THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMA	ARY
DEPT: Chief Executive Office	BOARD AGENDA #_B-7
Urgent Routine	AGENDA DATE February 26, 2008
CEO Concurs with Recommendation YES NO (Information Attached)	4/5 Vote Required YES ■ NO □
SUBJECT:	
Approval of the Transfer of 140 Acres of Excess Land at the a Request for Proposals for a Long-Term Farm Lease Agree	
STAFF RECOMMENDATIONS:	
 Approve the transfer of 140 acres of land no longer dee Fink Road Landfill Enterprise Fund to the County Gener of Survey for the transaction. Direct the Auditor-Controller to undesignate \$1,308,041 reimburse the Landfill enterprise account for 140 acres Authorize the Auditor-Controller to increase appropriation shown in the attached budget journal. 	from Account #3637 in the General Fund to of land.
- Continued on page	2 -
FISCAL IMPACT:	
The 2006-2007 Final Budget established a designation of repayment to the Landfill Enterprise Fund for "any large endangered species mitigation, once the planning process that \$1,308,041 of these designated funds be used at the Enterprise Fund for 140 acres of land no longer deemed need to the second se	nd not designated for landfill expansion or has been completed." This report recommends this time to reimburse the Fink Road Landfill
- Continued on pag	e 2 -
BOARD ACTION AS FOLLOWS:	No. 2008-128
On motion of Supervisor DeMartini , Second approved by the following vote, Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chan Noes: Supervisors: None Excused or Absent: Supervisors: None Abstaining: Supervisor: None 1) X Approved as recommended 2) Denied 3) Approved as amended 4) Other: MOTION:	airman Mayfield

Christine Ferrare

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

RECOMMENDATIONS (Continued):

- 4. Authorize the Director of Environmental Resources to begin the permitting process, including environmental studies, for the airspace in the existing footprint between Landfill 1 and 2 to meet State minimum 15 year capacity requirements.
- 5. Authorize staff to issue a Request for Proposals for a Long-term Farm Lease Agreement on property adjacent to the Landfill.

FISCAL IMPACT (Continued):

The remainder of the designation will be retained in the General Fund designation. Changes can only be made in accordance with adoption of the upcoming budget. It is anticipated that the remainder of this designation will be recommended to be retained for critically needed capital improvement investment such as expansion of the county's Public Safety Center/Jail.

DISCUSSION:

In May 1999, Stanislaus County purchased approximately 2,100 acres of land adjacent to the Fink Road Landfill operations at a purchase price of \$14,000,000. The property was listed on the market for \$16 million. An appraisal of the property placed the value at \$10,750,000 based on a highest and best use of agricultural. The 2,100-acre purchase, commonly referred to as the "Vogel property" brought the total acreage at the landfill to 2,670 acres, 219 acres of which represents the current landfill footprint.

On October 8, 2002, the Board of Supervisors directed staff to "...revise and recirculate the Draft Environmental Impact Report (EIR) for expansion of the Fink Road Landfill for a project that meets the needs in the county by development of a landfill at the southern end of the County's expansion area approximately 129 acres in size, and to develop concepts for the possible use for the land around the landfill that is not needed for expansion, buffers, or environmental mitigation." The approved motion went on to direct "staff that the EIR should not provide for importation of garbage from outside Stanislaus County for disposal at the landfill." To staff's knowledge, no additional work was done on the draft Environmental Impact Report.

A 2002-2003 Grand Jury Report on the landfill recommended that "The Board of Supervisors should sell the excess land to reimburse the Landfill Enterprise Fund, enabling interest to resume and property tax revenue to be restored to the County." The County's September 16, 2003 response to the Grand Jury report on the landfill included the following:

"Before disposal of any land acquired with Landfill Enterprise Funds, the County first should establish exactly what land is needed for Landfill operations and what land is needed to buffer the Landfill operations...Staff does agree that after the planning process is completed, the Fink Road Landfill Enterprise Fund should be reimbursed for any property leased or sold in accordance with the plan and approval by the Board."

Late last year, a team of County staff was assembled to assess what land was needed for Landfill operations or as buffer or mitigation lands necessary for Landfill operations. That team was composed of:

Stan Risen, Assistant Executive Officer
Jack Doering, Assistant County Counsel
Sonya Harrigfeld, Director of Environmental Resources
Ron Freitas, Director of Planning and Community Development
Matt Machado, Public Works Director
Ron Girder, Landfill Operations Manager
Kirk Ford, Assistant Director of Planning and Community Development
Diane Haugh, Assistant Director, Public Works
Dave Nordell, Public Works Manager

Previous work done in estimating land needed for landfill purposes assumed continuation of the Resource Recovery Facility (also known as the Waste-to-Energy plant) at full capacity and did not allow for any population growth. In developing the current estimate of land needed for future landfill expansion, staff used a "worst case" scenario that assumed current service levels, population growth of an average 2.5% per year, a gradual phasing out of the Resource Recovery Facility plant over time and reservation of enough land to meet the needs of the County over a 100 year period. Staff did not want to place future leaders in the position of having to re-purchase land they had previously owned and felt that the previous 30-year time frame could result in that type of scenario.

On October 24, 2006, the Board of Supervisors authorized the award of a contract to SCS Engineers for a 100-Year Site Life Study for the Fink Road Landfill and surrounding properties. That report (Attachment A) concluded:

- The remaining airspace volume in Cells 2 to 6 would provide a remaining life somewhere between June 2009 (@1,800 tons per day) to December 2013 (@800 tons per day).
- An option to fill between existing Landfill 1 and 2 on the currently permitted site would provide approximately 6 years of additional capacity.

- The Canyon Expansion contemplated by the Board at its October 8, 2002 meeting would require 175 acres of land. The West Expansion would require an additional 425 acres of land. Existing grasslands should be preserved at a 3:1 ratio that would require 1,800 acres to off-set the loss of 600 acres of Kit Fox habitat. If orchard land is converted to grass land, a lower off-set ratio may be possible, perhaps 2:1 or 1:1.
- Under the Worst Case Scenario and if Landfill No. 2, the Canyon Landfill, and the West Expansion are developed, the resulting site life is 94 years.

Pursuant to Government Code Section 41701, the siting element of the Countywide Integrated Waste Management Plan is required to identify a minimum of 15 years of capacity, which is to be available to the County at all times during the life of its landfills. Based on a worst case scenario, the SCS study recommended to begin immediately working on permitting additional capacity within the existing permitted landfill area.

After reviewing the SCS study, staff recommends consideration of the following potential phasing plan:

Phase 1 - Infill of the area between Landfill 1 and 2 within the existing permitted landfill area.

Phase 2 - Canyon Expansion; 175 acres to the southwest of existing Landfill; SCS estimates this should provide capacity from 2020-2041. This expansion was contemplated by the Board at its October 8, 2002 meeting.

Phase 3 - West Expansion; 425 acres directly west of existing Landfill; SCS estimates this should provide capacity from 2041-2100.

Based on the analysis of future landfill requirements, staff concluded that 100-150 acres of land closest to the I-5 corridor could be deemed excess. Staff arrived at that number by taking into consideration that approximately 600 acres would be needed for future expansion (Phase 1 - 175ac. Canyon expansion and Phase 2 - 425ac. West expansion) and approximately 1800 acres would be needed for mitigation and buffer purposes, which could include some portion of closed and unfenced landfill area.

Staff explored several options for determining the location of the approximately 140 acres that would be deemed excess. These included options that maximized highway frontage, preserved the most prime agricultural land and followed existing cropping patterns. The option recommended by staff, as shown in Attachment B, reflects the acreage that is least desirable for landfill or mitigation purposes.

Staff commissioned a Preliminary Title Report, Record of Survey and Appraisal of the 140 acres. The appraisal indicated a current market value of \$1,160,000 for the 140 acres of land deemed excess, based on a highest and best use of agricultural. Staff also analyzed what the amount would be if that portion of the original sales price allocated to the 140 acres (\$6,676/acre x 140 acres) were computed with the value of accrued interest added. That amount came to \$1,308,041. In a letter to the Modesto City Council, dated October 7, 2003, then Chairman Simon stated that he believed that "the enterprise fund should be reimbursed the highest value of either the original purchase price plus interest or the current appraised value." Based on that commitment, staff recommends that the Landfill Enterprise Fund be reimbursed \$1,308,041 for the 140 acres of land deemed as excess, which is based on the original purchase price plus accrued interest.

On October 8, 2002, The Board of Supervisors directed that any future environmental studies "not provide for the importation of garbage from outside of Stanislaus County." As the Board of Supervisors is aware, concerns have been raised over the past several years about the importation of waste from other counties and the potential for a "mega-landfill" operation. To further address these concerns, while at the same time balancing the need to set-aside sufficient land for landfill operations for future generations, staff recommends that the Board of Supervisors enter into a long-term farming lease for the area depicted in Attachment C. The area recommended for long-term lease includes the 140 acres deemed as excess. Staff anticipates that the long-term lease would extend for at least 25 years, making the land unavailable for immediate landfill operations.

In an effort to inform stakeholders of these recommendations, staff met with the Solid Waste Ad Hoc Committee, the Local Task Force on Solid Waste Management, made presentations to the Patterson and Newman City Councils, and mailed a copy of the draft agenda item and SCS study to the City Managers of all nine cities.

POLICY ISSUES:

The Board is asked to consider whether the transfer of 140 acres of land deemed excess to Landfill operations is appropriate and consistent with the Board priority of a Well-Planned Infrastructure.

STAFFING IMPACTS:

There are no staffing impacts associated with this item. Staff from the Chief Executive Office, County Counsel, Department of Environmental Resources, Planning and Community Development, and Public Works have participated in the excess land analysis and will prepare the Request for Proposals for the long-term farming lease.

County of Stanislaus: Auditor-Controller Legal Budget Journal

Database Set of Books

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3050 Fite Circle Suite 106 Sacramento, CA 95827 916 361-1297 FAX 916 361-1299 www.scsengineers.com

SCS ENGINEERS

MEMORANDUM

DATE:

March 16, 2007

TO:

Michael Franck/Ron Grider

FROM:

SCS Engineers

SUBJECT:

100 Year Life Study Fink Road Landfill (File No. 03196022.40)

SCS Engineers has performed an evaluation of the next 100 years of operation for the Fink Road Landfill on behalf of the County of Stanislaus, Department of Environmental Resources (County). This evaluation includes the effects on landfill operation of poor efficiency and eventual closing of the Waste-to-Energy (WTE) that is located at the site. When the WTE is down, waste is diverted to the active Fink Road Landfill, which is considered a worst-case scenario.

WASTE TO ENERGY PLANT

The WTE located at the Fink Road Landfill is operated by Covanta Energy and was permitted and built in the 1980's. It first went online in 1988. The maximum capacity of the plant is 1,200 tons per day (tpd) of Municipal Solid Waste (MSW) that comes in from franchise haulers under contract with the County. The MSW is burned in the plant boilers to power electrical generators. Power is generated, and the MSW is reduced to ash, resulting in a major reduction in the volume of MSW, which is disposed at the landfill. The reduction in volume of MSW is an important factor in the County achieving its current recycling goals.

When the plant goes down for scheduled or unscheduled repairs, the MSW stream normally taken by the WTE is diverted to the Fink Road Landfill and to other nearby disposal locations. On diversion days, the Fink Road Landfill receives a total of 750 to 850 tpd of MSW. The normal disposal rate for the landfill is 350 to 400 tons. This increased disposal rate has a significant effect on the volume of landfill airspace consumed and will shorten the life of the currently permitted landfill.

SITE LIFE ANALYSIS

A Worst Case Scenario for the future operation of the WTE and the Fink Road Landfill has been considered. It is defined by the following conditions.

ATTACHMENT A

- The WTE plant operates for a site life of 25 years with declining operations efficiency. Current down time of 40% increasing to 75% at 25 years, around year 2014.
- Population increases over time at a rate of 2.5% per year.
- Periodic loss of airspace due to emergency disposal events heat wave or other.
- Average normal disposal rate 350 to 400 tpd
 Average diversion rate 750 to 850 tpd

The current estimate of site life (JTD, 2004) for Landfill No. 2 and No. 3 are year 2022 and 2033, respectively. These estimates are based on the WTE continuing to operate at current capacity over the landfill site life. This analysis looks at the effects of the Worst Case Scenario for future operation of the Fink Road Landfill to determine how site life will be affected and when additional capacity needs to be planned.

Table 1 shows the life of Landfill No. 2 and various expansions using the Worst Case Scenario. Landfill No. 2 alone would provide approximately 15 years of life starting in 2006 and ending in 2021. The County of Stanislaus Solid Waste Planning Element document requires a minimum of 15 years of capacity be available to the County at all times during the life of its landfills. That minimum disposal capacity occurred for the Fink Road Landfill in 2006. Therefore, additional capacity for the landfill needs to be planned immediately.

The options for additional capacity are shown in Table 1. The details of the options are as follows:

Fill Between Landfill No. 1 and 2

This expansion would involve placement of waste in the airspace between Landfill No. 1 and 2, Figure 1. Since this would be a Subtitle D expansion, a liner system would be required on the surface of Landfill No. 1. The current access road would need to be relocated to the west of Landfill No. 1. The volume of airspace created by this option was calculated using AutoCAD software. It is 3,500,000 cubic yards (cy). Under the Worst Case Scenario, this airspace would provide approximately 5 additional years of site life through year 2025.

129-Acre Canyon Landfill

This option would involve the development of a new and separate landfill in the canyon south and west of the permitted landfill site, Figure 2. The landfill would be approximately 129-acres in area and would have an airspace capacity of 22,620,000 cy. Under the Worst Case Scenario, this would provide an additional 21 years of site life through year 2041, if Landfill No. 2 and the Canyon Landfill were filled.

Technical Memorandum March 16, 2007

West Expansion

This option would involve expanding the Canyon Landfill north onto the property west of the currently permitted Fink Road Landfill, Figure 3. Approximately 174,000,000 cy of airspace would be required in order to provide an additional 59 years of site life. Under the Worst Case Scenario and if Landfill No. 2, the Canyon Landfill, and the West Expansion are developed, the resulting site life is 94 years.

Environmental Review Process

Once an option is selected, California Environmental Quality Act (CEQA) compliance will be necessary in order to implement the option. CEQA requires that the environmental impacts of a proposed project be evaluated and that feasible mitigation measures be adopted to minimize a project's adverse environmental impacts. The first step in this process is the preparation of an Initial Study. The Initial Study is used to determine whether preparation of an Environmental Impact Report (EIR) will be required. An EIR is required if significant environmental impacts would result from project implementation.

For the option of filling between Landfill No. 1 and 2, the primary environmental issue will be the change in the site's visual character associated with the increased landfill height, as viewed from Interstate 5. Although this change can not be avoided, measures are available to minimize its adverse effects. One example includes phasing the filling sequence in individual cells from east to west in order to screen views of the landfill's working face from Interstate 5. Because the proposed expansion would be contained within the permitted landfill boundary, other environmental impacts would be minimized. Therefore, an EIR may not be necessary for this option. The time frame to complete the Initial Study process, including public review and Board of Supervisors consideration, would typically require between six and eight months.

For the Canyon Landfill and West Expansion options, the environmental impacts would be substantially greater due to the disturbance of undeveloped grazing land. For either of these options, an EIR would most likely be necessary. Also, additional permitting would be necessary for potential impacts to wetlands and endangered species. These would likely include a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers for wetland fill, a CWA Section 401 Water Quality Certification from the Regional Water Quality Control Board, a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), and Endangered Species Act permits from CDFG and the U.S. Fish and Wildlife Service. The EIR process would typically require between 12 and 18 months to complete with at least an additional year to complete the wetland and endangered species permitting.

FINDINGS

Based on the Worst Case Scenario and the County's desire to look at the next 100 years of solid waste disposal, significant expansion of the Fink Road Landfill will be necessary to continue operation until year 2100. Our findings include:

- The remaining airspace volume in Cells 1 to 4 as of January 2007 is 2,866,000 cy. The remaining cell life would be to December 2013 assuming a disposal rate of 800 TPD.
- The remaining airspace volume in Cells 1 to 4 as of January 2007 is 2,866,000 cy. The remaining cell life would be to June 2009 assuming a disposal rate of 1,800 TPD.
- The option to Fill between Landfill No. 1 and 2 would provide approximately 6 years of additional capacity.
- In order for proper development of a new landfill cell, 20 to 24 months are required from start of design through approval to place waste.
- At a rate of 800 TPD, development of Module 6 would need to start April 2015. At a rate of 1,800 TPD, development of Module 6 would need to start April 2008.
- The County recycling goals can only use 10% of the volume that is burned in the WTE as recycling credits. If the plant goes down, the County will be asked by CIWMB to prepare and implement a plan to replace the 10% recycling credits associated with the former plant operation.
- The Canyon Expansion would require 175 acres of land and the West Expansion would require an additional 425 acres of land. Existing grass lands should be preserved at a 3:1 ratio that would require 1,800 acres to off-set the loss of 600 acres of Kit Fox habitat. If orchard land is converted to grass land, a lower off-set ratio may be possible, perhaps 2:1 or 1:1.
- Landfill No. 2 Cells 5, 6, and 7 remain to be constructed. These cells and the remaining fill to final grades will provide 3 to 15 years of site life depending on the rate of disposal. Cells 5 and 6 are at the north end of Landfill No. 2. As such, the timing and sequencing of the cell construction needs to be closely timed to avoid a loss of disposal efficiency or the ability to dispose of waste at the Fink Road Landfill.
- The 15 year planning period for landfill capacity was reached 2006. Immediate action by the County is required to find additional disposal capacity.

The actual site life of the Fink Road Landfill and its future expansions will depend on how long the WTE will continue to operate.

CONCLUSIONS

The County must start the landfill expansion planning process for the Fink Road Landfill immediately and should include expansions to the Canyon Landfill and, or West Expansion shown on Figure 3 of this memorandum.

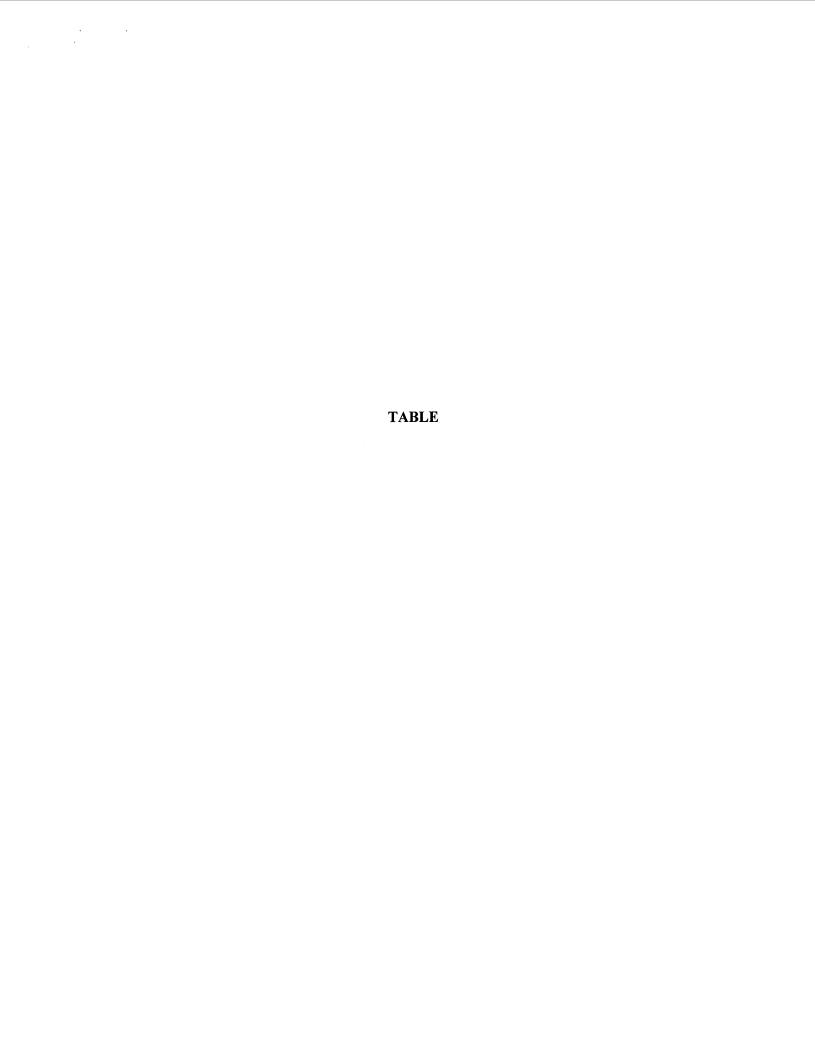


Table 1 Development Schedule Fink Road Landfill

Year	Description	Cubic Yards	Tons	Phase Life	Accumulated	Site Life	Year
2006	Landfill No. 2	7,576,000	4,576,000	14		14	2020
2020	Fill Between LF No. 1 & 2	3,500,000	2,100,000	5	6,676,000	19	2025
2020	Canyon Landfill	22,620,000	13,572,000	21	20,250,000	35	2041
2041	West Expansion	174,000,000	104,000,000	59	124,250,000	94	2100

