

RESPONSE TO GRAND JURY REPORT FORM

Report Title: A LANDFILL THAT REFUSED TO DIE

Report Date: May 1, 2013

Response by: City of Ukiah Title: City Council

FINDINGS

- I (we) agree with the findings numbered: 4
- I (we) disagree wholly or partially with the findings numbered: 1,2,3,5,6
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered 1,2,3 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ 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 _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7/3/2013 Signed: 

Number of pages attached 3

REQUIRED RESPONSE TO FINDINGS

F1. *The City of Ukiah ceased accepting refuse in September 2001 and is twelve years out of compliance. By not adhering to the March 13, 2012 directive from CalRecycle, the city is exposing itself to penalties of an undetermined amount and potential litigation.*

City of Ukiah Response:

Partially disagree: The statement, "...the City is twelve years out of compliance" is unclear. The City of Ukiah is not "twelve years out of compliance"

F2. *After twelve years, the City of Ukiah and the Regulatory Agencies have not yet determined the appropriate type of cap for the Ukiah landfill.*

City of Ukiah Response:

Disagree: The City of Ukiah and the Regulatory Agencies do not determine, together, an appropriate type of cap. The City of Ukiah has proposed a design for the closure of the Ukiah Landfill. This design, as submitted to the Regulatory agencies, proposes a Geo-synthetic Clay Layer as the non-permeable portion of the landfill closure cap. The City has received comments on this proposal from all three of the regulatory agencies. The most recent response from one agency was received April 24, 2013. The City's response to the agencies comments was submitted to all commenting agencies on June 20, 2013.

F3. *The city staff has no plan, no schedule, and shows no motivation to close the landfill.*

City of Ukiah Response:

Disagree: The City of Ukiah staff has a plan and a schedule. The "shows no motivation" statement regarding City staff is a subjective comment made by the author and will not be commented on. There have been many plans submitted by the City in and attempt to receive approval for closure from the Regulatory Agencies. One of the first plans, Final Closure And Postclosure Maintenance Plan, was submitted in August 1999, when the landfill was still in the process of collecting refuse. The last plan, the Joint Technical Document (JTD) was submitted January 2008 and has now been commented on by all three regulatory agencies. The comments were received on January 2, 2013, February 15, 2013 and April 24, 2013. It is possible that if there is a motivational issue it lies in the hands of the State of California where it took over five years to comment on the JTD, a document that these agencies requested. The schedule is documented in the March 30, 2012 compliance schedule that was issued by the regulatory agencies. This schedule

was issued a full year prior to them commenting on the JTD document that was required by those agencies.

F4. *A final closure plan and post closure plan are required by the LEA, CalRecycle and the Water Board.*

City of Ukiah Response: Agree

F5. *The City of Ukiah continues to set money aside for closure and post-closure costs, until there is a final closure plan, their estimates are arbitrary. The city has a reserve of \$5,081,411; however, the exact cost is unknown.*

City of Ukiah Response:

Partially disagree: The estimates for the closure costs are based on a Civil Engineers detailed estimate. They are not arbitrary.

F6. *The longer this construction project is delayed, the greater the costs will be. The closure costs are subject to changes in the regulatory process which were not contemplated in the original Closure Plan. (Closure Reserve Fund 664).*

City of Ukiah Response:

Partially disagree: The closure cost will be dictated by the state of the economy and the bids that are received to perform the construction. Changes in regulatory process should not be a factor in the cost to close the landfill.

REQUIRED RESPONSE TO RECOMMENDATIONS

R1. *The City of Ukiah obtain resolution regarding which cap will be used.*

City of Ukiah Response:

This recommendation is in the process of being implemented as explained in response to Finding F2.

R2. *The City of Ukiah meet the requirements of the regulatory agencies and acceptable Final Closure Plan including engineering, plans and permits.*

City of Ukiah Response:

This recommendation is in the process of being implemented as explained in response to Finding F3.

R3. The City of Ukiah develops and submits an acceptable Post-Closure Plan.

City of Ukiah Response:

This recommendation has been implemented as explained in response to Finding F3.