



Midpeninsula Regional  
Open Space District

R-13-100  
Meeting No. 13-29  
October 23, 2013

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Mindego Landfill Removal Agreement Amendment Update

### **GENERAL MANAGER'S RECOMMENDATION**

Receive an update on the status of the Mindego Landfill Removal

### **SUMMARY**

The Mindego Ranch property was added to the Russian Ridge Open Space Preserve in 2008 when the District purchased the property from Peninsula Open Space Trust (POST). As a condition of sale of the property, the previous owners and POST entered into a Landfill Removal Agreement (LRA) requiring that an unpermitted landfill be removed. The District retained an environmental firm to conduct a further assessment of the geotechnical and environmental conditions of the landfill and to conduct a landfill remediation evaluation, which resulted in a recommendation to close the landfill in place. The Board directed staff to negotiate a settlement with the previous property owners to allow closure in place for the landfill.

### **DISCUSSION**

The Mindego Ranch property was added to the Russian Ridge Open Space Preserve in 2008. As a condition of selling the ranch to Peninsula Open Space Trust (POST) in 2007, the previous owners and POST entered into a Landfill Removal Agreement (LRA) requiring that an unpermitted landfill be removed as a condition of the sale of the property. Upon acquiring the property from POST in 2008, the LRA and responsibility for removing the landfill was assigned to the District.

In 2009, the District retained Geocon Consultants, Inc., an environmental firm specializing in engineering, geology and hazardous materials remediation, to conduct a further assessment of the geotechnical and environmental conditions of the landfill and to conduct a landfill remediation evaluation. Geocon completed these evaluations and presented the results in a Landfill Removal Constraints Evaluation that concluded that the landfill be closed in place instead of removed.

The closure in place recommendation was based upon several factors:

- The removal of the landfill would constitute a significant construction effort requiring an estimated 38 days of truck and heavy equipment operation resulting in air quality, traffic, noise, and biological impacts.
- The contaminants of concern in the landfill and in groundwater beneath the landfill do not exceed regulatory screening criteria and do not pose a threat to human health and the environment.
- The geotechnical investigation and slope stability analysis indicate that the landfill is stable for the intended future use as open space.

Based on the analysis and recommendation for closure in place, staff discussed in closed session with the Board the potential for negotiating an amendment to the Landfill Removal Agreement with the previous owners. The Board directed staff to effectuate a settlement of this issue, and to conform the Landfill Removal Agreement and Escrow Agreement to accurately reflect the obligations of the District to perform cleanup actions required by the regulatory agencies.

The Landfill Removal Constraints Evaluation was submitted to the San Francisco Bay Regional Water Quality Control Board (Water Board) and on September 12, 2012, the Water Board approved closure-in-place for the Mindego Ranch landfill. Although the landfill was found to be stable in its current configuration, the Water Board has imposed site management measures to protect the long-term integrity of the landfill. The required site management measures for the landfill closure in place include the following:

- implementation of a site-specific Stormwater Runoff Control Plan to divert surface runoff away from the landfill area;
- designation of the landfill area as a “closed area” with signs posted;
- enforcement of the access restrictions with the areas identified on District preserve maps; and
- inspection of site slopes associated with the landfill area following significant rain events to ensure slope erosion is not occurring.

Since receiving regulatory approval for closure in place, District staff and the District’s General Counsel have been in the process of negotiating with the seller to conform the Landfill Removal Agreement and Escrow Agreement to reflect the District’s cleanup obligations. These agreements now reflect that the District will not remove the landfill but will leave the fill in place with proper site controls pursuant to the closure letter from the Water Board.

Revisions to these agreements have now been finalized and executed by the sellers and the District, effective September 27, 2013. Funds remaining in escrow have been disbursed accordingly.

## **FISCAL IMPACT**

Upon purchase of the Mindego Ranch property in 2008, \$1,045,000 in District funds were placed in an interest bearing escrow account until the landfill was properly removed or remediated to the standards of regulatory agencies. Under the terms of the Landfill Removal Agreement Amendment and Amended Escrow Agreement, funds have been dispersed as detailed in Table 1, below:

Table 1: Mindego Ranch Landfill Escrow Funds Disbursement	
Mindego Ranch Landfill Closing Escrow Account Balance:	\$ 1,076,720
	\$
<b>Interest Income under POST ownership</b>	<b>\$ (20,629)</b>
<b>To R. True</b>	<b>\$ (350,000)</b>
<b>To C. True</b>	<b>\$ (350,000)</b>
<b>Escrow Fees</b>	<b>\$ (2,545)</b>
Ending Balance with Interest – Returned to District	\$ 353,546

Estimated costs for completing the required site management measures are \$22,000. Implementing these actions will occur during FY 2014/15 and will be budgeted within the Natural Resources Department budget.

### **BOARD COMMITTEE REVIEW**

None required.

### **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

An Initial Study/Mitigated Negative Declaration (IS/MND) for an amended Mindego Ranch Use and Management Plan is currently being developed and will soon be circulated for Board and public review. The required site management measures for the landfill closure in place are included as a component of the project in this environmental review. The closure in place of the landfill presents no environmental impacts and requires no mitigation measures to reduce the level of impact.

### **NEXT STEPS**

The IS/MND will soon be circulated for Board and public review. After public review, staff will return to the Board to present public comment and provide a final recommendation on CEQA certification of the Mindego Ranch Use and Management Plan amendment. The Use and Management Plan includes all aspects of the landfill closure in place, including the implementation of the required site management measures.

Responsible Department Head:  
Kirk Lenington, Natural Resources Manager

Prepared by:  
Kirk Lenington, Natural Resources Manager