

**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

March 5, 2009

CALL TO ORDER:

The special meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 6:10 p.m. on March 5, 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, Mari Lynn Starrett.

MEMBERS ABSENT: None.

STAFF PRESENT: Sandy Roper, Chuck Kinney.

CONSULTANTS PRESENT: John Boogaert, Michael Hogan.

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

SUMMARY OF AGENDA:

Chairman Grewal announced that translation services were available and the translator announced her services in English and Spanish. There was no request for translation services. Mr. Hogan then summarized the agenda.

APPROVAL OF MINUTES:

A motion was made and seconded (Verboon/Deming) to approve the minutes of the meeting of February 26, 2008. Motion carried unanimously.

OLD BUSINESS:

Chairman Grewal announced that Agenda Items 1 and 2 under AOld 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.**
- 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.**

On behalf of the Committee, Mr. Hogan stated that the list of potential measures and special benefits (list), which contained the additional information regarding cost estimates that was discussed at the last meeting, was being translated into Spanish and would be made available at the next meeting of the Committee. Mr. Hogan also stated that he had prepared the explanation requested by the project proponent, Chemical Waste Management, Inc. (CWMI), of the connection between the items on the list and operation of the Kettleman Hills Facility (KHF), and that copies were provided to CWMI and were available at the sign-in table. (A copy of the explanation is attached to these minutes.) Because the explanation had just been completed, it would be translated into Spanish and copies would be provided at the next meeting.

The Committee and CWMI then continued their dialogue concerning the items on the list. Mr. Hogan asked for CWMI=s response to the information presented last week concerning the cost of the various items on the list. Mr. Jan Kahn, an attorney for CWMI, stated that it disagreed with the Committee=s explanation of the connection between the items on the list and the operation of the KHF. He stated that CWMI did not believe there was a connection, except with respect to three items: the safe crossing of SR-41; the KHF=s emergency Contingency Plan; and the request for information about the placards which must be displayed on trucks hauling hazardous materials. Mr. Kahn stated CWMI=s belief that the other items on the Committee=s list were not related to operation of the KHF.

Mr. Kahn also stated that CWMI had prepared a written proposal, in the form of a letter to Chairman Grewal and Mr. Hogan dated March 5, 2009. (A copy of the proposal is attached to these minutes.) Mr. Kahn distributed copies of the CWMI proposal and read its terms. The representatives of CWMI and the members and staff of the Committee then engaged in a

dialogue concerning the CWMI proposal and the Committee's list of conditions and special benefits as follows:

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.*

The CWMI proposal offers to provide \$100,000 to fund a community health survey in Kettleman City to be conducted by the Central Valley Health Policy Institute under the auspices of CSU Fresno. The Committee agreed the CWMI proposal would fully address Item No. 1 on the Committee's list. Accordingly, the Committee and CWMI have reached agreement on this item.

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

In response to Mr. Kahn's request at the previous meeting, Mr. Hogan provided CWMI with information received from the Kettleman City Community Services District (CSD) concerning the cost of constructing a new water treatment plant in Kettleman City. (A copy of the cost information is attached to these minutes.)

The CWMI proposal offers to pay the existing water debt of the CSD in the amount of \$525,000. Mr. Kahn stated that the CWMI proposal would include the amount of existing debt stated in the CSD water treatment plant cost estimate, which is \$552,300. Member Deming asked how much each ratepayer in the community would save if the Committee accepted the CWMI proposal. Staff was asked to obtain this information for the next meeting.

Mr. Hogan explained the connection between the Committee's request for CWMI to contribute \$3.5 million, on an amortized basis, to the cost of a new water treatment plant and the Committee's duties under the Tanner Act. According to the Draft Subsequent EIR for the proposed project, the KHF presently uses 100,000 to 500,000 gallons per day of water from wells in the Kettleman City area. The wells are located near the wells which provide water to Kettleman City residents. If the the proposed project were approved, the KHF would continue to draw water from the same aquifer as Kettleman City for an additional 30-35 years. In light of the reported water supply and water quality problems in the community, a significant contribution from CWMI to the cost of a new water treatment plant would be a condition that would protect the public health, welfare and environment and would be a special benefit provided by CWMI as compensation for the local costs associated with operation of the KHF. Mr. Hogan also stated that the amount of the requested contribution, amortized over the life of the proposed new conditional use permit, is not a very large amount when compared to the value of the 30-35 years of additional capacity requested by CWMI,

Mr. Kahn stated that it was inappropriate for the Committee to consider the financial value of the additional capacity sought by CWMI. Mr. Henry stated that the Final Subsequent EIR will provide additional information concerning the KHF's water supply. In response to Chairman Grewal's request, Mr. Henry agreed to bring this information to 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.*

CWMI's proposal does not address this item. In response to Chairman Grewal's inquiry, Mr. Kahn stated that CWMI would not agree to allow the use of its air quality monitoring equipment, that there was a credibility problem in that the Kettleman City residents did not trust CWMI's air quality monitoring information, and that such monitoring was the responsibility of public agencies like the San Joaquin Valley Air Pollution Control District (SJVAPCD).

In response to the Committee's request at the previous meeting, Mr. Chuck Kinney of the Kings County Development Services reported that the County had invited the Executive Director of the SJVAPCD to speak to the Committee and that he promised to have a representative of the SJVAPCD attend the next meeting of the Committee. Member Deming stated that she also had spoken with the Executive Director and he promised to have someone from the SJVAPCD at the next meeting of the Committee.

Chairman Grewal asked CWMI to make its air monitoring reports available to the community. Mr. Henry stated that CWMI submits the reports to the California Department of Toxic Substances Control (DTSC) and the reports are public records, so they can be obtained from the public agencies.

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

CWMI's proposal does not address this item. In response to Chairman Grewal's inquiry, Mr. Kahn stated the CHI program only serves five children from Kettleman City and CWMI does not believe there is any connection between this item and operation of the KHF. Mr. Hogan explained the connection is that CWMI's providing funding for health insurance would protect the public health and welfare by ensuring the continued provision of health care insurance for children in need and would provide a special benefit or remuneration to residents of the County, including children in Kettleman City, Avenal and Stratford, as compensation for local costs associated with operation of the KHF. These costs include the environmental impacts described in the Draft Subsequent EIR for the proposed project, as well as the burdens and stigma associated with being the communities located closest to a hazardous waste facility, which will continue for an additional 30-35 years past the anticipated closing date of the KHF in 2010 if the proposed project is approved.

Mr. Kahn also stated this request for funding is too open-ended and there is limit on the cost, number of years or number of participants. Mr. Hogan stated that the Committee is willing to discuss setting those type of limits on the requested funding. Member Verboon stated that the funding requested in this item appeared open-ended, but the Committee and CWMI should continue their dialogue in order to agree on some limits.

Member Starrett asked how many children from Kettleman City were presently participating in the CHI program. Mr. Hogan reported that Ms. Leanne Roberts and Ms. Elizabeth Gazarek of the Kings County Department of Health, stated that there were 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). Chairman Grewal stated that the Committee would continue dialogue on this item at the next meeting.

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 ASafe Crossing Project.@*

The CWMI proposal offers to pay ten percent (19%), up to a maximum of \$150,000, toward construction of the Caltrans ASafe Crossing Project@ for SR-41 in Kettleman City.

At the previous meeting of the Committee, Mr. Blane Frandsen, a member of the public, suggested the Committee explore the availability of funding through the federal and state ASafe Routes to School@ program. Mr. Hogan obtained additional information from Caltrans concerning this program, and is contacting the Kings County Public Works Department about whether it would support an application for funding the interim measures discussed at the previous meeting (e.g., electronic speed signs).

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.*

The CWMI proposal offers to provide the Kettleman City Library with a description and visual sign placards (in English and Spanish) for hazardous substance and hazardous waste transportation.

Member Deming asked whether CWMI would conduct an informational meeting about the placards that hazardous waste hauling trucks are required to display and Mr. Henry said that it would be willing to do so. There was no further dialogue concerning this item.

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.).*

The CWMI proposal offers to provide funding in the amount of \$450,000 to the Reef Sunset School District for construction of a pavilion, parking lot, walking track and soccer field lighting on the grounds of the Kettleman City Elementary School. Member Ware asked whether this proposal was in addition to the things CWMI already is doing for the recreation area and Mr. Henry stated that it was. The Committee agreed the CWMI proposal would fully address Item No. 7 on the Committee's list. Accordingly, the Committee and CWMI have reached agreement on this item.

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

Member Deming asked whether staff had followed up on the suggestion at the previous meeting by Mr. Blane Frandsen, a member of the public, that the Committee explore whether income from advertisers could defray the cost of the shelter. Mr. Hogan reported that he had contacted the Kings Area Rural Transit (KART), which stated that there were few, if any, companies interested in advertising on rural bus shelters and that a number of companies which presently advertised at KART shelters were cancelling their contracts due to current economic conditions. Member Ware asked staff to find out who paid for the bus shelter in Stratford. Mr. Henry stated a permanent bus shelter could be incorporated into the plan to be developed by the Kings County Association of Governments through the Environmental Justice grant for the safe crossing of SR-41. Chairman Grewal stated that the Committee would continue the dialogue on this item at the next meeting.

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

Member Deming asked whether CWMI would be willing to participate in a disaster preparedness workshop on an annual basis and Mr. Henry said that it would. There was no further dialogue concerning this item.

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

There was no dialogue concerning this item.

Chairman Grewal invited public comment on Agenda Items Nos. 2 and 3. There was no public comment.

Mr. Henry stated that the CWMI proposal involves a significant amount of money and that CWMI is a good company and is willing to make a contribution to the community. Member Block commented that CWMI already is doing a number of things in the Kettleman City community. Chairman Grewal acknowledged CWMI=s contributions to the community and emphasized that the items on the Committee=s list are additional contributions CWMI can make in recognition of its request for approval of a permit which would allow it to continue operations at the KHF for an additional 30-35 years.

Mr. Kahn asked why it was necessary for the Committee to hold another meeting in light of the fact that CWMI had submitted its proposal. Mr. Hogan stated that the topics which would be covered at the next meeting of the Committee would include continued dialogue on the items on the Committee=s list on which an agreement had not yet been reached and new and additional information regarding the items on the Committee=s list. Mr. Hogan also stated that the Committee may also consider whether it wishes to hire a consultant to obtain additional information to assist the Committee, or to request the assistance of the Governor=s Office of Permit Assistance, with respect to any differences with CWMI concerning items on the Committee=s list that have not yet been agreed on.

NEW BUSINESS: None.

MISCELLANEOUS:

FUTURE MEETINGS:

The next regularly scheduled meeting of the Committee is take place on Thursday, March 12, 2009, at 6:00 p.m. in the Kettleman City Community Center.

CORRESPONDENCE:

None.

STAFF COMMENTS:

None.

COMMITTEE COMMENTS:

Member Block reported that Supervisor Richard Valle=s motion to hold meetings of the Kings County Board of Supervisors in Kettleman City and other communities at least once per year was not adopted by the Board of Supervisors at its meeting on Tuesday, March 3, 2009.

ADJOURNMENT:

With no further business before the Committee, the meeting was adjourned at 7:17 p.m.

Respectfully Submitted,

KINGS COUNTY LOCAL ASSESSMENT COMMITTEE

Vern Grewal, Chairman