

# LAW OFFICE OF MARC CHYTILO

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ENVIRONMENTAL LAW

July 2, 2015

County of Santa Barbara  
Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

*By hand delivery and by email to*  
[sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)

RE: Funding for Resource Recovery Project at Tajiguas Landfill – 7/7 Agenda Item #3

Dear Chair Wolf and Members of the Board of Supervisors,

This office represents the Gaviota Coast Conservancy (GCC) in this matter. GCC overwhelmingly supports the primary goal of the Resource Recovery Project (RRP) of reducing landfill dependence by diverting Municipal Solid Waste (MSW) that is not currently recycled. However, GCC has a number of serious concerns regarding the RRP as currently proposed including its proposed location at the Tajiguas Landfill on the Gaviota Coast, its financial viability, and the long-term environmental consequences of relying on *dirty* Materials Recovery Facility (MRF) technology.

Staff has requested that the Board “consider directing staff to evaluate alternative financing structures for the project.” (Set Hearing Board Letter, p. 2.) A core premise of the RRP is that it would be financed with private dollars. The Request for Proposals (RFP) presented to the Board for example describes the role of the Contractor as follows: “the Contractor will accept and process Acceptable Waste from the Public Participants, *permit, finance, design, construct, start-up, acceptance test, own and operate and maintain the Facility.*” (RFP, 10/20/09, p. 4-3 (emphasis added)). The RFP further describes the “Ownership and Financing” of the RRP as follows:

***The Contractor shall be solely responsible for the cost of the design and construction of the Facility.*** The Contractor itself, or through third-party financing or other equity contributions, shall provide in a timely manner all funds required to perform the design-build-operation work. The obligations of the Contractor to design, build, operate and finance the Facility shall apply notwithstanding the occurrence of an Uncontrollable Circumstance. The Public Participants will provide support for the project through guarantees of solid waste for the Facility.

(RFP, 10-20-09, p. 5-8 (emphasis added).)

GCC strongly opposes seeking public funds for the RRP Project. **The Project is financially risky, and that risk should be borne by Mustang, not by the public.**

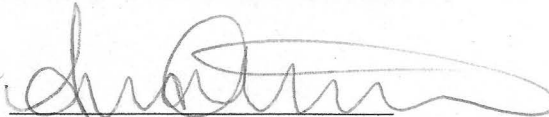
The financial viability of the proposed dirty MRF relies on a brown bin that is highly contaminated with recyclables and organics. However recyclables and organics isolated from the brown bin are contaminated and of lesser value than recyclables and organics isolated at the source (curbside). As described in a recent news story "Mixing everything together is convenient, but it leads to wet paper and bits of broken glass that can't be sorted. . . . you can't unscramble an egg." (<http://www.npr.org/templates/transcript/transcript.php?storyId=396319000>.) Not only are the recyclables isolated of lesser value, the digestate produced by the Anaerobic Digester (AD) facility will be of lesser value because the organics were derived from mixed waste stream. The Project DSEIR describes the "potential for MSW-derived digestate to contain metals and other contaminants not suitable for all compost end users." (DSEIR p. 3-16.) Due to glass shards and other contaminants, the compost produced from the Project will not be usable for agriculture.

As communities, businesses, and individuals across the country begin to embrace "zero waste" goals, fewer recyclables and organics will end up in the brown bin, yielding diminishing returns from the sale of recyclables and compost removed from the MSW at dirty MRFs. Meanwhile, enhanced source separation has proven to be a feasible and highly effective means of reducing landfilling. For example, San Francisco has achieved a diversion rate of 80% by mandating source separation and offering residential and commercial food waste pickup (*see* <http://www.theguardian.com/environment/2014/jun/17/san-francisco-zero-waste-recycling-composting>.) Other communities including Portland, Seattle, and Minneapolis are following suit. GCC stressed the importance of fully evaluating enhanced source separation as an alternative to the proposed RRP Project, however the DSEIR dismissed this alternative out of hand based solely on the unsubstantiated "opinion of the professional solid waste management staff" (DSEIR p. 5-8.) Before pursuing a more costly and potentially less sustainable solution, the EIR *must* fully disclose the facts and analysis relied on to reject alternatives, including enhanced source separation.

In light of the above, there is a real risk that the RRP will hold Santa Barbara County back rather than propel it forward by foreclosing opportunities to put in place needed infrastructure and provide public education necessary for a high-performing reuse and recycling program (*see* [http://www.texasenvironment.org/Industry\\_Letter\\_2013.pdf](http://www.texasenvironment.org/Industry_Letter_2013.pdf).) Meanwhile, the financial risk associated with the Project is high, and properly borne by the private sector. **We respectfully urge the Board to direct staff not to pursue public funding options for the Project.**

Respectfully submitted,

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Ana Citrin

For Gaviota Coast Conservancy