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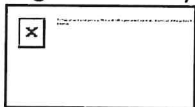
**Katherine Douglas** *Public Comment - Gaviota Coast Conservancy*

**From:** Ana Citrin <ana.citrin@gaviotacoastconservancy.org>  
**Sent:** Friday, December 1, 2023 10:58 AM  
**To:** sbcob  
**Cc:** Jennifer Richardson; Laura Capps; Supervisor Nelson; Steve Lavagnino; Supervisor Das Williams; Joan Hartmann  
**Subject:** Board Agenda Item A.13 - Tajiguas Resolution Recission  
**Attachments:** GCC to BOS\_Tajiguas Resolution\_12-1-23\_FINAL w. Att A.pdf

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Clerk,  
Please accept the attached comment letter regarding the above captioned item.  
One or more GCC representatives will be present in person at the hearing and intend to speak on this administrative item.  
With best regards,  
Ana

--  
Ana Citrin  
Legal and Policy Director



(805) 570-4190

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December 1, 2023

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

RE: Board Agenda Item A.13, Public Works' Proposed Recission of Board Resolution 18-150  
Establishing County Policy Not to Further Expand Tajiguas Landfill

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.

County Public Works' proposal that the Board rescind Resolution 18-150, which establishes as County policy not to further expand the Tajiguas Landfill on the Gaviota Coast, is both procedurally and substantively unsound. **We request that the item (A.13) be pulled from the administrative agenda, and that the Board direct Public Works to return for consideration of the resolution recission (or modification) together with the Tajiguas Landfill Capacity Increase Project at a subsequent noticed public hearing.**

The coastal canyon on the Gaviota Coast where Tajiguas Landfill is located is an area of outstanding habitat and recreational resources, situated between the Los Padres National Forest to the north, the Arroyo Hondo Preserve to the west and the County's Baron Ranch to the east<sup>i</sup>. Much of the Landfill is within the Coastal Zone, including historic unlined waste disposal areas in direct contact with groundwater<sup>ii</sup>. 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.

Resolution 18-150, adopted on June 19, 2018, established as Santa Barbara County policy:

- i. To cease burial of residuals and solid waste at the Tajiguas landfill when it reaches the existing permitted capacity of 23,300,000 cubic yards except for emergency debris;
- ii. To not seek an expansion of the Tajiguas landfill capacity other than for emergency debris;
- iii. Within seven years of remaining disposal capacity is reached based on the County's annual report to CalRecycle, to begin to seek locations other than the Gaviota Coast for solid waste residual disposal (a new landfill and/or contracting with other existing landfills); and.
- iv. To limit use of Baron Ranch primarily to open space, recreation and agricultural uses.

By establishing such County policy, Resolution 18-150 functions to protect the environment in and around Pila and Arroyo Quemado Canyons from the consequences of further landfill expansions. Resolution 18-150 also protects Baron Ranch from the impacts of development. Public Works' proposal that the Board rescind Resolution 18-150 undoes important environmental protections that would preclude the Tajiguas Landfill Capacity Increase and avoid its Class I significant and unavoidable impacts. **The proposed rescission of Resolution 18-150 is not exempt from the California Environmental Quality Act ("CEQA") and necessarily must be reviewed in conjunction with the Tajiguas Landfill Capacity Increase Project to avoid CEQA's prohibition on piecemealing<sup>iii</sup>.**

The layer of environmental protection provided by Resolution 18-150 is so important to GCC that it was the primary consideration that induced GCC to dismiss its lawsuit challenging the Tajiguas Resource Recovery Project (TRRP, now called the ReSource Center). Since Public Works approached us concerning the misalignment problem between the anticipated landfill life and remaining debt service on the ReSource Center, and their desire for a limited expansion to provide the additional two years of capacity from 2036 to 2038, GCC has worked cooperatively and in good faith with Public Works to arrive at a solution. The revelation regarding the Tajiguas Landfill reaching projected capacity by 2026 was only made public after the publication of the Notice of Preparation (NOP) for the Tajiguas Landfill Capacity Increase Project on March 23, 2023. Additionally, , the ReSource Center is achieving only half of its intended diversion target of 60% (approximately 31.35%). Despite these surprising disclosures, and the substantial odor and compost quality concerns from the Anaerobic Digestion Facility (ADF) and Compost Management Unit (CMU)<sup>iv</sup>, GCC continued to have open and good faith conversations with Public Works to endeavor to find common ground.

**Given our good faith efforts and deep involvement in this matter, we are profoundly concerned and disappointed that Public Works has placed this consequential item on the Board's administrative agenda without notifying GCC.** GCC has maintained continuous and direct communication with the Public Works staff concerning the Tajiguas Landfill Capacity Increase Project. Notably, GCC arranged a session during its November Land Use Committee meeting where Mr. Wilder and Mr. Johnston were invited to engage in a Q&A session. The discussion encompassed various aspects related to the landfill, including the upcoming 12/12 Board hearing regarding the proposed termination of the ReSource Center operator's contract. At no point did Public Works staff mention that rescission of Resolution 18-150 would be on an upcoming Board agenda, and GCC received no notice – formal or courtesy – from the County regarding this administrative agenda item that Public Works is keenly aware is of immense concern to GCC and would significantly and directly affect GCC's interests and the broader community's vision for the Gaviota Coast.

Public Works is requesting that the Board rescind Resolution 18-150 in its entirety, without CEQA review and proper notice, and without undertaking any good faith effort to involve GCC or evaluate whether a narrower approach could leave aspects of Resolution 18-150 intact (such as limitations on the use of Baron Ranch) while allowing a limited expansion. **Granting Public Works' request would violate CEQA and the Board's settlement agreement with GCC. Importantly the Board's reputation and ability to settle land use disputes in the future would be irreparably harmed** if the Board granted Public Works' request and reneged

on its commitment just five years in, for reasons that were wholly foreseeable when the commitment was made.

The policy articulated in section iii of Resolution 18-150 requires that the County begin to seek locations other than the Gaviota Coast for solid waste residual disposal (new landfill and/or contracting with other existing landfills) *within seven years of remaining disposal capacity*. **Presently, there is three years or less of remaining disposal capacity at Tajiguas Landfill.** Contrary to Resolution 18-150 and the County-GCC settlement agreement, the County has not sought other landfill locations. This obligation moreover is expressly incorporated as a “covenant” in the County’s Solid Waste System Revenue Certificates of Participation which funded the TRRP<sup>v</sup>, that the County is now violating. Even if the Board pursues the expansion project, it must begin seeking other locations for solid waste residual disposal, and should endeavor to do so anyway in the event that the expansion project is unsuccessful.

The TRRP was intended to extend the life of the Tajiguas Landfill, comply with State law requiring the diversion of organics from landfills (SB 1383), and reduce GHG emissions, at a **254 million dollars cost to County ratepayers**<sup>vi</sup>. GCC emphatically opposed the TRRP and proposed a lower-tech, much more affordable, and more environmentally beneficial project to achieve these same objectives, supported by prominent experts in the solid waste field. Notably these experts warned: *“It is our consensus conclusion that the TRRP is not an appropriate or advisable project, and we believe that the participating cities, ratepayers and the County should pull back from what we believe will be a costly mistake.”* (See 11/10/17 letter to the Board from Matt Cotton, Nick Lapis, William O’Toole, Gary Petersen, and Paul Relis, Attachment A hereto). Unfortunately, the County forged ahead with the TRRP, prompting the lawsuit from GCC<sup>vii</sup>.

As in 2017, GCC remains genuinely committed to helping the County improve its sustainability in the solid waste management arena including operations at the ReSource Center. To that end, GCC requested detailed information on the quantity and quality of waste that is not successfully diverted and why, to help troubleshoot solutions to extend the Landfill’s life. GCC even submitted a detailed matrix identifying current County waste reduction and recycling programs and the many ways they can be expanded and strengthened to be more effective (*see GCC Scoping Comments*<sup>viii</sup>), but Public Works has responded by saying there is nothing they can do to improve diversion rates. GCC also requested, both in comments on the Capacity Increase Project NOP and DSEIR, that Public Works commit to solving the operational problems at the ReSource Center including the intolerable nuisance odors experienced by Arroyo Quemado residents and recreational users of Baron Ranch and other nearby recreational areas *before* expanding the landfill. As it turns out, this is a State requirement, and Public Works cannot secure CalRecycle concurrence on their Solid Waste Facility Permit revision request with outstanding NOV<sup>s</sup><sup>ix</sup>.

While we understand the urgency in assuring sufficient solid waste disposal capacity, no landfill expansion can occur until Public Works completes their CEQA process and gains approval from the Local Enforcement Agency and CalRecycle concurrence to revise their Solid Waste Facility Permit. **Acting to rescind Resolution 18-150 on December 1<sup>st</sup> is unnecessary and legally risky, and we urge you deny Public Works request or take no action.** In the meantime, we welcome further conversations with Public Works regarding how Resolution 18-150 can be retained in whole or in part.

Sincerely,



Ana Citrin  
GCC Legal and Policy Director

Attachment A: 11/10/17 Solid waste expert letter to the Board

CC: County Counsel

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<sup>i</sup> Draft Subsequent Environmental Impact Report (DSEIR) for the Tajiguas Landfill Capacity Increase Project, p. 4.02 and Figure 3.2, available at <https://www.countyofsb.org/1165/Environmental-Documents>.

<sup>ii</sup> See DSEIR, p. 4.10-3.

<sup>iii</sup> The Board Letter claims, without facts or analysis, that rescinding Resolution 18-150 is not a “project” under CEQA pursuant to CEQA Guidelines Section 15378(b)(2) and (b)(5) because it “the recommended action is a general policy and an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.” (Board Letter, Recommended Action b). However, the resolution rescission is an activity directly undertaken by a public agency, similar to the amendment of local General Plans, which has a potential for resulting in either a reasonably foreseeable indirect physical change in the environment, and accordingly is a “Project” subject to CEQA (CEQA Guidelines Section 15378 (a)). Moreover, the resolution rescission is a necessary first step to Public Works’ Tajiguas Landfill Capacity Increase Project, is advanced by the same proponents, serves the same purpose (expanding the landfill), and lacks any independent utility. Under these circumstances CEQA is clear that the actions must be analyzed together in one environmental document, and approving the resolution rescission first without CEQA review would constitute prohibited piecemealing. (*See Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4<sup>th</sup> 1209.)

<sup>iv</sup> The ReSource Center’s Anaerobic Digestion Facility (ADF) and Compost Management Unit (CMU) has caused near-constant nuisance conditions for residents with properties near the landfill, as reflected by the 32 NOV’s issued by the LEA concerning odors and nuisance conditions offsite. (DSEIR pp. 4.11-12 – 4.11-17.) The compost-like end product is poor quality, and a potential detriment to orchards and watersheds where it is applied. GCC relayed these and other concerns to Mr. Dewey and Public Works staff in the course of conversations spanning the past year or more.

<sup>v</sup> [https://prospectus.bondtraderpro.com/\\$CA2100AB6.PDF](https://prospectus.bondtraderpro.com/$CA2100AB6.PDF) (Additional Covenants, p. 14, ¶h.)

<sup>vi</sup> 10/16/2018 Board Letter, Tajiguas Resource Recovery Project Financing, p. 4.

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vii Public Works has stated or implied in several contexts that GCC's lawsuit over the TRRP delayed the ReSource Center from coming online, contributing to the need for an expansion. In fact, the delays resulted from Public Works' error in mapping the Coastal Zone boundary, and other events outside GCC's control. GCC lawsuit began and ended during the period when the County was putting together the debt package to finance the TRRP. In fact GCC dismissed its lawsuit against the County over three months prior to the Board's approval of the TRRP financing package on 10/16/18.

viii DSEIR Appendix B, Responses to the Notice of Preparation, p. 70 of the DSEIR Volume 2 PDF.

ix As explained at the Local Enforcement Agency (LEA) presentation following the DSEIR public hearing on October 26<sup>th</sup>, CalRecycle cannot concur in the LEA's permit approval unless the facility is operating within state standards, and the facility is not currently operating within state standards due to numerous outstanding NOV's for the ReSource Center's ADF and CMU. (See Cal. Pub. Res. Code § 44009 (a), 14 CCR § 17408.5.)

# ATTACHMENT A

November 10, 2017

Dear Members of the Santa Barbara County Board of Supervisors,

As experienced solid waste professionals who have been involved in the planning efforts of dozens of other jurisdictions throughout California and elsewhere, we have been tracking the County of Santa Barbara's proposed strategy for dealing with its waste with increasing concern.

Between us we have over 200 years of experience with all varieties of waste management and recycling solutions, and have particular knowledge about the type of waste streams generated in areas like the South Coast of Santa Barbara, statewide laws and upcoming legal requirements, and the array of technology and programs available for California municipalities.

At the request of local environmental groups but under no paid agreement with them, we have reviewed the proposed Tajiguas Resource Recovery Project, or TRRP, and are familiar with the technologies proposed, the site, and the community. It is our consensus conclusion that the TRRP is not an appropriate or advisable project, and we believe that the participating cities, ratepayers and the County should pull back from what we believe will be a costly mistake.

The basis for our conclusion that this project is not suitable as proposed include:

### ***High cost for little reward***

This project is estimated to cost South Coast ratepayers \$120M plus interest -- and from our understanding is the largest non-transportation infrastructure investment in the region in decades. Depending on when it were to become operational, the project could add 8 to 10 years to the landfill's current 9-year expected lifespan. We believe that a \$120M investment should be providing the community with much more than an 8 to 10 year fix. The community should be getting waste management infrastructure and education programs that provide a much longer term benefit.

### ***Waste reduction should come first***

As with any resource -- such as water or energy -- the cheapest way to manage it is to reduce its use. This is why forward-thinking communities like Santa Barbara prioritize water conservation and water-saving technologies before large infrastructure solutions like the desalination plant. Our experience shows that starting with conservation works: Santa Barbara residents have been so successful in bringing down water use that those reductions have stuck even when drought restrictions have lifted. The same should be true for waste, with "reduce" and "reuse" coming before "recycle" and "landfill." Residential and commercial outreach and educational programs have been effective in communities to

increase separation of waste streams at the source to meet diversion goals and avoid the need for expensive facilities.

***Changes to markets for recycled materials undermine the project's financial viability***

A significant portion of the revenue needed to finance the TRRP's operations is expected to come from the sale of recycled materials, including recyclables separated from the trash stream in the "dirty" Materials Recovery Facility, or MRF. China recently adopted a policy called "National Sword" and informed the World Trade Organization of their unwillingness to accept dirty or contaminated recyclables that did not meet international trading specifications. It may not make sense to invest \$50M in a dirty MRF at this time when the recyclable market situation has become so unstable.

***"Put or Pay" agreement removes flexibility in a changing market***

The "put or pay" agreement obligates Cities and the County to pay up no matter what market conditions and changing policy and regulatory priorities bring forth. (In fact, put-or-pay agreements require payments even if the project never provides the services called for in the agreement.) This type of agreement is particularly troubling as California's waste management landscape is nearly constantly in flux, and the state is undergoing a significant paradigm shift in how (and why) it manages discards. Such agreements have doomed participating local governments to sometimes catastrophic financial obligations, such as happened in San Diego County in the 1990s.

***A bad deal that is a disincentive to waste reduction***

In order to be financially viable, the TRRP requires participating jurisdictions to commit to pay for disposal of all solid waste with current disposal levels as a minimum. For example, the City of Santa Barbara must commit to put or pay for about 75,000 tons of mixed solid waste, recyclables and food scraps each year -- about 98% of the amount that the City currently generates. Since they must pay for this minimum, there is no financial incentive to implement waste-reduction programs. The put-or-pay agreement locks participating jurisdictions to putting virtually all of their current tonnage through the TRRP and would commit them to continuing to throw away as much waste as they currently do -- very much in conflict with the state's current waste management hierarchy, which promotes waste reduction above all other means of recycling.

***Misses an opportunity with food scraps and yard waste***

Many communities are now meeting state requirements to keep organic material out of landfills by turning food scraps and yard waste into high quality compost -- often providing this material to local farmers and ranchers to increase the nutrient value and water-holding capacity of their soil. The cleaner the food scraps (not co-mingled with trash or otherwise contaminated), the higher quality the compost. For an agricultural region such as



Santa Barbara County, this can also be a powerful climate change strategy. Generating a nominal amount of electricity is far from the highest and best use of this resource, which could yield substantially greater carbon benefits from a change in technology and/or location. We're also troubled by the lack of source-separated food scrap collection from homes.

With a rapidly evolving regulatory landscape and rapid improvements to waste technologies, more communities are embracing the idea that the cheapest ton of waste to manage is the ton that is never created.

**We recommend that the County:**

1. Direct staff to evaluate an alternative lower-cost path to the TRRP that provides more flexibility and control to the County and participating cities. This path might include taking a new look at:
  - more robust waste reduction programs;
  - enhanced separation of waste streams at the source (ie food diversion at restaurants and sorting residential food scrap collections);
  - some combination of existing composting facilities in Oxnard and Santa Maria, or new in-vessel composting facilities on the South Coast, and/or use of existing anaerobic digesters at the City's wastewater treatment plant or other location;
  - the expertise of a strong community-based waste hauler, MarBorg Industries;
  - use of a newly approved, state-of-the-art landfill in northern Santa Barbara County in lieu of the Tajiguas Landfill.
  
2. Set a clear timeline for evaluating the expansion of source-separated commercial food scrap collection, as well as the establishment of residential food scrap collection.

We firmly believe that there options for the management of the South Coast's solid waste streams that avoid the TRRP's risks, reduce its impacts, and cost no more -- and potentially much less. We base that position on our collective knowledge, involvement and review of dozens of different municipalities' and counties' solid waste management programs, and familiarity with the laws and regulatory requirements. There are several potential alternative approaches for Santa Barbara's South Coast that will yield better carbon cycle outcomes, less burden on ratepayers, and more effective diversion and reuse of solid wastes.

Sincerely,

**Matt Cotton**

*Principal, Integrated Waste Management Consulting, LLC*

**Nick Lapis**

*Director of Advocacy, Californians Against Waste*

**William O'Toole**

*President, EcoNomics Inc.*

**Gary Petersen**

*Former State of California Board Member, CalRecycle*

*Former Vice President Waste Management, Inc.*

*Former Director of Environmental Affairs, Recycle America*

**Paul Relis**

*Former State of California Board Member, CalRecycle*

*Lecturer in Waste Management, UC Santa Barbara*

*Vice Chair, Bioenergy Association of California*