MINUTE ITEM
This Calendar Item No. 35
was approved as Minute Item
No. 135 by the State Lands
Commission by a vote of 2
to 0 at its 5-9-88
meeting.

CALENDAR ITEM

A 2

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05/09/88
PRC 5712
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AD 89

APPROVAL OF AGREEMENT BETWEEN STATE LANDS COMMISSION, CITY OF ARCATA, AND COUNTY OF HUMBOLDT FOR SOLID WASTE ASSESSMENT TESTING AT OLD ARCATA LANDFILL SITE

APPLICANT: State Lands Commission
1807 - 13th Street
Sacramento, California 95814

BACKGROUND:

The subject parcel was granted in trust by the Legislature to the City of Arcata in 1913 for harbor purposes. For approximately ten years, ending in 1973, the City and County jointly operated a landfill on the site.

In 1978, the City and the State Coastal Conservancy approved a marsh enhancement plan for the Arcata Freshwater Marsh which encompasses the landfill on the granted tidelands. In order to facilitate implementation of the plan and to allow the City to use the tide and submerged lands for purposes other than those specified in the grant statutes, Arcata quitclaimed their interest back to the State which then issued a lease for the marsh enhancement project.

In 1984, legislation was enacted which provided for a statewide ranking of sites suspected to contain toxic solid wastes. The first tier of such sites included the Old Arcata Landfill. The report on the Solid Waste Assessment Test (SWAT) for this site was required in July 1987. As the deadline approached, the Regional Water Quality Control Board, charged with enforcement

of the required testing, contacted the City of Arcata. The City's response was that they no longer owned it and, in any event, Humboldt County had operated it. Humboldt County maintained that it was not responsible because they were not an "operator" under the applicable law.

The Regional Water Quality Board then contacted State Lands as the record owner of the site and asked for its cooperation in getting the necessary testing accomplished.

In June 1987, the Executive Officer, various staff members, and Assistant Attorney General N. Gregory Taylor met in Assemblyman Hauser's Ukiah district office with the Assemblyman's aide and representatives of Arcata and Humboldt County. At that meeting, a compromise was reached wherein the three public agencies would each contribute one third of the costs for the SWAT. This agreement was not to prejudice any of the parties' denial of liability for subsequent clean-up costs.

The original cost estimate for the testing was $5,000 per agency. This was revised to between $7,000 and $8,000 shortly thereafter. An agreement was drafted by State Lands legal staff, reviewed by the office of the Attorney General, and sent to Arcata and Humboldt County. It was returned approved by the other entities with a maximum commitment for each agency of $10,000. This revision was made to avoid the possibility of needing a second contract to finish testing if initial cost estimates were exceeded.

The $10,000 figure requires approval of the Agreement by the Commission. The testing would be conducted by a private company with the County of Humboldt administering the contract and assessing the other public agencies for their pro rata share. Approval of the contract will allow the cooperative financing of the required SWAT to be implemented so that questions as to the toxicity of the Old Arcata Landfill may be answered as required by law.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 6, Information Collection. 14 Cal Adm. Code 15306.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

AB 884: N/A.

EXHIBITS: A. Location Map.
B. Agreement.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION, 14 CAL. ADM. CODE 15306.

2. APPROVE THE AGREEMENT BETWEEN THE CITY OF ARCATA, THE COUNTY OF HUMBOLDT, AND THE STATE LANDS COMMISSION FOR THE FUNDING OF THE SOLID WASTE ASSESSMENT TEST FOR THE OLD ARCATA LANDFILL.

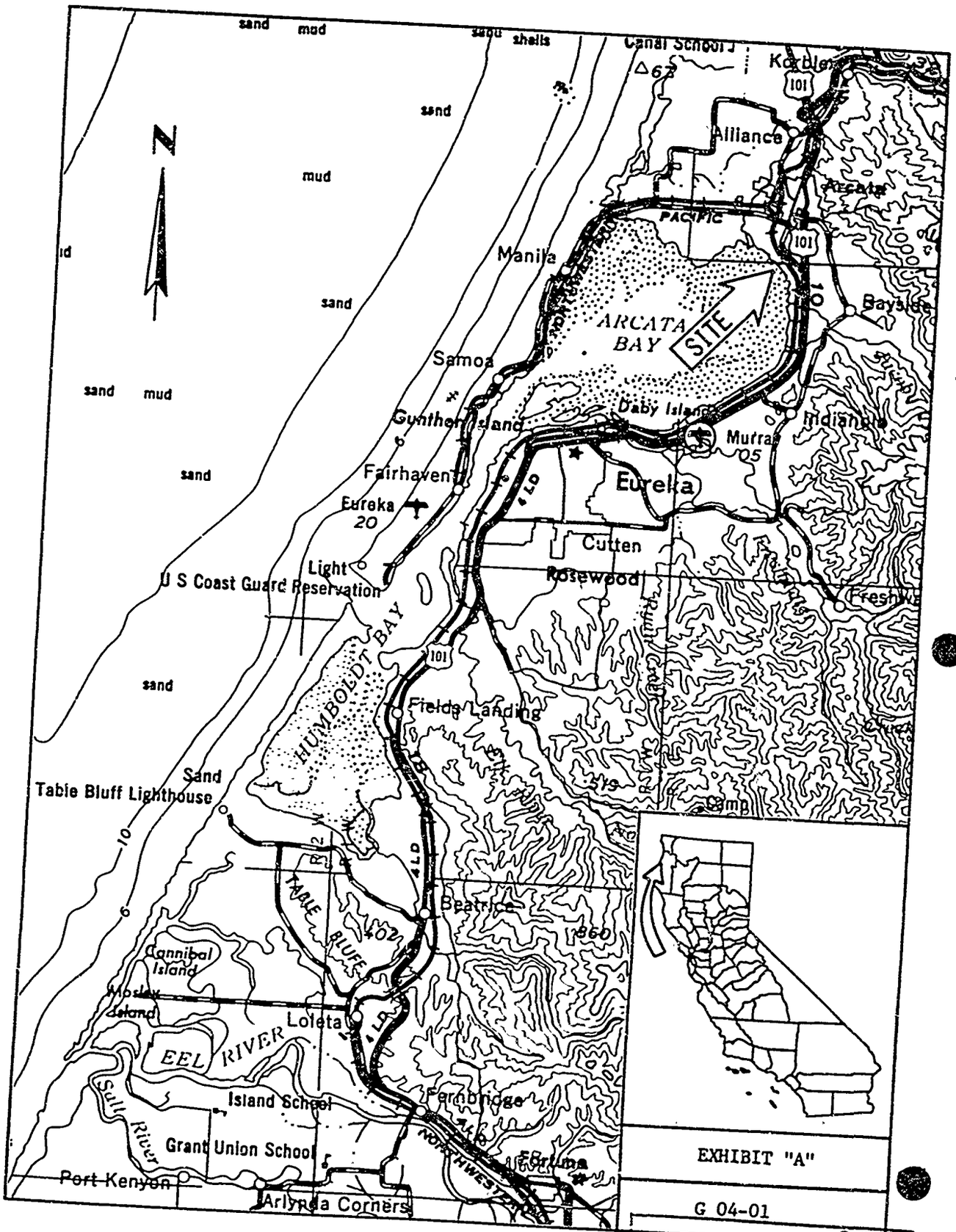

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EXHIBIT "B"

COUNTY OF HUMBOLDT
AGENDA ITEM TRANSMITTAL

TO: BOARD OF SUPERVISORS

FROM: Department of Public Works

CONTACT FOR INFORMATION
NAME: Guy C. Kulstad, Director
TELEPHONE: 445-7491

34

MEETING DATE:	SUBJECT:	TIME REQUIRED:
Jan. 5, 1988	Arcata Landfill Test Agreement	None

SUMMARY (DESCRIPTION OF ISSUE):

See attached.

THE AGREEMENT IS ON FILE WITH THE CLERK OF THE BOARD.

PREVIOUS ACTIONS OR REFERRALS ON THIS ISSUE:
County staff was authorized to meet with other agency representatives in Ukiah on June 4, 1987.

FUNDING SOURCES:	CURRENT YEAR COST:	ANNUAL COST:	BUDGETED: ___ YES X NO. IF NO, SUBMIT A SUPPLEMENTAL BUDGET.
General Fund	Estimated $10,000	N/A	

WILL PROPOSAL REQUIRE ADDITIONAL PERSONNEL? ___ YES X NO
IF YES, NUMBER: ___ PERMANENT ___ LIMITED TERM ___ GRANT

IS ITEM CONSISTENT WITH BOARD POLICY?
X YES ___ NEW POLICY* ___ EXCEPTION
*INCLUDE PROGRAM IMPACT REPORT

RECOMMENDED ACTION:

1. Authorize Chairman to execute the attached agreement in triplicate.
2. Approve the following supplemental budget to provide for reimbursable portion of Assessment Test Report:

   Revenue
   1100 (New-Dept. 438) Arcata Landfill $20,000

   Expenditure
   1100-438-3-145 Arcata Landfill $20,000

3. Approve the attached $10,000 contingency transfer to provide funds for the County's share of the Assessment Test Report.

CONCURRENCES:

CAO (MUST REVIEW ALL ITEMS)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Renner
seconded by Supervisor Neely
and unanimously carried by those members present, the Board hereby approves the recommended action contained in this Board report.
Board Order No.: (34)
Dated: January 5, 1988

ROBERT E. HENDRIX
Clerk of the Board
By: Deputy

CC:
Business
Auditor-Controller
County Counsel
Public Works
(34) State of California

The within instrument is a full and correct copy of the original on file in this office.
ATTEST:
ROBERT E. HENDRIX
Clerk of the Board of Supervisors in and for the State of California in and for the County of Humboldt.
By:

City of Arcata
CAO

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SUMMARY (DESCRIPTION OF ISSUE):

The Calderon Act requires the County to perform a Solid Waste Assessment Test on the Arcata Landfill. On June 4, 1987, the County met in Ukiah with representatives of the City of Arcata and State Lands Commission to discuss the feasibility of all three agencies joining together through a three-party agreement to pay for the cost of performing the Solid Waste Assessment Test. It was agreed that State Lands Commission would prepare the agreement which would be reviewed by all agencies.

The attached agreement has been reviewed and approved by staff of all three agencies. The Mayor of the City of Arcata was authorized by the City Council to execute the agreement. The agreement has been reviewed and approved as to form by County Counsel and it is recommended the Board authorize their Chairman to sign the agreement.

The agreement provides that the City, State Lands Commission and the County will share equally in the cost of the Solid Waste Assessment Test Report. The estimated total cost is $30,000.

The Department of Public Works proposes to contract the work. The County will bill each of the other two agencies one-third of the total contract cost. This will provide reimbursement to the County of up to $20,000 so that the net maximum cost to the County is $10,000.

It is recommended the Board authorize their Chairman to execute the agreement. Then it can be sent to the State Lands Commission for execution. Following that, the Department of Public Works proposes to contract the necessary field work for the Solid Waste Assessment Test Report. The report must be filed with the Regional Water Quality Control Board by July 1, 1988.

AGREEMENT BETWEEN CITY OF ARCATA,
COUNTY OF HUMBOLDT AND STATE OF CALIFORNIA
REGARDING SOLID WASTE ASSESSMENT TEST FUNDING
FOR SITE OF "OLD ARCATA LANDFILL"

WHEREAS, a sanitary landfill was operated for approximately ten (10) years, ending in 1973, at the Old Arcata Landfill in the City of Arcata, herein referred to as CITY, and the County of Humboldt herein referred to as COUNTY; and

WHEREAS, the State Lands Commission, herein referred to as STATE, became, in 1979, the fee owner of certain lands in the City of Arcata, County of Humboldt commonly referred to as the Old Arcata Landfill; and

WHEREAS, the California Regional Water Quality Control Board is charged with compliance enforcement of Water Code Section 13273 which requires a Solid Waste Assessment Test (SWAT) for the Old Arcata Landfill; and

WHEREAS, a dispute exists between the CITY, COUNTY and STATE as to responsibility under the law for the Solid Waste Assessment Test at this site; and

WHEREAS, the CITY, COUNTY and STATE are in agreement that the Old Arcata Landfill should have a Solid Waste Assessment Test performed; and

WHEREAS, the CITY, COUNTY and STATE do not by this Agreement intend that liability for clean up of the Old Arcata Landfill be established or prejudiced by this Agreement.

NOW, THEREFORE, the CITY, COUNTY and STATE hereby agree to the following:

1. The STATE, COUNTY and CITY shall each contribute one-third (1/3) of the cost of performing the required Solid Waste Assessment Test. Each entities share shall not exceed $10,000. Payment shall be made by the end of the calendar month next succeeding the month in which the bill is submitted.

2. That this Agreement does not establish nor prejudice any future claim or denial of liability for any other assessments, any required site clean up or any other matter arising from the SWAT for the Old Arcata Landfill.

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Executed on _____ at _____

_____
CLAIRE T. DEDRICK
EXECUTIVE OFFICER
STATE LANDS COMMISSION

Executed on _____ at _____

Thea Hast
MAYOR, CITY OF ARCATA

Executed on 1-5-88 at _____

APPROVED AS TO FORM:

William Ross
COUNTY COUNSEL - COUNTY OF HUMBOLDT
STATE OF CALIFORNIA

Harry Wiltshire
COUNTY OF HUMBOLDT
CHAIRMAN
BOARD OF SUPERVISORS

ATTEST: ROBERT E. HENDRIX
CLERK OF THE BOARD

By Doris L. Smith
DEPUTY

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