Memorandum

Date: August 9, 2002

To: Santa Barbara County
Board of Supervisors

From: Phil Demery, Director
Public Works Department

Subject: Responses to Questions from the August 6, 2002 Hearing
Tajiguas Landfill Expansion Project

CC: Mark Schleich, Public Works
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Introduction

This memorandum is provided in response to your Board's request for additional clarifying information relevant to issues raised at the August 6, 2002 Hearing. As indicated in the responses provided herein, as well as previous staff reports, staff continues to believe that the EIR adequately reviewed the environmental issues and disclosed impacts associated with the Tajiguas Landfill Expansion Project.

A key issue raised at the August 6, 2002 hearing was the use of the western borrow area as a source of cover soil. Excavation of this area to obtain final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967 and *is not part of the Tajiguas Landfill Expansion Project*. Thus, any effects on the coastal sage scrub in this area would not represent a new impact resulting from the Tajiguas Landfill Expansion Project that would require mitigation or compensation. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act. The issue of the Coastal Zone permitting requirements as they relate to a portion of the existing landfill is discussed in more detail in a subsequent section of this memorandum.

Board Questions

The following are issues areas with specific questions provided by your Board. Staff's responses follow along with the pertinent citations from the EIR (bracketed pages from the EIR are provided following each issue area for ease in your review).

Adequacy of the EIR

Question:

Based on the letters and testimony received in recent weeks, does Staff believe the EIR is adequate?

Response:

Staff continues to believe that the EIR is adequate, and recommends certification. The County has received a number of comments since it published the Final EIR. Most of these comments involve issues that were discussed at length in the Draft and Final EIRs.

No new environmental issues were raised with respect to the proposed project. EDC proposed revising the mitigation ratios used for restoration or rehabilitation of habitat. The County has revised the project to incorporate the revised mitigation ratios in accordance with EDC's request. These revisions have the effect of increasing the extent to which the County will provide mitigation for the project's biological impacts. Revisions of this sort provide an extra margin of safety, and represent "over-mitigation" of the project's impacts. They are not the sorts of revisions, however, that cause concern over the adequacy of the EIR.

Prior to approving the project, the Board must certify that the EIR is adequate, and that the Board has reviewed the EIR, and that the EIR reflects the Board's independent judgment. (CEQA Guidelines, § 15090.) Staff has provided the Board with a draft resolution making these findings, and recommends adoption of the resolution. Ultimately, the Board must determine whether adopting the resolution is appropriate.

Alternatives/15 Year Project vs. Smaller Project

Questions:

1. *EDC states that the County cannot approve the project, because the "reduced landfill alternative" is feasible and would result in fewer environmental impacts. Is that true? What is the County's obligation with respect to adopting alternatives that avoid impacts?*
2. *EDC also states that the "reduced landfill alternative" would, in conjunction with the "bench fill" project and increased diversion, meet the County's objective of securing 15 years of landfill capacity. Is that accurate? How did we arrive at the 15-year objective? Why isn't 11 years of capacity enough?*

Response:

This comment does not question the adequacy of the EIR. Rather, this comment represents an effort to use CEQA to dictate the outcome of the Board's decision. The EIR *does* analyze the "reduced landfill alternative" favored by EDC. Thus, EDC does not and cannot argue that the EIR should have analyzed this alternative; it does. Rather, EDC argues that, having analyzed this alternative, the County must now adopt it in lieu of the project as proposed.

Staff disagrees with this argument. Staff believes that, based on the record, the Board has discretion to approve either the project or the "reduced landfill alternative."

As the lead agency for the Tajiguas project, the County has a duty to adopt feasible mitigation measures or alternatives that avoid or substantially lessen the project's significant environmental impacts. (Pub. Resources Code, § 21002.)

For the Tajiguas Landfill Expansion project, the EIR concludes the project will have significant and unavoidable impacts to air quality, biological resources, visual resources and cultural resources. The County therefore has a duty to adopt feasible mitigation measures or alternatives that would avoid or substantially lessen these impacts. The County need not adopt mitigation measures or alternatives, however, if the County determines that they are infeasible, unnecessary or inconsistent with the County's objectives for the project.

As noted above, the EIR includes an analysis of the "reduced landfill alternative." One of the reasons the EIR included this analysis was to provide the public and the Board with information regarding the environmental consequences of such a smaller alternative landfill configuration.

The "reduced landfill alternative" would provide the County with roughly 5 million cubic yards of disposal space, enough to last for approximately ten years. That compares to the proposed project, which would provide roughly 8.2 million cubic yards of disposal space and last for approximately 15 years.

One of the County's basic objectives for the project is to provide 15 years of disposal capacity. The reduced landfill alternative falls short of this objective, because it provides only ten years of capacity.

The reduced landfill alternative does have certain environmental advantages. It would result in somewhat reduced impacts to biological resources, air quality, and visual resources. Less land would be disturbed; the landfill would operate for a shorter amount of time and therefore emit lower quantities of air pollutants; and the landfill would have a lower profile and therefore be less visible. All these impacts would still be significant. They would simply be somewhat reduced as compared to the proposed project. The reduced landfill alternative would also enable the County to avoid disturbing an identified cultural resource on the property.

If the County were to approve the reduced landfill alternative, then the landfill would reach capacity in roughly ten years, and the County would have to send its solid waste elsewhere. Disposing of the waste at another location or by other means could have environmental consequences of its own. The nature and scope of these effects are difficult to predict at this time. Because of environmental effects of some sort are likely to occur, however, the environmental advantages of the reduced landfill alternative are not as clear-cut as they might first appear.

In any event, even assuming that the reduced project alternative does avoid or lessen certain environmental impacts, Staff continues to recommend the project as proposed, rather than the reduced landfill alternative. The reason for this recommendation is that the proposed project meets the basic objective of providing 15 years of capacity, whereas the reduced landfill alternative does not.

The Board, as the County's elected representatives, has previously directed Staff to pursue an expansion that provides 15 years of capacity. The Board could, at its discretion, change that objective. In particular, the Board could determine that the environmental advantages of the reduced project alternative are sufficiently compelling that the County should pursue an expansion of only ten or so years. For example, the Board could determine that the benefit of avoiding the identified cultural resource outweighs the advantages of securing 15 years of capacity.

How to strike this balance -- between environmental and other values and aims -- is a matter of Board discretion. Some of the values expressed at the hearing include public ownership, responsibility for the waste we generate and allowing sufficient time to develop future solid waste plans and projects. If the Board exercises that discretion in a particular way, by striking a particular balance between environmental and other values, and the project's opponents sue the County, then a reviewing Court will respect the balance struck by the Board, and the Board's decision will be upheld. Courts recognize that balancing competing aims is the essence of the legislative function, and for this reason Courts are generally reluctant to second-guess considered decisions of this sort. As the California Supreme Court has stated:

> "The wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced."

(*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

Indeed, the Courts recognize that the lead agency (here, the County) has broad discretion to identify its objectives for a project, and those objectives must be upheld if the agency has not abused its discretion. (See *Carmel-by-the-Sea v. U.S. Department of Transportation* (9th Cir. 1997) 123 F.3d 1142, 1155-1159; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416-417.)

For this reason, although EDC makes what amounts to a legal argument about the Board's duty under CEQA, Staff believes the Board has an adequate basis to approve the project as proposed, rather than the reduced landfill alternative.

Staff believes the Board had ample basis for selecting 15 years as the appropriate benchmark for purposes of determining the necessary amount of disposal capacity. The reasons for a 15-year time frame include:

(1) AB 939, the State law governing solid waste planning, requires counties to adopt a siting element. Among other things, the siting element must identify 15 years worth of disposal capacity. (Pub. Resources Code, § 41701.) The State Legislature has thus determined that 15 years represents an appropriate time frame for purposes of solid waste disposal planning.

(2) As required by AB 939, the County, in collaboration with the cities located in the County, has adopted a siting element calling for the maintenance of 15 years worth of disposal capacity.

(3) The 15-year time frame identified in the EIR is the product of significant discussion by the Board and stakeholders. The County had originally conceived of Tajiguas as a 25-year expansion. In August 1999, however, the Board directed staff to revise the project to a 15-year expansion. The Board selected this time frame based upon its intention to study alternative locations for a new landfill, and the time required for such a process to take place.

(4) The Multi-Jurisdictional Solid Waste Task Group has endorsed the Tajiguas Landfill Expansion Project as proposed. The Task Group has thus endorsed an approach that provides an estimated 15 years of disposal capacity based upon its guiding principals. The Task Group includes both the County and the cities. Thus, the cities also recognize the importance of securing 15 years worth of disposal capacity. Furthermore, the Cities of Santa Barbara, Goleta, Solvang, and Buellton rely upon this disposal site.

(5) Staff believes that any time frame of less than 15 years is impracticable. Landfills are technically complex. They are also controversial. Developing a new landfill involves a number of steps, including analyzing alternative sites, selecting a proposed site, planning and designing the landfill, performing an environmental analysis, acquiring

the site, acquiring permits, and constructing the landfill. Staff believes that bringing a new landfill on-line elsewhere in the County is a process that would take well over ten years. Staff therefore concurs with the Board's judgment that, if the Tajiguas landfill is to provide sufficient capacity to allow the County to develop another landfill site, then the expansion should provide at least 15 years of capacity.

(6) The useable life of the disposal capacity included in the proposed 15-year project is an estimate based upon projected disposal rates. Future events that cannot be known at this time may substantially alter the actual landfill life realized. It is therefore prudent to authorize the project a currently designed to help assure that the objectives are met.

EDC does not question this analysis, and thus appears to concede that the siting and development process for a new landfill will take upwards of 15 years. EDC claims, however, that the "reduced landfill alternative" is sufficient to provide 15 years of capacity. EDC bases this claim on existing capacity provided by the Bench Fill project at the landfill.

The County obtained State permits for the Bench Fill project approximately two years ago. The Bench Fill project re-engineered the Tajiguas landfill, and in the process expanded the capacity of the landfill. The County anticipates that the Bench Fill project will reach capacity in Fall 2005. The County thus has approximately three years of remaining capacity at Tajiguas.

EDC states that these three years should be added to the ten years provided by the "reduced landfill alternative," together with increased diversion activities that would reduce the solid waste stream, to secure 15 years of capacity, and obviate the need for the full, 15-year expansion.

Whether to accept EDC's position is a matter of discretion for the Board. Nothing in CEQA compels the Board to accept EDC's interpretation of the Board's own objective for the project. Staff has interpreted the Board's direction to focus on providing for a 15-year expansion as just that: a project that has 15 years worth of capacity. Staff has not added the remaining capacity of the Bench Fill for purposes of determining the capacity of the proposed project. Staff believes this approach is warranted, given the length of time required to develop an alternative landfill, and the endorsement of the proposed project (and not the "reduced landfill alternative") by the Multi-Jurisdictional Solid Waste Task Group. Staff therefore continues to recommend approval of the project as proposed, and rejection of the "reduced landfill alternative."

Habitat Replacement Ratios

Question:

1. *Are we holding ourselves to the highest standards for mitigating impacts to habitat?*
2. *How do the proposed mitigation ratios relate to what is required of private developers?*

Response:

1. The Santa Barbara County Flood Control District has required a 2:1 mitigation ratio for permanent habitat loss in their Programmatic EIR for Routine Maintenance Operations that recently can before your Board for approval. A 3:1 ratio as suggested by the Environmental Defense Center (EDC) is a higher standard for County sponsored development projects. Private projects mitigation ratios are determined when evaluated based on the habitat quality on site and the Santa Barbara County Thresholds and Guidelines Manual.

   Public Works has stated that, in response to the EDC letter dated August 2, 2002, that a higher compensation ratio could be acceptable. Based on testimony and the Board's interest it is recommended that the mitigation ratio of 1:1 in Mitigation Measure BIO-7 be increased to a 3:1 compensatory ratio for coastal sage scrub, chaparral and oak woodland. A combination of revegetation (planting) and restoration (non-native species eradication) could be accommodated in the Canada de la Pila and Arroyo Quemado watersheds. Both watersheds are County-owned. To accommodate the change in mitigation ratios, Public Works recommends that mitigation measure BIO-7 be revised to read:

   BIO-7 To compensate for native habitats disturbed by the expansion, a County-approved biologist shall prepare and implement a revegetation /restoration plan (e.g., a ratio of not less than ~~1:1~~ 3:1 for each disturbed acre). The plan shall utilize native plants and seed stock from locally obtained sources to the maximum extent feasible for revegetation and also shall take into account requirements for maintaining the integrity of the landfill and cover system. Species selection shall be dependent upon the nature of the habitat.

   Plan Requirements Timing: A revegetation or restoration plan for the landfill **and** shall be submitted to and approved by the Local Enforcement Agency (LEA) with concurrence by the California Integrated Waste Management Board (CIWMB) and Regional Water Quality Control Board (RWQCB) as part of the landfill closure plan. The plan shall be implemented as each acre of habitat is removed from the landfill expansion site. Restoration/restoration shall occur in Canada de la Pila or Arroyo Quemado.

Monitoring: SWUD shall ensure compliance with the plan

Revising the ratio of oak tree replacement from 10:1 to 20:1 is not recommended because this would require substantial area for planting and would preclude establishment of other appropriate habitats (such as coastal sage scrub and chaparral) as mitigation for the project. The oak trees would be replaced at a 10:1 ratio with appropriate understory species to replace/restore oak woodland habitat. Oak woodland habitat would be replaced/restored at a 3:1 ratio as discussed previously.

Excavation of the western borrow area to obtain final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967 and *is not part of the Tajiguas Landfill Expansion Project*. Thus, any effects on the coastal sage scrub in this area would not represent a new impact resulting from the Tajiguas Landfill Expansion Project that would require mitigation or compensation. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act. The issue of the Coastal Zone permitting requirements as they relate to a portion of the existing landfill is discussed in more detail in a subsequent section of this memorandum.

Public Works recommends that your Board adopt the revised mitigation ratios and revise BIO-7. If your Board decides to adopt these changes, your Board would be required to adopt the revised Findings and Mitigation Monitoring Program.

Revising the mitigation measures to increase the mitigation ratio does not require recirculation of the Draft EIR for further public review and comment. As the Draft EIR indicates, a 1:1 replacement ratio is adequate to mitigate impacts to habitat. The County proposes to increase the ratio to 3:1 in order to provide an additional margin of safety, and to ensure that the County meets the highest standards for compensating for such impacts. Revising mitigation measures to make them more stringent than before does not require recirculation. (See CEQA Guidelines, § 15088.5, subd. (a)(3).)

Citation:

Draft EIR, Section 3.4.3.3.1, p 3.4-42; Section 3.4.3.3.2, p 3.4-42; p 3.4-45 — 3.4-48.
Final EIR, Chapter 4.0, p 4-9, BIO-7.

West Borrow Area/Coastal Sage Scrub/ Environmentally Sensitive Habitat Area

Excavation of the western borrow area to obtain final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967 and *is not part of the Tajiguas Landfill Expansion Project*. Thus, any effects on the coastal sage scrub in this area would not represent a new impact resulting from the Tajiguas Landfill Expansion Project that would require mitigation or compensation. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act. The issue of the Coastal Zone permitting requirements as they relate to a portion of the existing landfill is discussed in more detail in a subsequent section of this memorandum.

Questions:

1. *What is the status of the "western borrow area"?*
2. *What biological resources are present in this area?*
3. *What impacts to this area will occur?*
4. *Can the County avoid impacts to the portion of the area within the Coastal Zone?*
5. *What implications does this issue have for the adequacy of the EIR?*
6. *Please provide the Board with figures showing the interrelationship between the borrow area, the Coastal Zone and habitat*
7. *Is coastal sage scrub an Environmentally Sensitive Habitat Area under the Coastal Act?*
8. *If so, does the County have the ability to disturb this habitat?*

Response:

1. With clarification of the project description in the August 1, 2002 memo to your Board from John Patton, excavation of the western borrow area associated with the proposed Tajiguas Landfill Expansion Project would be limited to the portion of this site outside of the Coastal Zone. In any case, excavation of the western borrow area to obtain final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act.

   The impacts in the west borrow area were identified because Public Works supports the idea of voluntary mitigation and that the Department strives toward a higher environmental standard than other operations in the County. For example, Public Works was proactive in planting oak trees at the Tajiguas Landfill entrance. The trees have had a high survival rate. In the case of the west borrow area, the mitigation to replace habitat would not legally be required, but would be a continuation of Public Work's environmental stewardship.

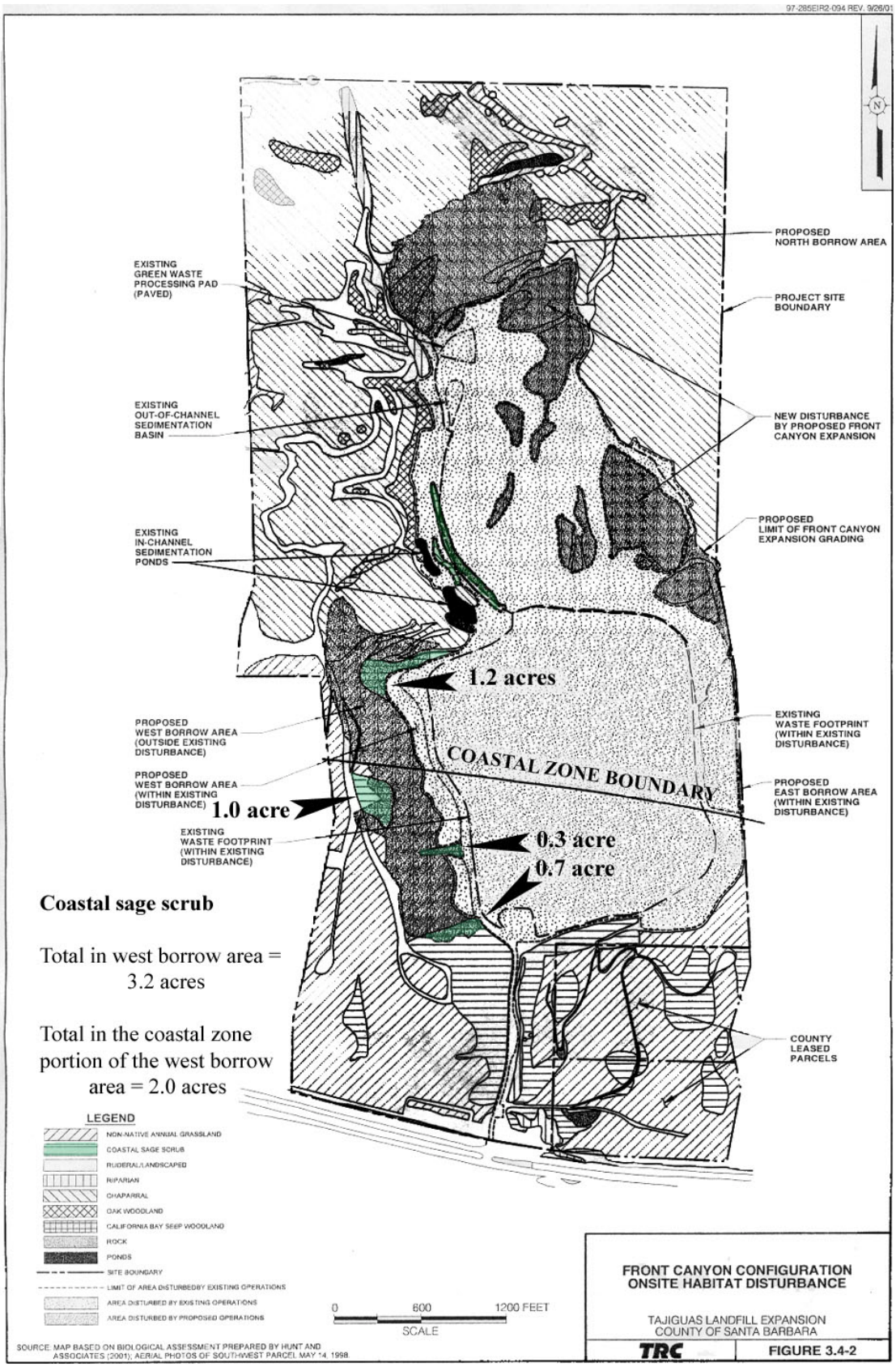
2. Coastal sage scrub and non-native grassland is present in the west borrow area.

3. Disturbance associated with excavation of cover material to close the existing landfill and proposed landfill expansion area would occur in the western borrow area. (Note: The portion of the expansion area outside of the footprint of the existing landfill would only receive cover soil obtained from areas located outside of the Coastal Zone.) Surveys for special status species would occur prior to vegetation removal in compliance with mitigation measure BIO-1. If special status species are found they would be salvaged and moved to appropriate habitat. The slope would be stabilized following excavation activities. Compliance with the mitigation measure for the Tajiguas Landfill Expansion Project is voluntary.

   As stated at your Board hearing on August 6, 2002, Public Works has determined that the most southern area of coastal sage scrub in the west borrow area can be avoided (0.7 acre). Again, it should be noted that the coastal sage scrub in the west borrow area is not required to be avoided because use of this borrow *area* as final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act. The issue of the Coastal Zone permitting requirements as they relate to a portion of the existing landfill is discussed in more detail in a subsequent section of this memorandum.

4. The EIR adequately describes the habitat and impacts to the coastal sage scrub habitat associated with the Tajiguas Landfill Expansion Project. The southeast corner modification is required to bring the Landfill into conformance with the existing regulations. The southeast corner is located on the existing landfill footprint and would not disturb any habitat area.

5. The following map from the Draft EIR has been enhanced to show the areas of coastal sage scrub that would be disturbed by cover soil excavation activities, the location of the Coastal Zone boundary and areas currently disturbed and that would be disturbed at closure of the existing Tajiguas Landfill


97-285EIR2-094 REV. 9/26/01
PROPOSED NORTH BORROW AREA
EXISTING GREEN WASTE PROCESSING PAD (PAVED)
PROJECT SITE BOUNDARY
EXISTING OUT-OF-CHANNEL SEDIMENTATION BASIN
NEW DISTURBANCE BY PROPOSED FRONT CANYON EXPANSION
PROPOSED LIMIT OF FRONT CANYON EXPANSION GRADING
EXISTING IN-CHANNEL SEDIMENTATION PONDS
1.2 acres
PROPOSED WEST BORROW AREA (OUTSIDE EXISTING DISTURBANCE)
EXISTING WASTE FOOTPRINT (WITHIN EXISTING DISTURBANCE)
COASTAL ZONE BOUNDARY
PROPOSED WEST BORROW AREA (WITHIN EXISTING DISTURBANCE)
1.0 acre
PROPOSED EAST BORROW AREA (WITHIN EXISTING DISTURBANCE)
EXISTING WASTE FOOTPRINT (WITHIN EXISTING DISTURBANCE)
0.3 acre
0.7 acre
Coastal sage scrub
Total in west borrow area = 3.2 acres
Total in the coastal zone portion of the west borrow area = 2.0 acres
COUNTY LEASED PARCELS
LEGEND
NON-NATIVE ANNUAL GRASSLAND
COASTAL SAGE SCRUB
RUDERAL/LANDSCAPED
RIPARIAN
CHAPARRAL
OAK WOODLAND
CALIFORNIA BAY SEEP WOODLAND
ROCK
PONDS
SITE BOUNDARY
LIMIT OF AREA DISTURBEDBY EXISTING OPERATIONS
AREA DISTURBED BY EXISTING OPERATIONS
AREA DISTURBED BY PROPOSED OPERATIONS
0 600 1200 FEET
SCALE
SOURCE: MAP BASED ON BIOLOGICAL ASSESSMENT PREPARED BY HUNT AND ASSOCIATES (2001); AERIAL PHOTOS OF SOUTHWEST PARCEL MAY 14, 1998
FRONT CANYON CONFIGURATION ONSITE HABITAT DISTURBANCE
TAJIGUAS LANDFILL EXPANSION
COUNTY OF SANTA BARBARA
TRC
FIGURE 3.4-2
3.4-17

6. The intent of the Coastal Act (1972) is "*…is preservation of significant resources*."

   Environmentally Sensitive Habitat Areas are defined as "*any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be degraded by human activities and developments*." (Coastal Act Section 30107.5).

According to the Santa Barbara County Coastal Plan: "*Habitats which are found in the County's coastal zone include: rare and endangered species habitats (as defined by the California Department of Fish and Game), wetlands, streams, …native plant communities…The general locations of some of the mainland resources are summarized in the following chart* "(p 117, Santa Barbara County Coastal Plan). Canada de la Pila is not included on this list.

Area	Habitat Type
Santa Maria River Mouth	Wetland
Guadalupe Dunes	Dunes, dune plant habitat, Least Tern nesting sites
Mussel Point	Rocky point, intertidal area and dunes
Point Sal	Rocky intertidal, coastal strand-plant community, coastal bluff plant community
Santa Ynez River Mouth (Surf)	Dune and wetland
Point Conception, Jalama, and Jualachichi Summit	Rocky intertidal, coastal strand community, wetland and riparian habitats, chaparral, Pinus muricata stand
Point Conception to Ellwood	Rocky intertidal areas
Naples Reef	Rocky subtidal area
Ellwood Pier Area	Native grassland
Devereux	Dunes and wetland
Coal Oil Point	Rocky intertidal
Isla Vista Coastal Vernal Pools	Rare and seasonal plant community
Goleta Point	Rocky intertidal
Goleta Slough	Wetland, vernal pools, freshwater marsh
More Mesa	White-tailed Kite habitat
El Estero (Carpinteria Marsh)	Wetland
Carpinteria Reef	Rocky intertidal

NOTE: Harbor seal hauling grounds,butterfly trees, streams, and native plant communities are found at many locations in the coastal zone.

ENVIRONMENTALLY SENSITIVE HABITAT AREA OVERLAY DESIGNATION
(p 118, Santa Barbara County Coastal Plan)

"*The land use plan proposes an Environmentally Sensitive Habitat overlay designation to address the deficiencies in existing regulatory procedures. The overlay designation symbolically designates the locations of most habitat areas on the land use plan maps. (Small wetlands and streams which are habitat areas by definition are shown only on the*

resource maps and not on the land use plan overlay.) The resource maps include detailed information on all known habitat locations and should be used along with the land use maps".

The following criteria were used in determining which habitats in the County's coastal zone warranted the Habitat Area overlay designation (p 119, Santa Barbara County Coastal Plan). The responses following each criteria indicate Public Works responses based on the EIR and presented at the April 6, 2001 Board hearing:

1. Unique, rare, or fragile communities which should be preserved to ensure their survival in the future, i.e., dune vegetation, native grasslands.

The approximately 5.0 acres of coastal sage scrub (CSS) habitat that would be affected by the landfill cover excavation activities. This habitat occurs in discontinuous, isolated patches throughout the area. The west borrow area includes approximately 3.2 acres of CSS habitat of which 2.0 acres are located in the coastal zone.

2. Rare and endangered species habitats that are also protected by Federal and State laws, i.e., harbor seal rookeries and haul out areas.

Special status plants have the potential to occur on the Tajiguas Landfill Expansion site in several different plant communities.

Five biological surveys of the *area* conducted, four during the correct time of year, all consistent in their findings. Most recent survey was accomplished on July 31. All found no sensitive species, but recommended that surveys be conducted during the flowering season and if sensitive species are found, relocate plants or propagules to appropriate habitat.

Removal of vegetation has been identified in the EIR as a Class I impact. Mitigation measures listed in the EIR call for surveys of the areas scheduled for disturbance prior to vegetation removal. If special status species are found, they would be relocated to appropriate habitat.

3. Plant community ranges that are of significant scientific interest because of extensions of range, or unusual hybrid, disjunct, and relict species (see definitions in Appendix A).

Habitat occurs in isolated patches, with low species diversity resulting in low habitat value. It's not unique or pristine. There are several other examples of higher quality coastal sage scrub along the Gaviota coast.

4. Specialized wildlife habitats which are vital to species survival, i.e., White-tailed Kite habitat, butterfly trees.

Not considered a specialized wildlife habitat because the CSS habitat is small in total acreage and patches are discontinuous in the west borrows area.

5. Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species, i.e., Point Sal.

CSS habitat in the west borrow area occurs in isolated patches, with low species diversity.

6. *Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, i.e., Naples Reef.*

7. *Areas that are important because of their biological productivity such as wetlands, kelp beds, and intertidal areas.*

8. *Areas that are structurally important in protecting natural landforms and species, i.e., dunes which protect inland areas, riparian corridors that protect stream banks from erosion and provide shade, kelp beds which provide cover for many species.*

In the west borrow *area*, coastal sage scrub occurs in isolated patches, with low species diversity resulting in low habitat value. The CSS in the west borrow area is not unique or pristine. There are better examples in other canyons on the Gaviota coast.

9. *Significant habitat resources in the coastal zone which meet at least one of these criteria are designated on the land use plan maps*[1]*. Environmentally sensitive habitat areas have been grouped into the following categories:*

Dunes
Wetlands[2]
Native Grasslands
Vernal Pools
Butterfly Trees
Marine Mammal Rookeries And Hauling Grounds
White-tailed Kite Habitat
Subtidal Reefs
Rocky Points and Intertidal Areas
Kelp Beds
Seabird Nesting and Roosting Areas
Native Plants[2]
Streams[2]

Coastal Sage Scrub is not specifically noted on this list; however, many areas of higher quality coastal sage scrub habitat occur along the Gaviota coast and would fall under the "native plant" category.

Based on the criteria in the Santa Barbara Coastal Plan the coastal sage scrub in the west borrow area would not meet the criteria of ESHA in the Santa Barbara County Coastal

[1] While the designations reflected on the land use plan and resource maps represent the best available information, these designations are not definitive and may need modification in the future. The scale of the maps precludes complete accuracy in the mapping of habitat areas and, in some cases, the precise location of habitat areas is not known. In addition, migration of species or discovery of new habitats would result in the need for designation of a new area. Therefore, the boundaries of the designations should be updated periodically in order to incorporate new data. Changes in the overlay designations may be initiated by the County or by landowners.

[2] Most native plant communities are not designated on the land use plan and resource maps because they exist in so many locations throughout the coastal zone. Only major streams and wetlands are shown on the land use maps.

Plan. The patches of Coastal Sage Scrub in the west borrow area have a low native species diversity intermixed with non-native plants such as mustard and non-native grasses.

Note also that the Tajiguas Landfill has a Solid Waste Disposal Facility over the site.

The map above (Figure 3.4-2 from the EIR) that shows the west borrow area, the coastal zone and coastal sage scrub habitat.

8. Excavation of the western borrow area to obtain final cover material for the existing landfill was anticipated in the original Tajiguas Landfill that began operations in 1967 and *is not part of the Tajiguas Landfill Expansion Project*. Thus, any effects on the coastal sage scrub in this area would not represent a new impact resulting from the Tajiguas Landfill Expansion Project that would require mitigation or compensation. The existing landfill operation (including the excavation of the western borrow area) predates both the California Environmental Quality Act and the Coastal Act. The issue of the Coastal Zone permitting requirements as they relate to a portion of the existing landfill is discussed in more detail in a subsequent section of this memorandum.

Citations:

Memo from John Patton to the Board of Supervisors dated August 1, 2002 (provided in your Board letter package [August 6, 2002 hearing])
Draft EIR, Section 1.6.2.4 and 1.6.2.5, p 1-19; Section 3.4.2.1.3, p 3.4-10; Figure 3.4-1; Section 3.4.2.1.5, p 3.4-11; Section 3.4.3.3.1, p 3.4-41 —3.4-42
Final EIR, Chapter 2.0, Response 3-5, Response 3-78; Chapter 4.0, p 4-7

Coastal Zone permitting requirements:

Question:

1. *What implications does this issue have for the adequacy of the EIR?*

Response:

The Tajiguas Landfill was constructed and began operation in 1967 under the authority of the County of Santa Barbara. At that time, the only regulation regarding the operation of the landfill was Zoning Ordinance 661. This ordinance is still partially in effect in the inland (non-coastal) portions of the landfill. As Ordinance 661 (and the successor Article III Inland Zoning Ordinance) specifically exempts county development projects from the need for local permits, no permits were required to install or operate the landfill. Subsequent to the passage of the Coastal Act in 1976, the County Article II Coastal Zoning Ordinance became effective in 1982 after adoption by the County and certification by the California Coastal Commission. Article II specifically allows for the continuation of lawful activities that pre-dated the 1982 effective date of the ordinance (Section 35-160 of Article II). The Tajiguas Landfill was in 1982, and continues to be, a lawfully-operated facility that predates the Coastal Act and the effective date of the Coastal Zoning Ordinance. Thus, activities that are part of the ongoing waste disposal operations that do not involve a substantial change in the facility and are within the historic boundary (i.e., the landfill parcel), do not require a Coastal Development Permit.

Over the past decade, various projects involving the landfill have been reviewed by County P&D staff with regard to potential permit requirements. Some projects have been required to obtain a Coastal Development Permit as they were found to be outside the historic boundary of the landfill or outside the operational scope of the facility. Examples include the landfill gas co-generation plant (out of scope), the use of off-site water tanks for dust suppression water storage (out of boundary), and scale-house improvements (out of boundary). Other projects have been found to be within the scope of on-going operations and within the historic boundary of the landfill. Examples include the on-site sedimentation basin, the benchfill project, the alternative daily cover project, and the anticipated excavation of the western borrow area for cover soil for the existing landfill.

The Coastal Commission in its letter of August 6, 2002 stated it is unclear as to the "vested right" that the County claims for the Tajiguas Landfill for the portion of the landfill located within the coastal zone. The County does not believe that term "vested rights" is applicable in this case; the issue is more a question of jurisdiction between two governmental agencies. The Coastal Commission staff has indicated that the exact geographic boundaries of the historic landfill and the limits of operation considered to be part of the operation of the historic landfill are unclear and further clarification is needed. County staff and County Counsel will meet with Commission staff to clarify the geographic and operational limits of the Landfill. As indicated by the coastal development permits discussed above, the County is in agreement that certain activities associated with the landfill require Coastal Development Permits.

The issue of coastal development permits does not affect the Environmental Impact Report under review because the proposed landfill expansion is located entirely outside of the coastal zone. County staff has confirmed this interpretation with Coastal Commission staff. Irrespective of the Coastal Commission's permitting requirements for the "west borrow area", the EIR adequately analyzes all project-related impacts.

SE Corner Modification:

The 1978 solid waste facilities permit limits the accumulation of municipal solid waste to a maximum elevation of 400 feet above sea level. Although the existing landfill is approved to bury waste to an elevation to 500 feet above sea level, the 400 limitation is still applicable in the coastal zone. This created confusion that resulted in waste being placed above 400 feet elevation in a small area extending into the coastal zone. (Refer to EIR Figure 2-2.) The expansion project includes the relocation of this waste to a location outside the coastal zone to achieve conformance with the applicable regulations now in effect.

Citation:

Draft EIR, Figure 2-2; Section 2.4, p 2-23 — 2-24, 2-27; Section 3.7.2.1, p 3.7-8, 3.7-11; Section 3.7.3.4, p 3.7-34 — 3.7-36
Final EIR, Chapter 2.0, Response 3-5; Chapter 4.0, p 4-7

Population Growth Assumptions/Housing

Questions:

1. *What growth projections were assumed for purposes of calculating future demand for landfill capacity?*
2. *Why were those projections chosen?*
3. *How do those projections relate to other growth projections for the County?*
4. *If the County relies on the most recent growth projections, what implications does that have for the rate at which Tajiguas will be used up?*

Response:

The population increases utilized in the Draft EIR for the Tajiguas Landfill expansion project are based on information provided by the SBCAG 1994 Regional Forecast, the most recent data available during preparation of the Draft EIR. As stated in Draft EIR Section 1.6 page 1-15), and Table 1-1 (page 1-16), projections of an annual 0.62 percent increase in waste generation over the estimated 15-year life of the project are based on population increases of 0.6 percent per year for the Santa Barbara South Coast area and 0.8 percent per year for the Santa Ynez Valley. They are reflected on Draft EIR Figure 1-5 (page 1-16), which shows the projected average and daily disposal rates over the 15-year life of the project, from the EIR baseline tonnage of 738 tons per day and the above-projected population increases for the South Coast and Santa Ynez Valley.

Based on the above, the projected annual 0.62 percent increase in waste generation over the estimated 15-year life of the Tajiguas Landfill expansion project used in the EIR is a reasonable assumption. If the population is exceeded then the landfill capacity will be used sooner if all other factors remain equal. Please note that the EIR analysis is based on historical data rather than mandates because housing mandates have not been met in the past.

Citations:

Draft EIR p 1-15, 1-16, 1-17, 4-2 and 4-3.

Water Budget

Question:

What is a water budget?

Response:

A water budget (or water balance) is an accounting of the various inflows outflows, and changes in surface or groundwater storage for particular area of interest. Water budgets are useful as hydrologic planning tools and can be computed for an area of interest that may be as inclusive as the entire earth, the United States, a river basin, or for a small watershed (such as Canada de la Pila), a reservoir, etc. The time frame for a water budget calculation can vary depending on the intended purpose. Usually a water budget is prepared to estimate long-term average annual conditions using data collected over many years or decades. A water budget could also be prepared for a specific water year.

A water budget equation can take on many different forms involving the various components of the area of concern. A simple water budget equation may include:

$$R = (P - E - T) + \text{or} - (S)$$

Where:

R = Total Runoff
P = Precipitation
E = Evaporation
T = Transpiration, and
S = Change in Storage

A comment on the Draft EIR suggested that the estimate of average annual total runoff from the Canada de la Pila watershed of 46 acre-feet/year (EIR page 3.3-17) could be compared to the volume of water pumped from the GLCRS trench and measurements of outflow from the storm water culvert, to estimate of the amount of groundwater seepage that may bypass the GLCRS trench within the alluvial deposits and adjacent bedrock present along Canada de la Pila Creek. Underlying this suggestion is the idea that substantial quantities of landfill-contaminated water may be bypassing the GLCRS trench and other components of the groundwater monitoring system.

This issue is addressed by EIR response to comment 2-10 (copy attached) and in the memorandum by P&D Engineering Geologist Brian R. Baca dated June 30, 2002 (Attachment 5 to the Board Agenda Letter dated July 15, 2002). The EIR response states that the suggested calculation would not provide any useful information about the potential groundwater seepage that may bypass the GLCRS trench. The response does not suggest that a water budget could not be performed in the subject watershed. In fact, the 46 acre-feet per year runoff estimate is itself the result of a water budget calculation prepared for the analysis of sediment yield (EIR

reference: Santa Barbara County, 2000e). The EIR response explains why the suggested calculation or water balance analysis is not useful for the purpose specified in the comment. The 6-30-02 memorandum by Mr. Baca also finds that the suggested analysis would not provide any useful information pertinent to the question of groundwater bypass of the GLCRS trench, consistent with the EIR response.

Additional explanation of the components of a water budget is included in the attached excerpt from the text "Hydrology for Engineers". This example is regarding a water budget for determination of evaporation from a reservoir and discusses the typical errors encountered in measuring or estimating some of the components of a water budget, such as subsurface seepage. These limitations are applicable to the question of using a water budget for the purpose suggested in the EIR comment.

Citations:

Draft EIR, p 3.3-16 and 3.3-17; p 3.3-42 and 3.3-43
Final EIR, Chapter 2.0, Response 1-7; Response 2-10
Baca, Brian, June 30, 2002 Memorandum to R. Briggs: "Tajiguas Landfill Expansion Project: Review of 'Evaluation and Reporting of Contaminant Hydrogeological Conditions at the Tajiguas Landfill', report by Franklin J. Goldman (REG#5557) and George Pavlov of GeoSolv, LLC dated December 12, 2001." (Included in your Board letter package)
Linsley, Ray K. et al, Hydrology for Engineers, McGraw-Hill, 1975.

Slope Stability/5 Foot Separation Requirement

Question:

Public testimony during the August 6, 2002 hearing suggested that a cross section prepared by GeoLogic Associates (GLA) as part of the County's slope stability analysis was in agreement with the GeoSolv report (Goldman, 12-12-01) regarding the presence of water within the waste prism at the existing Tajiguas Landfill.

Response:

Gary Lass of GLA, the preparer of the cross section in question, testified at the August 6, 2002 hearing that the inferences made by a member of the public misrepresent the nature and use of the GLA cross section. Mr. Lass stated that that the GLA report clearly indicates that the piezometric surface (or water table) shown on the cross section is used as a conservative assumption (page 1 of letter report, September 26, 2001) for purposes of the slope stability analysis and that GLA did not conclude that a continuous surface of groundwater exists within the waste accumulation at the Tajiguas Landfill.

The results of the slope stability analysis demonstrates that the proposed landfill slopes meet the established standards for slope stability: greater than a 1.5 factor of safety for static conditions, and nominal displacements for dynamic or earthquake conditions. The cross section in question (Figure 2 of the September 26, 2001report) is not a representation of actual groundwater conditions, but an assumed worst-case scenario used to provide a conservative evaluation of slope stability.

All of the investigations have shown groundwater elevations to be very inconsistent within the waste prism. If the observed groundwater represented a water table condition, relatively consistent or uniform groundwater levels would have been encountered in the various monitoring wells. The data collected indicates the water occurs in compartmentalized or perched conditions within the waste prism.

The County has addressed the two potential effects associated with water in the landfill. First, the effect on slope stability has been analyzed in detail in the GLA technical report. The second potential effect is off-site migration of contaminated leachate. This potential impact has been effectively avoided by the installation and operation of the downstream cutoff trench. As indicated in correspondence provided to the Board of Supervisors in the 7-15-02 Agenda Letter, the RWQCB has determined that offsite migration of contaminants has not occurred and that the cutoff trench and the other components of the groundwater monitoring system are adequate and are considered to be equivalent to the five-foot separation standard for the protection of groundwater quality.

Finally, these issues relate to the existing landfill and are not relevant to the proposed landfill expansion project. The landfill expansion will have a five-foot separation from groundwater, it will also have a complete leachate collection and recovery system so the development of perched

groundwater conditions in the expanded part of the landfill will not occur. In any case, the County will continue to work in cooperation with the RWQCB to minimize any potential water quality effects resulting from the existing Tajiguas Landfill.

Citations:

Final EIR, Comment and Response 2-18
Draft EIR, Technical Studies, GeoLogic Associates, Slope Stability Evaluation, September 26, 2001. page 1, Figure 1 and Figure 2.

Culvert Condition

Question:

What is the condition of the culvert that diverts Pila Creek around the landfill?

Response:

The culvert is periodically inspected by staff as part of routine repair and maintenance activities. The culvert was inspected by the Public Works Department staff in Spring 1999. The lower one-third of the culvert was found to contain some perforations along the bottom of the pipe and was repaired in Summer 1999. The remaining upper two-thirds of the culvert was found to be in good condition.

Your Board authorized replacement of approximately 530 feet of the culvert. The project will be completed in 2002 as part of the Tajiguas Landfill ongoing program for repair and maintenance of the existing support facilities associated with the existing landfill operations. Future replacement of the remaining sections of the culvert is planned under the Board-approved Capital Improvement Program (July 2002-June 2007). The Public Works Department continues to inspect, repair and maintain the culvert as part of the ongoing existing landfill operations at the Tajiguas Landfill.

This question pertains to the existing landfill and its operation and is not a question that applies to the proposed project in the Tajiguas Landfill Expansion Project EIR.

Citation:

Draft EIR - Chapter 3.0, p 3.3-15 and Figure 3.3-6
Final EIR – Chapter 2, Response 3-13a, 3-13c

Nightlighting:

Questions:

1. *Do we need a curfew on lighting?*
2. *Do we need nightlighting? What about keeping the landfill available during emergency operations?*
3. *Has the County addressed potential impacts from night lighting?*

Response:

1. A curfew for nightlighting is needed. Nightlight is an issue that was identified in the EIR as a potential impact to wildlife and visual resources. Mitigation is required to reduce potential impacts to a less than significant level (see BIO-9, below).

2. The County is required to use nightlighting through the winter months when daylight hours are short and it is dark in the early morning and evening. Nightlighting may also be required during emergency operations. Public Works must identify the regular hours of operation and any anticipated emergency operations in the permit application when applying for the Solid Waste Facility Permit (SWFP) from the California Integrated Waste Management Board (CIWMB).

   Hours of operation and incidental activities are typically defined as part of the SWFP permit. Because the CIWMB is a State permitting agency, the CIWMB must make the finding that the EIR for Tajiguas Landfill Expansion Project is adequate for their permitting purposes. Therefore, nightlighting is an issue that is addressed in the EIR.

3. The County has adequately addressed the potential impacts from nightlighting in the Draft EIR (see citation below). The following mitigation measure is required to reduce potentially significant impacts resulting from nightlighting at the landfill to a less than significant level:

   BIO-9. To minimize wildlife disturbance, night lighting used on the landfill site shall be of low-intensity, low-glare design, and shall be hooded to direct light downward onto the work area and prevent spill-over onto adjacent habitats. Except on an emergency basis, artificial lighting shall not be employed prior to 6:00 a.m. or after 8:00 p.m.

   Plan Requirements and Timing: SWUD shall include this measure as a component of the Solid Waste Facility Permit that shall be submitted to the RWQCB and Local Enforcement Agency/California Integrated Waste Management Board (LEA/CIWMB) for approval.

   Monitoring: SWUD shall ensure compliance with this measure.

Therefore, this mitigation measure serves to reduce impacts to Biological Resources to a less than significant level and also provides information necessary to the CIWMB for permitting purposes.

Citation:

Draft EIR, Section 1.7.1, p 1-25; Section 3.4.3.3.2, p 3.4-45 —3.4-46; Section 3.8.3.2.1, p 3.8-17
Final EIR, Chapter 4.0, p 4-13, BIO-9

Hours of Operation

Table 2-3 of the Final EIR has been revised as attached. This change does not alter the previous findings for the project or involve any new significant environmental impact.

Board Requests for Clarification

Question:

EDC has asked if the proposed project would reduce the range of rare species.

Response:

EDC's letter of August 2, 2001, stated that the EIR erred by failing to state that impacts that restrict the range of rare plant and animal species are significant. This statement is incorrect.

EDC's comment is based on CEQA Guidelines section 15065. That Guideline section establishes certain "mandatory findings of significance" – impacts which have been determined to be significant. The section provides:

> "A lead agency shall find that a project may have a significant effect on the environment . . . where . . . [t]he project has the potential to . . . reduce the number or restrict the range of an endangered, rare or threatened species." (CEQA Guidelines, § 15065, subd. (a); see also CEQA Guidelines, § 15380 (definition of endangered, rare or threatened species for purposes of CEQA).)

The EIR contained an extensive discussion of special-status species known or expected to occur on the site. The EIR also discussed potential impacts to habitat values relied upon by these species (See Draft EIR (Section 3.4, p) and Final EIR (Chapter 2.0, Comment letter #3, Response 3-52, Section 3.4.3.3.2).)

The EIR notes that the habitat potentially affected by the project is fragmented, partially degraded, and has limited value. Nonetheless, the EIR identifies mitigation to address impacts to such habitat. (Cite.) Mitigation ratios are provided such that the impact of the landfill will be more than compensated. Thus, the net effect of the project will be to increase, rather than decrease, the amount of habitat available to special status species.

Habitat that would be removed by excavation associated with the proposed project is degraded due to the current, on-going Landfill and soil excavation activities. Chaparral in the proposed expansion area is fragmented and is disturbed regularly by human activities. The landfill would not be considered a high quality home range for wildlife species in the landfill area because of existing disturbance on the site. Many of the mammals that potentially use the landfill site, particularly the mountain lion, have large home ranges. An adult male mountain lion's home range often spans over 100 square miles. Females generally use smaller areas of about 20 to 60 square miles (California Department of Fish and Game, 2002). The landfill would represent only a small portion of the range available to wildlife on the Gaviota coast and Santa Ynez Mountain area. Wildlife are expected to retreat to other areas of their own territories rather than the territories of other individuals. The Pila Creek watershed, with the existing Landfill and

associated activities, would not be considered to be prime habitat as home ranges for these species by biological standards.

Citation:

Draft EIR, Section 3.4.2.2 — 3.4.2.3.3, p 3.4-14 — 3.4-23, Section 3.4.3.3.1, p 3.4-41 — 3.4-42
Final EIR, Chapter 2.0, Response 3-52

Acknowledgement of Additional Testing in Pila Creek

Question:

The EDC has requested that the County increase surface water sampling in Pila Creek.

Response:

The Public Works Department would agree to establish a water sampling protocol with Project Clean Water Staff. The existing data base of surface water quality sampling results and the on-going surface water monitoring program will be reviewed to determine if additional sampling frequencies, locations of measurement and testing for pertinent landfill related constituents is warranted. In addition Public Works agrees to discuss Ocean Water testing for bacteria at the mouth of Pila Creek with the Public Health Department.

Litter Pick-up

Question:

Would Public Works consider sponsoring litter pick-up along U.S. Hwy 101 near the landfill site.

Response:

The Public Works Department is sponsoring two (2) miles of litter pick-up along U.S. Hwy 101 near the landfill site.

Vandenberg Air Force Base Contractor Disposal Site

Question:

The Board asked where Vandenberg Air Force Base's trash go and are contractors required to take their trash elsewhere?

Response:

Vandenberg currently maintains their own landfill and all base-related waste is buried there. Third party contractors dispose of their waste at the City of Santa Maria landfill (information provided by Patrick Malloy of Vandenberg Air Force Base).