

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

November 6, 2017

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 Hearing, Departmental Agenda Item #1

Dear Chair Hartmann and Supervisors,

The Tajiguas Resource Recovery Project (TRRP) would be one of the largest infrastructure investments in County history. Since the Board's consideration of a prior version in 2016, there have been substantially changed circumstances that undermine the adequacy of the previous environmental review process as well as the economic and practical viability of the Project.

Changed circumstances include the County's belated recognition that the Tajiguas Landfill has been operated in violation of the Local Coastal Plan, Coastal Zoning Ordinance and Coastal Act for 45 years. All prior approvals and all prior environmental analyses relied on an incorrect coastal zone boundary. PWD staff suggest that you should rely on the prior defective environmental review documents as being entirely adequate for the TRRP, which itself relies on coastal roads and infrastructure that have never been subject to environmental review, LCP consistency, or coastal permit. Significantly, the County's failure to request a vested rights determination (in spite of a request from Coastal Staff in 2002) renders any claim of vested rights for any physical or operational expansion at Tajiguas Landfill after 1972 extremely tenuous. The County would have to permit the coastal elements of the TRRP as well as spend several years sorting out the landfill's coastal zoning violations and unpermitted development before the TRRP can advance.

The TRRP's EIR relied on the absence of threatened California red-legged frogs (CRLF), but in 2017, CRLF re-populated a number of areas of the landfill. The County's attempted relocation of CRLF to Baron Ranch failed entirely, and now PWD proposes to grade the revised TRRP into CRLF Critical Habitat, without new environmental review.

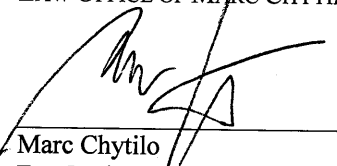
Meanwhile in 2017 China enacted a "Green Sword" policy, rejecting import of contaminated materials for recycling, which will almost certainly include all of the materials recovered from the dirty MRF. There is no point to investing \$50M in a MRF technology, when enhanced source separation will actually recover more recyclables at a fraction of the cost.

The County has posted no substantive documentation on this \$120-\$150M project, and PWD has not been forthcoming with details about the revised project. This office expects to submit in excess of 500 pages of technical comment and information for your Board's consideration, which cannot be released to your Board until the PWD materials are released on Thursday November 9th in advance of the hearing on the 14th. Our comments will reflect a response to the PWD proposal, but only if the PWD materials are released early enough for us to review and respond to them.

Given the magnitude and gravity of this project, we request that your Board direct PWD to post the revised TRRP materials to the Board and the public at least 2 weeks before any public hearing, to allow some modicum of reasoned and informed public participation in your decisionmaking.

Respectfully submitted,

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