation of the relationship between each item on the list and the Committee's duties under the Tanner Act.

2. *Provide funding to construct new water treatment facility in Kettleman City (Needed: \$3.5 million).*

Mr. Hogan reported that the Kettleman City Community Services District (CSD) has provided specific information concerning the cost of constructing and operating a new water treatment facility. The information shows that a commitment from CWMI to contribute \$3.5 million to the cost of the facility would result in the County having most, if not all, of the funds available to proceed with the facility. There are numerous legitimate questions relating to the financing, construction and operation of such a facility which would be addressed in the ordinary course. A commitment from CWMI to provide \$3.5 million (on an amortized basis if necessary) toward the cost of the facility would be a major step toward a permanent solution of the water supply and water quality issues in Kettleman City.

Mr. Kahn requested a copy of the cost information received from the CSD. Mr. Hogan agreed to provide it at the next meeting of the Committee.

3. *Provide funding to hire independent consultant to use Waste Management air quality monitoring equipment to monitor air quality in Kettleman City on a monthly basis.*

Mr. Hogan reported that he had spoken with WZI, Inc., an air quality consulting firm, which stated the Committee would need to obtain a proposal from an independent air quality consultant to design a quarterly monitoring program in Kettleman City. Such a program would involve the installation of air quality monitoring equipment and the design of the monitoring program. WZI indicated it may cost several thousand dollars to obtain a specific proposal for the monitoring and could cost tens of thousands of dollars to install and operate the necessary monitoring equipment.

Mr. Kahn asked what constituents would be monitored. Member Deming recommended contacting the San Joaquin Valley Air Pollution Control District (APCD) about using its monitoring equipment and inviting a representative from the APCD to address this item at the next meeting of the Committee. Chairman Grewal suggested coordinating the health survey with air quality monitoring. Mr. Boogaert stated that the APCD will monitor air quality based on complaints it receives. Mr. Henry of CWMI stated that air quality monitoring data is used as the basis for a health risk assessment, that a health risk assessment already has been prepared for the KHF, and that such assessments can cost several hundred

thousands of dollars. Member Block stated what is needed is an independent evaluation of the KHF data. Member Preciado asked what constituents or pollutants had shown up in the data and stated this issue needs to be addressed in order to demonstrate to the community that there is not an air quality problem related to the KHF.

4. *Provide funding for health insurance enrollment for children (0-18) in the Child Health Initiative Program.*

Mr. Hogan reported that the Children's Health Initiative (CHI) is an on-going program which provides health insurance to children in Kings County. Based on information provided by Leanne Brown of the Kings County Health Department, the funding for one component of the CHI, the Healthy Kids Program, will expire on June 30, 2009. Currently, there are approximately 100 children enrolled in the Healthy Kids Program, including children from Kettleman City (5), Avenal (35), Stratford (3), Hanford (32), Corcoran (21), Lemoore (15), Armona (1) and Laton (1). The annual premium payments for 100 children to participate in the Healthy Kids Program is \$100,000. The additional administrative costs to continue operating the program would continue to be absorbed by the County. Mr. Hogan introduced Leanne Brown and Elizabeth Gazarek of the Kings County Health Department, who operate the existing program and were present and available to answer any questions about it.

Mr. Kahn asked Ms. Gazarek if the County had a contingency plan to replace the funding when it expires. Ms. Gazarek stated that the County can enroll children in the program through June 30, 2009, and their insurance premiums will be paid until June 30, 2010. Thereafter, the County will need to identify a new source of funding. Chairman Grewal inquired whether the funding would be needed on an annual basis.

5. *Provide funding for construction of the SR-41 crossing eventually designed and approved pursuant to the Kettleman City Safety and Community Study Environmental Justice Grant (Kings County Association of Governments) and continue participation with Kings County and Caltrans on the Safe Crossing Project.*

Mr. Hogan reported that the Kings County Association of Governments Environmental Justice grant is intended to address a long-term solution to the safe crossing of SR-41. Based on information provided by Caltrans, the Committee may wish to explore interim measures, such as funding for a crossing guard to assist students in crossing SR-41 before and after school, or an electronic speed sign which are considered effective when coupled with periodic speed limit enforcement efforts. An electronic speed sign would cost approximately \$35,000, and would require the cooperation of Kings County or the School District (maintenance of sign) and Caltrans (encroachment permit to install the sign adjacent to the road).

Mr. Blane Frandsen, a member of the public, suggested the Committee explore the availability of funding through the federal and state ■Safe Routes to School• program.

6. *Establish and maintain information program for trucks entering and leaving the Kettleman Hills Facility to discourage waste hauling trucks from parking in residential areas of Kettleman City.*

Mr. Hogan reported that, based on information provided by Boogaert & Noll, CWMI may be interested in creating and funding a parking area for big rig trucks away from the residential area in Kettleman City.

Mr. Henry asked whether the concern is with waste hauling trucks or with big-rig trucks in general. There was discussion concerning the lack of an ordinance prohibiting truck parking in residential neighborhoods and the fact that some of the trucks may be owned by residents of Kettleman City. Mr. Henry stated that CWMI would be willing to provide handouts to truck drivers requesting that they not park in residential areas of Kettleman City and to provide information to residents concerning the meaning of the placards on waste hauling trucks. Member Preciado stated that the community's concern was that there may be hazardous waste in trucks parked in residential areas of Kettleman City, but that the Committee needs to remember there are a number of truck drivers who live in Kettleman City and need a safe place to park their trucks.

7. *Install improvements to Kettleman City elementary school recreation area and community park, including new recreation amenities (e.g., playground equipment, basketball courts, picnic tables, barbecues, etc.).*

Mr. Hogan reported that, based on information provided by the Kettleman City Community Services District (which maintains the community park) and the Reef Sunset Community School District (which operates the elementary school), the recreation amenities of most interest to the community should be installed at the elementary school and include the following: lighting for the athletic field; resurfacing of the athletic field; and installation of a walking trail for adults around the athletic field. The estimated cost of installing these improvements are \$150,000 for lighting, \$5,000 for resurfacing the field, and \$20,000 for a walking trail around the field.

8. *Provide funding to install permanent bus shelter at corner of General Petroleum and Becky Pease Street in Kettleman City.*

Mr. Hogan reported that, based on information provided by Kings Area Rural Transit (KART), the cost of installing a permanent bus shelter is approximately \$10,000, which includes the cost of the shelter, installation and all necessary permits. Once installed, KART would maintain the shelter.

Mr. Blane Frandsen, a member of the public, suggested the Committee explore whether income from advertisers could defray the cost of the shelter.

9. *Provide information about the Kettleman Hills Facility's disaster preparedness plan for earthquakes and other emergencies and natural disasters.*

Mr. Hogan reported that, based on information provided by Boogaert & Noll, CWMI is willing to place copies of its Disaster Preparedness Plan in the Kettleman City library and to conduct tours of the Kettleman Hills Facility and workshops on disaster planning for residents of Kettleman City.

Mr. Henry stated that the KHF's Contingency Plan already is available in the Kettleman City library and that CWMI is willing to participate in a community workshop concerning disaster preparedness, which would include the various public agencies involved in emergency planning.

10. *Provide solid waste management, including placement of trash receptacles in open space, park and downtown areas and removal of illegally dumped trash.*

Mr. Kahn stated that this item may create a conflict with the rights of the waste hauling company (Mid-Valley) which has a contract to collect waste in Kettleman City. Mr. Zumwalt explained trash is collected pursuant to contracts and an open bidding process as a result of an initiative adopted by the voters. Member Ware stated that CWMI already assists with trash collection and presently provides bins at the CSD for all types of waste. Mr. Henry stated the bins at the CSD will accept residential waste, electronic waste, white goods and other waste which is not hazardous.

Chairman Grewal invited public comment on Agenda Items Nos. 2 and 3, and the following public comment was received:

Ms. Maricela Mares a la Torre, a resident of Kettleman City, objected to the composition of the Committee and asked all of the members of the Committee to resign. She also stated that any resident of Kettleman City was more familiar with the items on the list than the members of the Committee. She also objected to the next regularly scheduled meeting of the Committee being held in Hanford, CA. Chairman Grewal asked the Committee's lawyer whether the Committee was properly constituted. Mr. Hogan stated that all members of the Committee had been properly appointed and none wished to resign at this time. Ms. Mares a la Torre stated she would not participate in the meeting any further unless the Committee members resigned.

Ms. Angela Carillo, a resident of Kettleman City, stated that the Committee members were butting into Kettleman City's business.

Mr. Richard Valle, a member of the Kings County Board of Supervisors who represents the Kettleman City area, asked how the Committee would present its final report to the Board and when it was likely to do so. Mr. Hogan stated the Committee's final report would be in writing and submitted to County staff for delivery to the Board. He stated the report would be prepared after the Committee's dialogue with CWMI was completed, which should occur within the next several weeks. Supervisor Valle stated that he planned to ask the Board to hold a meeting in Kettleman City to receive the Committee's report. Supervisor Valle also stated that he hoped to have the Board hold at least one meeting each year in Corcoran, Avenal and other communities.

Mr. Alicia Jacobo, a resident of Kettleman City, stated that she had worked on the Environmental Justice grant concerning the safe crossing of SR-41 and that Item No. 5 on the Committee's list supports the issues developed at the Community Plan meetings held in Kettleman City for the General Plan Update.

**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. Hogan announced that the list of potential measures and special benefits had been updated and copies in English and Spanish had been distributed with the agenda for the meeting. (A copy of the list is attached to these minutes.) The revisions to the list were intended to consolidate related items and no substantive additions or deletions were made. The list now contains ten items, which were distilled from the running list of potential measures and special benefits that has been compiled in the course of the Committee's meetings over the past year and the community roundtable meetings conducted by the Committee's consultants in December, 2008. Chairman Grewal invited public comment on the agenda item, which was received as described above.

**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, the Committee asked staff to invite a representative of the San Joaquin Valley Air Pollution Control District (APCD) to participate in the next special meeting. In order to continue the dialogue with the project proponent, a motion was made and seconded (Block/Ware) to establish March 5, 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.

Thereafter, the Committee expressed a desire to change the location of the next regularly scheduled monthly meeting of the Committee to Kettleman City. Accordingly, a motion was made and seconded (Block/Deming) to conduct the next regularly scheduled meeting of the Committee on March 12, 2009, at 6:00 p.m., at the Kettleman City Community Center, 75 Fifth Street, Kettleman City, CA. Motion carried unanimously.

**MISCELLANEOUS:**

**FUTURE MEETINGS:**

Pursuant to the motions adopted above, the next special meeting of the Committee is scheduled for Thursday, March 5, 2009, at 6:00 p.m. in the Kettleman City Community Center, and the next regularly scheduled meeting of the Committee is scheduled for Thursday, March 12, 2009, at 6:00 p.m. in the Kettleman City Community Center.

**CORRESPONDENCE:**

Mr. Hogan reported the receipt of a letter from FedEx Kinko's Office and Print Center, apologizing for printing an incorrect agenda for the meeting on February 26, 2009. (A copy of the letter is attached to these minutes.) The mistake was rectified by County staff and the correct agenda was posted and mailed within the time required by law.

**STAFF COMMENTS:**

None.

**COMMITTEE COMMENTS:**

Chairman Grewal requested that persons attending the meeting use the sign-in sheet. Chairman Grewal also thanked Supervisor Richard Valle for taking the time to attend and participate in the meeting.

**ADJOURNMENT:**

With no further business before the Committee, the meeting was adjourned at 8:08 p.m.

Respectfully Submitted,

**KINGS COUNTY LOCAL ASSESSMENT COMMITTEE**

**Vern Grewal, Chairman**