

Meyers Landfill bill doubles to \$13 mil.; case back in court

By Kathryn Reed

Cleaning up the old Meyers Landfill is costing more than twice what was expected – for a total of more than \$13 million. The doubling of the cost has also created another lawsuit between the U.S. Forest Service and El Dorado County.

El Dorado County Board of Supervisors this month approved taking \$6.3 million from the General Fund Contingency to pay for the cost overruns.

The April 17 staff report to the board says, “Failure to pay back this temporary loan will adversely impact other services provided by General Fund appropriations.”



Meyers Landfill cleanup is costing more than \$13 million. Photo/USFS

Gerri Silva, director of environmental management for the county, expects the \$6,313,156 to cover everything related to

the actual work on the project. By the end of the summer the restoration to the site off Pioneer Trail should be complete.

The Meyers Landfill was used from 1947-71. Twenty years later the feds sued a slew of entities for cleanup costs. Vinyl chloride, a carcinogen produced when household waste breaks down, was the main contaminant under the sealed plot, although methane and other gases posed problems.

Those lawsuits lasted for years and cost the various agencies – mostly public, with a few private companies involved – millions of dollars. Those millions aren't even part of the \$13 million to fix the land so it is usable again and deal with the toxins so they don't threaten people or the environment.

The entire disturbed area is more than 20 acres. Originally, the liner was to cover 7 acres, with what's called the plateau area encompassing another 4 acres.

Because debris was found in a larger area than expected, the cost to remediate the site grew. But the county does not believe it should have to incur the expense because when the federal court case was settled it was the USFS plan that El Dorado County had to follow, with the Forest Service saying what the cost would be and where the cleanup would take place.

Silva said the original budget was \$5.5 million, which the county's insurance company covered.

"The Forest Service gave us 100 percent of the remedial design. They included what they thought it would cost, but there was a lot more waste there that had to be relocated," Silva told *Lake Tahoe News*.

To recoup its expenses, the county took the feds to court. (No matter who wins, all of this is taxpayer money.)

The federal court granted the county's motion for

construction, enforcement, and modification of the partial consent decree. The Forest Service appealed this to the Ninth Circuit Court of Appeals. The next set of court briefs are due May 11.

According to the county, "If affirmed by the Court of Appeals, a hearing will be scheduled to determine the potential amount of the additional construction costs due to the large number of issues, errors, and omissions with the final 100 percent remedial design the county may recover from the U.S Forest Service."

The Lake Tahoe Forest Service office deferred comment to the U.S. Department of Justice in Washington, D.C. However, because the matter is ongoing litigation, Wyn Hornbuckle declined to answer the following *Lake Tahoe News* questions:

- The cost of the project is more than twice what the Forest Service said it would cost when the agency came up with the design and told the county what to do. How do you account for this?
- How do you expect another agency to pay this when it's your plans that seem not to be working?
- What does the USFS attribute the cost overruns to?

The county and USFS agree the land could be open to the public in August.

"Everything is contingent on site conditions and how well the vegetation is growing and how the cover system is settling in," Cheva Heck, spokeswoman for Lake Tahoe Basin Management Unit, said. "We could reopen Garbage Dump Road as soon as August of this year; once the construction equipment and trailers are off the site. If it takes longer for vegetation to re-establish, the site could remain closed for more than a year. Our intention is to reopen the site to dispersed recreation like biking, hiking, dog-walking and similar

activities.”

This will be the third summer contractors have been working on the Meyers Landfill.