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#4

Sarah Mayer *Public Comment - Gaviota Coast Conservancy*

From: Ana Citrin <ana.citrin@gaviotacoastconservancy.org>
Sent: Friday, March 15, 2024 11:56 AM
To: sbcob
Cc: Doug Kern
Subject: Letter for Board, Item 4 (Tajiguas Landfill)
Attachments: GCC to BOS_Tajiguas Capacity Increase_3-15-24_final.pdf; Exhibit B_GCC to BOS_Mustang Contract Termination_12-8-23_FINAL.pdf; Exhibit A_What a Waste - The Santa Barbara Independent.pdf

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Dear Clerk, attached please find a comment letter with two attachments for the above captioned item. Please confirm timely receipt. Thank you! Ana

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Ana Citrin
Legal and Policy Director



(805) 570-4190

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March 15, 2023

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

. RE: Board Agenda Departmental Item No. 4, Tajiguas Landfill Capacity Increase Project

Dear Chair Lavagnino and Honorable Supervisors,

The Gaviota Coast Conservancy (GCC) is committed to permanently protecting the rural character and environmental integrity of the Gaviota Coast for present and future generations. Along with rural character and environmental integrity, public access and recreational opportunities is the “third pillar” that together fulfills GCC’s mission. A key part of GCC’s mission is to encourage regenerative agriculture practices that build soil, manage water wisely, reduce toxic chemical use and support biological resources.

The Tajiguas Landfill is located on the Gaviota Coast, situated between the Los Padres National Forest to the north, the Arroyo Hondo Preserve to the west, the County’s Baron Ranch to the east, and Highway 101 and the Arroyo Quemada residential community to the south. No landfill could be approved in such a sensitive location today, and GCC supports a vision for the Gaviota Coast that includes full closure and restoration of the Landfill, allowing the now-industrial facility to eventually harmonize with its rural and scenic setting, to provide important habitat, and establish missing trail linkages.

The County Public Works Department is requesting the Tajiguas Landfill Capacity Increase Project (Project) because the Tajiguas Landfill is filling up faster than anticipated. There are numerous reasons for this, but one reason concerns operational challenges experienced at the Tajiguas ReSource Center. Although the ReSource Center itself is not before the Board on March 19th, it is important that the Board commit to fixing the ReSource Center in conjunction with any action on the Tajiguas Capacity Increase Project.

Specifically we request that the Board:

- 1) Improve and enhance mitigation measures for the Project’s significant and adverse impacts on the environment.
 - a. Reinstate mitigation measures from the Draft EIR including phasing and wet-season restrictions to protect endangered species.
 - b. Include a new mitigation measure requiring conservation easements on unprotected areas of the landfill property and adjacent Baron Ranch, creating a wildlife corridor, mitigating impacts to and safeguarding endangered species.

2) Commit to fixing the ReSource Center.

- a. Direct Public Works to take immediate steps to improve diversion rates to prolong the remaining capacity. In the near term this could provide additional time to accommodate phasing and wet-season restrictions. In the longer term this would lessen the need for any further expansions.
- b. Establish an independent committee of solid waste experts¹ to provide unbiased recommendations on how to improve the ReSource Center's efficiency, effectiveness, and environmental impact.
- c. Direct Public Works to publish clear and accessible reports on the ReSource Center's performance and finances. This will allow residents to track its progress and identify areas for improvement.

3) Commence long-term planning to avoid additional expansions.

- a. The Board has already committed on numerous occasions to cease landfilling at Tajiguas Landfill, but has not taken the steps needed to honor those commitments.
- b. By 2039, large improvements in diversion and availability of electric long-haul trucks could minimize the impact and cost of transporting waste.
- c. The County should initiate discussions now with the City of Santa Maria so the new regional landfill proposed at Los Flores can be available to accept waste in 2039.

Taking action on these requests would remedy various deficiencies in the Final EIR (and deficiencies in the draft EIR that were not adequately addressed in revisions or responses to comment), including to the insufficiency of mitigation for the Project's significant GHG impacts and impacts to sensitive biological resources, described below.

1) Additional mitigation is required for the FEIR to pass muster under CEQA

To approve the Project the Board is required to make findings that the EIR is adequate for this proposal (Finding III.A), that the EIR constitutes a complete, accurate and good faith effort at full disclosure (Finding III.B) and that the Project's significant unavoidable impacts are mitigated to the maximum extent feasible (Finding III.D), that significant impacts are mitigated to insignificance (Finding III.E) and that Project alternatives are not feasible (Finding III.F). For reasons discussed below and in our comments on the draft EIR, the findings proposed for your Board's approval are not supported by substantial evidence in the record. Additional disclosure and importantly additional mitigation is required for the Final EIR to satisfy CEQA's requirements and for the Board to be able to support required findings of approval.

- a. Additional mitigation for the Project's significant and unavoidable GHG emissions is feasible

As proposed the Project results in significant and unavoidable impacts from the generation of GHG emissions that contribute to global climate change (Impact AQ-5). Long-term

¹ See Exhibit A, attached Op-Ed from solid waste expert Paul Relis with details on this proposal, also available at <https://www.independent.com/2024/01/22/what-a-waste/>

GHG emissions (as opposed to from construction) “are primarily a consequence of continuing to bury the community’s waste in the Landfill.” (FEIR p. 2-19.) The FEIR identifies operation of the ReSource Center as the primary measure to control GHG emissions, and concludes that “no additional control measures are available to further reduce GHG emissions generated by waste decomposition.” (*Id.*) However, based on current ReSource Center operational data, the ReSource Center is only diverting at a rate of 31.35% (*See* Draft EIR p. 2-2) and as disclosed at the City of Santa Barbara recently² the ADF is only achieving half the diversion needed to pass Acceptance Testing. In GCC’S comments on the draft EIR and on the Mustang contract termination (attached as Exhibit B), we identify various measures to improve diversion and operations at the ADF that would lead to less landfilling, and that should be included as mitigation measures to further reduce this significant GHG impact.

b. Additional mitigation for the Project’s significant biological resource impacts is feasible

Due to the stated urgency in creating new capacity for solid waste disposal at Tajiguas, the Final EIR weakened several important mitigation measures that had been included in the Draft EIR to mitigate the Project’s significant impacts to sensitive species including California red-legged frog (CRLF) and Crotch’s bumblebee.

Specifically, MM BIO-4a and MM BIO-4b are required to mitigate the Project’s significant and unavoidable impacts to Crotch’s bumblebee (Impact BIO-6). The Final EIR makes various changes that weaken MM BIO-4a and reducing its effectiveness as mitigation, including removing language requiring the phasing of construction to avoid impacts during the colony active period and discourage future foraging and nesting in the project disturbance area (*see* FEIR p. 2-20). Moreover in the Draft EIR, MM BIO-4b required that all restoration/enhancement occur at the Landfill and/or Baron Ranch, however the Final EIR allows off-site mitigation “at another site approved by CDFW” (*id.*). These changes to mitigation for impacts to Crotch’s bumblebee, included for the first time in the Final EIR, are likely to result in substantially increased impacts that merit recirculation of the EIR.

The Final EIR moreover includes changes to the phasing of construction activities to avoid wet weather conditions (*see* FEIR p. 2-32), which is likely to lead to reduced surface water quality (Impact WR-6), increased erosion and sedimentation and associated policy conflicts (Impact G-3, Hillside and Watershed Protection Policy 3 – FEIR p. 4.8-16) and also increased mortality of CRLF (which is not adequately disclosed or mitigated for in the FEIR).

Restoring the phasing requirements in MM BIO-4a and wet season restrictions could be accommodated if the remaining available landfill capacity could be extended through improved diversion as requested in our scoping and draft EIR comments. Also, requiring conservation easements on the unprotected portions the Landfill property and Baron Ranch to prevent landfill activities from encroaching into these habitat areas, and to ensure their permanent protection,

² *See* Santa Barbara City Council hearing of 2/13/24, available here <https://santabarbaraca.gov/government/mayor-city-council/city-council-meetings> and fully incorporated herein by reference.

could further reduce impacts to biological resources generally and to Crotch's bumblebee specifically.

2) Additional disclosure is required

To approve the Project the Board is required to find and certify that the Final SEIR (23EIR-00001) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA, and has been completed in compliance with CEQA. (Finding III.B.) Unfortunately the Final SEIR does not fully or adequately disclose important information about the Project's health risk.

The EIR identifies an "insignificant impact" associated with increases in air contaminant emissions that may contribute to health risks (Impact AQ-4). The EIR determines that "the health risk assessment indicates the cancer risk threshold would be exceeded at the point of maximum impact" but that because "this area not reasonably accessible by the public" that individuals would not be exposed to this risk. The body of the FEIR does not disclose where the point of maximum impact lies, and the additional detail included in the air quality appendix is difficult for a layperson to understand. The decision to exclude these receptors from the analysis (*see id.*) moreover is concerning, given that landfill staff would indeed access these areas (*see FEIR Vol. 2, PDF p. 212* ("Access into these areas is by landfill staff to conduct facility functions such as groundwater monitoring.")). The public at large and in particular residents of Arroyo Quemada and individuals that recreate at Baron Ranch and Arroyo Hondo should be able to clearly access information about where the health risk is highest, and unfortunately the EIR fails to fulfill its informational function in this important area.

3) Improper piecemealing of Project elements

Public Works sought and obtained approval for two Project elements that should have first been disclosed and analyzed in a certified EIR. First, the Board approved changes to a resolution that prohibited further expansions of Tajiguas Landfill (the Resolution was initially proposed for rescission, but was instead revised with modified language allowing landfilling through 2039). The resolution modification is a necessary first step to for the Tajiguas Landfill Capacity Increase Project, is advanced by the same proponents, serves the same purpose (expanding the landfill), and lacks any independent utility. Public Works also sought and obtained approvals for a Habitat Conservation Plan (HCP) for California red-legged frog, and an associated conservation easement, that included mitigation for the Tajiguas Capacity Increase Project, and that is relied on as mitigation in the EIR. Under these circumstances CEQA is clear that the actions must be analyzed together in one environmental document, and approving the resolution modification first without CEQA review would constitute prohibited piecemealing. (*See Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209.)

4) Conclusion

For reasons stated herein, we respectfully request that the Board take action on the three requests stated at the beginning of this letter, before taking any action to advance or approve the Tajiguas Capacity Increase Project.

GCC is willing to work collaboratively with the County to help effectuate the permanent conservation of Baron Ranch and undeveloped portions of the Landfill property, and to facilitate operational changes at the ReSource Center that improve diversion, reduce GHG impacts, and ensure that organic waste is being transformed into useable compost.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin
GCC Legal and Policy Director

Exhibit A: "What a Waste: Flaws at Tajiguas Must Be Examined Independently", by Paul Relis (Santa Barbara Independent 1/22/24)

Exhibit B: GCC Comments on the Mustang Contract Termination (12/8/23)

EXHIBIT A



Support the
S.B.
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Got a
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>

What a Waste

Flaws at Tajiguas Must Be Examined Independently

By **Paul Relis**

Mon Jan 22, 2024 | 10:00am



The writer argues that experts are needed to diagnose the problems at the Tajiguas ReSource Center. | Credit: Courtesy

Santa Barbara County recently terminated its agreement with Mustang Santa Barbara (MSB), the developer and operator of the ReSource Center at Tajiguas Landfill. At a price tag of \$155 million to build, it is one of the costliest facilities of its kind in California, if not in the country.

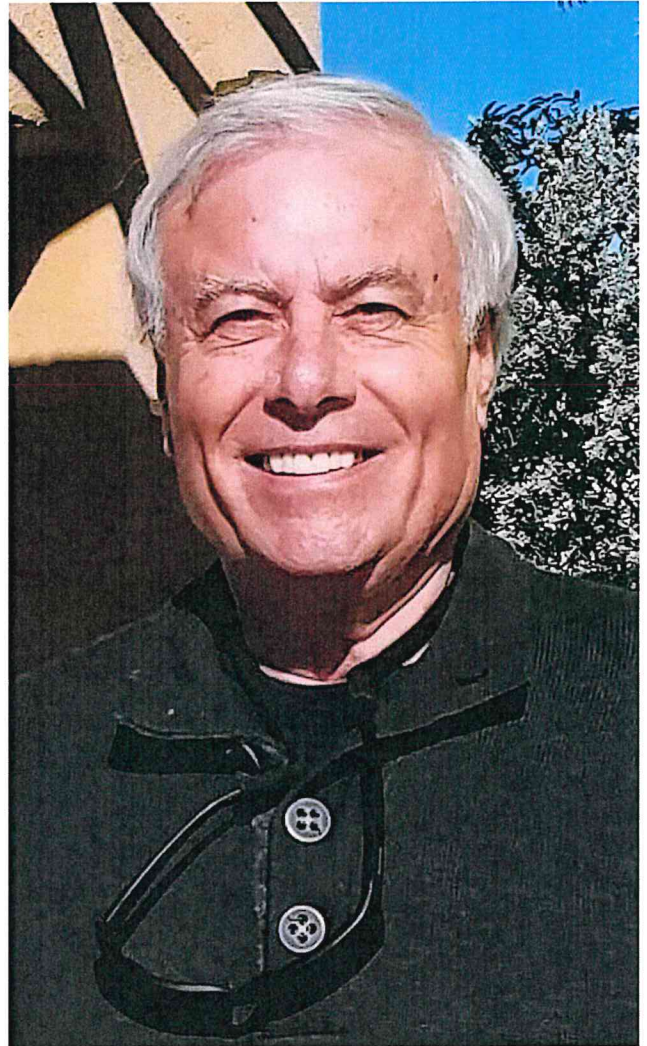
The community deserves to know whether the ReSource Center is dealing with fundamental flaws.

The facility was originally pitched to the participating cities of Santa Barbara, Goleta, and Buellton as a means for meeting state solid-waste and recycling mandates and to obtain a state permit to expand the landfill.

Since it began operating in July 2021, the ReSource Center has been plagued with problems. The most glaring one is offensive odors from the composting operation that invade the residential enclave of Arroyo Quemada, located downwind of Tajiguas. Colleagues of mine in the waste management industry who know the ReSource Center say that that there are fundamental technical problems with the digester system that will likely require significant further investment to correct.

From the beginning, it was clear to industry experts and concerned citizens that Santa Barbara County was taking a big risk with Mustang and its project approach. The company had no previous experience with the components of the ReSource Center.

At the time, the Community Environmental Council, drawing on its waste management and recycling experience and input from waste industry experts, was among those that expressed concerns. The idea of creating a recycling facility 27 miles up the coast (to be operated by MarBorg Industries) made no sense. Recovered recyclables would have to be shipped to the Port of Los Angeles, resulting in unnecessary transportation costs and attendant environmental impacts. Furthermore, the ReSource Center was predicated on taking South Coast mixed waste to Tajiguas and then separating out the organics with expensive sorting equipment to



Paul Relis | Photo: Courtesy

remove contaminants. This practice has run into trouble for years. The resulting compost from the process is very low quality and a marginal agricultural asset at best.

It's worth mentioning that Santa Barbara County, years before the ReSource Center was conceived, had issued several requests for proposals (RFPs) for technology to enhance recycling at Tajiguas. These RFPs proved to be false starts. The county gained a reputation among top-tier waste management firms as a local government that didn't know what it wanted.

When Mustang proposed an entirely privately financed facility, it must have seemed like an enticing prospect to the Public Works Department. But this "private financing" offer was short-lived. Project costs kept mounting, to the point where Mustang sought and received public bond financing.

Today, with the relationship between Mustang and the county now severed, the question before Santa Barbara County and the cities of Santa Barbara, Goleta, and Buellton is: What to do about the ReSource Center?

The current situation demands that the Public Works Department make a full accounting of the ReSource Center's status:

What are the recycling rates for organic and non-organic recyclables and how do these compare with the contracted rates?

What are the problems with the compost produced from mixed waste that are generating the much-publicized odor problems at the facility?

Is the Bekon anaerobic digestion system capable of producing a non-odorous compost with modifications, and if so, what will that entail?

Even further: To what extent have potent green-house-gas-producing methane emissions been reduced as a result of the facility? Facilities such as Tajiguas are supposed to achieve 40 percent methane reductions by 2030 as part of California's climate-change mandates. Will these problems be a factor in the county's objective of obtaining a state permit to expand Tajiguas?

This accounting should be reviewed by an independent team of waste/recycling and compliance experts, and by representatives from the county supervisors and the Santa Barbara, Goleta, and Buellton city councils. Until such an assessment of the ReSource Center is made and a path forward defined, no long-term operating agreement with a third party should be considered.

Given what is at stake, nothing less than full transparency is warranted as the county and cities grapple with the challenges facing the ReSource Center. The road ahead isn't going to be easy or cheap. My hope is that the facility can be made to work and not become a white elephant.

Paul Relis was founding executive director of the Community Environmental Council, oversaw California's waste and recycling system, and pioneered anaerobic-digester development in the private sector with the company CR&R Inc.

Fri Mar 15, 2024 | 16:11pm

<https://www.independent.com/2024/01/22/what-a-waste/>



EXHIBIT B

December 8, 2023

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

. RE: Board Agenda Departmental Item No. 6, Hearing to Consider Termination of Contract with MSB Investors, LLC for Development and Operation of the Tajiguas ReSource Recovery Project

Dear Chair Williams and Honorable Supervisors,

The Gaviota Coast Conservancy (GCC) is committed to permanently protecting the rural character and environmental integrity of the Gaviota Coast for present and future generations. Along with rural character and environmental integrity, public access and recreational opportunities is the “third pillar” that together fulfills GCC’s mission. A key part of GCC’s mission is to encourage regenerative agriculture practices that build soil, manage water wisely, reduce toxic chemical use and support biological resources.

The Tajiguas Landfill and ReSource Center is located on the Gaviota Coast, situated between the Los Padres National Forest to the north, the Arroyo Hondo Preserve to the west, the County’s Baron Ranch to the east, and Highway 101 and the Arroyo Quemada residential community to the south. No landfill could be approved in such a sensitive location today, and GCC supports a vision for the Gaviota Coast that includes full closure and restoration of the Landfill, allowing the now-industrial facility to eventually harmonize with its rural and scenic setting, to provide important habitat, and establish missing trail linkages.

GCC objected strongly to the ReSource Center and supported a lower-tech, much more affordable, and more environmentally beneficial project to achieve the same objectives, supported by prominent experts in the solid waste field. Unfortunately, the County went forward with the proposed “dirty MRF” and Anaerobic Digestion Facility (ADF), instead of source separation of organic waste and traditional aerobic composting. While experts can disagree about the relative costs and benefits of each approach, it is now clear that the ReSource Center faces considerable operational, regulatory, and financial challenges. These challenges have contributed to the Tajiguas Landfill filling up much faster than anticipated, prompting the proposed physical expansion that is currently undergoing environmental review.

From the materials posted on the Board’s docket, it appears that there are ample grounds for termination of the County’s contract with MSB Investors, LLC. However, a new operator will not solve all the problems faced by the facility, many of which are more systemic in nature. First, the Municipal Solid Waste (MSW)-derived organic input for the ADF results in poor quality compost with elevated contaminants including glass and plastic. Second, there is insufficient space within the Compost Management Unit (CMU) to properly process and cure the compost product. These two factors have hindered ADF and CMU operations, and contributed to the

intolerable odors experienced by the residents of Arroyo Quemada and associated Notices of Violation (NOVs) from the CalRecycle Local Enforcement Agency (County Environmental Health) and Regional Water Quality Control Board (RWQCB) NOVs concerning “[u]se of unapproved feedstocks due to the inclusion of significant physical contaminants, including plastics and glass, which is prohibited by the Compost General Order” (Board Letter, Attachment C, PDF pp. 4, 9; see SWRCB General Order for Commercial Composting Operations (Order WQ 2020-0012-DWQ) (“Composting General Order”)).

GCC has consistently advocated for changes to improve the quality of compost coming out of the ReSource Center. Application of high-quality compost improves soil tilth and plant health, increases soil water holding capacity, reduces runoff, adds beneficial micro-organisms, adds organic matter, and sequesters carbon. (See Composting General Order p. 6). In Santa Barbara County, there is an inadequate supply of high-quality compost available for local farms and ranches to fully realize these benefits including for carbon farming which fights climate change and advances the County’s Climate Action Plan goals. (See Gaviota District Carbon Management Planⁱ, p. 51.)

The MSW-derived compost produced by the ReSource Center is far below the standards of most farmers and ranchers for use on their land. The chemical and physical constituents of the compost are such that GCC is concerned that land application of the current ReSource Center compost could stunt plant growth, and contaminate soil and surface water.ⁱⁱ When the ReSource Center was approved the ADF was anticipated to produce two compost streams, one from the source separated organic waste (“SSOW”) that is currently collected from UCSB and City of Santa Barbara businesses, and one from the organic fraction of MSW. (See Tajiguas Resource Recovery Project EIR, p. 3-2.) Unfortunately, due to inadequate volumes of SSOW to fill a whole digester, the ADF has only produced one stream of compost. We specifically request that as the County negotiates new contracts and attempts to resolve NOVs, that it develop a plan, involving the participating jurisdictions, to increase SSOW collection with a near-term goal of having sufficient SSOW to run it separately through the ADF and CMU, and a longer-term goal of expanding to the extent feasible.

Thank you for the opportunity to comment on the termination of the contract with MSB Investors. We strongly believe that if we all work together we can yet find a way to make the ReSource Center operate effectively. We encourage the Public Works Department to select an operator who will create a high-quality compost, that PWD institutes an effective system that supports the public to separate their organic waste from the MSW, and finally, that PWD works with the public to find ways to reduce the generation of materials that must be dumped in a landfill.

Sincerely,



Ana Citrin
GCC Legal and Policy Director

ⁱ Gaviota District Carbon Management Plan (Cachuma Resource Conservation District, March 2020), available at

<https://www.rcdsantabarbara.org/files/826bc123e/Gaviota+District+C+Management+Plan+final+March+2020.pdf>.

ⁱⁱ Scholarly articles and industry publications raising concerns about the quality of compost produced from MSW-derived organic waste include:

Policastro and Cesaro, *Composting of Organic Solid Waste of Municipal Origin: The Role of Research in Enhancing Its Sustainability* (International Journal of Environmental Research and Public Health, 2023, 20, 312).

Wei, et al. *Environmental challenges impeding the composting of biodegradable municipal solid waste: A critical review* (Resources, Conservation and Recycling, 2017, 122, 51);

Microplastics in Compost: Environmental Hazards of Plastic-Coated Paper Products (Woods End Laboratories and Eco-Cycle, updated 2018).