APPENDIX B

RESPONSES TO NOTICE OF PREPARATION

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Memorandum

Date: April 24, 2012

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: SCH # 2008021052
Tajiguas Landfill Resource Recovery Project

The State Clearinghouse distributed the above-referenced Notice of Preparation on April 19, 2012 to your agency for review and comment. It has come to our attention that the document was issued an *incorrect* State Clearinghouse Number in error. For all future correspondence regarding this project, please use the new State Clearinghouse Number **2012041068** and note that the correct project name is: **Tajiguas Landfill Resource Recovery Project.**

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Joddi Leipner
Santa Barbara County, RRWMD
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

April 24, 2012

To: Reviewing Agencies

Re: Tajiguas Landfill Resource Recovery Project
SCH# 2012041068

Attached for your review and comment is the Notice of Preparation (NOP) for the Tajiguas Landfill Resource Recovery Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Joddi Leipner
Santa Barbara County, RRWMD
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2012041068
Project Title Tajiguas Landfill Resource Recovery Project
Lead Agency Santa Barbara County

Type NOP Notice of Preparation

Description Note: Subsequent EIR Scoping. Reference SCH #1998041003 & 2008021052.

The County of Santa Barbara proposes to develop a Resource Recovery Project that would process municipal solid waste from the communities currently served by the Tajiguas Landfill. The Resource Recovery Project will be designed and constructed to process various waste streams delivered to the Tajiguas Landfill from unincorporated areas of the South Coast of Santa Barbara, the Cities of Santa Barbara, Goleta, Buellton and Solvang as well as the unincorporated Santa Ynez and New Cuyama Valleys. The waste stream anticipated to be delivered for processing is mixed municipal solid waste. As an optional project element, commingled source separated recyclables and source separated organic waste from existing and future recycling programs could also be brought to the Resource Recovery Project for consolidated processing. The Resource Recovery Project would be located at the Tajiguas Landfill and would include a Materials Recovery Facility (to recover recyclable materials), a Dry Fermentation Anaerobic Digestion Facility (to process organic waste into biogas and digestate), and an Energy Facility that would use the biogas from the Anaerobic Digestion Facility to produce electricity. The digestate would be further cured in outdoor windrows at the landfill to create compost and/or soil amendments. Residual waste (residue) from the processing would be disposed of in the landfill. No change in the landfill's permitted capacity is proposed.

Lead Agency Contact

Name Joddi Leipner
Agency Santa Barbara County, RRWMD
Phone (805) 882-3614 **Fax**
email
Address 130 E. Victoria Street, Suite 100
City Santa Barbara **State** CA **Zip** 93101

Project Location

County Santa Barbara
City Goleta
Region
Cross Streets North of US 101 along the Gaviota Coast
Lat / Long
Parcel No. 081-150-019, -026 & -042
Township **Range** **Section** **Base**

Proximity to:

Highways US 101
Airports
Railways Union Pacific
Waterways Pila Creek, Pacific Ocean
Schools
Land Use Class III MSW Landfill/Agriculture/Agriculture, public facility.

Project Issues Aesthetic/Visual; Air Quality; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Noise; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Geologic/Seismic

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Reviewing Agencies	Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Resources, Recycling and Recovery; Department of Water Resources; Department of Fish and Game, Region 5; Native American Heritage Commission; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3

Date Received	04/19/2012	*Start of Review*	04/19/2012	*End of Review*	05/18/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

From: Leipner, Joddi [Jleipner@cosbpw.net]
Sent: Monday, April 23, 2012 2:55 PM
To: State Clearinghouse
Subject: Tajiguas Landfill Resource Recovery Project

Hi Sheila:

As we discussed on the phone, we recently submitted an NOP and NOC for the Tajiguas Landfill Resource Recovery Project. The project inadvertently got listed as the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project (one of our prior projects which was approved and for which an NOD was filed) in CEQAnet and on the distribution to the state responsible and trustee agencies. We understand that the State Clearinghouse will make the correction in the database and in the NOP distribution to the State agencies. For clarity we believe it would also be better to assign a separate SCH # for the current project (Resource Recovery Project) but reference that is related to SCH #2008021052 (Subsequent EIR for the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration) and SCH #98041003 (EIR for the Tajiguas Landfill Expansion).

Please let me know if you have any questions or need any additional information.

Thank you for your assistance.

Joddi

Joddi Leipner
Senior Engineering Environmental Planner
Resource Recovery and Waste Management
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101
(805) 882-3614

NOP Distribution List

84

County: Santa Barbara

SCH# 2012041068

Resources Agency

- [x] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  Nicole Wong
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Gerald R. Zimmerman
- [ ] Dept. of Conservation
  Elizabeth Carpenter
- [ ] California Energy Commission
  Eric Knight
- [ ] Cal Fire
  Allen Robertson
- [ ] Central Valley Flood Protection Board
  James Herota
- [ ] Office of Historic Preservation
  Ron Parsons
- [x] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] California Department of Resources, Recycling & Recovery
  Sue O'Leary
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [ ] Dept. of Water Resources Resources Agency
  Nadell Gayou

Fish and Game

- [ ] Depart. of Fish & Game
  Scott Flint
  Environmental Services Division
- [ ] Fish & Game Region 1
  Donald Koch
- [ ] Fish & Game Region 1E
  Laurie Harnsberger
- [ ] Fish & Game Region 2
  Jeff Drongesen
- [ ] Fish & Game Region 3
  Charles Armor
- [ ] Fish & Game Region 4
  Julie Vance
- [ ] Fish & Game Region 5
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] Fish & Game Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Game Region 6 I/M
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Game M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Anna Garbeff
  Environmental Services Section
- [ ] Dept. of Public Health
  Bridgette Binning
  Dept. of Health/Drinking Water
- [ ] Delta Stewardship Council
  Kevan Samsam

Independent Commissions,Boards

- [ ] Delta Protection Commission
  Michael Machado
- [ ] Cal EMA (Emergency Management Agency)
  Dennis Castrillo
- [x] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Leo Wong
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [ ] State Lands Commission
  Jennifer Deleong
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Philip Crimmins
- [ ] Caltrans - Planning
  Terri Pencovic
- [ ] California Highway Patrol
  Suzann Ikeuchi
  Office of Special Projects
- [ ] Housing & Community Development
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Bruce de Terra
- [ ] Caltrans, District 4
  Lisa Carboni
- [ ] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Michael Navarro
- [ ] Caltrans, District 7
  Dianna Watson
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [ ] Caltrans, District 11
  Jacob Armstrong
- [ ] Caltrans, District 12
  Marlon Regisford

Cal EPA

Air Resources Board

- [ ] Airport/Energy Projects
  Jim Lerner
- [ ] Transportation Projects
  Douglas Ito
- [ ] Industrial Projects
  Mike Tollstrup
- [ ] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] State Water Resouces Control Board
  Phil Crader
  Division of Water Rights
- [ ] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [x] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] RWQCB 5S
  Central Valley Region (5)
- [ ] RWQCB 5F
  Central Valley Region (5)
  Fresno Branch Office
- [ ] RWQCB 5R
  Central Valley Region (5)
  Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
- [ ] RWQCB 6V
  Lahontan Region (6)
  Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [ ] RWQCB 9
  San Diego Region (9)

- [ ] Other _____

_____

_____

- [ ] _____
  Conservancy

Last Updated 2/29/2012

Leipner, Joddi

From: Berman, Michael <MBerman@SantaBarbaraCA.gov>
Sent: Monday, May 07, 2012 4:43 PM
To: Leipner, Joddi
Cc: Weiss, Bettie
Subject: NOP Tajiguas Landfill Expansion Subsequent EIR

Dear Ms Leipner,

Please can you ensure that the Subsequent Environmental Impact Report provides an analysis of the impacts of any new transmission lines that may be necessary to convey additional electricity generated at the project from the project site to the grid. It was not clear from review of the scoping paper that this issue area would be included in the impact analysis.

Thank you for an opportunity to comment on the scope of the proposed Subsequent Environmental Impact Report.

Sincerely,

Michael Berman, Project Planner
Planning Division, Community Development Dept.
630 Garden Street,
SB CA 93101
Phone 805 564 5470 Ext. 4558

Gaviota Planning Advisory Committee

May 10, 2012

Ms. Joddi Leipner
County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
130 East Victoria Street, Suite 100
Santa Barbara, CA 93101

Re: Comments on the Proposed Resource Recovery Project at the Tajiguas Landfill

Dear Ms. Leipner:

On behalf of the Gaviota Planning Advisory Committee, I am writing to express the Committee's action with respect to the scoping process initiated by the Notice of Preparation of April 19, 2012.

While the Committee strongly supports the concept of converting the waste stream to energy and vastly reducing input to landfills, the Committee is deeply concerned that siting the facility in Gaviota at the Tajiguas Landfill location is contrary to the underlying principals which form the basis of the plan currently in development by the Committee.

The Committee respectfully requests that serious consideration be given to alternative sites.

The Committee feels that the Tajiguas site is inappropriate for the following reasons:

1. The level of traffic to the Tajiguas site will not decrease and will most likely increase causing air pollution and increasing safety concerns.

2. This clearly constitutes an industrialization of a portion of Gaviota which is diametrically opposed to the fundamental concept of the Committee that the rural character of Gaviota be preserved.

3. The Committee is opposed to any expansion of the Tajiguas site, and this effectively constitutes an expansion of that site.

This is a very important matter for our planning process, and we urgently implore the consideration of alternative sites.

Very truly yours,

Gaviota Planning Advisory Committee

By Charles D. Kimbell
Charles D. Kimbell, Chairman

CDK/dob
cc: GavPac Committee Members
253592

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: 415 552-7272 F: 415 552-5816
www.smwlaw.com

May 7, 2012

Via U.S. Mail

Mr. Mark Schleich, Deputy Director
County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
130 East Victoria Street
Santa Barbara, CA 93101

Re: Resource Recovery Project at the Tajiguas Landfill

Dear Mr. Schleich:

We represent the Santa Barbara Chapter of the Surfrider Foundation in connection with the Resource Recovery Project at Tajiguas Landfill ("Project"). This letter requests notice of any workshops or hearings before the County in connection with the Project. In addition to notice of these hearings, please send us copies of all agendas for these workshops and hearings as well as any staff reports that may be prepared for the Project.

We would also appreciate notice of the availability of the draft subsequent environmental impact report and/or a copy of the document itself. Our e-mail addresses are: folk@smwlaw.com and borg@smwlaw.com.

Thank you for your attention to this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER

Ellison Folk

Carmen Borg, AICP, Urban Planner

cc: Bob Keats, Surfrider Foundation
328117.1

State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

May 9, 2012

Ms. Joddi Leipner
Santa Barbara County, RRWMD
130 E. Victoria St Suite 100
Santa Barbara, CA 93101
Fax #: (805) 882-3633

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Tajiguas Landfill Resource Recovery Project, Santa Barbara County, SCH #2012041068

Dear Ms. Leipner:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. The County of Santa Barbara proposes to develop a Resource Recovery Project that would process municipal solid waste from the communities currently served by the Tajiguas Landfill. The Resource Recovery Project will be designed and constructed to process various waste streams delivered to the Tajiguas Landfill from unincorporated areas of the South Coast of Santa Barbara, the Cities of Santa Barbara, Goleta, Buellton and Solvang as well as the unincorporated Santa Ynez and New Cuyama Valleys. The waste stream anticipated to be delivered for processing is mixed municipal solid waste. As an optional project element, commingled source separated recyclables and source separated organic waste from existing and future recycling programs could also be brought to the Rescue Recovery Project for consolidated processing. The Resource Recovery Project would be located at the Tajiguas landfill and would include a Materials Recovery Facility (to recover recyclable materials), a Dry Fermentation Anaerobic Digestion Facility (to process organic waste into biogas and digestate), and an Energy Facility that would use the biogas from the Anaerobic Digestions Facility to produce electricity. The digestate would be further cured in outdoor windrows at the landfill to create compost and/or soil amendments. Residual waste (residue) from the processing would be disposed of in the landfill. No change in the landfill's permitted capacity is proposed.

The Department is California's trustee agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 et seq., the Department also submits these comments likely as a responsible agency for the Project under CEQA. (*Id.*, § 21069.)

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. The Department looks

forward to working with the County of Santa Barbara to minimize impacts to fish and wildlife resources with a focus on these stressors. Please let Department staff know if you would like a copy of the plan to review.

The proposed project may have the potential to affect Federal Endangered Species Act (ESA)-listed California red-legged frog (*Rana draytonii*), southern steelhead (*Oncorhynchus mykiss),* Contra Costa goldfields (*Lasthenia conjugens*), and tidewater goby (*Eucyclogobius newberryi*); ESA-listed and California Endangered Species Acts (CESA)- listed Gambel's water cress (*Nasturtium gambelii*), light-footed clapper rail (*Rallus longirostris levipes*), southwestern willow flycatcher (*Empidonax traillii extimus*), and least Bell's Vireo (*Vireo bellii pusillus*). CESA-listed bank swallow (*Riparia riparia*) and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*); state species of concern big free-tailed bat (*Nyctinomops macrotis*), Cooper's hawk (*Accipiter cooperii*), monarch butterfly (*Danaus plexippus*), loggerhead shrike (*Lanius ludovicianus)*, two-striped garter snake (*Thamnophis hammondii*), western pond turtle (*Emys marmorata*), silvery legless lizard (*Anniella pulhra pulchra*) coast horned lizard (*Phrynosoma coronatum*); California rare plant rank 1 black-flowered figwort (*Scrophularia atrata*), Coulter's goldfields (*Lasthenia glabrata ssp. coulteri*), Coulter's saltbush (*Atriplex coulteri*), Davidson's saltscale (*Atriplex serenana var. davidsoni*), estuary seablite (*Suaeda esteroa*), late-flowered mariposa lily (*Calochortus weedii var. vestus*), mesa horkelia (*Horkelia cuneata ssp. puberula*), Nutall's scrub oak (*Quercus dumosa*), pale-yellow layia (*Layia heterotricha*), refugio manzanita (*Arctostaphylos refugioensis*), Santa Barbara honeysuckle (*Lonicera subspicata var. subspicata*), Santa Barbara morning glory (*Calystegia sepium ssp. binghamiae*), Santa Ynez false lupine (*Thermopsis macrophylla*), southern tarplant (*Centromadia parryi ssp. australis*), umbrella larkspur (*Delphinium umbraculorum*); California rare plant rank 2 Sonoran maiden fern (*Thelypteris puberula var. sonorensis*);

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the draft Environmental Impact Report:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats utilizing the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf)

    a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.

    b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and U.S. Fish and Wildlife Service.

    c. Endangered, rare, and threatened species to address should include all those species which meet the related definition under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15380.)

d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed.

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.

   a. CEQA Guidelines, Section 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

   b. Project impacts should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration.

   c. A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

   d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

   e. Impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.

   f. Proposed project activities (including disturbances to vegetation) should take place outside of the breeding bird season (February 1- September 1) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500-foot buffer for all active raptor nests).

3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

   a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified.

   b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.

   c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

4. An Incidental Take Permit from the Department may be required if the Project, Project construction, or any Project-related activity during the life of the Project will result in "take" as defined by the Fish and Game Code of any species protected by CESA. (Fish & G. Code, §§86, 2080, 2081, subd. (b), (c).) Early consultation with Department regarding potential permitting obligations under CESA with respect to the Project is encouraged. (Cal. Code Regs., tit. 14, § 783.2, subd. (b).) It is imperative with these potential permitting obligations that the draft environmental impact report prepared by the County in the present case includes a thorough and robust analysis of the potentially significant impacts to endangered, rare, and threatened species, and their habitat, that may occur as a result of the proposed Project. For any such potentially significant impacts the County should also analyze and describe specific, potentially feasible mitigation measures to avoid or substantially lessen any such impacts as required by CEQA and, if an ITP is necessary, as required by the relevant permitting criteria prescribed by Fish and Game Code section 2081, subdivisions (b) and (c). The failure to include this analysis in the Project environmental impact report could preclude the Department from relying on the County's analysis to issue an ITP without the Department first conducting its own, separate lead agency subsequent or supplemental analysis for the Project. (See, e.g., Cal. Code Regs., tit. 14, § 15096, subd. (f); Pub. Resources Code, § 21166.) For these reasons, the following information is requested:

   a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.

5. The Department opposes the elimination of watercourses (including concrete channels) and/or the canalization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of drainage.

a. The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA is a project subject to CEQA. To facilitate issuance of an Agreement, if necessary, the environmental impact report should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the Project environmental impact report could preclude the Department from relying on the County's analysis to issue an Agreement without the Department first conducting its own, separate lead agency subsequent or supplemental analysis for the Project.

Department staff review of this project included the use of the Department's California Natural Diversity Database (CNDDB). The CNDDB describes past observation locations of sensitive species in the general area of the proposed project and as such is a useful tool to evaluate potential sensitive biological resources on the project site. These observations do not represent the current status of sensitive biological resources in the area as CNDDB data is provided only by site specific projects and hence the entire map area has not been surveyed. Site specific surveys should be conducted in the manner described above, as needed.

Thank you for this opportunity to provide comments. Please contact Mr. Sean Carlson, Staff Environmental Scientist, at (909) 596-9120 if you should have any questions and for further coordination on the proposed project.

Sincerely,

Betty J. Courtney

Betty J. Courtney
Senior Environmental Scientist
South Coast Region

cc: Leslie S MacNair, CDFG, Los Alamitos
Natasha Lohmus, CDFG, Santa Barbara
Sean Carlson, CDFG, La Verne
Martin Potter, CDFG, Ojai
Scott Morgan, State Clearinghouse

Community Environmental Council
26 West Anapamu St., 2nd Floor
Santa Barbara, CA 93101
tel: 805 963 0583 fax: 805 962 9080 •

May 17, 2012

County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
130 E. Victoria St., Suite 100
Santa Barbara, CA 93101
Attn: Ms. Joddi Leipner

Re: Resource Recovery Project at the Tajiguas Landfill

The Community Environmental Council (CEC) was founded in 1970 with the goal of solving some of the toughest environmental problems in Santa Barbara. For our first 40 years, CEC was dedicated to reducing, reusing, and recycling, and we stay committed to the fact that these three tactics should be exhausted to the greatest extent possible. Furthermore, as CEC has shifted its focus to issues around energy and climate change, waste disposal continues to be a concern of the organization. Landfills are the largest source of anthropogenic greenhouse gas emissions (GHG) in the US.[1] It is in the spirit of maintaining Santa Barbara's leadership role in the fields of recycling and waste disposal - and in an effort to address GHGs associated with waste disposal - that we submit this letter.

CEC applauds the County for continued efforts to minimize waste and creatively manage the Tajiguas landfill. CEC also agrees with the County that we must change the way municipal solid waste is currently managed; we bury too many resources that could otherwise be reused and recycled. While we agree that something must be done, the current project scoping document does not allow for an adequate weighing of alternatives. Of particular concern is the Project Objectives (1.4) section:

> *Objective 4: Co-locate an existing developed solid waste facility to minimize environmental impacts associated with developing a new site and new infrastructure and to ensure the facility is reasonably accessible by all communities currently served by the Tajiguas Landfill.*

Since the environmental impacts have not been identified, the scoping document cannot assert that co-location of the facility with an existing developed solid waste facility will minimize impacts. The very purpose of the EIR is to test the impacts and associated mitigations necessary for alternative sites. Making this assertion before environmental review is faulty.

> *Objective 5: Reduce future greenhouse gas emissions associated with the processing and disposal of MSW through the anaerobic digestion of organics...*

If the objective is to reduce GHG emissions, then the EIR should compare the different alternatives to reducing emissions from MSW; it should not set out the solution to the problem in the objectives section. A full analysis of alternatives would allow the community to compare environmental impacts, effectiveness, and economics of technologies that reduce GHG emissions from organics.

[1] EPA. *Methane* (August 2009). www.epa.gov/methane/sources.html

CEC is also concerned about using the Santa Maria Landfill as an alternative disposal site. If the County considers the Santa Maria Landfill as an alternative site, CEC would urge thorough examination of the impacts associated with utilizing that site. The Santa Maria landfill, as proposed, would treat methane emissions much differently than Tajiguas. While Tajiguas has a robust system for capturing methane emissions and turning them into an energy source, the Santa Maria facility proposed flaring their captured methane. In addition, the EIR for that project did not adequately account for expected methane emissions and only offset 0.04 percent of total GHG emissions (please see that attached letter). The EIR should analyze the increased GHG emissions from using the Santa Maria landfill facility. In addition, any municipality that is going use the Santa Maria landfill facility for disposal of MSW should insist that it meet, or exceed, best practices for reducing and capturing GHG emissions.

We thank you for your time and look forward to working with you as you move forward with the process of evaluating the Resources Recovery facility at Tajiguas.

Sincerely,

Dave Davis
Executive Director

Megan Birney
Renewable Energy Specialist

Community Environmental Council

August 3, 2009

City of Santa Maria
Utilities Department
2065 East Main Street
Santa Maria, CA 93454
Attn: Steven Kahn

Re: Santa Maria Integrated Waste Management Facility Project, SP-2009-012, E-2006-073

To Whom It May Concern:

Landfills are the largest source of anthropogenic greenhouse gas emissions (GHG) in the US.[1] As such, it is our responsibility to track, monitor, and mitigate these emissions to the greatest extent possible. The Community Environmental Council is concerned with the GHG emissions associated with the new Santa Maria Integrated Waste Management Facility (IWMF) and the lack of strategic mitigation laid out in this Environmental Impact Report (EIR). We feel strongly that the City should pay specific attention to long term impacts and work to mitigate said impacts to the greatest extent possible, as required by CEQA. Additionally, the City should examine alternatives to landfilling like composting or conversion technologies. Below we detail some of our concerns and identify ways in which the IWMF project and EIR could be enhanced:

Project Description (Section II)

Composting (pg. II-31)

The Project Description mentions a composting facility (pg. II-1), but makes no mention of accepting compost in Solid Waste Characterization and Sources (pg. II-21) nor in the Resource Recovery section (pgs. II-31). Composting efforts at the IWMF should be described with any associated impacts or benefits included.

Green Waste (pg. II-32)

The use of green waste as Alternative Daily Cover (ADC) is inconsistent with policies of the State of California. The California Integrated Waste Management Board (CIWMB) Strategic Directive 6.1 requires 50 percent of organic materials out of landfills by 2020. It specifically cites the use of ADC as being a substantial issue of great

[1] EPA. *Methane* (August 2009). www.epa.gov/methane/sources.html

26 W. Anapamu Street, 2nd Floor • Santa Barbara, CA • 93101-3108
805.963.0583 tel • 805.962.9080 fax • www.CECSB.org

concern. The State is actively working to encourage composting of green wastes, and seeks to dissuade or ban the use of green wastes as ADC.[2] The City of Santa Maria currently leases land to Engel and Grey Inc. Regional Compost facility. This facility has a full Solid Waste Tier permit and is capable of handling all green wastes, biosolids, and source separated foodscraps from the City of Santa Maria and jurisdictions that use the landfill. This document should accurately quantify and project expected tonnages of compostable green wastes. Furthermore, the use of these materials should not be factored into future economic modeling, as the viability of its continued disposal will likely be substantially curtailed by State law.

Landfill Gas Control and Monitoring (pg. II-33, 34)

Currently the IWMF calls for flaring the landfill gas (LFG). Instead of "collect and destroy," the project should seek to collect and convert. As the EIR correctly states, the decomposition of organic wastes within an anaerobic environment generate LFG, a combination of methane and carbon dioxide. We are greatly concerned that the project proposes to flare the LFG as opposed to converting it to a sustainable form of energy. LFG to energy conversion is an acceptable means of preventing it from migrating away from the landfill boundaries. In addition, it would provide the community with non-fossil fuel based energy and help mitigate some of the GHG emission impacts of the project.

Air Quality (Section IV)

Greenhouse Gases (pg. IV.B-3)

The global warming potential of methane (or CH_4) is much higher than assumed in the EIR. The International Panel on Climate Change (IPCC) indicates that CH_4 has a Global Warming Potential (GWP) of 72 units on a 20-year horizon.[3] This is a more accurate calculation of the dangerous potential for climate destabilization because CH_4 has an atmospheric residence time (half life) of only 12 years. When CH_4 is compared with the CO2, a 100-year GWP scale misrepresents the short term threat of CH_4. Where mitigation efforts are deemed advisable, such as the construction of a new landfill, this value should be used.

Additionally, the non-zero GHG threshold used to evaluate this project does not adequately account for the additional emissions from this project. Under CEQA, the baseline from which to evaluate project impacts is "the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." Guidelines § 15125(a). Thus, since the landfill is proposed for a vacant site, project impacts should be measured from a "zero" GHG baseline. Starting with a baseline of zero emissions, any additional emissions should be considered significant. The CAPCOA white paper, *CEQA and Climate Change* (January 2008), identified in the EIR as a guidance document, sets out

---

[2] California Integrated Waste Management Board. *Organic Materials Management.* (August 2009) www.ciwmb.ca.gov/organics/AltCover/default.htm

[3] International Panel on Climate Change, *Fourth Assessment Report* (October 2007). Ch. 2, pg. 84 http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter2.pdf

guidelines for GHG thresholds of zero (pg. 27-30) and we encourage the City to reconsider their non-zero thresholds. Non-zero thresholds are not sufficient to meet the goals of California Global Warming Solutions Act of 2006 (AB 32) for a new project because all emissions from a new project will need to be mitigated if we are going to reach the GHG emission levels of 1990.

Impact AQ-6: GHG emissions from project construction (pg. IV.B-26)

While we recognize that GHG emissions from project construction may be minimal and temporary, we hold "all GHG emissions contribute to global climate change and could be considered significant, and... not controlling emissions from smaller sources would be neglecting a major portion of the GHG inventory."[4] Using a non-zero threshold, the 164.1 tons of GHG emissions should be mitigated through energy efficiency, conservation, or offsets if necessary.

Impact AQ-7: GHG emissions from project operations (pg. IV.B-28)

Currently AQ-7 accounts for "GHG emissions from energy use, on-site equipment exhaust, landfill gas generation and flaring, and disposal vehicle/transportation" (pg. IV.B-28). While we recognize that the analysis has utilized industry standards, we hold that those standards are inadequate and encourage the project to use most recent research supported by the State of California. Of primary concern is the failure to account for methane release prior to when the gas collection system is in place.

The burial of organic materials, specifically green wastes and foodscraps, has a low residence time in landfills due to their high reactivity. The current calculation of CH_4 emissions relies on a 75 percent LFG system capture efficiency with 10 percent surface oxidation. This is based on a collection efficiency calculation after lift gas collection systems are put in place. Research by Nickolas Themelis of Columbia University and Morton Barlaz of North Carolina State University has shown that methane production from organic materials in anaerobic conditions peaks within months of burial, before landfill gas collection systems are in place (See Figure 1).[5] Themelis' paper further states that landfill gas collection systems vary in their capacity to capture gases generated. The CH_4 emissions calculations should accurately reflect the volatilization of a majority of putrescible organics (i.e. foodwastes, wet wastes , etc.) prior to the installation of these gas collection lifts. To accurately calculate this we suggest a waste characterization be applied, allowing for the quantification of buried organic materials. These numbers should be published for future reference, and reduced efficiency of capture value applied. [6]

---

[4] CAPCOA, *CEQA and Climate Change* (January 2008). www.capcoa.org/CEQA/CAPCOA%20White%20Paper.pdf

[5] ICLEI. *White Paper on Landfill Science* (2007).

[6] Themelis and Ulloa,*Methane generation in landfills* (July 2005) pg 6. www.seas.columbia.edu/earth/wtert/Themelis_Ulloa_Landfill.pdf

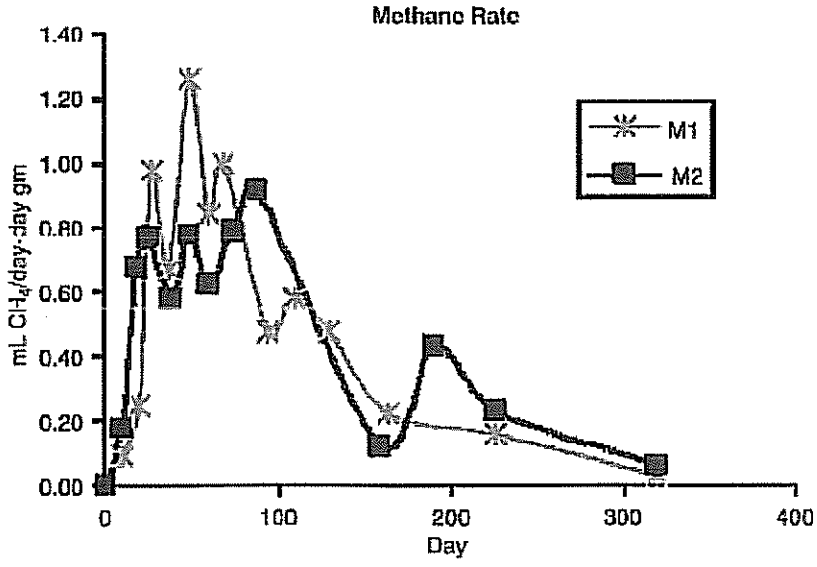


Fig. 1. Generation of methane in experimental apparatus simulating landfill bioreactions (M1 and M2 denote two different tests; [14]).

The California Integrated Waste Management Board currently is conducting a comprehensive Life Cycle Assessment (LCA) of organics diversion in the State of California in order to meet the requirements of AB 32. More information, including the LCA Screening Tool can be found at this website: www.ciwmb.ca.gov/Climate/Organics/LifeCycle/default.htm. As available, the most current conversion calculations and GHG factors should be instituted in this EIR.

AQ-7: Greenhouse Gas Reduction (pg. IV.B-34)

We are alarmed by lack of mitigation to decrease these significant impacts. Any public agency is required to "mitigate or avoid the significant effects on the environment of projects that it carries out or approves..." Pub. Resources Code § 21002, subd. (b). Yet the mitigation measures only account for 0.04 percent of GHG emissions, as currently measured. By the measure of a zero threshold, the project needs to mitigate the full 44,173 metric tons of GHG emissions in order to be deemed insignificant. By the non-zero method utilized by the EIR

analysis, the project would need to reduce their GHG emissions by 28 to 33 percent, or 14,577 metric tons. The current mitigation plan reduces GHG emission by only 17.7 tons per year (pg. IV.B-35). Furthermore, based on the above discussion, these emissions calculations are highly undervalued and the true emission mitigation requirements should be much greater. The current effort is incompatible with CEQA requirements and does not merit overriding considerations.

We do applaud the City for requiring that *on-site energy* (IV.B-28) use will be carbon neutral through a combination of energy efficiency and on-site renewable energy. However, we are concerned the required on-site renewable energy generation is not included in the analysis of the effectiveness of the mitigation measure. A renewable energy system totaling 164,325 kWh/year should effectively offset 65.6 tons of GHG emissions per year. In addition to the 17,7 tons per year due to energy efficiency, this credit would increase the avoided GHG emissions to approximately 0.19 percent of total emissions. Given this carbon neutral solution to on-site energy use, 99.81 percent of GHG emissions still need to be offset (using a zero threshold).

To offset emissions from *on-site equipment* (IV.B-29) and *disposal vehicle/transportation* (IV.B-31), the project should utilize locally sourced, sustainable biofuels or other lower carbon fuels for their equipment. California is actively supporting the use of alternative fuels through the Low Carbon Fuel Standard. Using lower carbon fuels in waste haulers, on-site equipment, and construction equipment could reduce GHG emission significantly as transportation makes up almost 20 percent of the total project GHG emissions as currently calculated.

Biodiesel blends can be used in most diesel vehicles at levels of B5-B20 (5 to 20 percent biodiesel, mixed with diesel). Numerous large fleets in Santa Barbara County use biodiesel blends, such as the MarBorg (a waste hauler), the City of Santa Barbara, and MTD (a transit operator). While the California Air Resources Board is still determining the exact GHG reductions in using biodiesel and other alternative fuels, B20 use could reduce GHG emissions compared to diesel by 5 to 15 percent.[7] Utilizing used cooking oil as a feedstock has larger GHG reduction impacts than feedstocks from agricultural oils like soy or canola. American Society for Testing and Materials certified biodiesel is readily available from various California producers and wholesalers.

Another readily available lower carbon fuel is natural gas, and there are hundreds of thousands of compressed natural gas (CNG) vehicles in America, including many waste haulers and other heavy duty vehicles. CNG is a domestic fuel that burns much cleaner than diesel, and decreases GHG emissions by 11 to 23 percent.[8] Instead of flaring natural gas from the Santa Maria facility, the gas could be cleaned and utilized in waste hauling equipment.

---

[7] California Air Resources Board. *Low Carbon Fuel Standard Program.* www.arb.ca.gov/fuels/lcfs/lcfs.htm

[8] California Energy Commission. *Full Fuel Cycle Assessment: Well to Wheels Energy Inputs, Emissions, and Water Impacts.* (August, 2007). www.energy.ca.gov/2007publications/CEC-600-2007-004/CEC-600-2007-004-REV.PDF

The *landfill gas emissions* (IV.B-20) should be mitigated not by flaring, but by converting it to electricity or other usable energy source. This will offset energy use from fossil fuels and help provide the area with a stable source of energy. Currently Santa Barbara has very little energy production and must depend on generation from outside our boundaries. While as a general rule, this is not a problem, it can lead to increased costs from rising fossil fuel prices, decreased electricity stability, and diverts revenue from the area.

Furthermore, by capturing the LFG and converting it to energy, the project will have a potential revenue source from both the energy and the carbon credits. If the City chooses to monitor and certify their carbon credits from the project, they can register them with the California Climate Action Registry and then sell those credits to other businesses and governments who are trying to reduce their carbon footprints. These credits will have further value when California begins to implement AB 32 and major emission sources are required to account for their GHG emissions.

In order to mitigate for the significant GHG emissions, the project needs to employ every GHG reduction mechanism available. For instance, we know that resource recovery such as recycling and composting can greatly decrease GHG emissions by diverting waste from the landfill and into productive uses (as discussed above). While the project description mentions compost facilities, there is no discussion of programs or practices to incentivize or require composting.

If any GHG emissions are not able to be mitigated through improvements to the project, GHG emission offsets may be purchased provided that all offsets are verifiable through an unbiased, legitimate third party, like the California Climate Action Registry. The two most important characteristics of GHG emission offsets are validity and additionality. Verification through a third party ensures that emission offset projects have actually occurred and have offset the claimed emission amounts. Additionality can be more difficult to assess, but is equally important. Additionality means that any offsets need to provide for an opportunity or project that would not otherwise have occurred. Only when both these criteria are met, can an action be considered an offset.

Alternatives (Section VII)

The alternatives analysis does not examine a range of reasonable alternatives to the proposed IWMF. The EIR only examines one method of waste disposal – landfilling. Many new technologies exist today that provide viable alternatives to burying trash. As a whole, these technologies are referred to as conversion technologies (CT) but include a wide range of methods that can include non-combustion thermal, chemical, or biological processes that can convert municipal solid waste (MSW) into electricity, alternative fuels, chemicals, or other products.[9] The benefits are two-fold: first, instead of burying the MSW, the project could end up

[9] Alternative Resources, Inc. *Evaluation of Municipal Solid Waste Conversion Technologies.* (April 2008). http://conversiontechnologystudy.com/media/documents/4-4-08FinalEvaluationReport.pdf

with a product of value, and second, the residual remaining after the process is minimized which ensures longevity of the landfill.

There are numerous CT facilities throughout the State that are either in the planning or implementation process from which to gather information including Santa Barbara County, the County and City of Los Angeles, the City of Salinas, San Diego County, and Orange County. By failing to examine these alternatives, the EIR is incomplete and inadequate.

Conclusion

While we realize that all of the emissions may be difficult to account for, this project must be required to mitigate at least some portion of their GHG emissions – avoiding 0.04 percent of GHG emissions does not create adequate grounds for overriding considerations. The Project should work to minimize GHG emissions and the landfill volume through composting and/or conversion technologies. These are both viable solutions that may prove to have an economic benefit given the upcoming requirements of AB 32 and possible federal legislation that may call for putting a price on GHG emissions.

The Community Environmental Council is a local environmental non-profit organization founded in 1970 and based in Santa Barbara County. Our flagship campaign is to wean the Tri-Counties region off fossil fuels by 2033 or sooner, effectively eliminating greenhouse gas emissions on a net basis. More information on our programs can be found at www.fossilfreeby33.org. A project the size of the Santa Maria Integrated Waste Management Facility (IWMF) impacts everyone in the community and has potential to impact future generations well past its operational life. Given the capacity and emissions of this project and the lack of mitigation proposed and alternatives considered this EIR is incomplete and inadequate. We look forward to working with the City to find solutions to the many impacts of this project and to ensure an adequate EIR analysis.

Sincerely,

Dave Davis
Executive Director

Megan Birney
Renewable Energy Specialist

Leipner, Joddi

From: bobswave@earthlink.net
Sent: Wednesday, May 16, 2012 12:27 AM
To: Leipner, Joddi
Cc: SupervisorCarbajal; Wolf, Janet; Farr, Doreen; Gray, Joni; Lavagnino, Steve; Borg@smwlaw.com; mail@n-systems.net; sandy.lejeune@gmail.com; knoe@stokedonmath.com; surfrider@lipman.org; jscottbull@gmail.com; MOREYMS@nv.doe.gov; deane.plaister@maps.com; 2palleys@cox.net; andreamlabbe@gmail.com; mgwallace@hotmail.com; jheffner@dallenassoc.com; Folk@smwlaw.com; ana@lomcsb.com; marc@lomcsb.com; lunsford4@cox.net
Subject: Comments on the Scoping Document for the Tajiguas Resource Recovery Project
Attachments: Scoping Comments for the Tajiguas Resource Recovery Project.docx

Dear Joddi,
I have attached my written comments on the scoping document for the Tajiguas Resource Recovery Project.

Bob Keats
Surfrider Foundation

Scoping Comments for the Tajiguas Resource Recovery Project

I have a number of concerns about the scoping document and the EIR for the Resource Recovery Project. First, on page 20 of the scoping document, a statement refers to sea gulls, crows, and rodents as nuisance species. I hope that this attitude will not be a characteristic of the EIR because it implies that these wildlife species are out of place on the Gaviota Coast. It raises the question of which is truly out of place on the Gaviota Coast, the wildlife or the Resource Recovery Project. In addition, the EIR should assess the impacts on wildlife on surrounding land from the continual (24 hours per day) operation of the Resource Recovery Project, as well as the impacts on the community of Arroyo Quemada.

I am also concerned about statements in the scoping document regarding the discharge of treated waste water and residual process water into Pila Creek. The EIR must study the impacts of this discharge on water quality and wildlife in the creek and in the near-shore ocean water adjacent to the mouth of the creek.

In addition, the scope of the EIR needs to be expanded beyond comparing the Tajiguas Landfill Project to the Resource Recovery Project so that the EIR includes a thorough analysis of the comparative impacts of locating Material Recovery Facilities at sites that are closer the the origination of the waste streams. Specifically, this means building two Material Recovery Facilities, one at an appropriate location in the north county, and a second at a location in Santa Barbara or Goleta. The EIR must study this alternative of building two Material Recovery Facilities by comparing the impacts of this alternative to the impacts of the Resource Recovery Project in terms of traffic, carbon footprint, air pollution, and economics, especially the return on the investment in construction costs, and the relative functional lifespan of the two-facility alternative. This is particularly important because the Resource Recovery Project has a lifespan of only twenty years, whereas Material Recovery Facilities in other locations might have longer lifespans and thus might be much better investments.

Also, given the fact that on some days, air pollution at El Capitan on the Gaviota Coast is higher than the levels of air pollution in the cities of Goleta and Santa Barbara, the EIR must study the relative impacts on air pollution on the Gaviota Coast. Would the operation of the Resource Recovery Project increase air pollution on the Gaviota Coast? Would the operation of two Material Recovery Facilities in locations closer to the origins of the waste significantly reduce air pollution on the Gaviota Coast? Would the operation of these alternate facilities significantly reduce the financial cost of trucking waste to Tajiguas?

League of Women Voters®

OF SANTA BARBARA

328 East Carrillo Street, Suite A TEL/FAX (805) 965-2422 email:info@lwvsantabarbara.org
Santa Barbara, California 93101 www.lwvsantabarbara.org

Joddi Leipner
Senior Engineering Environmental Planner
County of Santa Barbara

May 8, 2012

Subject: Scoping Document for Resource Recovery Park

I am Beth Pitton-August co-president of the Santa Barbara League of Women Voters.

The Santa Barbara League of Women Voters believes that there are a number of serious environmental issues that need to be assessed before proceeding. We strongly support all efforts to reduce the waste stream and reduce pollution, but this is a complicated and long term project.

Our principle concern is where the site for the proposed Materials Recovery Facility should be. Since the Tajiguas Landfill has had a number of problems over the years, we think that finding a different site for separation of waste could be critically important. Several other South Coast sites have been suggested, and we wonder if the already industrialized former Chevron processing plant might have space for it, since it has been largely vacated. Getting this major new industrial facility on the right site to begin with could avoid a repetition of the earlier problems.

We agree that the water problems at Tajiguas will require in-depth study, including the important 1999 legal testimony of the former landfill manager. It will be important for the EIR to analyze worst case scenarios, including the failure of any of the water diversion systems for handling run-off. Any overflow water from this site would seriously impact ocean waters.

Both the County and the League want to see every effort made to reduce the waste stream at its source. We don't want this project to be structured to discourage those efforts.

Respectfully,
Beth Pitton-August, Co-President

Contact Person: Connie Hannah, (805) 967-4720

cc: Santa Barbara County Board of Supervisors

CITY OF GOLETA

May 17, 2012 **SENT VIA EMAIL**

Ms. Joddi Leipner
County of Santa Barbara, Public Works Department
Resource Recovery and Waste Management Division
130 E. Victoria Street, Suite 100
Santa Barbara, California 93101

RE: Comments for the Proposed Resource Recovery Project at Tajiguas Landfill Subsequent EIR Scoping Document

Dear Ms. Leipner:

Thank you for providing the City of Goleta an opportunity to comment on the Scoping Document for the Proposed Resource Recovery Project at the Tajiguas Landfill (proposed project) Subsequent Environmental Impact Report (EIR) to the Tajiguas Landfill Expansion Project EIR (SCH# 98041003).

As a portion of Goleta's solid waste stream is disposed of at the Tajiguas Landfill, proposed changes to the Tajiguas Landfill could result in impacts to City resources, facilities, and infrastructure. The objectives of the proposed project, including but not limited to addressing the long term region's solid waste management needs, are supported by the City.

The following comments are provided in response to the County of Santa Barbara's request for comments on the EIR Scoping Document:

1) **Land Use**—The Tajiguas Landfill supports existing City residents and businesses and the future growth of the City as identified in the City's General Plan / Coastal Land Use Plan. The City requests that the Land Use analysis include detail regarding the project's compliance with related legislation and regulations, such as Assembly Bill 32.

2) **Transportation**—Highway 101 traffic is a regional problem that requires a regional approach to address congestion. The City

supports all attempts to minimize traffic related to the proposed project through carpooling or any other measure designed to reduce trip generation, regardless of the level of impact identified as part of the environmental analysis.

3) **Growth Inducing Impacts**—The City requests analysis of potential growth inducing impacts related to the proposed project. The analysis should address growth inducement by jurisdictions affected by the project.

Again, thank you for considering the City of Goleta's comments regarding the Scoping Document for the pending Subsequent EIR. The City looks forward to the opportunity to working with the County on the Draft Subsequent EIR for this important project.

Sincerely,

Anne Wells

Anne Wells, Advance Planning Manager
Neighborhood Services & Public Safety Department

cc: Vyto Adomaitis, Neighborhood Services & Public Safety Director
Steve Wagner, Community Services Director
Steve Chase, Planning & Environmental Services Director
Everett King, Environmental Services Coordinator, Community Services

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
http://www.dot.ca.gov/dist05/

Flex your power!
Be energy efficient!

May 17, 2012

Joddi Leipner
Santa Barbara County Public Works
130 East Victoria St Suite 100
Santa Barbara, CA 93101

SB-101- pm40.32
Tajiguas Landfill
Reconfiguration
SCH 2008021052

SUBJECT: Notice of Preparation for Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project

Dear Ms. Leipner:

Thank you for this opportunity to provide comment upon the Notice of Preparation (NOP) for the proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project in Santa Barbara County. Thank you for considering our comments, and thank you for taking the time to meet with us. As we have previously discussed, Caltrans two focus areas are hydraulics and traffic.

1. Hydraulics: In August/September 2008 Caltrans had the opportunity to review the Hydrology & Hydraulics Analysis Report, Final, Rev.3, June 2008 (H&H Report). The analysis depicted that the proposed concrete-lined channel will discharge to an existing 48-inch pipe, Pipe A, beginning at Node 80, as described in the H&H Report, pg. 13. A hydraulic grade line (HGL) is provided in Figures 6 & 7 for the existing conditions between Nodes N80 and N30.

The 2008 report did not include profiles showing the HGL resulting from the peak 100-year flow rate for the existing, the pre-landfill and preferred project conditions. All profiles should include the proposed concrete-lined channel, the pipe network (Nodes N80 – N30) and the US 101 culvert and railroad (Nodes N20 – N10). The HGL profiles will help verify whether the proposed channel changes will negatively impact the hydraulics at the US 101 culvert.

Now, it may be that the current project anticipates a different outcome relative to hydrology, but these comments above provides context for what we will be looking for. We look forward to reviewing the hydraulic analysis.

2. Traffic: The proposed project anticipates extending landfill operations for an additional 10 years beyond the current permitted life. Please ensure the traffic discussion thoroughly addresses these out years in terms of both the highway capacity and the project entrance/US 101 intersection operational and safety challenges. As previously discussed, the analysis should include a discussion of existing geometrics and whether or not they currently meet Caltrans design standards.

Please include discussion about reuse and the potential of new trips oriented on exporting material. As discussed, this should include the concept of using the current empty trucks now exiting the landfill and the processes required to implement a plan that includes using those now empty trucks as loaded export vehicles. Although this is a good concept, what is the efficacy? It could cause operational disruption for established truck haul efficiencies and routes because of the additional trip to the location to unload the exported material.

As part the analysis, the discussion should include or anticipate the intersection's median closure as a scenario, and provide resultant analysis with respect to how the traffic will use other US 101 facilities (such as Mariposa Reina or Refugio interchanges) to access the landfill entrance. To the extent possible, the operators should consider developing internal operational protocols, for transportation, as a contingency.

3. Technology: This project anticipates using newer technologies, the effect of which will reduce the speed at which the landfill reaches its cap. Consistent with recent technological advancement in other industries, the passage of time allows for additional improvements to occur at a faster pace, resulting in better performances of the particular technology. The technologies being considered for this project, although new for this area, have been in use in other places for some time. To the extent possible, can the DEIR discuss the current advancements in these technologies and whether or not, in the cumulative out years, refinements could result in less fill, more reuse, and, as a consequence, additional extension of the landfill permitted life.

If you have any questions about this letter, please call me at (805) 549.3632.

Sincerely,

Chris Shaeffer
Development Review
Caltrans District 5

Cc: L. Newland
S. Senet
P. Mcclintic
L. Wickham
K. Inkrott

Santa Barbara County
Air Pollution Control District

May 17, 2012

Joddi Leipner
County Public Works Department
Resource Recovery and Waste Management Division
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

Re: **APCD Response to Notice of Preparation of a Draft Subsequent Environmental Impact Report for Tajiguas Landfill Resource Recovery Project**

Dear Ms. Leipner:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (EIR) for the Tajiguas Landfill Resource Recovery Project. The County Public Works Department proposes to develop a resource recovery project that would process municipal solid waste for communities currently served by the Tajiguas Landfill. The project would include a materials recovery facility to sort recyclable materials from the waste stream, a dry fermentation anaerobic digestion facility to process organic was tint biogas and digestate, and an energy facility that would use the biogas from the anaerobic digestion facility to produce electricity. The digestate would be further cured in outdoor windrows at the landfill site to produce biosolids to be used as compost or soil amendments. Any residual process waste would be disposed of in the landfill. No change in the landfill's permitted capacity is proposed. The proposed project is located at the Tajiguas Landfill facility at 14470 Calle Real in the unincorporated Gaviota area. The landfill property consists of three parcels, totaling approximately 497 acres, are identified in the Assessor Parcel Map Book as APNs 081-150-019, -026, and -042.

APCD's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated December, 2011) is available online at www.sbcapcd.org/apcd/landuse.htm. This document should be referenced for general guidance in assessing air quality impacts in the Draft EIR.

The EIR should evaluate the following potential impacts related to the Tajiguas Landfill Resource Recovery project:

1. **District Permit Requirements.** Both the existing landfill and the proposed facility are subject to APCD permit requirements and prohibitory rules. Therefore, APCD is a responsible agency under the California Environmental Quality Act (CEQA), and will rely on the EIR when evaluating any APCD permits for proposed equipment. The EIR should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to APCD permit issuance. Specific APCD permit requirements such as Best Available Control Technology (BACT) and offsets will be addressed in the APCD permit process. However, emission quantification in the EIR analyses should reflect compliance with APCD permit requirements.

2. **Air Quality Impact Analysis (AQIA).** The AQIA conducted for the most recent landfill expansion (Environmental Impact Report SCH# 1998041003, 10/12/2001) should be revised to include the proposed project. The methodologies should be updated to assess compliance with the current state and federal ambient air quality standards. The AERMOD program should be used for dispersion modeling, and modeling should be done for ROC, NOx, SOx, PM10 and CO. The AQIA modeling should also address air quality increment consumption for NOx, CO, and ROC consistent with APCD Rule 803.

3. **Stationary Source Cumulative Health Risk.** A Health Risk Assessment (HRA) will be required for the purpose of APCD permitting to assess the toxic air contaminant emissions from the entire stationary source. An HRA encompassing the entire stationary source was prepared for the most recent expansion of the Tajiguas Landfill facility, and was included in the EIR for that project (SBC No. 01-EIR-05, SCH No. 98041003). The HRA from the previous EIR should be expanded to include the proposed Resource Recovery Facility and should be updated to apply the most recent modeling methodologies. Please coordinate with APCD's Engineering and Compliance Division (ECD) staff to ensure that the HRA is consistent with the APCD Modeling Guidelines for Health Risk Assessments (APCD Form-15i, available on the APCD website at http://www.sbcapcd.org/eng/dl/appforms/apcd-15i.pdf.

For the purpose of CEQA analysis, the HRA should also include on-site vehicle emissions that operate within the facility boundary and are part of the regular operation of the facility, consistent with the HRA for the previous EIR. For example, Appendix E.8. of the previous EIR identifies modeling scenarios for several types of equipment (dozers, compactors, scrapers, excavators, articulated trucks, graders, tractors) that are used for various tasks at the landfill. Consistent with the previous HRA, emissions from these types of equipment and activities should be included in the HRA analysis for the proposed Resource Recovery Facility project, and should include the activities that will occur both at the existing landfill and at the proposed new facilities (Materials Recovery Facility, Anaerobic Digester Facility, and Digestate Curing Area).

4. **CEQA Thresholds.** The project is located in the unincorporated county. Therefore, the applicable CEQA thresholds developed by County Planning and Development Department and adopted by the County Board of Supervisors should be applied to the project. In addition to the quantitative thresholds for operational emissions based on the daily trigger for offsets, the proposed project must be consistent with the local Clean Air Plan. The emissions for the existing project are incorporated in the current Clean Air Plan and county emissions inventory, and it is expected that new emissions from the proposed project would exceed the daily trigger for offsets for reactive organic compounds (ROC) and oxides of nitrogen (NOx). Any additional unmitigated NOx and ROC emissions would not currently be accounted for in the County's Clean Air Plan emission inventory. The consistency of the proposed project with the Clean Air Plan must be adequately addressed in the EIR, and a critical element of this is whether offsets will be obtained by the project applicant.

The APCD has posted the most up-to-date attainment status for the County on the APCD website www.sbcapcd.org/sbc/attainment.htm and the most recent Clean Air Plan is available at www.sbcapcd.org/cap.htm. The website should be consulted for the most up-to-date air quality information prior to the release of the Public Draft EIR.

5. **Air Pollutant Emissions.** The air quality impact analysis for mobile source emissions should be based on a project-specific traffic study whenever possible. The proposed project will involve air quality impacts associated with additional employee trips, truck trips and on-site equipment for delivery and pre-processing of municipal solid waste and removal of sorted recycled materials and processed biosolids. In addition to motor vehicle emissions, the analysis should include emissions associated with unpermitted stationary sources such as heating and cooling equipment, open-air curing of biosolids, and other onsite equipment used for material handling and compost turning. These emissions (sometimes termed "area source" emissions) should be included in the operational phase emission evaluation.

Stationary source emissions from each activity and piece of equipment anticipated to require APCD permits should also be presented in the quantification and analysis, including ROCs from pre-process handling of solid waste and flaring and combustion of produced digester gas. Please describe the control technologies for the various processes and resulting emissions. <u>One of the project alternatives in the alternatives section of the CEQA document should consider the curing of biosolids in enclosed aerated piles instead of open-air curing.</u>

Table 1 of the NOP Project Description lists several facilities and pieces of equipment that will emit air pollutants. Emissions for all of these processes and equipment should be quantified and presented in the EIR:

- Materials Recycling Facility – 60,000 sf processing building (fugitive emissions), 4,000 sf biofilter, 300 sf wastewater treatment facility, and materials handling equipment.
- Anaerobic Digester Facility – 2 roof top biofilters, 225,000 gallon percolate storage tank, 75,000 gallon percolate storage tank
- Digestate Curing Area – combustion equipment used for material handling and compost turning, open-air curing of biosolids (VOCs from offgassing)
- Energy Facility – two 1,537 hp CHP engines

If emissions from the existing landfill are anticipated to change based on implementation of the proposed Resource Recovery Facility, those changes should be quantified and presented in the EIR. For example, project implementation is anticipated to reduce the annual amount of waste that is buried in the landfill. If the landfill gas generation rates and fugitive methane and ROC emissions will change as a result of this, those changes should be included in the EIR analysis.

The proposed anaerobic wastewater treatment facility(s) will involve air pollutant emissions and will require an APCD permit. An evaluation of air quality impacts from this equipment should include the volume of liquids treated, the expected inlet quality of the wastewater, and the expected quality of gas produced. This analysis should also include a discussion of how gas produced by the wastewater treatment process will be handled.

Stationary and area source emissions must be added to transportation source emissions prior to applying the project-specific thresholds of significance. If the proposed project exceeds the significance thresholds for air quality, mitigations should be applied to reduce those emissions to below the levels of significance. Section 6 of APCD's *Scope and Content* document offers ideas for air quality mitigations. However, project-specific measures should be developed that are pertinent to the specific project and are enforceable by the lead agency.

6. Odor Impacts. The potential for odor impacts from waste processing at the Resource Recovery Facility should be analyzed and discussed in detail in the EIR. The analysis should address all potential odor sources, including:

- the various emission points where organic waste is processed and where residual digestate from the Anaerobic Digester Facility is handled
- the location and function of the various biofilters employed in the facility
- activities at the digestate curing area

The EIR should describe in detail the handling and curing process of the residual digestate. The discussion should address each aspect of the processing including procedure and frequency of spreading, turning, chemical additives, fugitive dust and pile management, and loading and trucking of final product. A summary of this information should also be included in the project description. Mitigation options (including design changes) for potential odor impacts should be reviewed and presented.

7. Construction Impacts. The EIR should discuss the potential air quality impacts associated with construction activities for the proposed project. APCD's December, 2011 *Scope and Content* document, Section 6, presents recommended mitigation measures for fugitive dust and equipment exhaust emissions associated with construction projects. Construction mitigation measures should be enforced as conditions of approval for the project. The EIR should have a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigations and establishes a mechanism for enforcement.

8. Global Climate Change/Greenhouse Gas impacts. Global climate change is a growing concern that must be addressed in CEQA documents. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases.

The California Office of Planning & Research (OPR) developed amendments to the CEQA Guidelines, which were adopted by the California Natural Resources Agency on December 30, 2009 and became effective March 18, 2010. These amendments establish a framework for including global climate change impacts in the CEQA process, and include revisions to the Environmental Checklist Form (Appendix G) as well as to the Energy Conservation appendix (Appendix F). A new section (§15064.4) has been added that provides an approach to assessing impacts from GHG's. For additional information on the SB 97 CEQA Guidelines amendments, visit the Resources Agency's website at www.ceres.ca.gov/ceqa/guidelines/.

We recommend that all projects subject to CEQA review be considered in the context of GHG emissions and climate change impacts. CEQA documents should include a quantification of GHG emissions from all project sources, direct (for example, mobile sources, onsite combustion equipment and fugitive methane emissions) and indirect (for example, emissions from the use of electricity that is generated offsite, and emissions related to the conveyance of water and wastewater), as applicable. In addition, we recommend that climate change impacts be mitigated to the extent reasonably possible, whether or not they are determined to be significant. The discussion of climate change impacts can be included

under cumulative air quality impacts or in its own section. At a minimum, the project should include greenhouse gas reduction measures as applicable from the following sector-based list:

- Facility energy needs provided by on-site generation
- Waste heat from biogas combustion for driving solid waste treatment and digestion processes
- Transportation measures to reduce vehicle miles traveled (incentive programs, rideshare coordination, etc.)

For guidance regarding greenhouse gas analysis for CEQA environmental documents, please refer to the *CAPCOA CEQA & Climate Change* document. CAPCOA has also published *Quantifying Greenhouse Gas Mitigation Measures*, an extensive sector-by-sector compendium of project-specific mitigation measures, including quantification methods to calculate GHG reductions. Both of these documents are available online at http://www.capcoa.org.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8838 or via email at mmp@sbcapcd.org.

Sincerely,

Molly Pearson

Molly Pearson
Community Programs Supervisor Technology and Environmental Assessment Division
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

May 18, 2012

RE: Tajiguas Landfill Conversion Technology Project

The Santa Barbara Chapter of the Surfrider Foundation opposes Santa Barbara County's proposal to implement conversion technologies at the Tajiguas Landfill. Among the reasons we oppose the project are:

- We oppose any further industrialization of the Gaviota Coast. The Gaviota Coast's unique biological, cultural, and scenic resources must be protected from development and industrialization. Implementing conversion technology at the landfill further industrializes the coast, and would potentially create noise, light, and groundwater pollution.

- The existing landfill is sited in a canyon within a half-mile of the ocean. Much of the landfill is unlined and therefore at constant risk of infiltration by spring water. This risk of groundwater pollution must be constantly monitored and mitigated.

- The approval to expand the Tajiguas landfill in 2003 was granted when no alternative landfill site was available. That is no longer true. The City of Santa Maria plans to open a new properly lined landfill in 2015. This new site has the capacity to absorb the waste stream now sent to Tajiguas.

- The possibility of composting of organic "wastes" has not been given sufficient attention in the scoping document. There are now numerous municipalities (including the City of Santa Barbara) that are successfully composting food and other organic wastes. Composting has the potential to reduce greenhouse gas emissions, overall costs of disposal, and generate a locally-produced fertility source that is a marketable product.

The Surfrider Foundation, Santa Barbara Chapter supports closure of the Tajiguas Landfill as soon as is reasonably possible.

P O B o x 2 1 7 0 3 S a n t a B a r b a r a C a l i f o r n i a 9 3 1 2 1 - 1 7 0 3

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

May 18, 2012

Ms. Joddi Leipner
Santa Barbara County
Public Works Department
Resource Recovery and Waste Management Division
130 E. Victoria Street, Suite 100
Santa Barbara, California 93101

By Email: JLiepner@COSBPW.NET

RE: Comment to Notice of Preparation and Scoping Issues, the Resource Recovery Project at the Tajiguas Landfill

Dear Ms. Leipner:

This office represents the Gaviota Coast Conservancy ("GCC") in this matter. GCC overwhelmingly supports developing alternatives to landfilling. We are concerned however, that the EIR for the Resource Recovery Project ("RRP" or the "Project") will not identify the *best* alternative to landfilling. This Project involves a substantial investment of time and resources, and will ultimately shape the County's solid waste management for the foreseeable future. Accordingly, it's critical that the County take a comprehensive approach to developing solid waste management facilities, and not artificially constrain this Project with limiting assumptions and overly narrow objectives.

GCC is particularly concerned that the use of Tajiguas Landfill both for the location of the new resource recovery facilities, and for the disposal of residuals, is a foregone conclusion because the use of Tajiguas' landfill is so intertwined with Project as scoped. The draft EIR must recognize the significant environmental risks associated with prolonging the life of the Tajiguas Landfill and locating an industrial facility on the fragile Gaviota Coast, and should decouple the Project from the Tajiguas Landfill to the extent feasible. As proposed, the parameters of the Project objectives proposed for scoping will narrow and truncate the scope of the environmental analysis, most importantly impermissibly narrowing the alternatives analysis. We implore the Public Works Department to materially revise the Project Objectives to allow full consideration of a range of potential alternatives.

Our specific comments on the Scoping Document are as follows:

LAW OFFICE OF MARC CHYTILO
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Fax: (805) 682-2379
Email(s): marc@lomcsb.com (Marc); ana@lomcsb.com (Ana)

1. Project Title

The NOP and Scoping Document identify the title of this Project as the "Resource Recovery Project at the Tajiguas Landfill." We request that the title be shortened to "Resource Recovery Project" or be changed to "Resource Recovery Project for the Tajiguas Landfill Wasteshed", to avoid any inherent bias in favor of locating the Project at Tajiguas Landfill and/or disposing of residuals at Tajiguas Landfill.

2. Project Objectives

CEQA requires that the EIR contain a clearly written statement of objectives to guide the development of a reasonable range of alternatives. (*See* CEQA Guidelines § 15124 (b)). Defining the objectives of the project too narrowly has the potential to result in the EIR evaluating an inadequate range of alternatives. (*See e.g. City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438). We are concerned that the Project Objectives for the Resource Recovery Project are too narrow, specifically:

Project Objective #2 articulated in the Scoping Document reads as follows: "Process MSW currently disposed of at the Tajiguas Landfill with a diversion rate goal of 60% in order to substantially extend the life of the Tajiguas Landfill". Our concern with this objective is that it presumes that residuals will continue to be disposed of at Tajiguas Landfill. Extending the life of Tajiguas Landfill should be removed as an express objective of this Project, opening the door to the identification, evaluation and potential approval of alternative environmentally preferable locations for residual disposal. The language is also ambiguous and could be read to include mining waste 'currently disposed' at Tajiguas. Objective #2 should be modified to read: "Process MSW that is currently being disposed of at the Tajiguas Landfill with a diversion rate goal of 60%."

Project Objective #4 reads as follows: "Co-locate at an existing developed solid waste facility to minimize environmental impacts associated with developing a new site and new infrastructure and to ensure the facility is reasonably accessible by all communities currently served by the Tajiguas Landfill." This objective unduly constrains the potential locations for the Project. Environmental impacts are not necessarily minimized by co-locating facilities at an existing developed solid waste facility, particularly if that existing facility is Tajiguas Landfill. The EIR must recognize the potential incremental health and safety risks associated with continued operation of the Tajiguas Landfill, given the proximity of Tajiguas Landfill to the ocean, the existence of saturated waste, and the risk of catastrophic geologic failure by earthquake or tsunami, potentially closing Highway 101. This improperly-phrased Project Objective ignores the land use incompatibility impacts associated with the location on the Gaviota Coast, with the waste pile intruding into the skyline and heavy duty vehicles impacting the visual character of one of the most scenic roadways and bikeways in the region. Objective #4 should be modified to read: "ensure the location of the facility minimizes environmental impacts

and is reasonably accessible by all communities currently served by the Tajiguas Landfill."

Project Objective #5 reads as follows: "Reduce future greenhouse gas emissions associated with the processing and disposal of MSW through the anaerobic digestion of organics consistent with CalRecycle's Anaerobic Digestive Initiative and Assembly Bill 32". While AD has been recognized at the state level as one method for reducing greenhouse gas emissions associated with landfilling organics, it is not the only method, and may not be the best method for the County. Objective #5 should be modified to read "Reduce future greenhouse gas emissions associated with the processing and disposal of MSW".

The draft EIR should also incorporate the additional project objective of locating resource recovery facilities near where MSW is collected, and/or near the market and/or destination for the recovered materials (compost from the AD and recyclables from the MRF) to minimize transportation cost and environmental impacts.

3. Environmental Setting

The EIR must describe the regional setting to allow the significant effects of the project and alternatives to the project to be evaluated in the full environmental context. (CEQA Guidelines § 15125). A detailed description of existing waste management operations and infrastructure must be included in the draft EIR's environmental setting, to enable the consideration of Project impacts and alternatives in their full environmental context. This information is particularly critical because the feasibility of alternatives in part depends on how well each alternative integrates into the existing system. Specifically, the environmental setting must include a detailed description of the facilities, processes, and participants in the current management of the County's solid waste. For example, the EIR must disclose the location and capacity of the various processing facilities for commingled source separated recyclables (CSSR) and source separated organic (food & green) waste (SSOW). The EIR must detail the sources and destinations of the County's CCSR and SSOW, and include a detailed description of the existing programs in each of the jurisdictions served by the Tajiguas Landfill regarding waste collection, processing, and disposal (such as the City of Santa Barbara's food waste collection program), the diversion rates these programs have achieved, and whether and how they could achieve additional diversion.

4. Baseline for analyzing the Project's impacts

CEQA requires that environmental impacts be evaluated against existing physical conditions on the ground, not hypothetical situations. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cl. App. 4th 931, 955). The Scoping Document indicates that the "environmental baseline" is the "the approved and permitted MSW volumes and landfill waste and disturbance footprints analyzed in the Tajiguas Landfill Environmental Documents are considered to represent the environmental baseline" (p. 16). The approved capacity and

footprint of the Tajiguas Landfill Project is purely hypothetical, and courts have specifically rejected using permitted capacity as opposed to existing capacity as the baseline (*see Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal. 4th 310, 322 (Using a prior permits' maximum operating levels as the baseline provided "an illusory basis for a finding of no significant adverse effect").

The EIR must assess the Project's impacts against the existing physical conditions and must not assume the eventual utilization of the full permitted capacity of Tajiguas Landfill. Santa Maria is in the process of securing approvals for a new landfill designed to meet the waste disposal needs of the region including the Tajiguas wasteshed. The County could cease residuals disposal at Tajiguas immediately upon the opening of the new Los Flores facility, and the EIR must evaluate whether the Los Flores facility is an environmentally superior location for residual disposal than the Tajiguas Landfill.

5. Project Description

An accurate, stable and finite project description is the "sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). A stable project description is indispensible for the public to "balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (*Id.* at 192-193). Due to the technical, financial, and administrative complexity associated with this Project, a highly detailed description of each component of the Project is necessary to enable the public to balance its benefit against its environmental cost, consider mitigation measures, weigh other alternatives including the no project alternative.

a. Lifetime Information

The Scoping Document provides that the Project would extend the lifetime of Tajiguas Landfill by approximately 10 years, or until 2036. The Project Description must discuss how reaching the permitted capacity at the Tajiguas Landfill would affect Project operations, and the impact analysis must evaluate the impacts associated with operation of the Project post-closure of Tajiguas, including the additional transportation impacts associated with hauling MSW to Tajiguas for processing, and then transporting all outputs including the residuals to a different location. Alternatively, if the intent of the County is to extend the lifetime of the Tajiguas Landfill indefinitely, this intent must be disclosed in the draft EIR and the impact analysis must reflect that reasonably foreseeable scenario. Vagueness on past county commitments regarding the remaining life of landfills has created unfortunate ambiguities - it is important for the environmental review process to be specific on this point.

b. AD Contingencies

The Project includes AD, which is an unfamiliar technology to many, and has not yet been "road tested" by other California jurisdictions. AD facilities with capacities of 10,000 to 20,000 tons/yr work well in Europe, however, there is little track record for larger plants currently in operation that are more similar to the 60,000 tons/year capacity of the AD facility proposed as part of the RRP. (*See* Municipal Solid Waste (MSW) Options (2006, Natural Resources Canada and Environment Canada, p. 164)[1]. Accordingly, it is critical that the EIR fully describe the process, its effectiveness, and what occurs if the process is unsuccessful.

For example, the Statewide AD EIR notes that "if the digestate fails the standards set forth for metals or pathogens set in Title 14 CCR Sections 17868.2 and 17868.3, the end product would require additional processing or disposal." (p. 3-16). However, that EIR does not describe the circumstances under which the digestate could fail, identify what additional processing steps might be necessary, what disposal options would exist, or evaluate the impacts associated with AD failure. The instant EIR may not tier from the Statewide AD EIR on these issues. Other reports and studies however discuss AD failures and the conditions that give rise to operational failures. The following are some examples:

One very recent assessment of MSW anaerobic digestion facilities in Thailand reports that "most of them have failed, including the major investment of about USD 26.5 million in a 240-320 tons MSW/day [facility] in Chonburi." (Cherdsatirkul, Generation and disposition of municipal solid waste (MSW) management in Thailand (2012, Earth Engineering Center, Columbia University, p. 10)).[2]

Another study explains what can cause an MSW anaerobic digester to fail as follows:

> Organic loading rate (OLR) is a measure of the biological conversion capacity of the AD system. Feeding the system above its sustainable OLR results in low biogas yield due to accumulation of inhibiting substances such as fatty acids in the digester slurry (Vandevivere, 1999). In such a case, the feeding rate to the system must be reduced. OLR is a particularly important control parameter in continuous systems. Many plants have reported system failures due to overloading (RISE-AT, 1998). Vandevivere (1999) reports OLR is twice in HS in comparison to LS.

---

[1] http://www.recycle.ab.ca/uploads/File/pdf/MSWworkshop/MSW_Options_Report.pdf

[2] http://www.seas.columbia.edu/earth/wtert/sofos/Thailand_MSW_Chak_essay.pdf

(Verma, Anaerobic Digestion of Biodegradable Organics in Municipal Solid Wastes, Columbia University, p. 8).[3]

Toxicity is also a significant issue with AD facilities that must be identified and thoroughly analyzed. This problem is described in one report as follows:

> Toxicity: Mineral ions, heavy metals and detergents are some of the toxic materials that inhibit the normal growth of bacteria in the digester. Small quantities of minerals, (sodium, potassium, calcium, magnesium, ammonium and sulphur), also stimulate the bacterial growth, but heavy concentrations will have a toxic effect. Heavy metals such as copper, nickel, chromium, zinc, lead are essential for bacterial growth in small quantities, but higher quantities will also have a toxic effect. Detergents such as soap, antibiotics, organic solvents also inhibit the bacteria. Recovery of digesters following toxic substances inhibiting the system can only be achieved by cessation of feeding and diluting the contents to below the toxic level.

(Review of Current Status of Anaerobic Digestion Technology for Treatment of Municipal Solid Waste (RISE-AT (Regional Information Service Center for South East Asia on Appropriate Technology), 1998). [4] Dilution volumes would presumably be quite high, and thus the process infrastructure must accommodate such circumstances. The environmental review document must address these contingencies to assure that impacts related thereto will not be "swept under the rug" (*see Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 733.)

The sensitivity of AD systems is demonstrated in a recent study of anaerobic digestion of different ratios of fruit and vegetable waste to general food waste in China. This study found that if there is not enough fruit and vegetable waste relative to other food wastes, the system failed due to high levels of volatile fatty acids (VFA). (Lin et al., Effects of mixture ratio on anaerobic co-digestion with fruit and vegetable waste and food waste of China (Journal of Environmental Sciences, 2011).[5]

Further demonstrating the sensitive nature of AD systems is the following description of a yard waste AD system that failed due to insufficient food and paper inputs:

---

[3] http://www.seas.columbia.edu/earth/vermathesis.pdf

[4] http://www.ist.cmu.ac.th/riseat/documents/adreview.pdf

[5] http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFEQFjAA&url=http%3A%2F%2Fwww.jesc.ac.cn%2Fjesc_cn%2Fch%2Freader%2Fcreate_pdf.aspx%3Ffile_no%3D2011230822&ei=bum1T8q-JeaaiQLk2a3JBg&usg=AFQjCNF5j9M2aOmiZFb_ZCzJOd-q52RIVQ

> The City of Greensboro, North Carolina conducted a pilot project in the year 2000 to process 30,000 tons per year of yard waste using anaerobic digestion technology. The yard waste comprised of leaves, grass clippings, plant material and branches. The anaerobic digestion system was designed by Duke Engineering & Services, which invested two-thirds of the required capital, with the City investing the remaining one third. The team intended to turn the pilot into a full scale system and to show that anaerobic digestion was viable for garden waste. The pilot was not successful and the plant was eventually dismantled. The system encountered many problems including difficulty maintaining the necessary heat in the reactor to optimize biogas generation; the lignocellulosic material failed to break down and removal of plastic bag pieces in the feedstock created problems. This operating experience illustrates the sensitivity of anaerobic digestion to incoming feedstocks and the need to add sufficient food and paper to the digester to ensure high gas production to make the anaerobic digestion facility energy self sufficient.

(Municipal Solid Waste (MSW) Options (2006, Natural Resources Canada and Environment Canada, p. 41)). [6] Adding more paper to balance the organics may not be the "highest and best use" of fiber/paper, and the draft EIR should include a "highest and best use" analysis for paper to ensure that diverting paper into the AD is not an environmental step backward.

The draft EIR should include a thorough review of the above publications and all other relevant data and literature that document the experiences at other AD facilities and that discuss the causes, risks, environmental impacts and other relevant consequences associated with failure of a given AD process. The EIR also must identify, analyze, and avoid the environmental impacts associated with failed AD processes, and should also document the economic consequences of AD system failure. This is necessary for a complete disclosure of the Project's environmental impacts, and to permit a reasoned choice of project alternatives.

Additionally, the EIR's analysis must account for future variability in the waste stream including significant reductions in organics entering the MSW stream that could cause digestate failure and/or financial collapse of the AD facility (i.e. from the increased use of modular in-vessel compost units on-site at restaurants to allow restaurants to process their own food waste and avoid the substantial cost of municipal disposal, or future requirements that paper (necessary for effective AD processing (*see* discussion of failed Greensboro pilot program, above), and other reasonably foreseeable circumstances that could shrink the organics stream).

---

[6] http://www.recycle.ab.ca/uploads/File/pdf/MSWworkshop/MSW_Options_Report.pdf

c. Dirty MRF contingencies

The draft EIR must account for future variability in the waste stream, and other factors, that could affect the viability of the dirty MRF proposed. CalRecycle has identified enforcing producer responsibility for end-of-life targets, and packaging reduction requirements as potential strategies for achieving its 75 Percent Recycling Initiative (*see* California's New Goal: 75% Recycling (CalRecycle, May 9, 2012)).[7] For example, CalRecycle describes the following strategies:

> Establish a process for CalRecycle to select products requiring management under an Extended Producer Responsibility (EPR) approach and to set enforceable end-of-life targets for those selected products. Legislation could include requiring CalRecycle to issue a list of potential products every X years, and requiring manufacturers of listed products that are not recovered at a rate of least 75% compared to a baseline to fund and establish an EPR program within 1 year of being so determined. CalRecycle would need to develop regulations encompassing measurement, reporting, enforcement, etc.

(*Id.*, p. 35).

> Packaging comprises nearly 1/3 of the U.S. municipal solid waste stream, and it continues to grow in volume and material complexity (e.g., composites, films, bio-based). Certain types of packaging (e.g., plastics) are implicated in litter, marine pollution, and other environmental impacts. The costs of managing packaging waste continue to increase and fall largely on the public sector -- according to the US EPA, containers and packaging generation increased by 13 million tons since 1990, adding $1.6 billion in government costs. A comprehensive approach has been difficult to discuss in part because packaging encompasses an enormous array of products and material types, and thus large potential universe of regulated manufacturers and retailers. A wide array of options including bans, minimum content requirements, and Extended Producer Responsibility (EPR) has been proposed to deal with these issues. This option consists of two EPR variations: 1) select a small set of "problematic" products/materials (e.g., non-CRV beverage containers) and establish a statewide pilot program that is operated for several years, before requiring additional packaging EPR programs; or 2) conduct a pilot that is comprehensive in terms of products/materials, but is limited to a small geographic area (e.g., coastal areas concerned with marine litter). Eventually, development of a longer-term EPR program could capitalize on the pilot as well as the experience of British Columbia's packaging and printed paper program (implementation to begin May 2014).

[7] http://www.calrecycle.ca.gov/75Percent/Plan.pdf

(*Id.*, p. 36).

The draft EIR must consider the effect of CalRecycle and/or jurisdictions within the Tajiguas wasteshed implementing these strategies and/or significantly increasing source separation of recyclables in the near future and the effect that will have on the viability of the proposed Project, including the reduction of materials in the trash can to such an extent that a dirty MRF no longer makes sense.

6. Project Alternatives

"A major function of an EIR 'is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.' (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456). The alternatives analysis is the core of CEQA, and forms the foundation for CEQA's "substantive mandate" which prohibits approval of projects "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (*Citizens for Goleta Valley*, 52 Cal. 3d at 564-565; Pub. Res. Code § 21002). To ensure that the EIR's alternatives analysis identifies all reasonable alternatives, we offer the following suggestions.

Because there are multiple components to the County's waste management process, it is critical that the EIR identify alternatives in terms of alternative project components that can be combined in a variety of different ways. For example, the EIR should evaluate alternative locations for a) the AD facility, b) the dirty MRF, and c) residuals disposal, and evaluate the impacts and feasibility of different combinations of these alternative locations. Similarly, the EIR should identify alternative technologies for a) AD, b) dirty MRF, c) CCSR and SSOW, and evaluate the impacts and feasibility of different combinations of these alternative technologies. Only through this iterative and integrated approach can the County ensure that the approved project represents the best possible combination of locations and technologies.

Specific alternatives that should be identified and evaluated in the draft EIR include the following:

a. Alternative locations

Alternative locations for residuals disposal should not be limited to "permitted" facilities, understanding that the Los Flores facility is not yet permitted but likely will be permitted by the time this Project is approved, and is designed to be a regional facility and is projected to posses sufficient capacity to accommodate waste from the Tajiguas wasteshed.

With respect to alternative locations for the resource recovery facilities, the County should take an active role in the identification of alternative locations for the MRF and AD, and prepare a site identification study or equivalent as necessary to ensure that all feasible locations

are identified and evaluated, not merely the sites that others happen to bring forward. Such a study must map the source and destination locations under each potential infrastructural configuration.

b. Lower-tech Composting Methods as Alternatives to AD

The draft EIR should identify and evaluate lower-tech composting methods as alternatives to the AD facility that would avoid the potential adverse impacts associated with the proposed AD facility, including the impacts associated with the risk of AD failure, and also may significantly reduce the costs associated with processing organics in MSW. Specific methods that should be identified and evaluated are:

Windrow composting (outdoor composting in piles, typically aerated with a compost windrow turner to optimize the composting process)

Enclosed aerated windrow composting (a hybrid between windrow and aerated static pile composting, using forced air and pile agitation to accelerate physical breakdown)

Indoor and outdoor aerated static pile composting (comprised of forcing air through a compost pile that is not agitated frequently; indoor aerated static piles can include an odor control system)

Enclosed aerated static pile (non-vessel) (uses membrane covers, bags, or other flexible enclosures to retain odors)

Modular in-vessel containers (static) (contained composting system in modular individual containers)

Modular in-vessel tunnels (static) (tunnel composting systems with forced aeration, internal air circulation and usually a biofilter).

In-vessel bays (mechanical agitation) (composting in agitated bays, with odor containment)

In-vessel vertical silos (passively aerated vertical silos in wire-mesh cages that enable airflow)

These composting methods are discussed in more detail in "Composting Processing Technologies" published by Composting Council of Canada.[8] This report also discusses and evaluates AD, and describes the track record of AD as follows:

[8] http://www.compost.org/pdf/compost_proc_tech_eng.pdf

> Track Record of Technology: Although anaerobic digestion has had some success in Europe, the technology remains to be proven in North America. There have been facilities of demonstration scale and some attempts at large scale facilities. The success of AD is contingent on a number of factors including quality of feedstock, electricity prices, and end product markets; conditions in North America for these factors differ from those in Europe.

(*Id.*, p. 13). The Composting Council of Canada report also discusses the relative cost of AD as follows:

> Cost: Anaerobic digestion is substantially more expensive than aerobic composting. Economies of scale can bring costs down for larger plant sizes, but the cost can be expected to be in a range that is comparable to incineration and advanced thermal treatment.

(*Id.* at p. 13-14). This report also provides the following cost comparison between AD and lower tech composting methods (at page 15):

> The capital cost ranges shown below are per throughput tonne assuming a minimum of 50,000 throughput tonnes per year.
>
> Windrowing: $40 - 60 per throughput tonne
>
> Enclosed Windrowing: $100 - $150 per throughout tonne
>
> In-vessel aerobic composting: $300-$500 per throughput tonne
>
> Anaerobic digestion: $500-$700 per throughput tonne

Accordingly, the report concludes that "the fact that [AD] is expensive and not yet fully proven in North America makes it a less realistic option than aerobic composting options."

The draft EIR must recognize that removing organics from the waste stream can be achieved by traditional composting, without the expense and technical difficulties associated with Anaerobic Digestion, and must evaluate the relative impacts and benefits of the above aerobic composting methods.

c. Enhanced Source Separation as an Alternative to the dirty MRF

Full source separation, which yields cleaner and easier to market recyclables with lower equipment and operational costs and a cleaner and healthier working environment, must be fully evaluated as an alternative to the proposed dirty MRF. The Scoping Document asserts that jurisdictions within the Tajiguas wasteshed currently divert 70% of solid waste generated. This

figure must be verified, broken down, and discussed in the draft EIR. Additionally, achieving much higher diversion rates through curbside separation or similar means alone may be a feasible alternative to the Project that would avoid all or most significant impacts, and must be identified and analyzed in the draft EIR. The draft EIR should undertake a robust analysis of other jurisdictions (inside and outside of California, including British Columbia's packaging and printed paper program that will be implemented starting in May of 2014 (*see* CalRecycle's New Goal: 75% Recycling, p. 36)) that have achieved higher diversion rates, and identify additional measures that could enhance diversion rates including: implementing food waste collection programs for all or most businesses and residences within the Tajiguas wasteshed, public education, identifying facilities and/or markets for items labeled as recyclable but which are not collected for recycling locally (i.e. plastic bags and waxed cardboard products), reducing the size of curbside trash cans and/or strictly limiting the number of cans the collection service will pick up from each residence and business without substantial overage fees, increasing fees associated with trash collection, and/or establishing enforcement programs that can assess penalties for putting recyclables and organics in the trash can, and reward thorough separation.

d. Waste Reduction/Prevention

The United States is world renowned for being a "throw-away" society, with the EPA reporting in 2006 that each American generates 4.6 lbs. of garbage every day. (*see* Zimmerman, How we became a throw-away society)[9]. Planned obsolescence (intentionally making a product or part that will fail, or become less desirable over time or after a certain amount of use), overuse of packaging, use of non-recyclable materials when recyclable alternatives exist, and general overconsumption, among other things, contribute to the extraordinary quantity of garbage we generate. (*See Id.*). The draft EIR should identify strategies by which the County can incentivize waste prevention, including pursuing legislation to ban items such as single use bags (which the City of Santa Barbara is poised to adopt), Styrofoam, and other non-recyclable packaging materials, and incentivizing local businesses to engage in Product Lifecycle Management (taking into account the entire life cycle of their products). Discussed above, CalRecycle has identified producer responsibility for end-of-life targets, and packaging reduction as strategies for achieving its 75% diversion goal.

The draft EIR should recognize that a combination of waste reduction and prevention, enhanced curbside collection programs, and traditional composting may meet the Project's core objective of reducing MSW that is landfilled as well or better than the Project.

[9] http://www.ourbetternature.org/throwaway.htm

7. CEQA Thresholds

The Scoping Document provides that County thresholds of significance will be used to determine levels of impact the draft EIR. CEQA however requires that the County consider all evidence of significant impacts, and not rely exclusively on adopted thresholds of significance. (*See Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322, 342 (a public agency cannot apply a threshold of significance or regulatory standard in a way that forecloses the consideration of any other substantial evidence showing that there may be a significant effect.) Rather, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting." (CEQA Guidelines § 15064(b)). The unique and undeveloped nature of the Gaviota Coast creates a substantially more sensitive environment as the context for considering the significance of environmental impacts caused by new operations and delayed closure of Tajiguas Landfill, and accordingly necessitates that the County apply the highest environmental standards throughout this process.

Thank you for your consideration of these comments.

Sincerely,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo
For Gaviota Coast Conservancy

CalRecycle DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

May 18, 2012

Ms. Joddi Leipner, Senior Engineering Environmental Planner
County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
130 East Victoria Street, Ste. 100
Santa Barbara, CA 93101

Subject: SCH No. 2012041068: – Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report for the Resource Recovery Project at the Tajiguas Landfill, (Solid Waste Information Number 42-AA-0015), Santa Barbara County

Dear Ms. Leipner:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project; and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offer the following project description, analysis and our recommendations for the proposed project based on CalRecycle staff's understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests notification of any significant differences before adoption of this Subsequent Environmental Impact Report and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to CEQA Section 15088.5.

PROPOSED PROJECT DESCRIPTION

The proposed project is an expansion of operations at the existing Tajiguas Landfill to allow the implementation of the Resource Recovery Project. The proposed project would add the following facilities to the existing Tajiguas Landfill: Materials Recovery Facility (MRF), Dry Fermentation Anaerobic Digester (AD) Facility, with the Energy Facility. The following items will also be included: administration/visitor center, new groundwater well, self contained wastewater treatment plant, parking lot, fire suppression water storage tanks and biofilters. The total acreage of the landfill property is 497 acres (APN 081-150-019, 026 and 042). The proposed Resource Recovery Project Facility would be located on approximately 6 acres on APN 081-150-019. The digestate curing site(s) would occupy appropriately 4 -6 acres on APN 081-150-019 and/or APN 051-150-026 and the water storage facilities would be on APN 081-150-019 and APN 081-150-042. The proposed Resource Recovery Project Facility would be located in the existing operation deck which houses the current landfill administration facilities.

The approximately 60,000 or 70,000 square foot Material Recovery Facility would process municipal solid waste (MSW) into three waste streams. In addition, source separated recyclable and organic wastes from the existing and future local recycling program maybe processed at the MRF. The approximately 66,000 square foot Dry Fermentation Anaerobic Digestion Facility and associated 3,000 square foot Energy Facility would convert all organic waste recovered at the MRF into biogas and digestate. The biogas from the AD Facility would produce electricity. The digestate from the AD Facility would be further cured in outdoor windrows at the landfill to create compost and/or soil amendments. Residual waste (residue) from the processing would be disposed of in the landfill if not prohibited.

Entitlements for the Solid Waste Facility Permit (SWFP) for Tajiguas Landfill
Current and Proposed

	2009 SWFP	Proposed
Total Permitted Area	357 acres total/ 118 acres for disposal	357 acres total/118 acres for disposal (approximately 6 acres for Resource Recovery Project Facility, approximately 4-6 acres for the digestate curing area, .26 acres for water storage facilities)
Waste Type	MSW, Construction & Demolition, Recyclables, Greenwaste	MSW, Construction & Demolition, Commingled & Source Separated Recyclables, Greenwaste, Source Separated Organic Waste
Hours of Operations at the Landfill	<u>Waste Receipt and Disposal Operations</u> Monday-Tuesday 7:00 a.m. – 5:00 p.m. Wednesday-Saturday 7:00 a.m. – 4:00 p.m. <u>Cover, Compaction, Construction & Maintenance</u> Monday-Tuesday 6:00 a.m. – 6:00 p.m. Wednesday-Saturday 6:00 a.m. – 6:00 p.m. <u>Construction Only</u> Monday-Tuesday 6:00 a.m. – 8:00 p.m. Wednesday-Saturday 6:00 a.m. – 8:00 p.m. Sunday* 7:00 a.m. – 6:00 p.m. <u>Special Occurrences</u> Sunday-Saturday 24 hours Closed on the following holidays: New Years Day, Memorial day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.	No change

	When New Year's Day, Independence Day or Christmas Day occur on a Sunday, the landfill will be closed on the following Monday. *Maximum total of 20 Sundays per month will be permitted.	
Hours of Operations at the MRF		<u>Handling and Processing of Waste Only</u> 24 hours/ day (includes 4 hours/day maintenance) 311 days/year 6 days per week <u>Waste Receipt</u> Monday-Tuesday 7:00 a.m. – 5:00 p.m. Wednesday-Saturday 7:00 a.m.–4:00 p.m.
Hours of Operations at the AD & Energy Facility		24 hours/day, 365 days/year
Hours of Operations at the Curing Area		7:00 a.m. – 3:30 p.m., 5 days/week
Hours of Operations at the Chipping and /Grinding Operation	<u>Receipt and Processing</u> Monday-Tuesday 7:00 a.m. – 5:00 p.m. Wednesday-Saturday 7:00 a.m. – 4:00 p.m.	<u>Receipt and Processing</u> Monday-Tuesday 7:00 a.m. – 5:00 p.m. Wednesday-Saturday 7:00 a.m. – 4:00 p.m.
Maximum/Peak Daily Tonnage	1500 tons per day (tpd) [includes 145 tpd of green waste]	1500 tons per day (tpd) [includes Chipping/Grinding Operation: 145 tpd of green waste, MRF: 800 tpd of MSW and 130 tpd of commingled source separated recyclables, AD: 37 tpd of source separated organic waste]
Design capacity	Landfill= 23,300,000 cubic yards(cu yds.)	Landfill = 23,300,000 cu yds. MRF = 800- 930 tpd (reflects size of the facility) AD Facility = 165-202 tpd (reflects amount of sourced separated organic waste) Curing Area = 255 tpd Chipping/Grinding Operations = 145 tpd
Maximum/Peak Traffic	184 vehicles per day (does not include an additional 50 VPD miscellaneous traffic)	No Change
Maximum Permitted Elevation of Landfill	620 feet above mean sea level	No Change
Total Permitted Disposal Footprint of Landfill	118 acres	No Change
Estimated Landfill Closure Year	2023	2036
Site Activities/Operations	Landfill, Chipping and Grinding Operation	Landfill, MRF, Chipping/Grinding Operation, Curing area, Anaerobic Digestion Facility, and Energy Facility

The following areas were identified as impacts not expected to be significant and be summarized in the Subsequent EIR:

- Agricultural Resources
- Cultural and Historic Resources
- Energy
- Public Facilities
- Recreation

The following areas were identified as potentially significant impacts, and require further analysis:

- Aesthetics/Visual Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Risk of Upset, Fire Hazards & Health and Safety
- Geologic Processes
- Transportation/Circulation
- Land Use
- Nuisances
- Growth Inducement,
- Noise
- Water Resources/Flooding

CALRECYCLE COMMENTS AND QUESTIONS

For clarity and convenience, questions and comments that CalRecycle staff especially wants to bring to your attention and may be seeking specific responses to will be *italicized* so the reader can more easily locate them. CalRecycle staff will also make statements, which, in their opinion are fact, if these statements are incorrect or unclear please notify CalRecycle staff. The proponent or operator of a proposed project is not given tacit approval of an action or activity by that action or activity not being specifically prohibited in the environmental document.

Tonnage/Traffic/Hours of Operations

All material that enters the facility must pass over the scale (in accordance with Title1, California Codes of Regulations (14 CCR), Section 18809) and be analyzed for in the environmental document. The maximum daily total tonnage is not increasing. However, the maximum daily tonnage for landfill disposal is decreasing. If this is correct please clarify and quantify the maximum daily tonnage for landfill disposal. The maximum daily traffic volume will not be increasing. If this is not correct please clarify and quantify the maximum daily traffic volume. Please specific the days of operations at the curing area (compostable materials handling operation).

Appendix F

Appendix F of the CEQA Guidelines for Energy Conservation is now a required item as part of an Environmental Impact Report where previously it was only indicated that it "should" be included; now it "shall" be included (see 14 CCR, Section 15064(h)(3)). More information can be found at the following Internet link:
http://ceres.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97CEQA_Guidelines_Amendments.pdf

Design Features

Describe where and how feedstock at the AD Facility will be received, processed, and stored prior to entry to the anaerobic process. Describe design features to control litter, odors, dust and noise. How will these materials be stored and for how long? Where will the electricity be used after the conversion from biogas removal from the energy facility?

Maps and Drawings

In the Draft Subsequent Environmental Impact Report provide accurate and to scale maps and drawings delineating the different areas of the project site, indicating areas for tipping, processing and storage, etcetera; indicate traffic flow on and off the site.

Permits

The Draft Subsequent Environmental Impact Report must detail all provisions in order to indicate the ability of the facility to meet State Minimum Standards for environmental protection (see 14 CCR Sections 17000 et. seq.). The Project as proposed meets the definition of a Large Volume Transfer/Processing Facility (see 14 CCR Section 17402 (a) (8)), and Compostable Material Handling Facility (see 14 CCR Section 17852(a) (12). They would be regulated as such. The following Internet links accesses a checklist developed by CalRecycle staff as a guide to Lead Agencies in the preparation of environmental documents for both transfer/processing and compostable materials handling facilities:

http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Transfer.htm

http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Compost.htm

The proposed project will require concurrence by CalRecycle in the issuance by the Local Enforcement Agency of a Revised SWFP for the project as proposed, possible other federal, state and local approvals as well as being included in the Countywide Integrated Waste Management Plan (CIWMP) and meet the requirements of Public Resource Code (PRC) Division 30 Part 2 Chapter 4.5 (City Nondisposal Facility Element - NDFE). CalRecycle approval of the amended NDFE will also be required.

Potentially Significant Environmental Impacts

The Lead Agency has identified several potentially significant project related impacts in the Notice of Preparation. Potentially significant project related impacts may be reduced to less than

significant levels by project or design features and/or mitigation measures. It may be that one or more potentially significant environmental impacts cannot be avoided if the project as proposed in this Notice of Preparation is implemented.

If there are significant impacts after design features or mitigation measures are implemented it will be necessary to prepare and adopt a Statement of Overriding Considerations. Please forward a copy, including your findings, to CalRecycle prior to adoption for our review.

Cumulative Impacts

It is important that the Draft Environmental Impact Report address the cumulative impacts resulting from the proposed project as well as those incremental impacts resulting from the proposed project's implementation.

Mitigation Reporting or Monitoring Program

As required by PRC Section 21081.6, the Lead Agency should submit a Mitigation Reporting or Monitoring Program at the time of local certification of an Environmental Impact Report or adoption of a Mitigated Negative Declaration. This plan should identify the environmental impacts associated with the proposed project, identify mitigation measures to reduce impacts to a less than significant level, identify agencies responsible for ensuring the implementation of the proposed mitigations, and specifies a monitoring/tracking mechanism. PRC Section 21080 (c) (2) requires that mitigation measures "...avoid the effects or mitigate the effects to the point where clearly no significant effects on the environment would occur." The Mitigation Reporting or Monitoring Program is also required as a condition of project approval. PRC Section 21081.6(b) also requires that "a public agency shall provide the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures."

The Mitigation Reporting or Monitoring Program should also indicate that the agencies designated to enforce mitigation measures have reviewed the Mitigation Reporting or Monitoring Program and agreed that they have the authority and means to accomplish the designated enforcement responsibilities.

Conclusion

Staff requests copies of the Draft Subsequent Environmental Impact Reports, Statement of Overriding Considerations (if one is required), Mitigation Monitoring and Reporting Program, public notices, and any Notices of Determination for this project. Any subsequent or revised environmental documents should be circulated through the State Clearinghouse as required in 14 CCR, Section 15205 of the CEQA Guidelines. CalRecycle requests being noticed of the date, time and location of any public hearings regarding the project proposal at least ten days in advance.

Since CalRecycle is a Responsible Agency for this proposed project we request that if the Lead Agency is to circulate the Draft Subsequent Environmental Impact Report electronically or in an

abbreviated form such as an Executive Summary, which a *hard or electronic copy*) of the complete document is forwarded to CalRecycle at time of circulation including all appendices.

CalRecycle staff has no further comments on the project as proposed at this time. Thank you for the opportunity to comment on this project in the early planning stages. Permitting and Assistance Branch staff is available for any planning or scoping meetings, workshops or other public meetings.

If you have any questions regarding these comments, please contact me at 951.782-4168 or e-mail me at dianne.ohiosumua@calrecycle.ca.gov.

Sincerely,

Dianne Ohiosumua
Permitting and Assistance Branch
Waste Permitting, Compliance and Mitigation Division
CalRecycle

cc: Virginia Rosales, Supervisor
Permitting and Assistance Branch, South

Robert Holmes, Manager
Permitting and Assistance Branch, South

David Brummond, Supervisor
County of Santa Barbara - Community Health Agency
Department of Environmental Health – LEA

Lisa Sloan
County of Santa Barbara - Community Health Agency
Department of Environmental Health – LEA

California Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Central Coast Regional Water Quality Control Board

May 14, 2012

Mr. Mark Schleich
Deputy Director Public Works Department
County of Santa Barbara
130 East Victoria Street
Santa Barbara, CA 93101
schleich@cosbpw.net

Dear Mr. Schleich:

LAND DISPOSAL PROGRAM: TAJIGUAS LANDFILL, SANTA BARBARA COUNTY – RESPONSE TO NOTICE OF PREPARATION FOR THE TAJIGUAS LANDFILL EXPANSION PROJECT DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to comment on the County of Santa Barbara's (County) Notice of Preparation (NOP) for the Tajiguas Landfill Expansion Project *Draft Environmental Impact Report* (Draft EIR) including the Subsequent EIR Scoping Document for the Resource Recovery Project. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Since our mission is to preserve and enhance the quality of California's water resources, and efficient use for the benefit of present and future generations, our review of your NOP and future Draft EIR's will focus on potential impacts to water quality and related sections such as geology and seismic hazards. This letter includes comments on the NOP regarding expected regulatory requirements for the Resource Recovery Project, and general stormwater low impact development considerations.

Our comments are submitted in compliance with State CEQA Guidelines §15096, which requires CEQA responsible agencies to specify the scope and content of the environmental information germane to their statutory responsibilities, and for lead agencies to include that information in their EIR for the project. The State Water Resources Control Board (State Board) and the Central Coast Water Board regulate discharges which could affect the quality of water of the state in order to protect the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use.

REGULATORY REQUIREMENTS

The County's Resource Recovery Project involves construction and operation of a materials recovery facility, an anaerobic digestion facility, and an energy facility at the Tajiguas Landfill (Landfill). The Landfill is currently regulated by the Central Coast Water Board through Waste Discharge Requirements Order No. R3-2010-0006 and the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activities. In general, we support the County's efforts to increase diversion through recycling and reuse; however, we intend to evaluate the waste to energy facility thoroughly to

ensure impacts to state waters are prevented. The County's proposed Resource Recovery Project requires the following:

1. **New Waste Discharge Requirements for the Resource Recovery Project.** Due to the proposed package wastewater treatment plant for domestic wastewater and reverse osmosis treatment system, Central Coast Water Board staff will need to develop individual Waste Discharge Requirements that will address treatment and disposal of domestic wastewater and reverse osmosis waste. The County must submit a Report of Waste Discharge (ROWD) for the domestic wastewater treatment system and the reverse osmosis treatment system to the Central Coast Water Board a minimum of six months in advance of the operation of the new facility. Please note, Central Coast Water Board staff cannot initiate work to develop and adopt new Waste Discharge Requirements without the County certifying a Final EIR.
2. **Revised Waste Discharge Requirements for the Landfill.** If the proposed project results in changes to the Landfill including, but not limited to, design, waste acceptance, disposal, and/or capacity, the County must submit a ROWD/Joint Technical Document (JTD) to the Central Coast Water Board a minimum of six months in advance of proposed changes at the Landfill. Please note, Central Coast Water Board staff cannot initiate work to develop and adopt revised Waste Discharge Requirements without the County certifying a Final EIR.
3. **General Construction and Industrial Stormwater Permits for the Waste Conversion Facility.** The County must enroll the Resource Recovery Project in the General Construction and Industrial Stormwater Permits and develop Stormwater Pollution Prevention Plans (SWPPPs) to address construction and operational activities, respectively.
4. **Updated SWPPP for the Landfill.** The County must update their SWPPP for the Landfill as required by the General Industrial Stormwater Permit to account for resulting operational changes at the Landfill due to the Resource Recovery Project. In addition, as an alternative to enrolling the Resource Recovery Project in a General Industrial Stormwater Permit separately (#3 above), the County could choose to include the waste conversion facility under the Landfill's General Industrial Stormwater Permit enrollment with an updated Notice of Intent and an expanded SWPPP. However, the County will still need to enroll in the General Construction Stormwater Permit for the construction portion of the project.

STORMWATER LOW IMPACT DEVELOPMENT CONSIDERATIONS

Low impact development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. The objective is to disperse LID devices uniformly across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal and control the release of stormwater into adjacent waterways (Anne Guillette, Whole Building Design Guide). For further information, please see: http://www.epa.gov/owow/nps/lid/, or http://www.lowimpactdevelopment.org/.

Eight common LID practices include:

1. Reduced and Disconnected Impervious Surfaces
2. Native Vegetation Preservation
3. Bioretention
4. Tree Boxes to Capture and Infiltrate Street Runoff

5. Vegetated Swales, Buffers, and Strips
6. Roof Leader Flows Directed to Planter Boxes and Other Vegetated Areas
7. Permeable Pavement
8. Soil Amendments to Increase Infiltration Rates

Central Coast Water Board staff considers a project that meets the following descriptions (inclusive) to be a "LID" project:

A. **Runoff Volume Control.** The pre-development stormwater runoff volume is maintained by a combination of minimizing the site disturbance, and providing distributed retention best management practices (BMPs). Retention BMPs are structures that retain the excess (above pre-development project volumes) runoff resulting from the development
B. **Peak Runoff Rate Control.** LID practices maintain the pre-development peak runoff discharge rate. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site, to control runoff volume. If retention practices are not sufficient to control the peak runoff rate, detention practices may be added.
C. **Flow Frequency Duration Control.** Since LID emulates the pre-development hydrologic regime through volume and peak runoff rate controls, the flow frequency and duration of post-development conditions must be identical (to the greatest extent possible) to those of pre-development conditions. Maintaining pre-development hydrologic conditions will minimize or eliminate potential impacts on downstream habitat due to erosion and sedimentation.

We recommend you consider LID design techniques for the proposed project in areas that will not result in mobilization of Landfill related wastes (e.g., leachate, landfill gas). Although some LID practices may be inappropriate for some areas of the Resource Recovery Project due to the Landfill, LID should be incorporated into the proposed project to the maximum extent possible. LID or equivalent methods are necessary to mitigate stormwater runoff pollution and stream erosion and sedimentation impacts that result from significantly increased downstream flows due to introduced impermeable surfaces.

If you have any questions, please contact **Ryan Lodge by phone at (805) 549-3506** or by email at rlodge@waterboards.ca.gov or Thea Tryon at (805) 542-4776.

Sincerely,

for Roger W. Briggs
Executive Officer

cc: Imelda A. Cragin, Icragin@cosbpw.net
John Haines, Haines@cosbpw.net
Travis Spier, tspier@cosbpw.net
Joddi Leipner, Jleipner@cosbpw.net
Lisa Sloan, Lisa.Sloan@sbchd.org

MarBorg INDUSTRIES

May 15, 2012

County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
Attention: Joddi Leipner
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

Re: Resource Recovery Project at the Tajiguas Landfill

Ms. Leipner,

Please accept MarBorg Industries comments in response to the NOP that has been issued by your office to define the scope of environmental issues to be addressed in the Subsequent EIR for the proposed project. As the County is aware, an EIR must describe a range of reasonable alternatives to the propose project, or its location, that would feasibly attain most of the project's basic objectives, but avoid or substantially lessen the project's significant effects. (CEQA Guidelines, 15126.6(a).) Where an EIR defines the project and its objectives too narrowly with the result that there is an inadequate range of alternatives studied, the principles of CEQA may be violated.

With this in mind, MarBorg resubmits its letter of December 20, 2011 as a comment on the County's Notice of Preparation (NOP) regarding the Resource Recovery Project at the Tajiguas Landfill (Exhibit A). Attached hereto as Exhibit B is a description of the proposed alternative site for locating the Material Recover Facility (MRF) component of the Project which will process the municipal solid waste (MSW) and commingled source separated recyclables (CSSR) proximate to their source of origin/collection. Also attached hereto as Exhibit C is a site plan prepared by Zero Waste demonstrating how these components of the Project could be feasibly located on the proposed alternative site.

Location of the MRF component of the Project on the proposed alternative site would necessitate some relocation of MarBorg's existing operations at the site. For example, we would redirect self-haul customers to another site owned by MarBorg for processing. Such relocation would be subject to the approval of the City of Santa Barbara. With this relocation

P.O. Box 4127
136 N. Quarantina Street
Santa Barbara
California 93140
Phone 805-963-1852
Fax 805-962-0552

however, the MRF component could be accommodated at the proposed alternative site and these uses would be within the scope of MarBorg's permitted activities at this site.

Sincerely,

Derek Carlson
Business Manager
MarBorg Industries

MarBorg INDUSTRIES

EXHIBIT A

December 20, 2011

County of Santa Barbara
Scott McGolpin
Public Works Director
123 E. Anapamu St.
Santa Barbara, CA 93101

Dear Mr. McGolpin,

MarBorg would like to submit this letter of support for the County's Anaerobic Digestion/CT Facility Project and the upcoming vote to authorize the project EIR. We recognize that years of dedication and hard work by both the Board and the Resource Recovery Staff have brought us to this point. We feel this innovative project is necessary to ensure that all jurisdictions involved will continue to meet and exceed their ever increasing diversion mandates and goals.

As part of the EIR, an analysis of alternative sites for the project components will be performed. MarBorg would like to offer the alternative of locating the MRF and Dirty MRF portions of this project to our property in the industrial zone of the City of Santa Barbara. The feasibility of locating these components in the City of Santa Barbara was affirmed in the 2007 Feasibility Study of Regional MRF Alternatives, by CalRecovery, commissioned by the County of Santa Barbara.

We believe that locating this portion of the project more central to the waste generation on the South Coast will enhance the viability of this important project. We feel that evaluating this location in the EIR will clarify the environmental, community and economic benefits of this option, such as:

- Reduced transportation costs
- Reduced vehicle pollution
- Utilization of existing infrastructure
- Lower disposal fees

P.O. Box 4127
136 N. Quarantina Street
Santa Barbara
California 93140
Phone 805-963-1852
Fax 805-962-0552

MarBorg has a long history of developing and operating local diversion facilities. We believe that our proven track record and local experience will bring a level of comfort to the community in embracing this new project.

We look forward to working with the County to ensure this vital project is a success.

Sincerely,

Mario Borgatello
President
MarBorg Industries

cc: Joni Grey, Chair - Board of Supervisors
Doreen Far, Vice Chair - Board of Supervisors
Salud Carbajal, Board of Supervisors
Janet Wolf, Board of Supervisors
Steve Lavagnino, Board of Supervisors
Helene Schneider, Mayor - City of Santa Barbara
Bendy White, Council Member - City of Santa Barbara
Margaret Connell, Council Member - City of Goleta
Michael Bennett, Council Member - City of Goleta
Ed Andrisek, Mayor - City of Buellton
Mark Schleich, Deputy Director - Resource Recovery & Waste Management Div.
Leslie Wells, Program Leader - Resource Recovery & Waste Management Div.
Bob Samario, Finance Director - City of Santa Barbara
Steve Wagner, Community Services Director - City of Goleta
John Kunkel, City Manager - City of Buellton

EXHIBIT B

APN 17-030-06 & 07

That portion of Block 299, Yanonali Street, sixty (60.00) feet in width and Mason Street, sixty (60.00) feet in width in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, described as follows:

Beginning at a point in the southeasterly prolongation of the northeasterly line of the land described in deed to Southern Pacific Railway Company recorded in Book 11, Page 157 of Deeds, in the Office of the County Recorder of said County, said point being distant thereon South 48°33'23" East, 53.01 feet from the most easterly corner thereof; thence,

1st - Leaving said southeasterly prolongation South 05°17'37" East, a distance of 13.83 feet; thence,

2nd - South 49°00'01" East, a distance of 331.38 feet; thence,

3rd - South 37°21'09" East, a distance of 23.99 feet to a point in the northerly line of the land described in deed to the State of California recorded April 30, 1987 as Instrument No. 1987-031819 of Official Records, in the Office of the County Recorder of said County; thence,

4th - Along said northerly line North 83°02'25" East, a distance of 50.70 feet to an angle point therein; thence,

5th - Continuing along said northerly line North 82°33'07" East, a distance of 265.04 feet to the intersection with the southwesterly line of Quarantina Street, sixty (60.00) feet in width, as shown on said Official Map; thence,

6th - North 48°33'47" West, leaving the northerly line of said State of California tract and along said southwesterly line of Quarantina Street 73.30 feet; thence,

7th - Continuing along said southwesterly line of Quarantina Street North 48°33'47" West 492.62 feet to the most northerly corner of said Block 299, said corner being the intersection of said southwesterly line with the southeasterly line of said Yanonali Street; thence,

W.O. 13312.03
July 10, 2003
JPY:mem

8th - South 41°26'25" West along said southeasterly line, a distance of 225.98 feet to a point in said southeasterly prolongation of the northeasterly line of the land described in deed to Southern Pacific Railway Company recorded in Book 11, Page 157 of Deeds; thence,

9th - Along said southeasterly prolongation North 48°33'23" West, a distance of 6.99 feet to the point of beginning.

W.O. 13312.03
July 10, 2003
JPY:mem

POR. PUEBLO LANDS

017-03

QUARANTINA ST

CALLE CESAR CHAVEZ

YANONALI ST

UNION ST

MASON ST

MONTECITO ST

OLIVE ST

SBE 150-42-1-1

(10) 2.40 Ac. 281

(3) 1.56 Ac.

(2) 4.74 Ac. 282

(4)

(5) 1.88 Ac.

(6) 1.99 Ac. 299

(7)

(12) 1.03 Ac. 316

(14)

(15)

(16)

(Por.)

(Abd.)

(Abd.)

283

300

US HWY. 101

04

08

31/35

31/34

12

54

11

16

Detail A

6.99

See Detail A

1" = 200'
scale

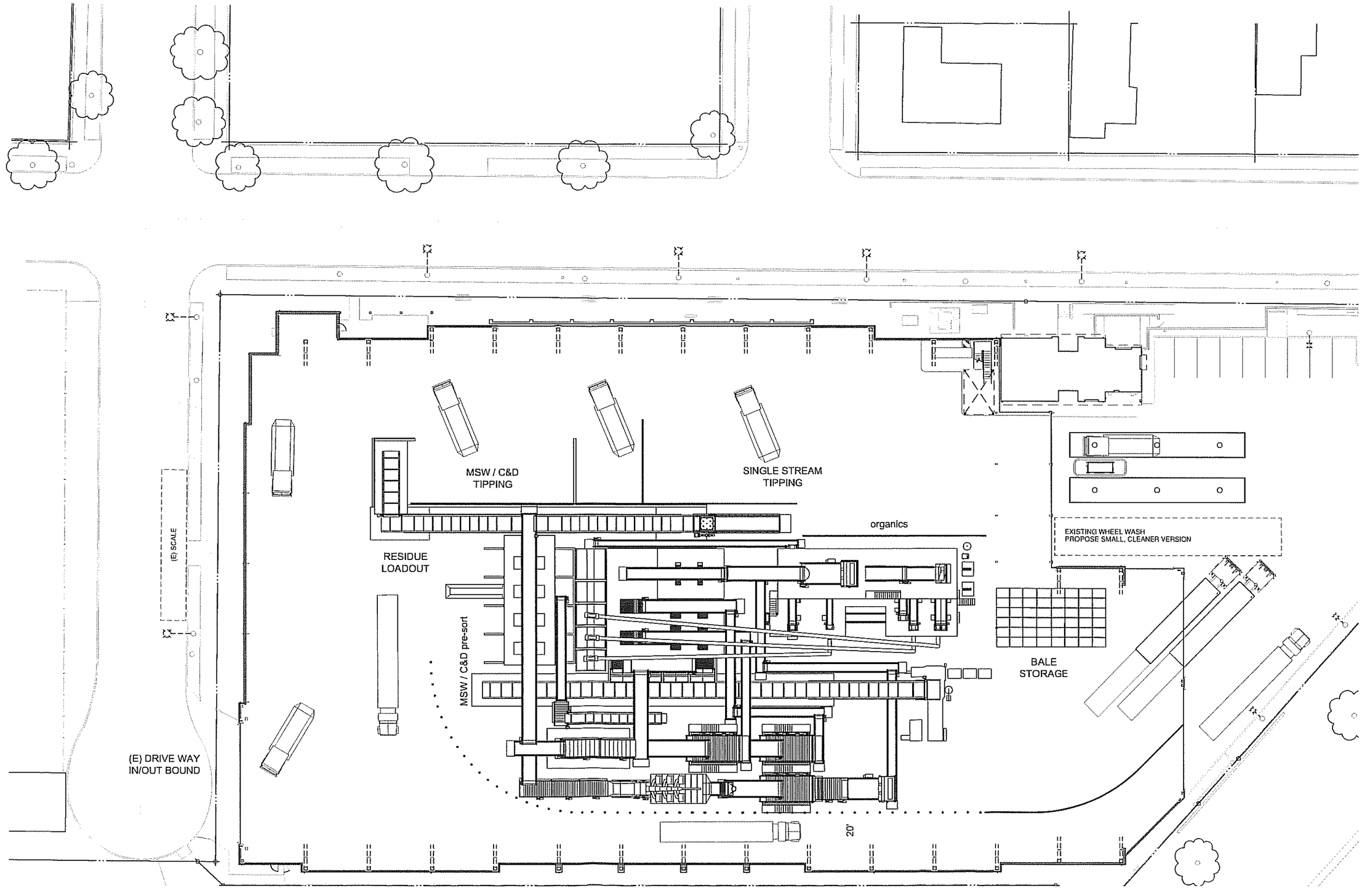
LINE TABLE		
NO.	BEARING	DISTANCE
L1	N47°37'49"W	16.34
L2	S47°35'33"E	19.02
L3	S42°24'27"W	18.23

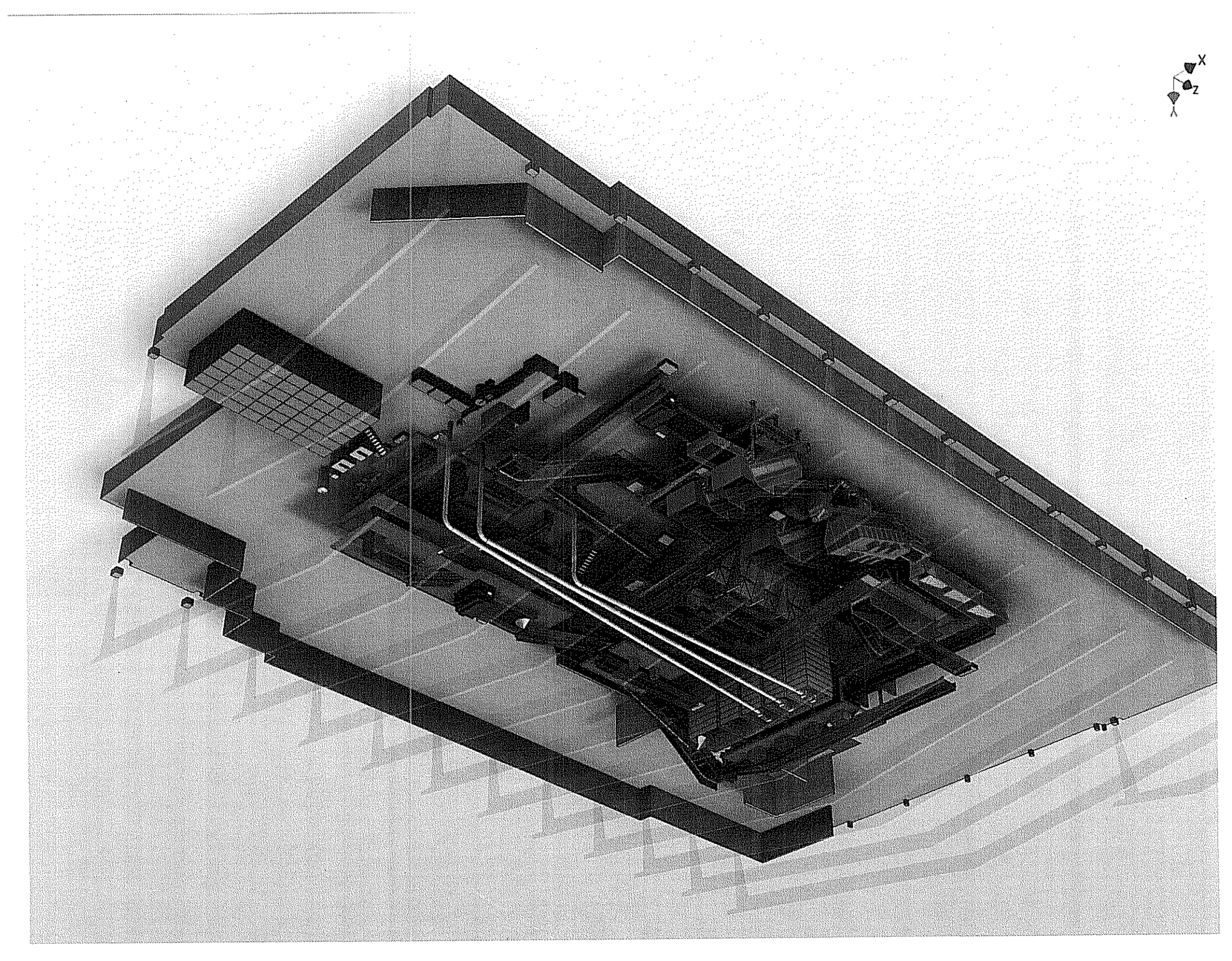
NOTICE

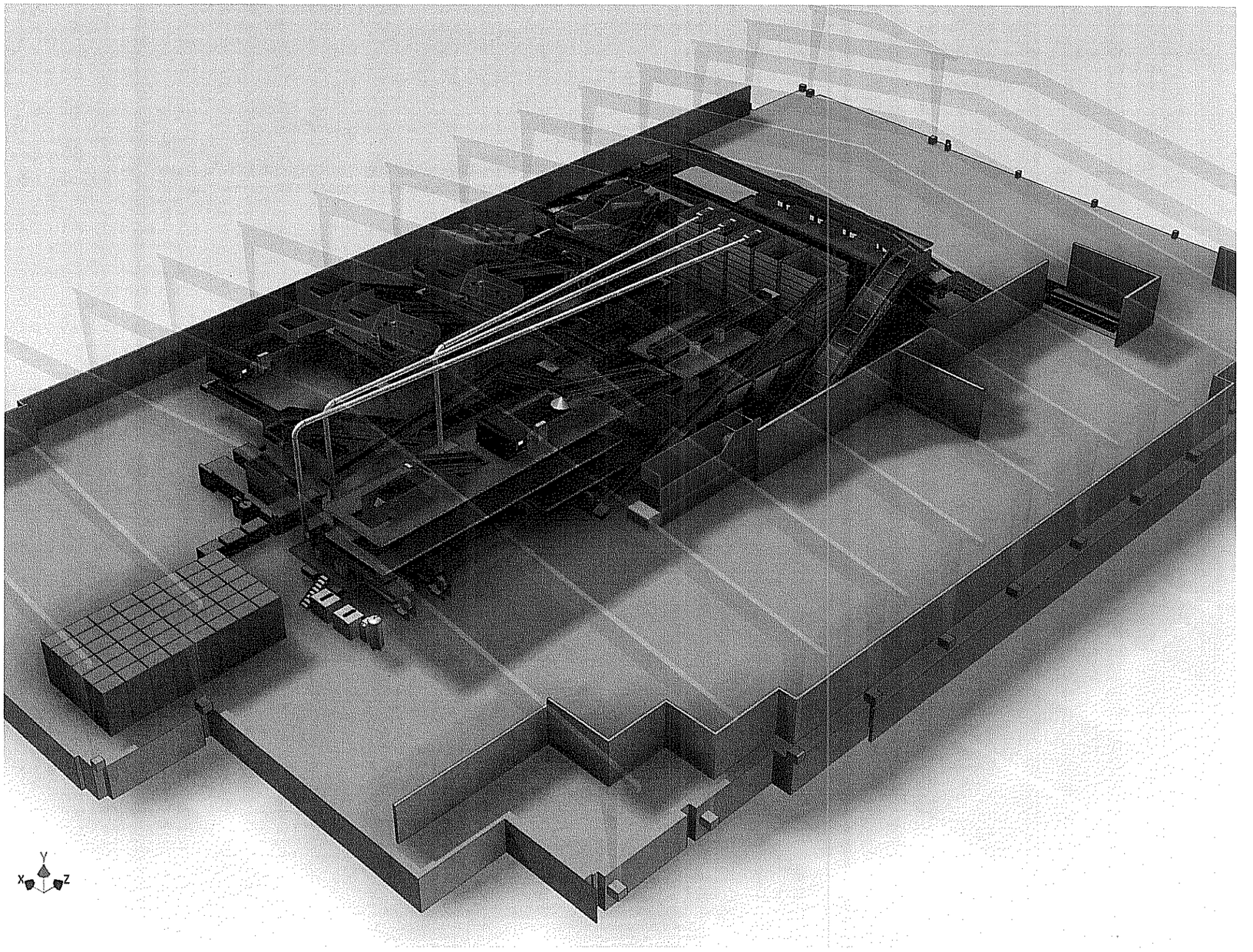
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara
Assessor's Map Bk, 017 –Pg,03
County of Santa Barbara, Calif.

LD/02 Parcels 08, 09 & 11 into 14, 15 & 16


MSW / C&D
TIPPING
SINGLE STREAM
TIPPING
organics
RESIDUE
LOADOUT
MSW / C&D pre-sort
BALE
STORAGE
EXISTING WHEEL WASH
PROPOSE SMALL, CLEANER VERSION
(E) SCALE
(E) DRIVE WAY
IN/OUT BOUND
20'


X
Z


Y
X
Z

STATE OF CALIFORNIA Edmund G. Brown, Jr., *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

April 26, 2012

Ms. Joddi Leipner, Project Planner
Santa Barbara County, RRWD
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

Re: SCH#2008021052; Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project;"** located in the Goleta Area; Santa Barbara County, California.

Dear Ms. Leipner:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: Native American Cultural Resources **were not identified** within the 'area of potential effect (APE).

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Santa Barbara County
April 26, 2012

Ernestine DeSoto
1311 Salinas Place # 5 Chumash
Santa Barbara CA 93101
805-636-3963

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chairwoman
365 North Poli Ave Chumash
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Beverly Salazar Folkes
1931 Shadybrook Drive Chumash
Thousand Oaks, CA 91362 Tataviam
folkes@msn.com Ferrnandeño
805 492-7255
(805) 558-1154 - cell

Patrick Tumamait
992 El Camino Corto Chumash
Ojai , CA 93023
(805) 640-0481
(805) 216-1253 Cell

Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road Chumash
Bradley , CA 93426
mupaka@gmail.com
(805) 472-9536

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road Chumash
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517 Chumash
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

John Ruiz
1826 Stanwood Drive Chumash
Santa Barbara CA 93103
(805) 965-8983

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project; located in the Goleta Area of Santa Barbara County, California. SCH#2008021052; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) .

Native American Contacts
Santa Barbara County
April 26, 2012

Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks, CA 91320
uhuffle@aol.com
(805) 375-7229
Chumash

Coastal Band of the Chumash Nation
Toni Cordero, Chairwoman
P.O. Box 4464
Santa Barbara CA 93140
cordero44@charter.net
805-964-3447
Chumash

Stephen William Miller
189 Cartagena
Camarillo , CA 93010
(805) 484-2439
Chumash

Charles S. Parra
P.O. Box 6612
Oxnard , CA 93031
(805) 340-3134 (Cell)
(805) 488-0481 (Home)
Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX
Chumash

Santa Ynez Band of Mission Indians
Tribal Administrator
P.O. Box 517
Santa Ynez , CA 93460
info@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax
Chumash

Randy Guzman - Folkes
6471 Cornell Circle
Moorpark , CA 93021
ndnRandy@yahoo.com
(805) 905-1675 - cell
Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Carol A. Pulido
165 Mountainview Street
Oak View , CA 93022
805-649-2743 (Home)
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project; located in the Goleta Area of Santa Barbara County, California. SCH#2008021052; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) .

Native American Contacts
Santa Barbara County
April 26, 2012

Melissa M. Parra-Hernandez
119 North Balsam Street Chumash
Oxnard , CA 93030
envyy36@yahoo.com
805-983-7964
(805) 248-8463 cell

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
805-987-5314

Frank Arredondo
PO Box 161 Chumash
Santa Barbara Ca 93102
ksen_sku_mu@yahoo.com
805-617-6884
ksen_sku_mu@yahoo.com

Aylisha Diane Marie Garcia Napoleone
33054 Decker School Road Chumash
Malibu , CA 90265

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo
2762 Vista Mesa Drive Chumash
Rancho Pales Verdes CA 90275
310-831-5295

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project; located in the Goleta Area of Santa Barbara County, California. SCH#2008021052; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) .

Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110
805/681-4900 • FAX 805/681-4901

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Takashi M. Wada, MD, MPH *Director/Health Officer*
Anne M. Fearon *Deputy Director*
Suzanne Jacobson, CPA *Chief Financial Officer*
Michele Mickiewicz, MPH *Deputy Director*
Elizabeth Snyder, MHA *Deputy Director*
Peter Hasler, MD *Medical Director*

Jennifer Bernstein *Director of Environmental Health*

May 18, 2012

Joddi Leipner
County of Santa Barbara Public Works Department
Resources Recovery and Waste Management Division
130 E. Victoria Street, Suite 100
Santa Barbara, CA 93101

Dear Ms. Leipner

Subject: **Notice of Preparation of a Draft Subsequent Environmental Impact Report Tajiguas Landfill (#42-AA-0015) Resource Recovery Project**

This office is in receipt of the subject document filed in compliance with the California Environmental Quality Act (CEQA). The Tajiguas Landfill Resource Recovery Project (Project) will involve the construction and operation of a Materials Recovery Facility (MRF), a Dry Fermentation Anaerobic Digestion (AD) Facility, and a cogeneration Energy Facility. The project objectives are to further recover recyclable material from the waste stream and to provide an alternative to burying organic waste.

The existing solid waste facility permit (Permit) allows up to 1500 tons of waste disposal and 184 vehicles per day, plus 50 vehicles daily for employees and visitors, and has a design capacity of 23,300,000 cubic yards. The maximum elevation is 620 feet, with an estimated closure in the year 2023. The disposal area encompasses 118 acres, and the facility boundary is permitted for 357 acres. The Resource Recovery Project will not require modification of any of these Permit limits. The life of the landfill will be extended from the currently estimated year of 2023 to approximately 2036.

The Project will involve placement of a MRF, AD and Energy facility complex just west of the landfill footprint after enlarging the operations deck. The complex will comprise of approximately six acres. Curing areas for the AD product totaling four to six acres will be located within the landfill footprint as indicated on Figure 3.

The MRF would comprise of a 60,000 to 70,000 square foot (sf) area to allow sorting of municipal solid waste into three streams, recyclables for resale, residue for landfill disposal and organics that would be recovered for processing in the AD Facility. A sorting facility for commingled The 66,000 sf AD Facility would convert all the recovered organics and possibly source-separated organics into two products: biogas and digestate. The biogas, primarily methane, would be used to power two 1,537 horsepower engines to generate 1+ net megawatt of power. The digestate would then be cured into compost and/or soil amendments. The digestate would require an additional four to six acres of space for curing, that would occur within the footprint of the landfill disposal footprint. The compost product would be marketed for agricultural or landscape use or used for reclamation projects.

As a responsible agency under CEQA, Environmental Health Services as the Local Enforcement Agency (LEA) under the California Department of Resources Recycling and Recovery (CalRecycle) submits comments on the Scoping Document. These comments are intended to assist the lead agency in preparing a SEIR that will be adequate for purposes of issuing a revised or modified solid waste facilities permit (SWFP). The LEA must find that the proposed permit revision is supported by and consistent with any existing CEQA analysis.

The following comments are submitted at this time:

1. The proposed new water supply well would need to be drilled by a C-57 and under permit issued by the LEA.
2. Has the applicant considered the use of fines from the MRF residual as an Alternative Daily Cover at the landfill active face? If so, it is suggested that impacts associated with such use be evaluated in the SEIR.
3. Please identify the proposed location of the truck scales/weigh station on the Figure 4 site plan of the project pad.
4. Assure all proposed changes in limits imposed by the 2009 SWFP are studied in the subject SEIR. Limits include permitted operations, maximum daily tonnage, final fill and excavation elevations, disposal area, permitted operations area, hours of operation, traffic volume, total airspace capacity, and estimated closure year. A worst case scenario of each impact must be included in the analysis of each change. According to the scoping document, the only changes would be the addition of the MRF, AD, Energy plant, possibly a CSSR, and Digestate curing areas. Maximum tonnages for each facility will need to be identified as terms in the revised or modified SWFP.
5. Aesthetics. Please consider the viewsheds of residences in addition to the highway viewsheds as potential impacts to be mitigated. Mitigation measures, such as visual screening, should be proposed.
6. Noise. Please consider the existing internal combustion engine/energy (Cogen) plant and noise from current bird control measures as part of the baseline noise impacts.
7. Traffic impacts at the intersection of Highway 101 must also be considered. Queuing must be prevented from conflicting with traffic on the highway. Increase of traffic accessing the Project property during Project construction must also be considered.
8. Preliminary closure plans will need to be amended prior to issuance of a revised or modified solid waste facilities permit. Include impacts of landfill closure activities for the Project and mention the closure process as part of each of the alternatives in the SEIR.
9. Has the Lead Agency considered the possibility of piping the gas generated in the AD and running it down to the existing Cogen plant associated with the existing landfill gas collection system?

Thank you for including the LEA in the early consultation/scoping phase of this environmental review process. If you have any questions, you may contact me at (805) 681-4942.

Sincerely,

Lisa Sloan

Lisa Sloan
Senior Environmental Health Specialist

cc: Mark Schleich, Solid Waste & Utilities Division, Public Works Department
Imelda Cragin, Solid Waste & Utilities Division, Public Works Department
Dianne Ohiosumua, CalRecycle
Virginia Rosales, CalRecycle
Ryan Lodge, Regional Water Quality Control Board
Molly Pearson, Air Pollution Control District

ls-nop2012.doc