

# USFS, El Dorado County settle Meyers Landfill lawsuit

By Kathryn Reed

The 19-year-old Meyers Landfill lawsuit is over. Final approval is expected today or Monday, with all parties signing the agreement by June 23.

“Needless to say, I am happy to see that this day has finally arrived,” El Dorado County Supervisor Norma Santiago told *Lake Tahoe News*.



Access to the old Meyers Landfill will be fenced off soon.

Photo/Kathryn Reed

The 26-acre site off Pioneer Trail that is easily accessed directly across from Elks Club Road has been sitting idle since it ceased being a landfill in 1971. Garbage from El Dorado and Douglas counties, and South Lake Tahoe were dumped on this parcel of U.S. Forest Service land beginning in 1947.

In 1991, after vinyl chloride was discovered oozing into the ground and threatening Saxon Creek, the Forest Service sued El Dorado County.

Vinyl chloride is a carcinogen created after household waste breaks down. Methane and other gases are also issues. The Environmental Protection Agency has deemed it a SuperFund site.

The county has been the main defendant all these years.

“At this point I can say we have negotiated a consent decree with the U.S. Forest Service and the Department of Justice,” Tom Bruen, special counsel to El Dorado County, told *Lake Tahoe News* on Thursday. “It is being reviewed by top managers of the EPA and the Department of Justice. We are hoping for approval sometime next week.”

Third party defendants have included South Lake Tahoe, Douglas County, South Tahoe Public Utility District, Lake Tahoe Unified School District, Raley's, South Tahoe Refuse, Harrah's, Harveys, Heavenly, Safeway, Hertz, Barton Healthcare, Tahoe Valley Pharmacy and Sierra Pacific Power Co. Most have settled.

But, still, South Tahoe PUD had a closed session item Thursday about the lawsuit. Spokesman Dennis Cocking said the June 17 meeting was likely to be the last time it's on an agenda.

Main sticking points, during what at times has been a highly contentious battle, are who would pay for what. Because everything is not yet a public record, specific dollar amounts are not available.

But millions have been spent on lawyers, a cap that was put on in 1975 that didn't work, studies, monitoring and re-use proposals. Millions more will be spent on a cap and continued monitoring.

Officials are estimating the cap will cost upward of \$4 million. Three contracts are in place for the cap project: contractor, quality insurance agent, and remedial engineer to prepare the CERLA (Comprehensive Environmental Response,

Compensation, and Liability Act) reports for the Environmental Protection Agency.

Money will come from some of the third party defendants, some from the Forest Service, and the bulk from the insurance companies representing the defendants.

The county Board of Supervisors hired a contractor earlier this year to do the work. The Forest Service is having a meeting today to talk about the construction.

The cap will be on 10 acres of the site. Work will likely begin this month and take all summer.

"As a result, we will do closures of the landfill area and the road leading to it," Forest Service spokeswoman Cheva Heck said. "This is not punitive in any way. It will not be safe to be back there."

A fence will be put up around the perimeter of the work area. It will remain up for a couple years to allow for vegetation to take hold.

The Forest Service will release details next week of the exact area to be shut-off from the public.

Heck would not comment on specifics about the lawsuit.

"It's still a legal issue," she said.

But this is just the first phase.

"While we are pleased with this settlement, we have yet one step to go which relates to Operating Unit 2," Santiago said. "This covers the area where the plume is currently traveling. Once the cap is on, there will be ongoing monitoring of this area to help determine how well the cap is working."

How to deal with the groundwater will depend on how well the cap works. If the plume is leaving the site post-cap, then

more will have to be done. What that “more” might be, is unknown. It’s possible a French drain could be installed to divert groundwater. Mother Nature might have other designs.

One day the site will be able to be used by hikers, mountain bikers and maybe snowmobilers. Talk of El Dorado County taking over the land have long been taken off the table. This means the many meetings and dollars spent on a feasibility study to relocate Lake Tahoe Wildlife Care to the site were for naught.

But Santiago isn’t quite ready to give up the fight. And with another four-year term starting later this year, she has a platform to work from.

“Regarding the land going to the county, I am still optimistic – perhaps the only one. However, any discussion would be premature at this point,” Santiago said. “Based upon my information, the process required to go down this path is very complicated and requires the patience of a saint. As always, I am up for the challenge.”