

**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 29, 2009

CALL TO ORDER:

The special meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 6:15 p.m. on January 29, 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: 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. 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/Block) to approve the minutes of the meeting of January 8, 2008. Motion carried unanimously.

OLD BUSINESS:

None.

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 presented a list in Spanish and English of eleven "Potential Measures and Benefits that Could Be Provided by Waste Management." A copy of the list is attached to these minutes. The list was distilled from a longer 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 discussed at the previous meeting of the Committee. Mr. Noll reviewed each item on the list and asked the representatives of Chemical Waste Management, Inc. (CWMI) if they wished to comment on the list. Mr. Jan Kahn, the attorney for CWMI, thanked the Committee for its work, described the responsibilities of the Committee under the Tanner Act, and stated that CWMI would evaluate each item on the list to determine whether it fell within the purview of the Committee's statutory responsibilities. Mr. Noll stated that the Committee may have a broader interpretation of the Tanner Act regarding the conditions and benefits which may be the subject of the dialogue between the Committee and CWMI in light of the substantial concern expressed by the community about living so close to a hazardous waste facility and how that affects the quality of life in the community. Chairman Grewal stated that an environmental impact report has been prepared for the proposed project which also may affect the dialogue between the Committee and CWMI.

Chairman Grewal inquired whether any members of the public wished to comment on the list of Potential Measures and Benefits that Could Be Provided by Waste Management. One member of the public expressed concern that there was no mention of the community of Avenal. Another member of the public spoke at length about the general fears and concerns of the community in Kettleman City concerning contaminated water and air and children born with birth defects. He stated his desire to focus on the risks and dangers of the proposed project, not the benefits it might provide. A long discussion followed in which members of public, members of the Committee and representatives of CWMI discussed various concerns regarding the proposed project and the statutory duties of the Committee with respect to 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.**

Christina Lehn, Transportation Planner of the Kings County Association of Governments (KCAOG), presented a status report on the Environmental Justice grant received by KCAOG to improve the safety of the SR-41 crossing in Kettleman City. The grant funds are for planning only and cannot be used for construction. KCAOG is waiting for release of the funds by the State of California. When the funds are released, KCAOG will begin holding community meetings to consider plans for the needed improvements.

Debbie Grice, Clinical Quality and Compliance Manager for Central Valley Family Health, Rural Health Clinic Administration, presented a status report on the anticipated opening of a clinic in Kettleman City on or about April 1, 2009. The tasks remaining to be completed before the clinic can open include finalizing negotiations and obtaining approval of a lease with Kings County, and obtaining certification of the building by the California Department of Health Services.

Several members of the public expressed concern about the high incidence of birth defects (cleft palates) in children born in Kettleman City. An extended discussion followed concerning birth defects in Kettleman City. Ms. Grice reported that information available from clinics operated by Central Valley Family Health in its 2,500 square mile service area indicated that Kettleman City did not experience any significantly different health problems than other communities. Mr. Bob Henry of CWMI stated that the Kettleman Hills Facility (KHF) does not cause any water or air pollution that would result in birth defects and offered to conduct a tour of the KHF for any interested member of the public to help provide accurate information and to dispel rumors about the KHF. After further discussion, members of the public requested that the list of Potential Measures and Benefits that Could Be Provided by Waste Management be expanded to include a health survey to determine the cause of the high number of birth defects occurring in Kettleman City. The speakers, including Alisha Jacobo and other residents of Kettleman City, identified a health survey as the number one concern in the community.

3. **Consider changing the location of the next regularly scheduled meeting of the Local Assessment Committee on February 12, 2009, to Kettleman City, CA.**

The rules and procedures adopted by the Committee provide for the regularly scheduled meeting of the Committee to be held on the second Thursday of each month at the Kings County Government Center in Hanford, CA. A motion was made and seconded (Deming/Block) to change the location of the next regularly scheduled meeting of the Committee on February 12, 2009, to the Kettleman City Community Center, 75 Fifth Street, Kettleman City, CA. Motion carried unanimously.

4. **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.**

Mr. Noll presented a written Boogaert & Noll Proposed Budget through February, 2009. Chairman Grewal acknowledge receipt of the proposed budget and recommended the Committee be given an opportunity to review the budget and consider it at the next meeting of the Committee as an agenda item under Old Business. A copy of the proposed budget is attached to these minutes.

MISCELLANEOUS:

FUTURE MEETINGS:

The next special meeting of the Committee is scheduled for Thursday, February 5, 2009, at 6:00 p.m. in the Kettleman City Community Center.

CORRESPONDENCE:

Mr. Noll reported the receipt of email correspondence from Mr. Bradley Angel of Greenaction, dated January 29, 2009, in which Mr. Angel acknowledged receiving notice of the Committee's special meeting on February 5, 2009, and objected to the Committee holding a meeting the night after a meeting scheduled to be conducted by the U.S. Environmental Protection Agency in Kettleman City on February 4, 2009, concerning the proposed project. A copy of the correspondence is attached to these minutes.

Mr. Hogan reported the receipt of an Update regarding the Kettleman City Safety and Community Study Environmental Justice Grant, dated January 8, 2009, from Christina Lehn, Transportation Planner of the Kings County Association of Governments, which provides information concerning the project to improve the safety of crossing SAR-41 in Kettleman City. A copy of the update is attached to these minutes.

STAFF COMMENTS:

None.

COMMITTEE COMMENTS:

None.

ADJOURNMENT:

With no further business before the Committee, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

KINGS COUNTY LOCAL ASSESSMENT COMMITTEE

Vern Grewal, Chairman

**KINGS COUNTY LOCAL ASSESSMENT COMMITTEE FOR THE
PROPOSED CHEMICAL WASTE MANAGEMENT, INC.
KETTLEMAN HILLS FACILITY
HAZARDOUS WASTE FACILITY EXPANSION PROJECT
CONDITIONAL USE PERMIT NO. 05-10**

Voluntary Sign in Sheet

January 29, 2009

NAME	MAILING ADDRESS
1. Peter Garza	P.O. Box 665 Kettleman City 93239
2. Paul Turek	Kettleman Hills Facility
3. Chuck Kinney	1400 W. LACEY BLVD HANFORD CA. 93230
4. SANDY ROPER	1400 W. LACEY BLVD, HANFORD CA 93230
5. BOB MORANUS	P.O. BOX 662108 ARCADIA, CA. 91066
6. BOB HENRY	KETTLEMAN HILLS FACILITY
7. Jan Kahn	219 N. Doty St., Hanford.
8. JOVITA VINCENT	P.O. Box 1481, HANFORD
9. Johnny Fleming	700 E. Merced Avenue, Ca. 93204
10. Jhannah Harley	1400 W Lacey Blvd, Hanford, CA 93230
11. Debbie Grice	1479 W. Lacey Blvd Hanford CA 93230
12. Chris Speelman	2477 W. 11 th Ave Hanford, CA 93230
13. Thomas Pruido	800 Kern St. Avenal
14.	

The signing of the sign in sheet is voluntary and all persons may attend the meeting regardless of whether a person signs the sign in sheet.

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

Potential Measures and Benefits that could be Provided by Waste Management

1. Provide funding to construct new water treatment facility (Needed: \$3.5 million)
2. Use Waste Management portable air quality monitoring equipment to monitor air quality in Kettleman City on a monthly basis
3. Prevent waste hauling trucks from parking in residential areas of Kettleman City
4. Improve and maintain existing community park, including new recreation amenities (e.g., playground equipment, basketball courts, picnic tables, barbeques, etc.)
5. Provide solid waste management, including placement of trash receptacles in open space, park and downtown areas and removal of illegally dumped trash
6. Install permanent shelter at bus stop at corner of General Petroleum and Becky Pease Street
7. Provide information about the Kettleman Hills Facility's disaster preparedness plan for earthquakes and other emergencies and natural disasters
8. Install improvements to Kettleman City Elementary School recreation area
9. Provide health insurance enrollment for children (0-18) in the Child Health Initiative Program
10. Participate in funding for construction of the SR-41 crossing eventually designed and approved.
11. Continue working with Kings County and Caltrans on "Safe Crossing Project."

Posibles Medidas para Proteger la Salud Pública, Seguridad, Bienestar Social y Medio Ambiente y Beneficios Especiales que se Proporcionan Como Indemnización para los Gastos Locales Relacionados con la Operación de la Facilidad Kettleman Hills

Las Medidas y los Beneficios Potenciales que Podrían Ser Suministrados de Waste Management

1. Proporcionar fondos para construir nuevas instalaciones de tratamiento de agua (Necesita: \$3.5 millones)
2. Usar los equipos portátiles de monitoreo de Waste Management para controlar la calidad del aire en Kettleman City sobre una base mensual
3. Impedir que los residuos de los camiones de transporte de aparcamiento en zonas residenciales en la ciudad de Kettleman
4. Mejorar y mantener el parque existente de la comunidad, incluidos los nuevos servicios de recreación (por ejemplo, juegos infantiles, canchas de baloncesto, mesas de picnic, barbacoas, etc)
5. Proporcionar la gestión de residuos sólidos, incluida la colocación de los recipientes de basura en los espacios abiertos, parques y zonas del centro y la eliminación de los vertidos ilegales de basura
6. Instalar en la vivienda permanente de autobús en la esquina de las calles General Petroleum y Becky Pease Street
7. Proporcionar información sobre el plan de la Facilidad de Kettleman Hills de preparación para desastres para los terremotos y otras situaciones de emergencia y desastres naturales
8. Instalar mejoras a Kettleman City área recreativa de la Escuela Primaria
9. Proporcionar seguro de salud para los niños de matrícula (0-18) en el Programa de Iniciativa de Salud Infantil
10. Participar en la financiación para la construcción del cruzando SR-41 que será diseñado y aprobado.
11. Continuar trabajando con el Condado de Kings y Caltrans sobre "La seguridad del Proyecto Cruce".

**Boogaert & Noll Proposed Budget
through February, 2009**

	Time	Rate	Total	Expense	Mileage
LAC Meetings (1/15/2009, 1/29/2009, 2/5/2009,2/12/2009;2/19/2009					
Prepare, print, and deliver notices for five LAC meetings					
Timothy Sudical	60	\$115.00	\$6,900.00	\$1,600.00	\$415.00
Prepare for five meetings, including emails, telephone calls, and meetings					
D. Noll	20	\$400.00	\$8,000.00		\$415.00
J. Boogaert	10	\$400.00	\$4,000.00		\$415.00
Attend five meetings					
D. Noll	25	\$400.00	\$10,000.00		\$415.00
J. Boogaert	25	\$400.00	\$10,000.00		\$415.00
A. Boogaert	25	\$150.00	\$3,750.00		
T. Sudiactal	25	\$115.00	\$2,875.00		
Post-meeting follow-up, including emails, telephone calls, and meetings					
D. Noll	10	\$400.00	\$4,000.00		
J. Boogaert	10	\$400.00	\$4,000.00		
A. Boogaert	5	\$150.00	\$750.00		
T. Sudiactal	5	\$115.00	\$575.00		
Other LAC Tasks					
Follow-up on Cal Trans					
J. Boogaert	4	\$400.00	\$1,600.00		
Follow-up on Adventist health care					
J. Boogaert	4	\$400.00	\$1,600.00		
Follow-up on air quality issues					
T. Sudical	10	\$115.00	\$1,150.00		
Prepare Final Report					
D. Noll	10	\$400.00	\$4,000.00		
J. Boogaert	4	\$400.00	\$1,600.00		
Subtotal			\$64,800.00	\$1,600.00	\$1,600.00
Overhead and Administration			\$3,240.00		
Total			\$68,040.00	\$1,600.00	\$1,600.00
					\$71,240.00

**Presupuesto que se propone
a través de Febrero, 2009**

	Time	Rate	Total	Expense	Mileage
Encuentros del LAC (1/15/2009, 1/29/2009, 2/5/2009.2/12/2009:2/19/2009					
Preparar, imprimir y entregar las notificaciones de cinco reuniones del LAC					
Timothy Sudiactal	60	\$115.00	\$6,900.00	\$1,600.00	\$415.00
Preparar para cinco reuniones, incluyendo mensajes de correo electrónico, llamadas telefónicas y reuniones					
D. Noll	20	\$400.00	\$8,000.00		\$415.00
J. Boogaert	10	\$400.00	\$4,000.00		\$415.00
Asistir cinco reuniones					
D. Noll	25	\$400.00	\$10,000.00		\$415.00
J. Boogaert	25	\$400.00	\$10,000.00		\$415.00
A. Boogaert	25	\$150.00	\$3,750.00		
T. Sudiactal	25	\$115.00	\$2,875.00		
Trabajar despues de reuniones, incluyendo mensajes de correo electrónico, llamadas telefónicas y reuniones					
D. Noll	10	\$400.00	\$4,000.00		
J. Boogaert	10	\$400.00	\$4,000.00		
A. Boogaert	5	\$150.00	\$750.00		
T. Sudiactal	5	\$115.00	\$575.00		
Otras Tareas del LAC					
Hablar con Cal Trans					
J. Boogaert	4	\$400.00	\$1,600.00		
Hablar con Adventist Health Care					
J. Boogaert	4	\$400.00	\$1,600.00		
Hablar con las personas sobre la Calidad del Aire					
T. Sudiactal	10	\$115.00	\$1,150.00		
Preparar el Informe Final					
D. Noll	10	\$400.00	\$4,000.00		
J. Boogaert	4	\$400.00	\$1,600.00		
Subtotal			\$64,800.00	\$1,600.00	\$1,600.00
Los Gastos Generales y la Administración			\$3,240.00		
Total			\$68,040.00	\$1,600.00	\$1,600.00
					\$71,240.00

Kinney, Chuck

From: Bradley Angel [bradley@greenaction.org]
Sent: Thursday, January 29, 2009 1:46 PM
To: Kinney, Chuck; Zumwalt, Bill; 'Douglas E. Noll'
Cc: 'Bohigian, Tom (Boxer)'; manzanilla.enrique@epa.gov; Garcia-Bakarich.Luis@epamail.epa.gov; 'Nathan Schumacher'; anna@greenaction.org; alatmig@netzero.net; ibrostrom@gmail.com; 'Luke Cole'; 'Marybelle Nzegwu'; 'REY LEON'; 'Eiji Yamashita'; rplevin@fresnobee.com; ejimenez@fresnobee.com
Subject: FEB 5TH LAC MEETING JUST ANNOUNCED IS ANOTHER VIOLATION

We have just received a notice from you for a LAC meeting on February 5th.

It appears that this meeting was scheduled either intentionally or negligently to minimize public participation.

As you are well aware, the USEPA has scheduled and publicized a meeting for February 4th in Kettleman City to discuss the proposed PCB dump permit.

Unlike your high paid consultants who received \$150,000 for a few months part time work, residents do not have the time or resources to go to meetings night after night.

This is yet another slap in the face of residents, another step in your attempt to pretend you have public participation in your effort to ram a permit expansion through for your friends at Chem Waste.

WE OBJECT, AGAIN, to yet another violation of environmental justice and the intent of the Tanner Act.



Kings County Association of Governments

339 W. "D" Street, Suite B ❖ Lemoore, California 93245
(559) 582-3211 extension 2654 FAX (559) 924-5632
www.countyofkings.com/kcag

Member Agencies: Cities of Avenal, Corcoran, Hanford and Lemoore, County of Kings

Update regarding the Kettleman City Safety and Community Study Environmental Justice Grant January 8, 2009

Kings County Association of Governments (KCAG) anticipates entering into an agreement with Caltrans in March 2009, which would signify the official start for work on the Kettleman City Safety and Community Study Grant. After this agreement is prepared and signed, the first task will consist of preparing a Request for Proposals and obtaining a qualified planning consultant to provide technical expertise during the grant activities.

Our goal is to follow up on the Kettleman City Community Study issues regarding improving the safety of the crossing of SR 41 at Petroleum Avenue and community identity with a gateway design for the entrance to Kettleman City.

It is estimated that the first public workshops would be held this summer, if there are no delays resulting from the conflicts with the California budget.

We will be using a variety of ways to inform the community about upcoming workshop dates including, utility bill inserts, flyers, and notes sent home from the school.

In anticipation of the grant, if you would like to be involved in the public outreach process or in the planning of grant activities, please contact Christina Lehn at 559-582-3211 ext.2654 or email at chris.lehn@co.kings.ca.us.