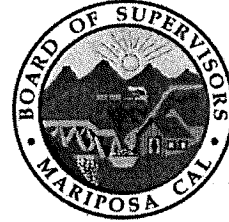




# MARIPOSA COUNTY

Public Works · (209) 966-5356



## RESOLUTION - ACTION REQUESTED 2015-137

MEETING: March 24, 2015

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Approve an Agreement with Myers and Sons/R.L. Wadsworth Joint Venture

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### RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Approving an Agreement with Myers and Sons/R.L. Wadsworth Joint Venture (Myers) Regarding Disposal and Use of Material from the Ferguson Slide Permanent Restoration Project at the Mariposa County Landfill, and Authorize the Board of Supervisors Chair to Sign the Agreement.

Myers will excavate and remove approximately 79,700 cubic yards of slide material from the Ferguson Slide Permanent Restoration Project. Myers and the County agree that the Landfill is a suitable and appropriate site for disposal of the slide material and that it is mutually beneficial to both. Myers will transport the material to the County Landfill, where it will be crushed by Kroeker Inc, Myers' subcontractor, to a size of 6" minus.

After the material has been crushed, it will be stockpiled by Kroeker at the Landfill adjacent to or near the crushing equipment. Once the crushed material is stockpiled by Kroeker, the County will have sole ownership and control over the material.

A dust control plan submitted by Myers has been approved by the County.

Noise limits have been established for the crushing operation.

The recommended action includes findings:

**FINDING 1.** The Board of Supervisors finds the Agreement is consistent with the Solid Waste Facility Permit, SWIS No. 22-AA-0001. This action to approve the Agreement does not change or modify the requirements of SWIS No. 22-AA-0001.

**FINDING 2.** Pursuant to Public Resources Code Section 21166 and Guidelines Section 15162, no subsequent environmental review is required to approve the Agreement. CEQA compliance was conducted by Mariposa County as the Lead Agency and the California Integrated Waste Management Board as a Responsible Agency as part of the most recent approval of amendments to the landfill operational permit. The

amendments specifically included importation of soil for daily landfill cover. A Notice of Determination was filed with the State Clearinghouse (SCH Number 1999091057). There are no substantial changes resulting from the Agreement which would require major revisions of the initial study/ negative declaration prepared for the permit (SCH Number 1999091057). There have been no substantial changes with respect to the circumstances under which the project is being undertaken, which would require major revisions in the initial study/negative declaration prepared for the permit (SCH Number 1999091057).

Finding 2 is supported by:

- The landfill operational permit was amended in 2000 to allow importation of adequate soil cover material, to enable Mariposa County to comply with daily soil cover requirements.
- There is adequate room at the landfill to accommodate stockpiling and crushing activities.
- Erosion and sediment control will be provided by Mariposa County for the stockpiled materials.
- An Authority to Construct Permit from the Air Pollution Control District is required for air emissions for on-site equipment.
- Kroeker is required to comply with circulation patterns at the landfill as established by Mariposa County. Mariposa County is primarily responsible for traffic control at the landfill, to ensure the operation will not impact public use of the landfill.
- A Dust Mitigation Plan is required. The contractor will use water from an adjacent, off-site source.
- Noise information was provided by Kroeker, Inc. to ensure noise levels resulting from the temporary crushing activities would not create a nuisance.
- The landfill is an existing industrial land use which routinely generates noise with use and operation of equipment on-site, including heavy equipment.
- The crushing operations are a temporary activity.
- On-site activities associated with the hauling and crushing will occur during permitted hours of operation on-site, which are Monday through Saturday, 7 a.m. to 5 p.m. No work is allowed on Sundays.

**FINDING 3.** Pursuant to Public Resources Code Section 2714(c), the Surface Mining and Reclamation Act of 1975 is not applicable to the Agreement, including the crushing operations for the slide material. The landfill site is on lands designated for industrial uses by Mariposa County. The landfill site is used exclusively for industrial

activities by Mariposa County. None of the materials to be processed are being extracted on-site. The processed materials will be stockpiled for future use as landfill cover material. The landfill operational permit includes requirements for facility closeout, which will ensure the site slopes and materials are stable.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board has approved like Agreements in the past.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Not approving the Agreement will deny the County access to a substantial source of delivered, no-cost material that can be used for cover material at the Landfill. Soil cover material is needed on a daily basis at the Landfill, and is routinely purchased.

Alternative sites within Mariposa County were previously considered for slide material disposal. There were various potentially significant impacts associated with slide material disposal at these alternative sites, including but not limited to:

1. Substantial maintenance impacts resulting from heavy truck traffic on county maintained roads;
2. Dust, noise and public safety impacts resulting from heavy truck traffic routed through historic downtown Mariposa (including concerns for impacts on the County's tourism industry);
3. Impacts on Federally and State-protected threatened, rare or endangered plant and animal species;
4. Impacts on lands in the State-designated Scenic Highway;
5. Impacts on Williamson Act contracted lands; and
6. Increased traffic safety, air emissions, and greenhouse gas emissions impacts with increased haul distance routes to and from the slide site.

**FINANCIAL IMPACT:**

**The Mariposa County Landfill will receive benefit by having access to the crushed rock for use as soil cover instead of needing to purchase this material.**

**ATTACHMENTS:**

**Myers\_WadsworthJV-MariposaCountyAgmt (DOCX)**

**Myers-Attachment 1 (PDF)**

**Myers-Attachment 2 (PDF)**

**Myers-Attachment 3 (PDF)**

**Draft BOS Resolution Approving Agreement (DOC)**

**Notice of Determination (PDF)**

**Landfill Vicinity Map (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

*Mary Hodson*

Mary Hodson, CAO

3/19/2015

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

**EXCUSED:** John Carrier