

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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June 14, 2013

Foreperson
Mendocino County Grand Jury
Attn: Carol Rosenberg
P.O. Box 939
Ukiah, California 95482

MENDOCINO COUNTY GRAND JURY REPORT
A LANDFILL THAT REFUSED TO DIE

Dear Ms. Rosenberg:

The Mendocino County Grand Jury has requested that California Department of Resource Recycling and Recovery (CalRecycle) staff Christine Karl and Andy Marino respond to the Findings and Recommendations contained in the Grand Jury Report, *A Landfill That Refused To Die*, dated May 1, 2013.

As the Deputy Director of the CalRecycle Division which houses both the Permitting and Closure Sections for which Ms. Karl and Mr. Marino work, please consider this response as the official CalRecycle response. Individual responses from Ms. Karl and Mr. Marino will not be submitted.

We have provided our responses on the submitted form (with an explanatory attachment). While CalRecycle generally concurs with the Findings, we have included clarifications where warranted. Also, while we concur with the Recommendations, these Recommendations are for the City of Ukiah to meet. CalRecycle cannot comment on the implementation status.

Should you have any questions or comments concerning the above matter, please contact me at 916-341-6331 or mark.debie@calrecycle.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark de Bie".

Mark de Bie, Deputy Director
Waste Permitting, Compliance, and Mitigation Division

cc: Presiding Judge, Mendocino County Superior Court, grandjury@co.mendocino.courts.ca.gov
Foreperson, Mendocino County Grand Jury, grandjury@co.mendocino.ca.us



RESPONSE TO GRAND JURY REPORT FORM

Report Title: A LANDFILL THAT REFUSED TO DIE

Report Date: May 1, 2013

Response by: Mark de Bie **Title:** Deputy Director, CalRecycle

FINDINGS

- I (we) agree with the findings numbered: F4, F6
- I (we) disagree wholly or partially with the findings numbered: F1, F2, F3, F5
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _N/A_ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _N/A_ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _N/A_ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _N/A_ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: June 14, 2013 Signed: 

Number of pages attached: 1

SUPPLEMENTAL STATEMENT

RESPONSE TO GRAND JURY REPORT FORM

Report Title: A LANDFILL THAT REFUSED TO DIE

Report Date: May 1, 2013

Response by: Mark de Bie **Title:** Deputy Director, CalRecycle

Findings:

F1: CalRecycle records indicate that the landfill ceased receiving waste on November 1, 2001. CalRecycle listed the facility on the "Inventory of Facilities Violating State Minimum Standards" on March 13, 2012. Subsequently, the LEA issued a compliance schedule/enforcement action on March 30, 2012, directing the City of Ukiah to submit final closure and postclosure maintenance plans by September 4, 2012; commence closure construction by July 1, 2013; and complete closure construction by March 13, 2014.

F2: It is the responsibility of the landfill owner and operator, the City of Ukiah, to propose the final cap design. It is the responsibility of the regulatory agencies to review the proposal and determine compliance with regulations and engineering standards, not to make the proposal.

F3: CalRecycle does not know the motivation of the City of Ukiah and therefore, makes no comment on this Finding.

F5: CalRecycle does not know the exact amount in the referenced reserve fund; however, the amount is approximately what has been reported to be contained in the statutorily required closure fund. Preliminary closure (and postclosure maintenance) cost estimates are not considered arbitrary. Licensed engineers are to use their best professional judgment using supporting data to develop the cost estimates. While the exact cost of any project will not be known until all of the final invoices are paid, a properly developed cost estimate should provide a reasonable estimation of what the final cost should be.

Recommendations:

R1, R2, R3: CalRecycle concurs with these Recommendations; however, the City of Ukiah, is responsible for complying with the Recommendations, and is the only entity that could provide the current implementation status. It is CalRecycle staff's understanding that the City is currently revising the Closure Plan and Postclosure Maintenance Plan to modify the proposed closure design and to address agency comments. The Revised Plans are expected to be submitted Summer 2013. CalRecycle will continue to provide an appropriate level of assistance to the LEA and the City of Ukiah and will provide a timely review of the required plans.