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memorandum

date May 2, 2008
to ALRRF Community Monitor Committee
from Kelly Runyon
subject CMC Meeting of 5/14/08 - Agenda Item 5.4 - Update Regarding topics Raised at January 9 Meeting

Further information is available on several topics raised at the January 9 meeting of the Community Monitor Committee:

2b – Reduced Excavation: At the ALRRF, could the use of ADC be resulting in reduced excavation of soil when preparing virgin ground for use as a new landfill cell? Is the ALRRF removing as much soil, i.e. creating as much capacity, as its permit documents allow? How difficult would it be to monitor this?

This subject was discussed with Waste Management engineer Guy Petraborg on April 11 and on May 5, 2008. Mr. Petraborg began his response by indicating that discussion of this question may be outside the purview of the Community Monitor, as defined in the Settlement Agreement. I acknowledged this. We then discussed the question. In summary, the excavation can be reduced, particularly when (a) the design assumptions include the use of soil as cover, (b) the alternative cover may degrade or compress to become thinner than soil cover (depending on the type of material used as cover), and (c) there is a fixed limit on the total tonnage of refuse to be received by the landfill.

To understand this, it is important to recognize that at the ALRRF, the design of the landfill establishes the base of the fill area, and the landfill permits limit the final height and consequently the shape of the completed landfill. The design and construction sequence of the next Unit at the ALRRF inherently limits the operator's ability to change the slope of the base of the landfill, but it does provide some latitude to reduce excavation as development of the Unit proceeds.

4 – Class 2 / Class 3 Adjacency: At the ALRRF, class 3 cells (for ordinary refuse) and class 2 cells (providing added groundwater protection) are in close proximity. Does this present a problem such as increased risk of groundwater contamination?

As part of our March landfill inspection, we used GPS equipment to identify the Class 2 / Class 3 dividing line, based on design drawings, and observe activities on either side of that line. We saw no inappropriate activities or incorrect placement of materials.

5 – Santa Clara County Green Wastes: The ALRRF currently receives green wastes from western Santa Clara County. Is the receipt of these materials, and the ways that they are used, in fact permitted?

Our Monthly Inspection Reports include summaries from the ALRRF Monthly Tonnage Reports. We believe that one of the material categories in the Monthly Tonnage Report, “Green Waste Solidification Ext-Processed Tons (GSET)” includes the current quantities of processed green waste that originate in Santa Clara County. It may include processed green waste from other locations as well. That tonnage is shown as a line item in the monthly inspection report, for Committee members’ reference.

In addition, Waste Management provided a response letter, which is attached.



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March 31, 2008

Mr. Kelly Runyon
ESA
225 Bush Street, Suite 1700
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Subject: Waste Management's Position on Issues Raised at the Community Monitor Meeting on March 12, 2008

Dear Mr. Runyon,

Waste Management (WM) would like to submit the following responses to the issues discussed during the Community Monitor Committee (CMC) Meeting on March 12, 2008.

Issues

Item 2a, Memo from ESA to the CMC – 2/27/2008

ESA: Huffman legislation: Legislation is being considered that would prohibit the use of green waste as Alternative Daily Cover but would allow its use as a "Beneficial Use." How might this affect operations at the ALRRF?

The defined scope of work for the CM does not include researching "what if" questions, but the CM's experience tracking reported tonnages could provide answers to related questions such as:

- To what extent is green waste currently used as ADC?*
- To what extent is green waste currently used for beneficial uses (as defined)?*
- To what extent are other materials, such as MRF fines, auto shredder fluff, or contaminated soils, used for beneficial uses; and could these materials be replaced by green waste?*

We believe that it is within the CM's scope to summarize data from existing tonnage reports submitted to County Planning, in any format that will be useful to the CMC. That format could include categories defined by the questions above, if the data are appropriately categorized in those reports. We have not yet determined if that is the case. Responding to this question would not significantly increase the effort and costs proposed by ESA for the CM work.

ALRRF: Materials identified above are included in the monthly tonnage reports provided to the Community Monitor. ALRRF has provided ESA with a guide to match material codes and descriptions.

Other than summarizing the information to ensure ALRRF is operating within the current permit conditions, ALRRF does not believe that further research or discussion regarding this item is included in the Settlement Agreement.

Item 2b – Reduced Excavation, Memo from ESA to the CMC – 2/27/2008

ESA: At the ALRRF, could the use of ADC be resulting in reduced excavation of soil when preparing virgin ground for use as a new landfill cell? Is the ALRRF removing as much soil, i.e. creating as much capacity, as its permit documents allow? How difficult would it be to monitor this?

Under current regulations, the initial development of the base of a solid waste landfill typically involves excavation to a designed elevation and slope, followed by installation of a liner and a leachate control system. The initial contours of the bottom of the landfill are crucial to the proper performance of the leachate control system. Installation of that system must be monitored and certified by a qualified professional engineer. Determining if “reduced excavation” has occurred would involve reviewing the construction QA/QC reports submitted to the Regional Water Board, and comparing them to the permitted design of the initial contour. We believe that the CM’s defined qualifications enable us to perform this verification, and that this is within the purview of the CM, as described in Sections 5.7.2 and 5.7.3 of the Settlement Agreement. The verification may be rather time consuming (8 to 16 hours of unbudgeted CM time, including a writeup of findings; longer, if QA/QC documents are incomplete or difficult to locate).

ALRRF: Soil was excavated and stockpiled in the initial stages of development of Fill Area I. Present operations continue to use soil from those stockpiles to supplement other approved forms of ADC. There is no other soil available to excavate in Fill Area I as the final grade is nearing completion. Design plans and construction of Fill Area II will maximize capacity of the landfill and be approved on state and local levels.

ALRRF does not agree that the Settlement Agreement includes ESA’s detailed verification of the construction QA/QC reports. ESA is welcome to have a short discussion with WM engineers to discuss the details of the design.

Eminent Domain – Email from ESA to ALRRF – 3/17/2008

ESA: The CMC requested ESA to obtain a summary from WMAC on the status of the eminent domain action between the Department of Water Resources and WMAC.

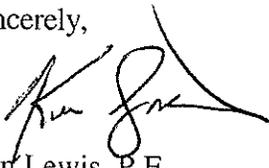
ALRRF: The lands in question were identified in the Conditional Use Permit (CUP) as a potential future conservation easement area for mitigation of the expansion. The CUP does not require implementation of the condition until ALRRF begins development of Fill Area II. ALRRF is still in the process of finalizing the permits for Fill Area II and they will include the 750 acres required for the conservation easement.

ALRRF does not believe that further research into this item is included in the Settlement Agreement as it does not pertain to ALRRF's compliance with current operations and permit conditions.

Conclusion

ALRRF will continue to abide by the permit conditions set forth by federal, state and local agencies, but will not be responsible for costs associated with projects requested by the CMC that are outside the scope of the Settlement Agreement. We appreciate your cooperation in limiting inquiries to those issues identified in the Settlement Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerf Lewis", written over a white background.

Kerf Lewis, P.E.
District Manager

Cc:

Ms. Marj Leider, CMC Chair, City of Livermore
Ms. Cindy McGovern, City of Pleasanton
Ms. Donna Cabanne, Sierra Club
Mr. Arthur Boone, NCRA
Mr. Dan McIntyre, City of Livermore