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ENVIRONMENTAL LAW

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

By hand delivery and by email to
sbcob@co.santa-barbara.ca.us

RE: Tajiguas Resource Recovery Project and Final Environmental Impact Report (EIR)

Dear Chair Adam and Supervisors,

This office represents the Gaviota Coast Conservancy (GCC) in this matter. GCC overwhelmingly supports the goals of the Tajiguas Resource Recovery Project (TRRP) of reducing landfill dependence by diverting Municipal Solid Waste (MSW) that is not currently recycled or composted, and to reduce GHG emissions. However, the TRRP is not the best solution – either financially or environmentally – to achieve these goals. The TRRP’s \$122 million price tag should alone give the Board pause. The proposed financing structure moreover puts the very viability of the Project at risk. Specifically, the proposed “Installment Purchase Revenue COP” relies on there being sufficient net revenues from the TRRP to make the loan payments (over \$9 million annually). Variables affecting the TRRP’s net revenues include: the fluctuating (and currently declining) recyclables market, the volume of trash disposed of (affected by waste reduction and reuse, and alternative organics processing, among other things), operations and maintenance costs – including costs associated with Anaerobic Digestion (AD) failure, the unknown quality and marketability of the compost product, and the changing regulatory landscape. Should net revenues decline over the long-term, the County will be forced to increase tipping fees, which will in turn drive more customers to find alternative waste disposal solutions, further decreasing revenues and putting the County at risk of default. Given these drastic potential consequences of moving forward with the TRRP, it behooves the Board to ensure that all potentially feasible alternatives are fully explored.

Unfortunately the final EIR fails to consider in detail the alternative that costs the least and carries the most potential to further the County’s waste and GHG reduction goals while simultaneously including flexibility to adjust to changing conditions. Specifically, this alternative (referred to herein as the “enhanced source separation alternative”) includes the following components: 1) expanded food waste collection, 2) aerobic composting of source separated organics at the existing Engle and Gray facility for use in “carbon farming”, 3) public education, and 4) financial incentives and/or penalties to encourage businesses and individuals to reduce and efficiently source separate their MSW. The final EIR’s rejection of the enhanced source separation alternative is based on troubling and unsupported assumptions regarding its ability to satisfy Project objectives. The Final EIR’s (and the Board Letter’s) rationale boils down to an opinion by Public Works staff that the County cannot achieve significant additional diversion of recyclables or organics because we are already implementing various programs. However, the final EIR’s description of existing programs is most notable for what it does *not* include, including any collection whatsoever of

residential food waste, any residential recycling mandate, or any comprehensive business recycling or organics diversion mandates that include all participating jurisdictions. Below we include a table identifying the programs that have been implemented, and identifying room for expansion and/or inclusion of entirely new programs.

When the Board first accepted the Project RFP, tipping fees would be no higher than \$100, and the risk of technological or financial failure would be borne entirely by the vendor. Now the Board is being asked to approve a Project that would necessitate incurring over \$122 million in debt, would start with tipping fees at \$105 (with planned increases of 3% per year, in addition to increases necessary to compensate for revenue shortfalls), and would put the County at considerable risk. Given this new set of circumstances, it would be irresponsible for the Board not to take a harder look at enhanced source separation (as described above, including aerobic composting of organics and carbon farming) as a significantly lower cost alternative. Even assuming Staff is correct and enhanced source separation can't expect to achieve comparable diversion rates to the TRRP (something we strongly dispute), enhanced source separation efforts could be phased in immediately, diverting MSW from the landfill years before the TRRP could hope to be operational.

Before taking any action to approve the Project or certify the EIR, the Board should request that Staff prepare a comprehensive side-by-side comparison of both the costs and benefits of the Project versus an enhanced source separation alternative that includes expanded food waste collection, traditional composting of organics, carbon farming, public education, and incentives and/or penalties to encourage businesses and households to waste less and sort more efficiently. Only with this information can the Board make a reasoned choice regarding whether the TRRP is the best solution for managing the County's MSW going forward.

1. The FEIR Is Defective for Failing to Analyze an Enhanced Source Separation Alternative

“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). Unfortunately the TRRP final EIR fails to thoroughly assess the reasonable and feasible enhanced source separation alternative. Instead, it dismisses such an alternative as incapable of meeting the project objectives, and accordingly includes no detailed analysis of the features or relative impacts of such an alternative. Now, with other alternatives having been deemed infeasible, the Board is facing the false choice of whether to approve the TRRP or do nothing.

GCC requested that an enhanced source separation alternative be considered in detail in the draft EIR, then commented on the draft EIR’s failure to analyze such an alternative in detail. In

response to GCC’s comments, the final EIR attempts to explain why enhanced source separation could not achieve the Project’s objectives. The final EIR lists the many successful programs that have been implemented in the County and elsewhere in the state, but then draws the unsupported conclusion that the implementation of additional programs would not be successful. For example the Responses to Comment state “Considering the breadth of successful and nationally recognized programs that have been developed by the participating jurisdictions since the passage of AB 939 in 1989, it is not expected that there are any new programs that can approach the expected diversion rate of the proposed project.” (FEIR p. 9-309.)

However, a close read of the final EIR and Responses to Comment’s enumeration of the various programs now in existence or being implemented, reveals that there is a considerable amount of untapped potential for additional diversion in the County and the participating Cities. Below is a chart identifying generally the measures already implemented (as described in the final EIR), and where there appears to be significant room for additional improvement. While not every action is within the County’s control, the participating Cities will have very strong incentives to implement these additional measures should the TRRP not go forward.

	PROGRAMS CURRENTLY IMPLEMENTED OR BEING IMPLEMENTED	OPPORTUNITY FOR EXPANSION AND/OR NEW PROGRAMS
FOOD WASTE COLLECTION	<ul style="list-style-type: none"> • Commercial food waste collection in the City of SB • UCSB comprehensive food waste collection program • County/Goleta food waste collection targeting certain commercial generators 	<ul style="list-style-type: none"> • Food waste collection for all businesses in the unincorporated County and other participating Cities • Food waste collection for all residences • Increased commercial food donation programs, and increased use of residential backyard “gleaning” programs, to divert unused produce to food banks and shelters.
RECYCLING MANDATES	<ul style="list-style-type: none"> • Mandatory commercial recycling in the unincorporated area 	<ul style="list-style-type: none"> • Mandatory commercial recycling in the participating Cities (note, most businesses and multifamily residential dwellings with 5 or more units are mandated by state law to have commercial recyclables collection)

		<ul style="list-style-type: none"> • Mandatory residential recycling in the unincorporated area, and participating Cities
PRICE INCENTIVES	<ul style="list-style-type: none"> • 50% discount for collecting recyclables from businesses (as opposed to the same amount of trash) • Variable can pricing on south coast where customer pays more to have more trash cans • Green waste can offered to residents free of charge 	<ul style="list-style-type: none"> • Provide blue and food waste (yellow?) cans free of charge • Increase charge for brown can • Limit the size and number of brown cans per household/customer • Charge steep overage charges for additional trash disposal
COLLECTION FREQUENCY	<ul style="list-style-type: none"> • Weekly for trash and green, bi-weekly for recyclables 	<ul style="list-style-type: none"> • Increase frequency of recyclables collection to weekly as opposed to bi-weekly
PUBLIC EDUCATION CAMPAIGN	<ul style="list-style-type: none"> • Various public educational campaigns promoting green waste collection, recycling 	<ul style="list-style-type: none"> • Public educational campaign leading up to roll-out of residential/enhanced food waste collection • Public educational campaign focused on what individuals and businesses can and must do to help meet our state mandates, and avoid the need for a \$122 million technological solution • Public education to inform large commercial generators about source reducing food waste (e.g. through more closely monitored ordering, use of excess produce in products produced onsite, participation in the campaign to sell “ugly produce”)

Not only does the final EIR badly understate the diversion potential for enhanced source separation, it also fails to consider the potential GHG benefit associated with using source separated

composted organics in carbon farming. As described in our letter dated 4/1/16, carbon farming involves high quality compost being applied to rangelands to sequester carbon in the soil, and simultaneously improve farm productivity and viability, reduce water use by up to 70%, and enhance ecosystem functions. Specifically, applying ¼ inch of quality compost to rangelands has been shown to significantly improve the rate at which CO₂ is removed from the atmosphere and converted to plant material and/or soil organic matter, functioning as a long-term “carbon sink”. (See <http://www.marincarbonproject.org> for more information about carbon farming.) The Cachuma Resource Conservation District (CRCD) and the Community Environmental Council (CEC) have identified great potential in Santa Barbara County to apply carbon farming to help the County meet GHG reduction targets in its Energy and Climate Action Plan, but identifies availability of suitable compost as a limiting factor that should be studied further. (GHG Reduction Potential with Compost Applications – Santa Barbara County; available at <http://www.cecsb.org/wp-content/uploads/2016/05/GHG-reduction-potential.pdf>). It is currently unknown whether the compost product from mixed-waste stream derived organics produced by the TRRP will be acceptable to local farmers, ranchers, and other end users, and whether it is of high enough quality to be used successfully in carbon farming. (*Id.*) By contrast, aerobically composted source separated organics is a proven method for producing high quality compost, at a small fraction of the cost of the AD facility.

2. Conclusion

Before the Board considers whether to approve the Project and certify the EIR, more information is needed regarding the potential for an enhanced source separation alternative to achieve satisfactory diversion rates, considering that current programs only affect certain subsets of the watershed and its waste generators. We respectfully request that the Board direct staff to provide this additional information and analysis, as well as cost information to enable a side-by-side comparison of the relative costs and benefits of enhanced source separation compared to the TRRP.

Further, the Board should not consider approving the Project or certifying the EIR without additional information regarding the quality and acceptability of the MSW-derived compost product to County farmers, ranchers, and other end users. Until it is known whether the AD process will yield quality compost, it is premature to approve the AD component rather than traditional composting.

Respectfully submitted,

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