

**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 Wasre, Vice-Chairperson
Ceil Howe Jr.

Jim Verboon
Mary Lynn Starrett
Kelly Deming

April 17, 2008

CALL TO ORDER: The Special Meeting of the Kings County Local Assessment Committee was called to order by Chairman Vern Grewal at 1:35 p.m. on April 17, 2008, in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California.

MEMBERS PRESENT: Vern Grewal, Aletha Ware, Kelly Deming, Ceil Howe Jr., Mary Lynn Starrett, Jim Verboon,

MEMBERS ABSENT: One vacancy

STAFF PRESENT: Bill Zumwalt, Chuck Kinney, Terri Yarbrough, and Kyle Sand (County Counsel)

CONSULTANTS PRESENT: Robert Mason (CH2M Hill) and Mike Hogan (Hogan Guiney Dick LLP)

VISITORS PRESENT: Helen Luibel, Ana Martinez, Paul Turek, Jan Kahn, Kit Cole, Randy Rickman, Maricela Mares-Alatorre

SUMMARY OF THE AGENDA: Bill Zumwalt reviewed the Agenda and explained the process.

UNSCHEDULED APPEARANCES:

Maricela Mares-Alatorre expressed concern regarding the make-up of the Local Assessment Committee. She stated she wasn't informed of the formation of the LAC and no Latinos were on the committee. Ms. Mares-Alatorre also said that the Brown Act was violated because People for Clean Air and Water weren't notified of the meeting.

OLD BUSINESS

None

1. NEW BUSINESS

The following informational presentations were presented to the LAC:

A. Review of California Health and Safety Code Section Related to the LAC's Responsibilities

Mr. Mike Hogan provided an overview of the California Health and Safety Code Section 25199.7 as it pertains to the LAC. Mr. Hogan reminded the Committee Members that they are representing the County and its citizens and it is their job to advise the appointing legislative body, the Board of Supervisors, "of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community." Mr. Hogan also informed the Committee the County staff is available for assistance and they may ask for a technical assistance grant to obtain help in understanding the documents. The Committee will be disbanded once their role is fulfilled.

B. Review of LAC's Rules and Procedures

Mr. Sand reviewed the Rules and Procedures as outlined in Kings County Resolution No. 05-01. Mr. Zumwalt advised the Committee that this meeting is a special meeting because there a requirement that a time and place be defined for future meetings. This should be voted on at the next meeting. The Committee was reminded that a quorum must be present in order for the Committee to conduct business. Mr. Zumwalt also advised the Committee Members that in order to receive mileage reimbursement they were required under AB1234 to take an ethic class. Mr. Zumwalt stated the requirement could be fulfilled by going to fppc.ca.gov and taking the class online.

C. Review of the Ralph M. Brown Act.

Mr. Sand provided a review of the Ralph M. Brown Act handout (attached). Mr. Sand stated that if a quorum, which is four or more members, meets anywhere together, they cannot discuss the project outside of a publicized meeting. This also includes emailing to four or more members. Mr. Zumwalt also stated that any independent investigation done or any information received from someone by any Committee Members regarding the project must be disclosed at the meeting as to what and where they learned the information. If a member wants to discuss a topic, make sure it's on the agenda. Mrs. Mares-Alatorre asked the Committee to consider holding the meetings after 5:00 p.m. so that community members and the public can participate. She also suggested that not holding the meetings at these times was a violation of the Brown Act. Mr. Sand stated that it was not a violation of the Brown Act. Mr. Bob Henry noted that there was an opening on the LAC for an affected business position. Mr. Zumwalt advised the audience how they could obtain an application.

D. Review of the Permitting Process

Mr. Zumwalt gave an overview of the permitting process for Conditional Use Permit No. 05-10.

E. Review of the Draft Subsequent Environmental Impact Report for Conditional Use Permit No. 05-10

Robert Mason from CH2M Hill, the County's EIR Consultant, provided a PowerPoint presentation along with a handout and discussed the proposed findings and recommendations in the Draft Subsequent Environmental Impact Report (DSEIR).

Recess

The Committee took a break from 3:45 p.m. to 3:50 p.m.

F. Review of regulatory agencies monitoring Chemical Waste Management's Kettleman Hills Facility

Mr. Robert Henry, manager of the Kettleman Hills Facility, provided a PowerPoint presentation regarding the regulatory monitoring by government agencies that are conducted at the facility.

MISCELLANEOUS

1. Correspondence:

A. Mr. Zumwalt noted that the Committee had been sent an email from Floyd Davis. Mr. Davis, a consultant for Kings County to assist staff with the LAC's activities, was unable to attend today's meeting but would be available to the Committee. Mr. Zumwalt also stated that the County staff is available at any time the Committee chooses to set their meetings. He also requested that the Committee set a date for a meeting to get input from the public.

A motion was made and seconded (Ware/Verboon) to hold a special meeting on May 8, 2008 at 1:30 p.m. in the Kings County Board of Supervisors Chambers. Motion carried unanimously.

B. An email was received from Bradley Angel expressing a concern of the make-up of the LAC and asking if any LAC member currently or in the past had business relations with Chem Waste, such as sending hazardous or solid waste to the Kettleman Hills facility? Mr. Grewal responded that he had worked for a Bay Area company which generated and managed hazardous waste. He did not know where the waste was sent. Mr. Zumwalt asked Mr. Hogan if there was anything that would prohibit someone from serving that worked for a company that sent waste to the Chemical Waste Management Facility. Mr. Hogan stated there is nothing in

the Health and Safety Code that prohibits that. Mr. Zumwalt also mentioned that the LAC members may be required to file statement of economic interest.

- C. An email was received from Ms. Terri Roberts, Director of the Office of Permit Assistance in the Governor's Office of Planning and Research, stating that she apologized that she could not be at the meeting today, but wanted to say that she felt it would be appropriate to hold meeting on this project in the Kettleman City Community. Kelly Deming asked if there were any informational meetings being held that are not LAC meetings. Mr. Zumwalt stated a meeting is scheduled on May 7, 2008 in the Board of Supervisors Chambers to close the EIR Public Comment Period. Mr. Henry also stated they held an open house last November at the Chemical Waste Management Facility and they would be holding an informational event at the Kettleman City Park this weekend.

2. Staff Comments:

Mr. Zumwalt stated that Chuck Kinney and Terri Yarbrough, County staff, are available for assistance as well as Kyle Sand, and County Consultants Floyd Davis, Bob Mason, and Mike Hogan.

3. Committee Comments:

Mrs. Ware state that Chemical Waste management has done a lot for Kettleman City, including providing free roll-off bins for resident's waste, improvements to the school, etc.

ADJOURNMENT - With no further business before the Committee, the meeting was adjourned at approximately 4:30 p.m.

Respectfully Submitted,

KINGS COUNTY LOCAL ASSESSMENT COMMITTEE



William R. Zumwalt, Committee Secretary