



# COMMUNITY MONITOR COMMITTEE

## Altamont Landfill Settlement Agreement

\*\*\* The Public is Welcome to Attend\*\*\*

### VOTING MEMBERS

*Chair*  
*Marj Leider*  
*City of Livermore*

*Cindy McGovern*  
*City of Pleasanton*

*Donna Cabanne*  
*Sierra Club*

*Arthur Boone*  
*Member*  
*N CRA*

### NON-VOTING MEMBERS

*Teresa Dominick*  
*Waste Management*  
*Altamont Landfill*  
*Resource and Recovery*  
*Facility*

*Eva Chu*  
*Alameda County*

*Robert Cooper*  
*Altamont Landowners*  
*Against Rural*  
*Mismanagement (ALARMA)*

### STAFF

*Judy Erlandson*  
*City of Livermore*  
*Public Works Manager*

## AGENDA

DATE: **Wednesday, July 8, 2009**  
TIME: **4:00 p.m.**  
PLACE: **City of Livermore**  
**Maintenance Services Division**  
**3500 Robertson Park Road**

1. Call to Order
2. Introductions
3. Roll Call
4. Approval of Minutes (May 13, 2009)
5. Open Forum This is an opportunity for members of the audience to comment on a subject not listed on the agenda. No action may be taken on these items.
6. Matters for Consideration
  - 6.1 **Presentation by StopWaste.Org staff member (StopWaste.Org informational items)**
  - 6.2 **Community Monitor Updates: Class 2 Soil File Review; Reports Received (ESA)**
  - 6.3 **Responses to Committee Members' Questions: Locations of Monitoring Wells; Special Occurrences Log Item (ESA)**
  - 6.4 **Review of Reports from Community Monitor (ESA)**
  - 6.5 **Amendment of ESA Contract (Staff Report)**
7. Agenda Building

This is an opportunity for the Community Monitor Committee Members to place items on future agendas.
8. Adjournment

The next regular Community Monitoring Committee meeting will take place at 3500 Robertson Park Road, Livermore.

### Informational Materials:

- Community Monitor Roles and Responsibilities
- List of Acronyms
- May 13, 2009 Draft Minutes
- Reports from ESA
- Informational items from StopWaste.Org

**City of Livermore**  
**TDD (Telecommunications for the Deaf)**  
**(925) 960-4104**

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CALL (925) 960-4586/4582 (VOICE) OR (925) 960-4104 (TDD) AT LEAST 72 HOURS IN ADVANCE OF THE MEETING.

The Community Monitor Committee Agenda and Agenda Reports are prepared by City staff and are available for public review on the Thursday prior to the Community Monitor Committee meeting at the Maintenance Service Center, located at 3500 Robertson Park Road, Livermore. The Community Monitor Committee Agenda is available for public review at the Civic Center Library, located at 1188 S. Livermore Avenue, Livermore, and on the bulletin boards located outside City Hall, located at 1052 S. Livermore Avenue, Livermore, and the Maintenance Service Center.

Under Government Code §54957.5, any supplemental material distributed to the members of the Community Monitor Committee after the posting of this Agenda will be available for public review upon request at 3500 Robertson Park Road., Livermore or by contacting us at 925-960-8000.

If supplemental materials are made available to the members of the Community Monitor Committee at the meeting, a copy will be available for public review at the Maintenance Service Center, at 3500 Robertson Park Road, Livermore

## **Community Monitor Committee Roles and Responsibilities**

Below is a summary of the duties and responsibilities of the Community Monitor Committee and related parties as defined by the Settlement Agreement between the County of Alameda, the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement, and Waste Management of Alameda County, Inc. The purpose of this document is to aid in determining if discussion items are within the scope of the Community Monitor Committee.

### **Community Monitor Committee's Responsibilities**

Under Settlement Agreement section 5.1.2, the CMC is responsible for supervising and evaluating the performance of the Community Monitor as follows:

- A. Interviewing, retaining, supervising, overseeing the payment of, and terminating the contract with the Community Monitor;
- B. Reviewing all reports and written information prepared by the Community Monitor; and
- C. Conferring with the Community Monitor and participating in the Five Year Compliance Reviews (next due 8/22/2010) and the Mid-Capacity Compliance Review (due when the new cell is constructed and capacity is close to 50%, unlikely to occur before 2028) (Condition number 6 of Exhibit A of the Agreement).

### **Community Monitor's Responsibilities**

The Community Monitor supplements and confirms the enforcement efforts of the County Local Enforcement Agency. The Community Monitor is primarily responsible for:

- A. Reviewing any relevant reports and environmental compliance documents submitted to any regulatory agency (sections 5.7.1, 5.7.2, and 5.7.3);
- B. Advising the public and the Cities of Livermore and Pleasanton about environmental and technical issues relating to the operation of the Altamont Landfill via the CMC (section 5.7.4);
- C. Presenting an annual written report summarizing the Altamont Landfill's compliance record for the year to the CMC and submitting the report to Alameda County and the Cities of Livermore and Pleasanton (section 5.7.5);
- D. Notifying the County Local Enforcement Agency and Waste Management of Alameda County of any substantial noncompliance findings or environmental risk (section 5.7.6);
- E. Monitoring and accessing the Altamont Landfill site and conducting inspections (section 5.7.7);
- F. Counting trucks arriving at the Altamont Landfill (section 5.7.8); and
- G. Reviewing waste testing data and source information (section 5.7.9).

### **Waste Management of Alameda County's Responsibilities**

Per the settlement agreement, Waste Management is responsible for:

- A. Paying for the services of the Community Monitor, based on an annual cost estimate (section 5.3.3).
- B. Paying an additional 20% over the annual cost estimate if warranted based on "credible evidence" (section 5.3.3).

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## List of Acronyms

Below is a list of acronyms that may be used in discussion of waste disposal facilities. These have been posted on the CMC web site, together with a link to the CIWMB acronyms page:

<http://www.ciwmb.ca.gov/LEACentral/Acronyms/default.htm>.

Updates will be provided as needed. This list was last revised on February 27, 2009.

### Agencies

ACWMA – Alameda County Waste Management Authority  
ANSI – American National Standards Institute  
ARB or CARB – California Air Resources Board  
ASTM – American Society for Testing and Materials  
BAAQMD – Bay Area Air Quality Management District  
CDFG or DFG – California Department of Fish and Game  
CIWMB – California Integrated Waste Management Board  
CMC – Community Monitor Committee  
DWR – Department of Water Resources  
LEA – Local Enforcement Agency (i.e., County Environmental Health)  
RWQCB – Regional Water Quality Control Board  
SWRCB – State Water Resources Control Board

### Waste Categories

C&D – construction and demolition  
CDI – Construction, demolition and inert debris  
GSET – Green waste and other fine materials originating at the Davis Street Transfer Station, for solidification, externally processed.  
GWRGCT – Green waste that is ground on site and used for solidification or cover  
GWSA – Green waste slope amendment (used on outside slopes of the facility)  
MSW – Municipal solid waste  
RDW – Redirected wastes (received at ALRRF, then sent to another facility)  
RGC – Revenue generating cover

### Substances or Pollutants

ACM – asbestos-containing material  
ACW – asbestos-containing waste  
ADC – Alternative Daily Cover. For more information: <http://www.ciwmb.ca.gov/lqcentral/basics/adcbasic.htm>  
BTEX – benzene, toluene, ethylbenzene, and xylene (used in reference to testing for contamination)  
CH<sub>4</sub> – methane  
CO<sub>2</sub> – carbon dioxide  
DO – dissolved oxygen  
HHW – household hazardous waste  
LFG – landfill gas  
LNG – liquefied natural gas  
MTBE – methyl tertiary butyl ether, a gasoline additive  
NMOC – Non-methane organic compounds  
NTU – nephelometric turbidity units, a measure of the cloudiness of water  
RL – reporting limit: in groundwater analysis, for a given substance and laboratory, the concentration above which there is a less than 1% likelihood of a false-negative measurement.  
TCE - Trichloroethylene  
TDS – total dissolved solids  
TKN – total Kjeldahl nitrogen  
VOC – volatile organic compounds

### Documents

CCR – California Code of Regulations (includes Title 14 and Title 27)

CoIWMP – County Integrated Waste Management Plan  
JTD – Joint Technical Document (contains detailed descriptions of permitted landfill operations)  
MMRP – Mitigation Monitoring and Reporting Program  
RDSI – Report of Disposal Site Information  
RWD – Report of Waste Discharge  
SRRE – Source Reduction and Recycling Element (part of CoIWMP)  
SWPPP – Stormwater Pollution Prevention Plan  
WDR – Waste Discharge Requirements (Water Board permit)

General Terms

ALRRF – Altamont Landfill and Resource Recovery Facility  
BGS – below ground surface  
CEQA – California Environmental Quality Act  
CQA – Construction Quality Assurance (relates to initial construction, and closure, of landfill Units)  
CY – cubic yards  
GCL – geosynthetic clay liner  
GPS – Global Positioning System  
IC engine – Internal combustion engine  
LCRS – leachate collection and removal system  
LEL – lower explosive limit  
mg/L – milligrams per liter, or (approximately) parts per million  
µg/L – micrograms per liter, or parts per billion  
PPE – personal protective equipment  
ppm, ppb, ppt – parts per million, parts per billion, parts per trillion  
STLC – Soluble Threshold Limit Concentration, a regulatory limit for the concentrations of certain pollutants in groundwater  
TTLC – Total Threshold Limit Concentration, similar to STLC but determined using a different method of analysis  
TPD, TPM, TPY – Tons per day, month, year  
WMAC – Waste Management of Alameda County



# COMMUNITY MONITOR COMMITTEE

## *Altamont Landfill Settlement Agreement*

Minutes of May 13, 2009

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### DRAFT

1. Call to Order

Ms. Leider called the meeting to order at 4:13 p.m.

2. Roll Call

Members Present:

Marj Leider, Chair; Cindy McGovern; Donna Cabanne; Arthur Boone; and Teresa Dominick, Waste Management Altamont Landfill Resource and Recovery Facility

Absent:

Eva Chu, Alameda County Local Enforcement Agent; and Robert Cooper, Altamont Landowners Against Rural Mismanagement;

Staff:

Judy Erlandson, City of Livermore Public Works Department; and Kelly Runyon, ESA, Community Monitor

Others:

Tianna Nourot, Waste Management Altamont Landfill Resource and Recovery Facility; and Carol S. Allen, Bay Area Air Quality Management District

3. Introductions

Introductions were waived.

4. Approval of Minutes

***On the motion of Ms. McGovern, seconded by Ms. Cabanne, and carried by a vote of 4-0, the minutes of the meeting of March 11, 2009 were approved.***

5. Open Forum

No comments were made.

6. Matters for Consideration

By consensus, Committee members agreed to begin with item 6.5 on the Agenda.

6.5 Presentation by BAAQMD Staff Member

Ms. Carol Allen, Senior Air Quality Engineer with the Toxic Evaluation Section of the Bay Area Air Quality Management District, gave a presentation titled "Altamont LNG Plant Air Emissions and Requirements." The slides from that presentation are in Exhibit A attached to these Minutes. In addition to the facts in Exhibit A, Ms. Allen provided the following information:

- Her duties include administering all BAAQMD permits for the ALRRF site.
- The BAAQMD has drafted the air permit revisions to allow expansion of the ALRRF into Fill Area 2 and has made those revisions available for public comment. Approximately two weeks remain in the comment period.
- The addition of the Liquefied Natural gas (LNG) plant to the existing landfill gas (LFG) control measures at the ALRRF satisfies current BAAQMD, State and Federal requirements for LFG control at the site for the foreseeable future.
- The LNG plant will be inspected quarterly by the ALRRF and at least once a year by the BAAQMD.
- Landfill gas turbine technology has reached the point where there is a turbine that can satisfy BAAQMD BACT (Best Available Control Technology) requirements. This is the “Mercury” model produced by Solar Turbines Inc.
- When Fill Area 2 becomes active, an LFG extraction system will need to be in place within one year, and the increased production of LFG will require that the ALRRF obtain air emission offsets.

In discussion, Committee members asked several questions regarding the intended use of the LNG produced by the plant. Ms. Dominick and Ms. Nourot gave the following responses:

- The LNG plant is expected to begin operation in June 2009.
- The LNG that is produced will be trucked to a Waste Management facility elsewhere in California (not in Alameda County) where there is a contractual requirement that LNG be used as fuel for refuse trucks. This is expected to require approximately one truck trip per day.
- The transfer trucks operated by Waste Management in Alameda County are not equipped to use LNG as fuel.
- There is no heavy landfill equipment currently able to use LNG as fuel.
- The internal-combustion engines currently being used at the ALRRF site were originally intended to produce electricity to supply the LNG plant.



## 6.1 Community Monitor Contact With Regulatory Agencies (staff report)

After discussion of the need for clarity regarding the ability of the Community Monitor (CM) to initiate contact with regulatory agencies to seek interpretation of the terms of the Settlement Agreement or the Conditional Use Permit, the Committee determined that if the CM believes that such contact is necessary, he should first discuss the need with Waste Management ; and if Waste Management objects to that contact, the CM should report on the situation to the Community Monitor Committee.

As part of this discussion, Mr. Runyon recommended that the question of when to install fences around alkali wetlands, required by CUP Condition 36, be dropped. The CM has consulted with a senior staff biologist at ESA, who noted that continued grazing in the alkali wetland areas is very unlikely to further degrade that wetland resource, prior to the opening of Fill Area 2, as grazing has been taking place in those areas for many years already. In fact the grazing in those areas may be supporting the wetland resource by providing weed control.

## 6.2 Community Monitor Updates: Class 2 Soil File Review; Groundwater Monitoring Report; Reports Received (ESA)

Mr. Runyon reviewed the staff memorandum and provided the following responses to CMC Members' questions.

Ms. Cabanne asked if the variations in concentration that are seen in the monitoring data are unusual. Mr. Runyon replied that for the concentrations currently being detected, these variations are not abnormal. They can reflect changes in barometric pressure, the temporary shutdown of LFG wells, or other influences.

Mr. Boone asked if the sources of the complex chemicals found in groundwater could be determined. Mr. Runyon replied that those substances may have been deposited with wastes or may have formed in the landfill.

Ms. McGovern asked for a description of the location of Well E-20B and E-21. Mr. Runyon stated that he would provide that at the next meeting.

## 6.3 Responses to Committee Members' Questions: Tracking of Arriving Loads; Detention Basin Debris; Special Occurrences Log Item (ESA)

Mr. Runyon reviewed the staff memorandum and provided the following responses to CMC Members' questions.

Ms. McGovern asked about the debris seen in Basin C. Mr. Runyon stated that the types of floating debris seen in Basin C included pieces of

polystyrene foam and other large, light objects that can easily roll, or be blown by the wind.

Ms. Cabanne asked for a description of the Special Occurrences Log item for which the entry was noted as “in progress” in February. Mr. Runyon stated that he would provide that description at the next meeting.

#### 6.4 Review of Reports from Community Monitor (ESA)

Mr. Runyon indicated that inspections in March and April had found no issues that merit discussion by the Committee.

Mr. Runyon also stated that the yellow highlight on the March inspection report, regarding erosion of the Basin B access road, would be removed for the record copy of this report, as this was not a significant issue in that location.

### 7. Agenda Building

Mr. Boone asked if a representative from StopWaste.Org (the Alameda County Waste Management Authority) could attend the next Committee meeting and explain the recently adopted ordinance banning plant debris from landfills in Alameda County. Ms. Leider said that she would contact staff at StopWaste.Org to try to arrange this.

Mr. Boone also stated interest in the following topics:

- The availability of LNG-powered landfill heavy equipment (Ms. Dominick stated that none is available currently).
- Reporting to Committee members on the COOL 2012 Campaign (Committee Members asked if they could discuss an informational item; Ms. Erlandson replied that Members may agree to discuss it and place it on the agenda, but the Community Monitor may not be able to investigate it).

### 8. Adjournment

The meeting was adjourned at 5:35 p.m. The next meeting will be held on **Wednesday, July 8 at 4:00 p.m.** at the Livermore Maintenance Services Division at 3500 Robertson Park Road.

## **Landfill Ban FAQ's**

**Q:** What is this new landfill ban?

**A:** It is a new Alameda law, passed by the Alameda County Waste Management Authority in early 2009, prohibiting landfill disposal of plant debris, also called "green waste." This includes grass, leaves, shrubbery and tree trimmings.

**Q:** Why is this law important?

**A:** Alameda County voters approved a goal of diverting 75 percent of all waste from landfill by 2010. Plant debris can be easily and economically composted and transformed into a valuable soil amendment. This reduces landfill volumes, improves soil health and helps Alameda County meet its voter-mandated diversion goal.

**Q:** What is considered "clean green" and what is not?

**A:** Materials banned from landfill in Alameda County include grass, leaves, shrubbery, vines, tree branches and trimmings (excluding palm trees). "Clean green" does not include lumber or manufactured wood products, although those materials may also be recoverable.

**Q:** How do I have to change what I've been doing to comply with the new law?

**A:** Most people have already been keeping plant debris separate by placing it in their green carts, or delivering it to the "clean green" area at a disposal facility (for a lower charge) where it is diverted from landfill. But large quantities of plant debris can be contaminated with just small amounts of trash, and the whole load then becomes garbage. This mixing needs to stop. Keep your plant debris "garbage-free."

**Q:** When does the new law go into effect?

**A:** While the new law is in effect now, the first phase is an informational and promotional campaign. Phase 2 begins October 1, 2009 and will involve warnings to those who don't keep their plant debris "garbage-free." Phase 3 begins January 1, 2010, and will involve potential fines to those who fail to separate their plant debris.

**Q:** Are there penalties if I don't comply? What are the penalties?

**A:** Violators of the ordinance may be subject to citations and fines of \$100, \$200 or \$500 for first, second or additional violations within a year. Facilities may be subject to higher fines. The goal of the ordinance is compliance and environmental protection, not the collection of fines.

**Q:** Who can I contact with questions or to learn more?

**A:** Click on the "Plant Debris Landfill Ban" button at [www.stopwaste.org](http://www.stopwaste.org) for more information. A toll-free hotline for Alameda County also has been set up. Call 1-888-893-9929 for more information.

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**ALAMEDA COUNTY PLANT DEBRIS LANDFILL BAN**  
**ORDINANCE #2008-01**

**IMPLEMENTATION GUIDELINES FOR "SOLID WASTE ENTERPRISES"**

On January 28, 2009, the Alameda County Waste Management Authority adopted an ordinance prohibiting the landfilling of plant debris in Alameda County and imposing certain compliance requirements on solid waste enterprises, self haulers, and waste generators. Some important definitions from the ordinance include:

- (g) *“Disposal” means the final deposition of Solid Waste onto land, into the atmosphere, or into the waters of the state. “Disposal” includes but is not limited to the use of materials as “beneficial reuse,” as defined in 27 Cal. Code Regs. § 20686 or as the regulations may subsequently be amended or reorganized. “Disposal” does not include a Landfill’s use of material purchased by the Landfill. “Disposal” does not include the use of materials for a Landfill’s final erosion-resistant layer, as the term is used in 27 Cal. Code Regs. § 21090 or as the regulations may subsequently be amended or reorganized. To “Dispose” means to perform the act of Disposal.*
- (o) *“Plant Debris” means all accumulations of grass, leaves, shrubbery, vines, tree branches and trimmings that are normally associated with the care and maintenance of gardens and landscaping, except for palm trees and any parts of palm trees. “Plant Debris” does not include organic materials that have been unintentionally contaminated with materials that do not biodegrade, where the mixture has passed through a screen as follows: (1) the openings in a screen used by a Person processing source-separated organic Waste shall be no larger than one inch; and (2) the openings in a screen used by a Person engaged in Recycling shall be no larger than two inches.*
- (s) *“Significant Amounts” means more than ten percent (10%) by volume of the contents of the container or vehicle load, as ascertained through a visual inspection, or five (5) cubic yards, whichever is less.*
- (t) *“Solid Waste Enterprise” means (1) a franchised Refuse Hauler or a municipal Refuse Hauler that delivers Waste to Alameda County Transfer Stations or Landfills, and (2) a Transfer Station or a Landfill located in Alameda County.*

The ordinance also requires solid waste enterprises to submit Compliance Plans to the Authority, detailing ways in which the enterprise will assist in the implementation of the ordinance. Specifically:

**SECTION 6 (Compliance Plans)**

- (a) *Every owner or Operator of a Solid Waste Enterprise shall submit a Compliance Plan to the Authority that describes the actions to be taken to comply with this Ordinance and help prevent disposal of Covered Material at Alameda County Landfills.*

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- (b) *The Compliance Plan shall include the following:*
- (1) *Methods for preventing Covered Material from being Disposed in Alameda County Landfills.*
  - (2) *Methods for assisting the Authority in identifying Waste Generators that violate this Ordinance, including recording practices to be followed when noncompliance is observed.*
  - (3) *Procedures for redirecting Covered Material away from Alameda County Landfills, to the extent that such redirection is feasible and compliant with other applicable laws.*
  - (4) *For Transfer Stations and Landfills, a loadchecking program to prevent the acceptance of Covered Material. This program must at a minimum provide for:*
    - (i) *the number of random loadchecks to be performed;*
    - (ii) *recording of loadchecks; and*
    - (iii) *the training of personnel in the recognition, proper handling, and disposition of Covered Material.*
  - (5) *For Transfer Stations and Landfills, description of efforts the facility will take to install informative signage regarding the Covered Material ban at facility entrances and at waste receiving areas. The signage shall consist of permanent visible signs, prominently displayed, clearly indicating that Covered Material is prohibited from Disposal and delivery for Disposal. These signs shall be in place within 30 days of approval of the Compliance Plan.*
  - (6) *Additional information requested by the Authority as necessary to determine compliance with the Ordinance and how best to achieve compliance with the Ordinance.*
  - (7) *Identification of any impediments to and suggestions relating to the ongoing implementation of this Ordinance.*
- (c) *Every owner or Operator of a Solid Waste Enterprise shall submit its proposed Compliance Plan to the Enforcement Official no later than 120 days after the effective date of this Ordinance.*
- (d) *The Enforcement Official will review the Compliance Plan for adequacy and make a determination as to its adequacy within 30 days of receiving the Compliance Plan. Adequacy determinations shall be based on the inclusion of all elements required in Section 6(b) of this Ordinance and on the inclusion of all reasonable measures to effectively prevent the disposal of Covered Material at Alameda County Landfills. Each Solid Waste Enterprise must have an approved Compliance Plan in place no later than 180 days after the effective date of this Ordinance.*
- (e) *Every owner or Operator of a Solid Waste Enterprise must submit an annual report detailing the steps taken during the course of the prior year to comply with the Solid Waste Enterprise's Compliance Plan. The first annual report shall be for the period through June 30, 2010, and shall be due on July 31, 2010. Subsequent annual reports shall be due at the end of July for each year thereafter. Failure to comply with an approved Compliance Plan shall constitute a violation of this Ordinance*
- (f) *An owner or Operator of a Solid Waste Enterprise shall update or revise the existing Compliance Plan if the Enforcement Official determines that revision is necessary to achieve compliance with this Ordinance.*

***DRAFT***

Compliance Plans represent the checklist of ways in which solid waste haulers and facility operators will participate in publicizing, implementing and enforcing the ordinance.

For transfer station and landfill operators, the Compliance Plans will consist of the following elements:

- Signage/information dissemination
- Fees/Rate schedules
- Designated area(s) for "clean green" materials separate from refuse disposal
- Load check protocols
- Reporting

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**ATTENTION: THERE'S A NEW LANDFILL BAN.**



**STOPWASTE.ORG**  
1537 WEBSTER STREET  
OAKLAND, CA 94612

**SEPARATE YOUR  
PLANT DEBRIS,  
& PAY NO PENALTY.**

**KEEP PLANT DEBRIS  
GARBAGE-FREE.  
IT'S THE LAW.**



# AS OF MARCH 2009 YOU ARE REQUIRED TO KEEP PLANT DEBRIS OUT OF THE LANDFILL.

When you handle plant debris properly, you are helping Alameda County turn it into rich compost that enriches the soil of California farms. But it can't be done without your compliance. You must separate the materials listed below from trash. Recycling plant debris conserves resources for future generations, supports a healthy ecosystem, and reduces waste. **Help Alameda County enforce this new ordinance: KEEP PLANT DEBRIS GARBAGE-FREE. IT'S THE LAW.**



IN ACCORDANCE WITH THE NEW ALAMEDA COUNTY ORDINANCE 2008-01:

## ALL PLANT DEBRIS MUST BE SEPARATED AND RECYCLED

*Plant debris includes:*

- GRASS
- LEAVES
- SHRUBBERY
- VINES
- TREE BRANCHES & TRIMMINGS  
(EXCLUDING PALM TREES)



DE ACUERDO CON EL REGLAMENTO NUEVO 2008-01 DEL CONDADO DE ALAMEDA:

## TODOS LOS DESECHOS DE PLANTAS DEBEN SEPARARSE Y RECICLARSE

*Los desechos de plantas incluyen:*

- PASTO O ZACATE
- HOJAS
- MATAS
- ENREDADERAS
- RAMAS Y RECORTES  
DE ÁRBOLES  
(EXCLUYENDO PALMERAS)

## VALUABLE GIVE-AWAYS!

COMPLY AND YOU COULD WIN \$25 OFF YOUR NEXT LOAD,  
A FREE TARP, OR A FREE PAIR OF GARDENING GLOVES.  
LOADS WILL BE RANDOMLY CHECKED. UP TO \$500 FINE FOR NON-COMPLIANCE.

For more information please go to  
[StopWaste.Org](http://StopWaste.Org)

or call the Landfill Ban Hotline  
**(888) 893-9929**

## ORDINANCE 2008-01

### AN ORDINANCE PROHIBITING THE DISPOSAL OF CERTAIN MATERIALS AT ALAMEDA COUNTY LANDFILLS

The Board of the Alameda County Waste Management Authority (“Authority”) ordains as follows:

#### SECTION 1 (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Section 1 through Section 12.

#### SECTION 2 (Findings)

- (a) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management (“JPA”). The JPA grants the Authority the power, duty, and responsibility to prepare, adopt, revise, amend, administer, enforce and implement the County Integrated Waste Management Plan (“CoIWMP”), and the power to adopt ordinances necessary to carry out the purposes of the JPA.
- (b) The prohibition of certain recyclable and compostable materials at Alameda County landfills is reasonably necessary to carry out the purposes of the JPA and implement the CoIWMP, including the following goals and policies. Goal 2 of the CoIWMP calls on the Authority and its member agencies to “achieve maximum feasible waste reduction” and to “reduce the amount of waste disposed at landfills through improved management and conservation of resources.” Objective 2.1 is to “achieve countywide waste reduction of 75 percent by 2010.” Policy 2.1.1 adopts a waste management hierarchy that ranks management of waste through source reduction and then recycling and composting above landfill disposal. Policy 4.1.1 of the CoIWMP is to “promote conservation of landfill capacity.” Policy 4.4.1 states that “the Authority shall encourage feasible waste reduction operations at landfills and transfer stations.”
- (c) The State of California through its Integrated Waste Management Act of 1989, Assembly Bill 939 (AB 939), required that each local jurisdiction significantly increase its diversion of discarded materials from landfills to 50% by December 31, 2000, and thereafter maintain or exceed that diversion rate.
- (d) The Waste Reduction and Recycling Act of 1990 (Measure D), a ballot initiative passed by the voters of Alameda County, established the Alameda County Source Reduction and Recycling Board and the policy goal of reducing the total tonnage landfilled of materials generated in Alameda County by 75%.
- (e) While the quantity of plant debris being composted has increased over the last five years, significant quantities of plant debris continue to be landfilled. This material has significant potential for waste reduction and composting.
- (f) In order to implement the CoIWMP and meet the goal of 75% diversion by the year 2010, disposal must be significantly reduced from current levels.
- (g) Composting plant debris will further the Authority’s efforts to reduce waste and

implement the CoIWMP, AB 939, and Measure D.

- (h) Recycling conserves resources for future generations. Waste prevention and recycling decrease the need for virgin resources extracted from forests, oil reserves, and mines.
- (i) Recycling is an energy conservation method. The steps required to supply recycled materials to industry (i.e., collection, processing and transportation) use less energy than the steps in supplying virgin materials (i.e., extraction, refining, processing, and transportation). These energy savings translate into reduced greenhouse gas emissions.
- (j) There are facilities available that can effectively recycle, compost or otherwise process and market plant debris discarded in Alameda County and thereby divert such material from landfills while conserving resources and creating jobs.
- (k) Landfills are the leading source of anthropogenic methane. Methane, a potent greenhouse gas with a global warming potential 23 times greater than carbon dioxide, is produced when organic materials decompose under anaerobic conditions. Keeping organic materials such as plant debris, paper and food out of landfills is the best way to reduce the amount of methane generated at landfills.
- (l) The use of composted plant debris conserves water in landscapes.
- (m) The use of composted plant debris reduces the need for chemical fertilizers and pesticides, which are energy intensive to manufacture and transport.
- (n) The use of composted plant debris can help mitigate the decline in soil quality in California and Alameda County expected to result from climate change.

### SECTION 3 (Definitions)

The following definitions govern the use of terms in this Ordinance:

- (a) “Alameda County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.
- (b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.
- (c) “Authority Representative” means any agent of the Authority designated by the Authority to implement this Ordinance, including the County Local Enforcement Agency and private contractors hired for purposes of monitoring and enforcement.
- (d) “Compliance Plan” means the plan required pursuant to Section 6 of this Ordinance.
- (e) “Composting” means the controlled biological decomposition of organic Waste that is kept separate from the Refuse stream, or that is separated at a centralized facility.
- (f) “Covered Material” means Plant Debris.
- (g) “Disposal” means the final deposition of Solid Waste onto land, into the atmosphere, or into the waters of the state. “Disposal” includes but is not limited to the use of materials

- as “beneficial reuse,” as defined in 27 Cal. Code Regs. § 20686 or as the regulations may subsequently be amended or reorganized. “Disposal” does not include a Landfill’s use of material purchased by the Landfill. “Disposal” does not include the use of materials for a Landfill’s final erosion-resistant layer, as the term is used in 27 Cal. Code Regs. § 21090 or as the regulations may subsequently be amended or reorganized. To “Dispose” means to perform the act of Disposal.
- (h) “Diverted” means Waste transferred or used for any purpose other than Disposal in a Landfill or Transformation facility.
  - (i) “Enforcement Official” means the designated Authority staff person(s) or contractor authorized and responsible for implementing this Ordinance.
  - (j) “Executive Director” means the individual appointed by the Authority Board to act as head of staff and perform those duties specified by the Authority Rules of Procedure and by the Board.
  - (k) “Hauler” means a Person whose primary business is to collect Waste for Disposal, Recycling, or Composting.
  - (l) “Landfill” means a location that accepts Solid Waste for land Disposal.
  - (m) “Operator” means a Person to whom the approval to operate a Solid Waste Enterprise is granted.
  - (n) “Person” includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
  - (o) “Plant Debris” means all accumulations of grass, leaves, shrubbery, vines, tree branches and trimmings that are normally associated with the care and maintenance of gardens and landscaping, except for palm trees and any parts of palm trees. “Plant Debris” does not include organic materials that have been unintentionally contaminated with materials that do not biodegrade, where the mixture has passed through a screen as follows: (1) the openings in a screen used by a Person processing source-separated organic Waste shall be no larger than one inch; and (2) the openings in a screen used by a Person engaged in Recycling shall be no larger than two inches.
  - (p) “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become Solid Waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.
  - (q) “Refuse” means Waste that is designated for Landfill Disposal and does not include Covered Material.
  - (r) “Self Hauler” means a Person who delivers Waste to a Landfill or a Transfer Station and is not a Hauler.
  - (s) “Significant Amounts” means more than ten percent (10%) by volume of the contents of

the container or vehicle load, as ascertained through a visual inspection, or five (5) cubic yards, whichever is less.

- (t) “Solid Waste Enterprise” means (1) a franchised Refuse Hauler or a municipal Refuse Hauler that delivers Waste to Alameda County Transfer Stations or Landfills, and (2) a Transfer Station or a Landfill located in Alameda County.
- (u) “Transfer Station” means those facilities utilized for Transformation and those facilities utilized to receive Solid Waste, temporarily store, separate, convert, or otherwise process the materials in the Solid Waste, or transfer the Solid Waste directly from smaller to larger vehicles for transport.
- (v) “Transformation” means incineration, pyrolysis, or distillation, and excludes Composting, biomass conversion, and anaerobic digestion.
- (w) “Waste” or “Solid Waste” means all materials of any kind or nature as defined in Public Resources Code § 40191 or as the code shall subsequently be amended or reorganized.
- (x) “Waste Generator” means a Person who produces Solid Waste by any means including, but not limited to, residential, commercial, institutional, and industrial activities.

#### SECTION 4 (Restrictions on Waste Generators)

- (a) No Waste Generator in Alameda County shall discard Significant Amounts of Covered Material such that it will be delivered to Alameda County Landfills for Disposal.

#### SECTION 5 (Restrictions on Self Haulers)

- (a) No Self Hauler shall Dispose of or deliver for Disposal Significant Amounts of Covered Material at Landfills or Transfer Stations located within Alameda County, unless deposited in designated separate containers or locations within the Landfill or Transfer Station for purposes of Recycling and/or Composting.
- (b) Any Self Hauler who brings a load to a Landfill or Transfer Station with a Significant Amount of Covered Material shall separate out the Covered Material before re-attempting Disposal, if feasible, or pay a surcharge equivalent to 50% of the normal tipping fee, not to exceed \$100 for the first occurrence, \$200 for the second occurrence within one year and \$500 for each additional occurrence within one year.
- (c) The Landfill or Transfer Station shall assess the surcharge described above in subsection (b) and may retain 50% of this surcharge to cover its administrative expenses, remitting the remainder to the Authority.

#### SECTION 6 (Compliance Plans)

- (a) Every owner or Operator of a Solid Waste Enterprise shall submit a Compliance Plan to the Authority that describes the actions to be taken to comply with this Ordinance and help prevent disposal of Covered Material at Alameda County Landfills.
- (b) The Compliance Plan shall include the following:

- (1) Methods for preventing Covered Material from being Disposed in Alameda County Landfills.
  - (2) Methods for assisting the Authority in identifying Waste Generators that violate this Ordinance, including recording practices to be followed when noncompliance is observed.
  - (3) Procedures for redirecting Covered Material away from Alameda County Landfills, to the extent that such redirection is feasible and compliant with other applicable laws.
  - (4) For Transfer Stations and Landfills, a loadchecking program to prevent the acceptance of Covered Material. This program must at a minimum provide for:
    - (i) the number of random loadchecks to be performed;
    - (ii) recording of loadchecks; and
    - (iii) the training of personnel in the recognition, proper handling, and disposition of Covered Material.
  - (5) For Transfer Stations and Landfills, description of efforts the facility will take to install informative signage regarding the Covered Material ban at facility entrances and at waste receiving areas. The signage shall consist of permanent visible signs, prominently displayed, clearly indicating that Covered Material is prohibited from Disposal and delivery for Disposal. These signs shall be in place within 30 days of approval of the Compliance Plan.
  - (6) Additional information requested by the Authority as necessary to determine compliance with the Ordinance and how best to achieve compliance with the Ordinance.
  - (7) Identification of any impediments to and suggestions relating to the ongoing implementation of this Ordinance.
- (c) Every owner or Operator of a Solid Waste Enterprise shall submit its proposed Compliance Plan to the Enforcement Official no later than 120 days after the effective date of this Ordinance.
  - (d) The Enforcement Official will review the Compliance Plan for adequacy and make a determination as to its adequacy within 30 days of receiving the Compliance Plan. Adequacy determinations shall be based on the inclusion of all elements required in Section 6(b) of this Ordinance and on the inclusion of all reasonable measures to effectively prevent the disposal of Covered Material at Alameda County Landfills. Each Solid Waste Enterprise must have an approved Compliance Plan in place no later than 180 days after the effective date of this Ordinance.
  - (e) Every owner or Operator of a Solid Waste Enterprise must submit an annual report detailing the steps taken during the course of the prior year to comply with the Solid Waste Enterprise's Compliance Plan. The first annual report shall be for the period through June 30, 2010, and shall be due on July 31, 2010. Subsequent annual reports shall be due at the end of July for each year thereafter. Failure to comply with an

approved Compliance Plan shall constitute a violation of this Ordinance

- (f) An owner or Operator of a Solid Waste Enterprise shall update or revise the existing Compliance Plan if the Enforcement Official determines that revision is necessary to achieve compliance with this Ordinance.

SECTION 7 (Inspections by Authority Representatives)

- (a) Authority Representatives are authorized to conduct random inspections of those loads of Solid Waste brought to Landfills and Transfer Stations by Haulers and Self Haulers.
- (b) Authority Representatives are authorized to conduct inspections, without notice, of the compliance by Landfills and Transfer Stations with this Ordinance and with their Compliance Plans.
- (c) Authority Representatives are authorized to conduct random inspections of all Solid Waste at the point of collection.
- (d) Authority Representatives are authorized to conduct any other inspections necessary to further the goals of this Ordinance.

SECTION 8 (Waivers)

- (a) Properties that both produce less than three (4) cubic yards of Waste on a weekly basis and are not single-family homes are not required to comply with the requirements of Section 4.
- (b) This Ordinance does not apply to circumstances where appropriate Recycling and/or Composting services are unavailable or infeasible for a particular type of Covered Material, such as, for example, multifamily or commercial properties without provision of Plant Debris collection by the franchised Hauler. The Enforcement Official is authorized to determine the applicability of this waiver to particular circumstances.
- (c) If the Enforcement Official determines that any type of Covered Material cannot feasibly be Recycled and/or Composted for a specific time period, then the Enforcement Official may permit the Disposal of that component of Covered Material at any Landfill for that time period.
- (d) Any Waste Generator may seek a waiver from the Enforcement Official to all or portions of this Ordinance by submitting documentation, such as third party verification by a licensed architect or engineer that shows that the property does not have adequate storage space for containers for Covered Material. The Enforcement Official, in cases where space limitations are determined to exist after on-site verification, may evaluate the feasibility of shared Covered Material containers for contiguous properties and, where feasible, require container-sharing in lieu of providing a waiver.
- (e) Any Waste Generator may seek a waiver from the Enforcement Official to Section 4 of this Ordinance by presenting evidence that more time is needed to fully implement a compliant program. The application must show that the Waste Generator has in place an active program to come into compliance and must demonstrate a good faith effort to comply as soon as feasible.



## SECTION 9 (Enforcement and Phasing)

- (a) Violation of any provision of this Ordinance may be enforced by a civil action including an action for injunctive relief.
- (b) Violation of Section 4, Section 5(a), or Section 5(b) of this Ordinance shall constitute an infraction punishable by a fine not to exceed \$100 for the first violation, a fine not to exceed \$200 for the second violation within one year and a fine not to exceed \$500 for each additional violation within one year. Violation of Section 6 or Section 5(c) of this Ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$500 for the first violation, a fine not to exceed \$750 for the second violation within one year and a fine not to exceed \$1000 for each additional violation within one year. There shall be a separate offense for each day on which a violation occurs. .
- (c) Violation of any provision of this Ordinance shall constitute grounds for assessment of an administrative citation and fine by an Authority Representative in accordance with Government Code § 53069.4 or as the code shall subsequently be amended or reorganized. A separate citation and fine may be imposed for each day on which a violation occurs. The fine shall not exceed the amounts detailed in Section 9(b) of this Ordinance. The citation shall list the specific violation and fine amount and describe how to pay the fine and how to request an administrative hearing to contest the citation. The fine must be paid within 30 days of the citation and must be deposited prior to any requested hearing. A hearing will be held only if it is requested within 30 days of the citation. Evidence may be presented at the hearing. The Executive Director, or its designee, shall conduct the hearing and issue a final written order. If it is determined that no violation occurred, the amount of the fine shall be refunded. The Authority shall serve the final order on the Person assessed an administrative citation by first class mail.
- (d) Enforcement pursuant to this Ordinance may be undertaken by the Authority through its Executive Director, counsel, or any Authority Representative. In any enforcement action, the Authority shall be entitled to recover its attorneys' fees and costs from any Person who violates this Ordinance.
- (e) Enforcement of Sections 4 and 5 of this Ordinance shall not occur until October 1, 2009. Prior to October 1, 2009, the Authority will conduct outreach and educational efforts regarding the requirements of the Ordinance. From October 1, 2009 to December 31, 2009, enforcement will consist of warnings rather than the issuance of citations.
- (f) Hotels, retail establishments, and special events will not be held responsible for violations of this Ordinance by patrons, so long as the hotel, retail establishment, or special event can demonstrate a good faith effort to support the goals of this Ordinance.

## SECTION 10 (Local Regulation)

Nothing in this Ordinance shall be construed to prohibit any member agency of the Authority from enacting and enforcing ordinances and regulations regarding the collection, transport, storage, processing, and Disposal of Solid Waste within its jurisdiction, provided that any such regulation or ordinance does not conflict with the provisions of this Ordinance.

SECTION 11 (Severability)

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 12 (Notice and Verification)

This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.

Passed and adopted this 28th day of January, 2009 by the following vote:

AYES: Bukowski, Freitas, Green, Henson, Hildenbrand, Keating, Leider, Santos, Sullivan, Quan, Waespi, Wozniak, Wile

NOES: Landis

ABSTAINING: None.

ABSENT: Carson, Johnson, Natarajan

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2008-01

---

GARY WOLFF  
EXECUTIVE DIRECTOR



225 Bush Street  
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# memorandum

date June 24, 2009  
to ALRRF Community Monitor Committee  
from Kelly Runyon  
subject CMC Meeting of 7/8/09 - Agenda Item 6.2 - Community Monitor Updates

This memorandum provides an update on work-in-progress by the Community Monitor:

**Class 2 Soil File Review** – New and updated files were reviewed in June. No omissions or errors were found.

**Reports Received** – Monthly tonnage reports and monthly truck counts for April and May were received on time. ESA is up to date on receipt of all regular reports. Apart from these monthly reports, a copy of the semiannual report to the Bay Area Air Quality Management District is the next report that we (ESA) expect to receive.

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# memorandum

date June 24, 2009

to ALRRF Community Monitor Committee

from Kelly Runyon

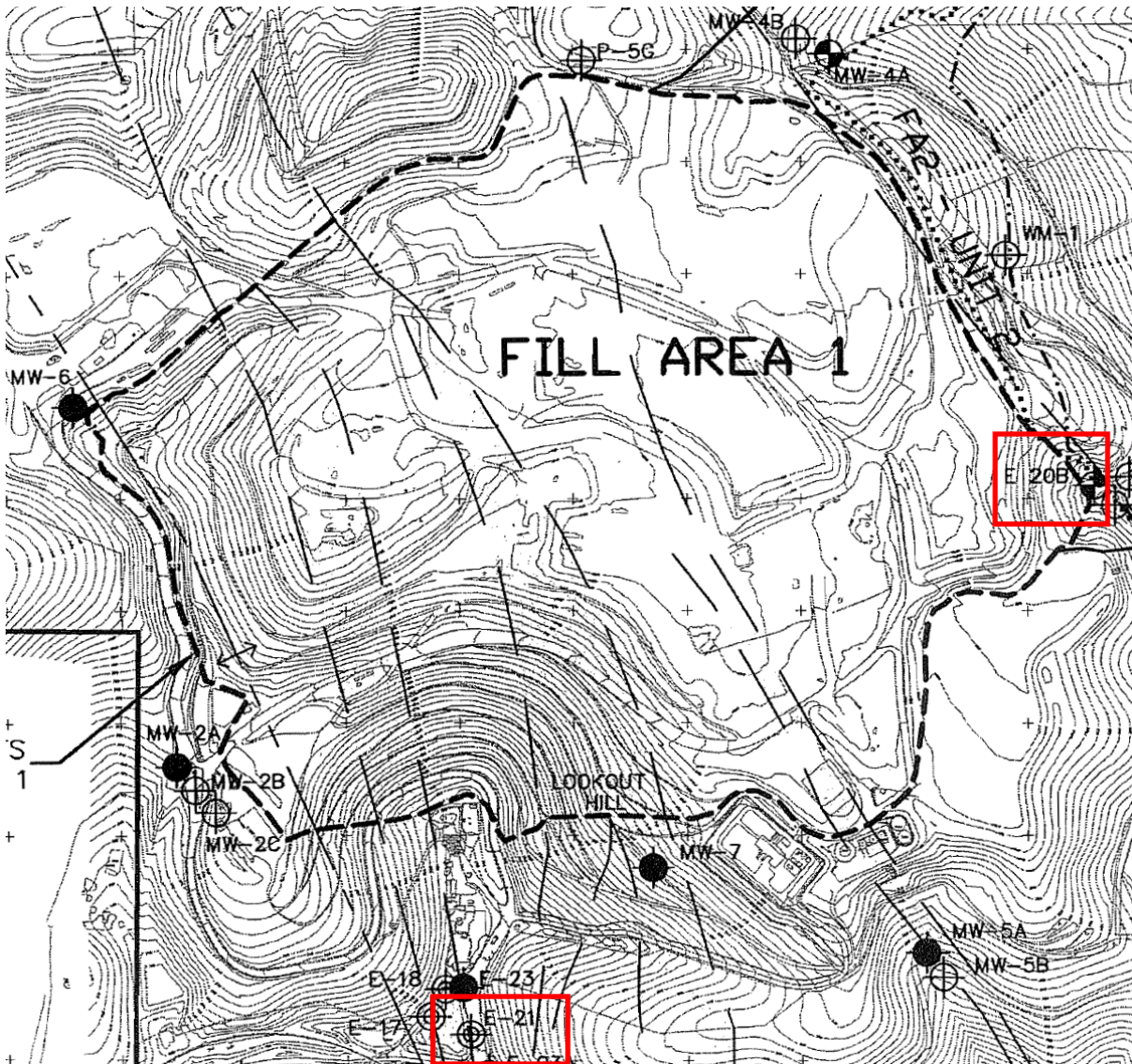
subject CMC Meeting of 7/8/09 - Agenda Item 6.3 - Responses to Committee Members' Questions: Locations of Monitoring Wells; Special Occurrences Log Item

## **Tracking of Arriving Loads**

At the May 13 CMC meeting, Committee Member McGovern asked for an explanation of the locations of monitoring wells E-20B and E-21. The map on the following page shows those locations. Well E-21 is close to the facility entrance and Altamont Pass Road. Well E-20B is outside the eastern edge of refuse, and downslope from the friable-asbestos fill area.

## **Special Occurrences Log Item**

At the May 13 CMC meeting, Committee Member Cabanne asked for a description of the February Special Occurrences Log item that had been noted as “pending” and later was posted. That entry described an incident that occurred during removal of a decommissioned landfill gas flare, and associated equipment, from an equipment pad at the base of the closed portion of Fill Area 1, north of the landfill offices. During removal, some hydrocarbon liquids were spilled onto the pavement and were immediately cleaned up with absorbent. The absorbent was drummed and held on site while it was chemically profiled. The May 4 LEA inspection report notes that the profiling found that this material was non-hazardous.



Locations of Wells E-20B and E-21  
Source: Joint Technical Document for ALRRF, Figure 8-1



# memorandum

date June 24, 2009  
to ALRRF Community Monitor Committee  
from Kelly Runyon  
subject CMC Meeting of 7/8/09 - Agenda Item 6.4 - Review of Reports from Community Monitor

Attached are our inspection reports for May and June of 2009. The focus of the May inspection was after-hours operations (6 to 8 PM) and stockpile locations. The June inspection accompanied the LEA. All landfill operations were inspected each time.

The May inspection was announced; the June inspection was unannounced. LEA inspection reports and the Special Occurrences Log were reviewed during each inspection.

Issues that cause concern are marked with yellow rectangles in the left-hand margins of the monthly inspection reports. In May no such issues were observed. In June, windblown litter was a significant problem, to the east of the active area and along portions of Altamont Pass Road. Although ALRRF crews are working diligently on litter collection and control, litter in the eastern portion of the site may continue to be a problem for several reasons:

- Small plastic bags from retailers and polystyrene foam packing materials continue to be abundant in the waste stream, and these are easily carried long distances by winds at the site.
- Currently the active area of the landfill is higher than most of the surrounding terrain.
- In summer months, winds from the west-southwest are particularly strong.

Construction continues on the plant that will convert landfill gas to liquefied natural gas. Figure 1 is a set of two progress photos from April and May. There was no appreciable change in the appearance of the plant in June.

No truck counts were conducted in May or June. Tonnage reports for April and May did not indicate a significant increase in refuse volume compared to prior months. In fact, a decreasing trend has become apparent.

Tonnages of incoming material were generally within normal ranges. Graphs by material type are provided in Figures 2 and 3 below. Figure 4 provides a way to track the decreasing trend in refuse tonnage, by showing a twelve-month moving average (the yellow dots, beginning in January 2009). The 12-month moving average has the advantage of eliminating seasonal changes, but it also is slow to indicate changes in trends. The current slope of this moving average, from January through May, indicates a decline of 15.5% per year.

**Figure 1 – LFG-to-LNG Progress Photos**



**April 24, 2009**



**May 28, 2009**



Figure 2

Monthly Volumes of Revenue-Generating Cover

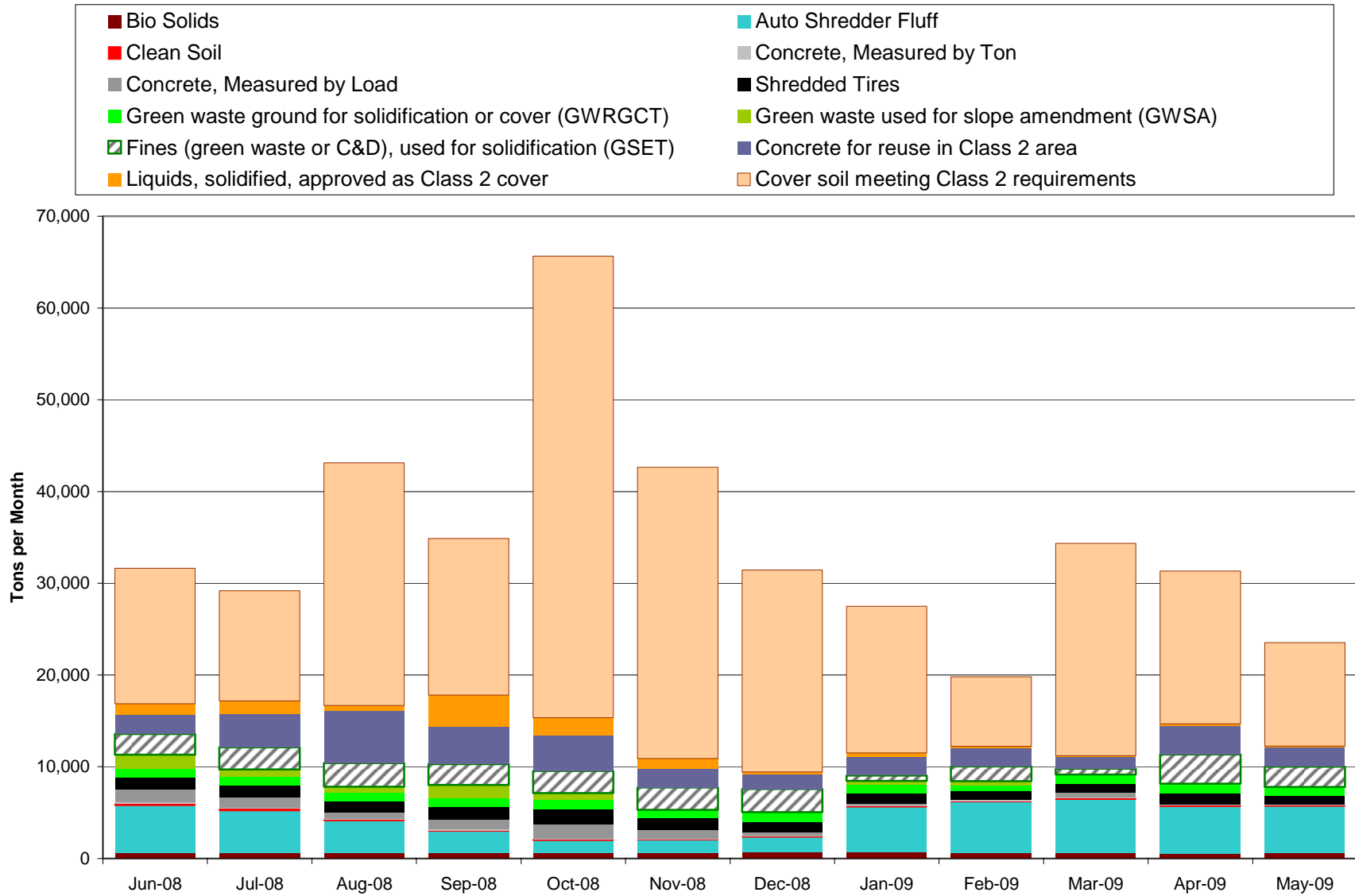


Figure 3

Monthly Volumes of All Materials

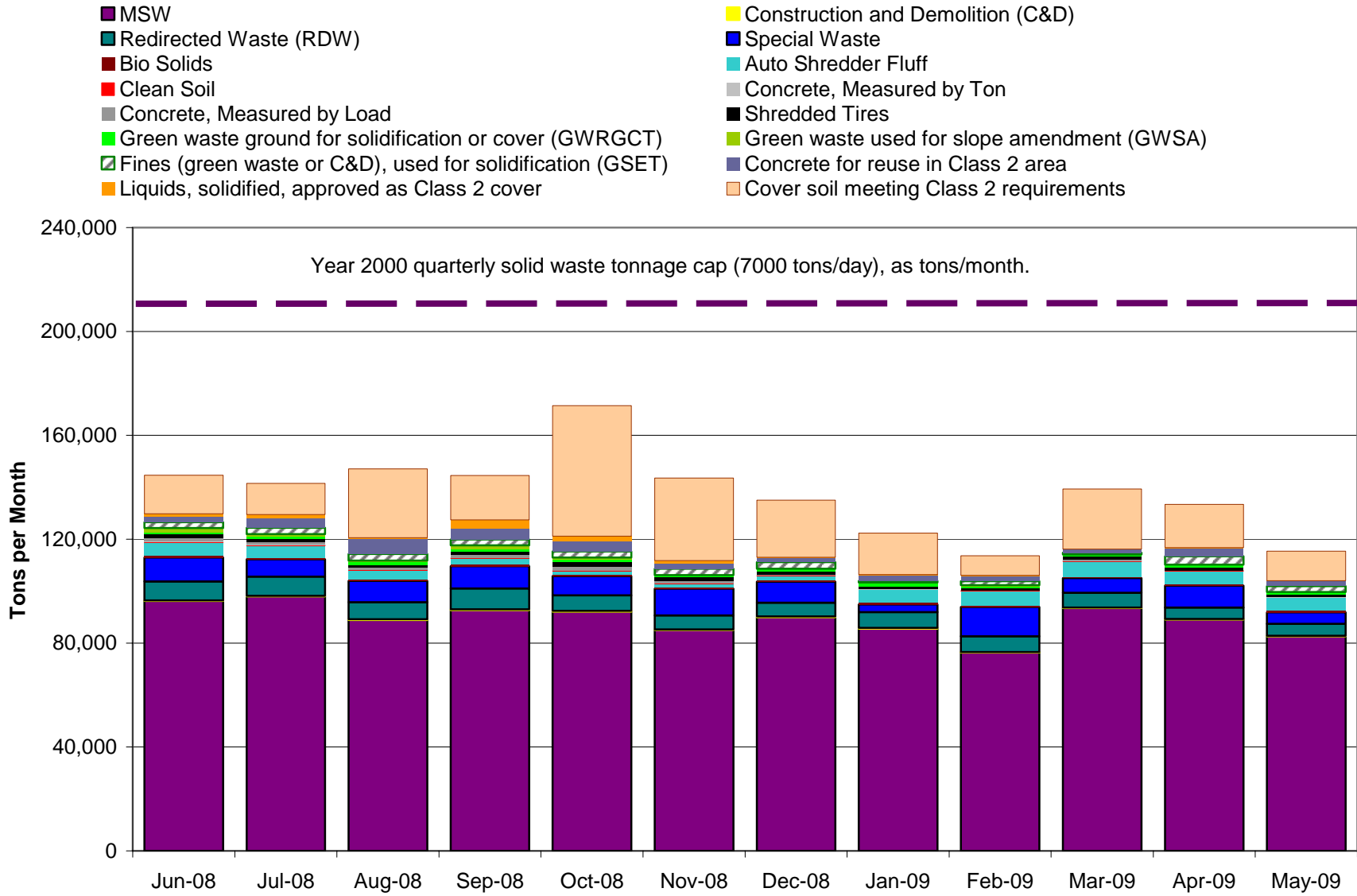
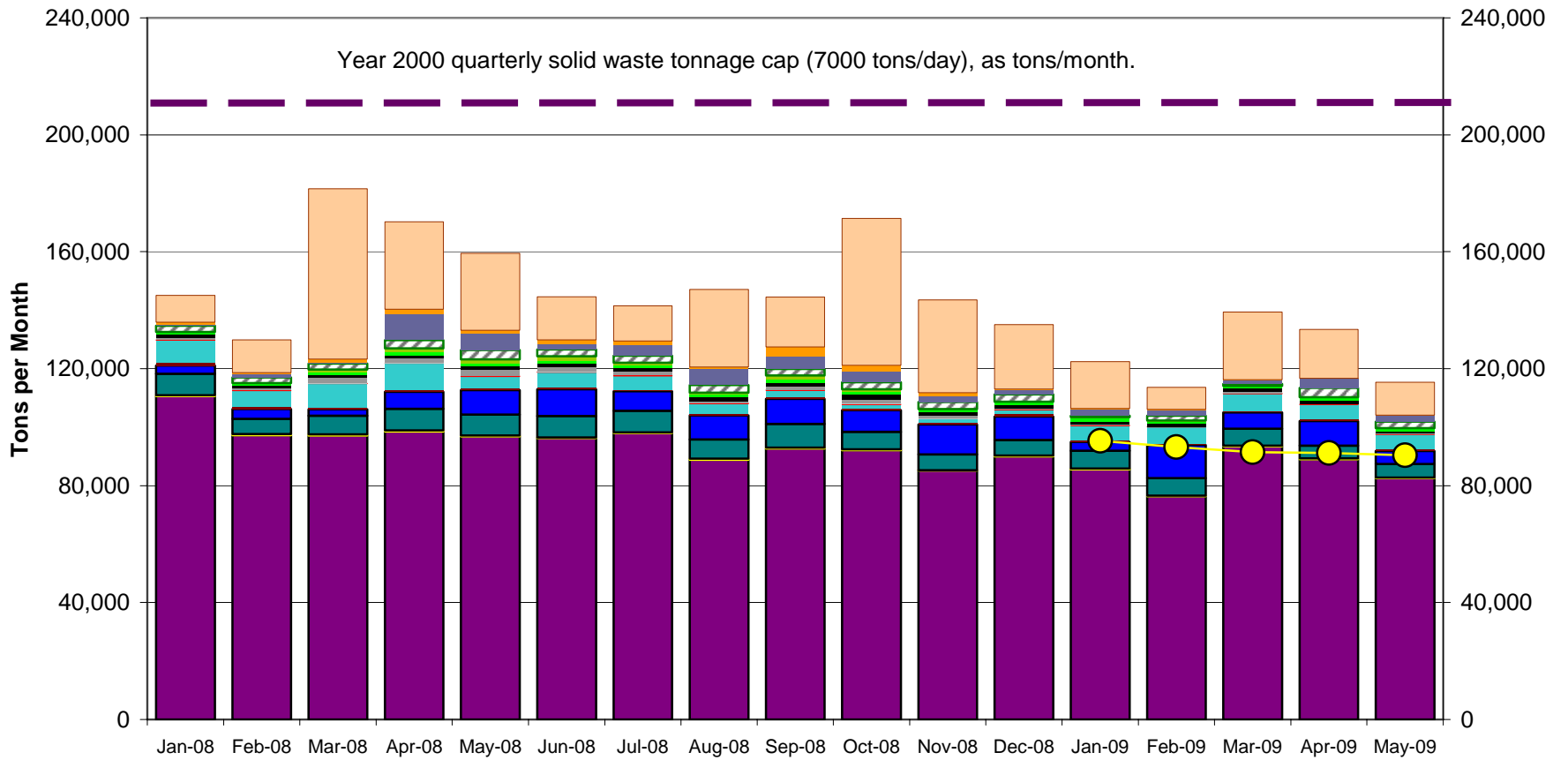


Figure 4

**Moving 12-month Average of MSW tons/month**

- MSW
- Redirected Waste (RDW)
- Bio Solids
- Clean Soil
- Concrete, Measured by Load
- Green waste ground for solidification or cover (GWRGCT)
- Fines (green waste or C&D), used for solidification (GSET)
- Liquids, solidified, approved as Class 2 cover
- 12-month Moving Average, MSW tons/month
- Construction and Demolition (C&D)
- Special Waste
- Auto Shredder Fluff
- Concrete, Measured by Ton
- Shredded Tires
- Green waste used for slope amendment (GWSA)
- Concrete for reuse in Class 2 area
- Cover soil meeting Class 2 requirements



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**Reports Received**

Monthly Tonnage Report for April 2009, dated May 13, 2009

Tonnage Summary:		<u>tons</u>	
Disposed, By Source Location			
1.1	Tons Disposed from Within Alameda County	59,563.55	
1.2	Tons Disposed from City of San Francisco TS	34,336.84	
1.3	Other Out of County Disposal Tons	<u>3,779.55</u>	
	subtotal Disposed	97,679.94	
Disposed, By Source Type			
2.1	C&D	252.10	
2.2	MSW	89,072.64	
2.3	Special Wastes	<u>8,355.20</u>	
	subtotal Disposed	97,679.94	
	Difference Not Yet Reconciled	0.00	0.00%
Other Major Categories			
2.4	Re-Directed Wastes (Shipped Off Site or Beneficially Used)	4,383.97	
2.5	Revenue Generating Cover	31,773.16	
	Total, 2.1 - 2.5	133,837.07	
Materials of Interest			
2.3.1	Friable Asbestos	864.27	
2.3.2	Class 2 Cover Soils	16,629.96	
2.5.1	Auto Shredder Fluff	5,122.65	
2.5.2	Processed Green Waste/MRF fines, Beneficial Use (GSET)	3,182.42	

No other reports are currently under review.

**Site Visit**

Site Inspection May 28, 2009, 6 PM to 8 PM (after hours)

- Attended by Kelly Runyon.
- Escorted by Neil Wise.
- Observed refuse receiving and handling, which began about 7:15 PM. Identified stockpiles on site. Locations of several piles and secondary operations (solidification, green waste grinding) have moved to make way for additional fill in northeast part of active area.
- Refuse fill was occurring along the northeast edge of the landfill, with separate unloading areas for transfer trucks and the general public. The former public disposal area is in the process of being cleaned up / having slopes completed.
- Construction for LNG plant continues. Most major equipment items appear to be in place, including the new flare.
- Asbestos fill area appears to be operating normally.
- Tire shredding operation appears to be functioning normally.

Status of Stormwater Basins

- A Water level has dropped noticeably; basin is evaporating.
- B Water level has dropped noticeably; basin is evaporating.
- C Water level has dropped noticeably; basin is evaporating. Some trash on shore.

Stormwater Controls and Best Management Practices

- Ditches and drains are clear.
- Site is dry; no ponding is occurring

Observation of Environmental Controls

- Gas wells near working face will need to be raised when the active fill area reaches them.
- The location of well E-20B was visited to confirm its presence there; it was found.
- No slides, seeps, slumps or other indication of slope failure were observed.  
Gas controls: One turbine and the flare were operating. Both Deutz engines appeared not to be running.
- LEA inspection reports for April and May made minor recommendations regarding operations but indicated no violations or areas of concern.

Other Observations

- The San Ramon green waste pile appeared normal.
- The C&D pile was very small; just a couple of truckloads's worth of material. Visually inspected the exterior of the pile; saw no indication of prohibited materials.
- Landfill operations at working face were proceeding normally; 2 dozers and one compactor were working when observed. Working face area was smaller than usual.

Items from Special Occurrences Log

- From February 10 (item previously noted as "pending"): During removal of a portion of the former landfill gas flare, some hydrocarbon liquid was spilled onto the pavement. This was picked up with absorbent.
- On March 13 a load labeled friable asbestos was found to be nonfriable. This was returned to the source.
- On May 2 an outbound transfer truck loaded with recycled materials overturned at a bend in the main road on site. An inbound vehicle was hit by the trailer. Both drivers had minor injuries, were taken to hospital, treated and released.
- On May 22 a minor grass fire occurred near the east edge of the active area. Site staff extinguished it.
- On May 26 a small fire was seen in the main MSW area. The smoldering area was pushed to the side and monitored; it self-extinguished.

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**Reports Received**Monthly Tonnage Report for May 2009, dated June 11, 2009

Tonnage Summary:		<u>tons</u>	
Disposed, By Source Location			
1.1	Tons Disposed from Within Alameda County	51,814.60	
1.2	Tons Disposed from City of San Francisco TS	33,019.22	
1.3	Other Out of County Disposal Tons	2,392.26	
	subtotal Disposed	87,226.08	
Disposed, By Source Type			
2.1	C&D	180.16	
2.2	MSW	82,607.21	
2.3	Special Wastes	4,438.71	
	subtotal Disposed	87,226.08	
	Difference Not Yet Reconciled	0.00	0.00%
Other Major Categories			
2.4	Re-Directed Wastes (Shipped Off Site or Beneficially Used)	4,628.36	
2.5	Revenue Generating Cover	24,184.23	
	Total, 2.1 - 2.5	116,038.67	
Materials of Interest			
2.3.1	Friable Asbestos	944.26	
2.3.2	Class 2 Cover Soils	11,292.23	
2.5.1	Auto Shredder Fluff	5,038.05	
2.5.2	Processed Green Waste/MRF fines, Beneficial Use (GSET)	2,202.98	

No other reports are currently under review.

**Site Visit**Site Inspection June 11, 2009, 1:30 PM to 4:00 PM

- Attended by Kelly Runyon and Eva Chu (LEA).
- Escorted by Neil Wise.
- Observed refuse receiving and handling, solidification area (not active), and other routine operations. Also drove out to east edge of property.
- Construction for LNG plant continues. Installation of major components appears complete. Piping and utility work is ongoing.
- Large holding ponds near leachate treatment plant, not currently used, will be lined later this year.
- Asbestos fill area operating normally.
- Tire shredding operation functioning normally. The proper size of tire shreds, for use as ADC, was discussed by the LEA and operations manager.
- Refuse fill was continuing along the northeast edge of the landfill, with separate unloading areas for transfer trucks and the general public.
- Livermore green / food waste pile larger than usual.
- Work crew sizes are being adjusted because the night shift transfer hauling from the Davis Street Transfer Station has been discontinued. Night deliveries are continuing from San Francisco, however. ALRRF night crew has been significantly reduced in size.

Stormwater Controls and Best Management Practices

- Area previously subject to ponding is being filled with refuse
- Site is dry; no ponding is occurring

Observation of Environmental Controls

- Few gulls on site.
- Primary litter fence was ~80% "blinded" by windblown bags. Filling is occurring very close to this fence. Leeward slopes between fill area and fence contain many loose bags, blown there and dropped in calm area.
- Significant amounts of windblown litter noted to the east of the active area. LEA made note of litter beyond fence line, along eastern edge of site.
- Gas controls: Both turbines, at least one Deutz engine, and flare were operating.
- Damaged secondary container (fiber drum) was noted by LEA, in friable-asbestos area. LEA directed ALRRF to wet and cover ASAP.
- More litter than usual was seen along Altamont Pass Road near the site.

Other Observations

- The San Ramon green waste pile appeared normal.
- The C&D pile was very small. Visually inspected the exterior of the pile; saw no prohibited materials.
- Landfill operations at working face were proceeding normally; traffic was light.
- Special Occurrences Log noted a small fire in public area, June 10. Extinguished by on site personnel using water truck.
- One burrowing owl and several red-tail hawks were observed, east of active area.



## COMMUNITY MONITOR COMMITTEE STAFF REPORT

TO: Community Monitor Committee Members

FROM: Judy Erlandson, Public Works Manager

SUBJECT: First Amendment to Agreement with Environmental Science Associates

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### RECOMMENDED ACTION

Staff recommends that the Community Monitor Committee (CMC) approve the First Amendment to the Agreement for Consulting Services with Environmental Science Associates (ESA) to provide clarification for the CPI escalation for work in subsequent years.

### BACKGROUND

The Settlement Agreement, dated November 30, 1999, between the County of Alameda, the City of Livermore, the City of Pleasanton, Sierra Club, Northern California Recycling Association, Altamont Landowners Against Rural Mismanagement, and Waste Management of Alameda County, Inc. (Settlement Agreement), provided for the hiring of a Community Monitor to monitor the Altamont Landfill and Resource Recovery Facility's (ALRRF) compliance with environmental laws and regulations and to advise the public and the Cities of Livermore and Pleasanton about technical issues relating to the ALRRF.

On January 9, 2008, the CMC and ESA entered into an Agreement for Consulting Services for ESA to act as the Community Monitor for the CMC. The term of the agreement is to December 31, 2010, with an allowance for (one) 1 three-year extension, with unanimous approval from Committee Members at a CMC meeting.

Section 7.A, *Payment and Expenses*, of the agreement identifies the total not-to exceed amount for year one of the contract and Consumer Price Index (CPI) escalation for work in subsequent years. This amendment is needed to clarify the CPI escalation language for work conducted in subsequent years; specify the CPI index to be used, and remove the language related to CPI escalator fax on-demand service, as the service has been discontinued.

**MEETING DATE:**

**July 8, 2009**

**AGENDA ITEM:**

**6.5**

DISCUSSION

On January 9, 2008, the City and ESA entered into an Agreement for Consulting Services for ESA to perform Community Monitor services for the CMC. The term of the agreement is to December 31, 2010, with an allowance for (one) 1 three-year extension with unanimous approval from the Committee at a Community Monitor meeting.

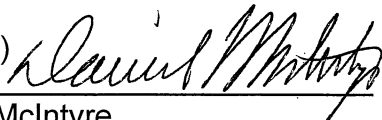
Section 7.A Payment and Expenses states:

*....The total of all invoices for work conducted in year 1 of the work shall not exceed \$85,000. The total of all invoices for work conducted in subsequent years of the work shall not exceed \$85,000 times the consumer price index (CPI) for the previous year for the cities of San Francisco-Oakland-San Jose as published by the U.S. Department Of Labor, Bureau Of Labor Statistics (e.g., the CPI escalator for 2007). The CPI escalator can be ordered through the Department of Labor, Bureau of Labor Statistics fax-on-demand service at 415-975-4567, code 9240.*

While the paragraph provides for CPI escalation in subsequent years, the language is ambiguous. This amendment is needed to clarify the CPI escalation language for work conducted in subsequent years; specify the CPI index to be used, and remove CPI escalator fax on-demand service language, as the service has been discontinued. The amendment would make the following changes to Section 7.A Payments and Expenses of the original agreement:

*....The total of all invoices for work conducted in year 1 of the work shall not exceed \$85,000. The total of all invoices for work conducted in subsequent years of the work shall not exceed \$85,000 times one-plus (1+) the consumer price index (CPI-W) for the previous year for the cities of San Francisco-Oakland-San Jose as published by the U.S. Department Of Labor, Bureau Of Labor Statistics (e.g., the CPI escalator for 2007). ~~The CPI escalator can be ordered through the Department of Labor, Bureau of Labor Statistics fax-on-demand service at 415-975-4567, code 9240.~~*

Approved by:

(signed) 

Daniel McIntyre  
Public Works Director

## FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Community Monitor Committee (CMC), (hereinafter referred to as "Committee or CMC"), and Environmental Science Associates (ESA), (hereinafter referred to as "Consultant").

### RECITALS

On January 9, 2008, City and Consultant entered into a professional services agreement, for Consultant to provide City services as shown in Exhibit 1 to the original agreement ("Agreement"). Paragraph 2 of the Agreement requires any modifications to be in writing and signed by the parties.

City and Consultant desire to amend the Agreement to clarify the CPI escalation language for work conducted in subsequent years; specify the CPI index to be used, and remove CPI escalator fax on-demand service language, as the service has been discontinued. This is the First amendment to the Agreement.

### AGREEMENT

**NOW, THEREFORE**, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. The following sections, under Paragraph 7 A. Payment and Expenses, of the Agreement are hereby amended to read as follows:

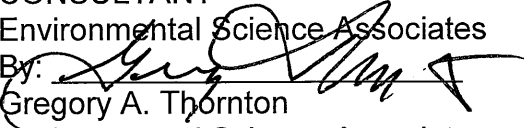
The total of all invoices for work conducted in year 1 of the work shall not exceed \$85,000. The total of all invoices for work conducted in subsequent years of the work shall not exceed \$85,000 multiplied by the consumer price index (CPI-W) plus one percentage point for the previous year for the cities of San Francisco-Oakland-San Jose as published by the U.S. Department Of Labor, Bureau Of Labor Statistics (e.g., the CPI escalator for 2007).

2. The Amendments are prospective and only apply to services rendered by Consultant after the execution of this Amendment. Unless otherwise stated herein, this Amendment does not and shall not relieve the parties of the terms and conditions of the Agreement as written and in effect at the time services were rendered prior to this Amendment.

3. Except as amended above, the Agreement shall remain in full force and effect.

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have caused this Agreement to be executed on the date first written above.

13. Signatures:

CONSULTANT  
Environmental Science Associates  
By:   
Gregory A. Thornton  
Environmental Science Associates  
Chief Financial Officer  
225 Bush Street, Suite 1700  
San Francisco, CA 94104  
415/896-5900

Dated: 6/8/09

Federal I.D. No.  
94-1698350

COMMUNITY MONITOR COMMITTEE  
By: \_\_\_\_\_  
Marjorie Leider, City of Livermore  
1052 South Livermore Avenue  
Livermore, CA 94550

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Cindy McGovern, City of Pleasanton  
123 Main Street  
Pleasanton, CA 94566

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Arthur Boone, Northern California  
Recycling Association  
PO Box 22452  
Oakland, CA 94609

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Donna Cabanne, Sierra Club  
2910 Bertolli Court  
Livermore, CA 94550

Dated: \_\_\_\_\_

Approval of the Agreement made by  
the Committee on \_\_\_\_\_, as  
shown in the minutes of that meeting.

APPROVED AS TO FORM

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Roush  
City Attorney  
City of Pleasanton

\_\_\_\_\_  
Amara Morrison  
Special Counsel  
City of Livermore

Confirmation of City of Livermore as financial agent for the Community Monitor Committee.

I, Linda Barton, am the City Manager of the City of Livermore. I affirm that the City of Livermore has agreed to manage funds for the Community Monitor Committee as shown in the letter agreement dated July 6, 2004, attached as Exhibit 1 to this Agreement.

\_\_\_\_\_  
Linda Barton, City Manager

Dated: \_\_\_\_\_

**ATTACHMENTS:**

Exhibit A: July 6, 2004 letter authorizing the City of Livermore to act as the financial agent for the Community Monitor Committee

**CONSULTANT:**

\_\_\_\_\_  
By:  
Title:

**CITY OF LIVERMORE**

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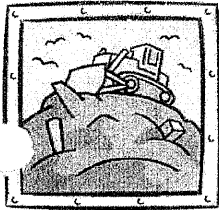
Linda Barton  
City Manager

APPROVED AS TO FORM:

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Assistant/City Attorney





# COMMUNITY MONITOR COMMITTEE

## Altamont Settlement Agreement

David Darlington  
Chair  
City of Livermore

July 6, 2004

Matt Morrison  
Vice-Chair  
Sierra Club

Linda Barton, City Manager  
City of Livermore  
1052 South Livermore Avenue  
Livermore, CA 94550

Re: Managing Funds for the Community Monitor Committee

Jolin Hanscom  
Member  
NCRA

Dear Ms. Barton:

The Community Monitor Committee requests that the City of Livermore manage the funds for the Committee.

Mark Wilson  
Member  
City of Pleasanton

As background, in 1999 the Community Monitor Committee was created by the Altamont Settlement Agreement. Section 5 of the Agreement sets forth the composition of the Committee; its responsibilities; and the selection, compensation, qualifications, and scope of work of the Community Monitor. There are four voting members: one appointed by the Livermore City Council; one appointed by the Pleasanton City Council; one appointed by the Northern California Recycling Association; and one appointed by the Sierra Club. The Community Monitor will be a technical expert who will monitor the Altamont Landfill and Resource Recovery Facility's (ALRRF) compliance with environmental laws and advise the Cities of Livermore and Pleasanton about environmental and technical issues relating to the operation of the ALRRF. A copy of the first page and Section 5 of the Agreement are attached for your information.

Jacque Delgadillo  
Liaison

The role of the Community Monitor Committee is to hire and supervise the Community Monitor. Waste Management pays the cost of the Community Monitor, and we anticipate the amount to involve between \$50,000 to \$100,000 each year.

The Committee is not in a position to manage this amount of money directly, and therefore requests assistance from the City. Jacque Delgadillo of the Public Services Department is the staff support person for our Committee, and would be the City staff contact for this issue.

The Agreement provides that the Community Monitor provide detailed invoices for work performed and associated expenses on a monthly basis, to both the

Exhibit A

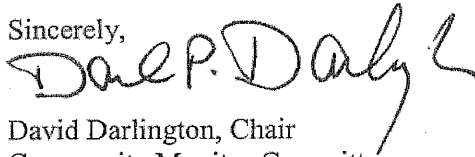
Committee and to Waste Management. Waste Management must pay these invoices to the Committee within 45 days of receipt. (Section 5.3.1) And, presumably, the Committee then pays the Community Monitor. The Committee may also be receiving monies from Waste Management as reimbursement for its own reasonable overhead business expenses, as authorized by Section 5.3.2. It is the financial management of these transactions that the Committee is requesting.

After discussion with a representative of your Finance Department, we understand that a Community Monitor Committee account could be established in the City's Fund 910 ("Agency funds"). We understand that the City is not responsible for paying any interest. We also agree that the City may withdraw up to 2% per year for its costs in the financial management of the account.

The process we anticipate is that Waste Management would send funds directly to the City for the Fund 910 account. Payments from the account (either for the Community Monitor and/or for expenses of the Committee) would be paid out based on the written request and authorization from (1) the Public Services Director or the City staff liaison person and (2) either the Chair or Vice-Chair of the Committee.

Would you indicate your concurrence with this proposal by signing below and returning a copy of this letter to us for our records?

Sincerely,



David Darlington, Chair  
Community Monitor Committee  
(Based upon Committee vote taken May 25, 2004)

Attachment:

Excerpts from Altamont Settlement Agreement: pages 1, 2, and 7-12.

The City of Livermore is willing to undertake the financial management for the Community Monitor Committee as described in this letter.

  
Linda Barton, City Manager

7-12-04  
Date

- cc: Monica Potter, Finance Director, City of Livermore
- Dan McIntyre, Public Services Director
- Evan Levy, Financial Services Manager, City of Livermore
- Judith A. Robbins, Special Counsel, City Attorney's Office
- Ken Lewis, District Manager, Altamont Landfill and Resource Recovery Facility