

October 21, 2013

Mark Janofsky
Senior Environmental Health Specialist
3501 Civic Center Dr., Room 236
San Rafael, CA 94903

RE: Compostable Materials Handling Facility Permit, Submitted by Redwood Landfill

Redwood Landfill Compost Facility Expansion and Materials Recovery Facility Project Addendum to the 2008 Redwood Landfill Final Environmental Impact Report

Dear Mr. Janofsky:

In general we support composting and materials recovery instead of dumping green waste and other resources into the Landfill. We also appreciate that the Local Enforcement Agency, the Environmental Health Services Division of the Marin County Community Development Agency ("EHS"), held a public information meeting on October 10, 2013, at which we attended and spoke.

However, we object to the unlawful procedure EHS has used to consider the environmental impacts of the proposed expanded composting operation which also exceed the scope of the landfill's Conditional Land Use Permit ("CUP"), and are highly concerned about material deficiencies in the "Addendum" to the 2008 Final Environmental Impact Report ("Compost Addendum to FEIR"). We request that you not proceed with the Compost Facility Permit until these issues have been addressed.

The new compost facility will be approximately three times its current size, will be accepting compostable materials from outside Marin County, be permitted to compost biosolids (treated sewage sludge), require a new waste water impoundment pond, and engage in operations below sea level just a few feet from San Antonio Creek and the Petaluma Marsh. These factors require careful consideration and appropriate mitigation measures.

Unlawful Permitting and Environmental Review Process

The 1958 CUP authorizes only "establishment of a sanitary land fill garbage and rubbish dump." Both the expanded composting facility and the Materials Recovery Facility

("MRF") go well beyond what was contemplated and conditioned in 1958. Compostable Materials Handling Facilities did not even exist in 1958. Cal Recycle regulations make clear that its own permitting of such facilities does not "relieve any owner, operator, or designee from the obligation of obtaining all required permits [including from] local land use authorities." Title 14, Chapter 3.1, Section 17850 (d). A CUP process, for example, could impose conditions to reassure the many residents who attended the October 10 public meeting and expressed concern about odor control and minimization.

In terms of the required environmental impact analysis, the 2008 FEIR to which EHS has attached the Compost Addendum was deemed in violation of the California Environmental Quality Act ("CEQA") and vacated by the Marin County Superior Court. Although EHS has appealed that decision and the case is pending in the First District Court of Appeals, at this moment the FEIR supporting the proposed Compost Facility legally does not exist. It is simply not appropriate to approve an Addendum to an FEIR which the Marin County Superior Court has thrown out as violating state environmental law. Because the Solid Waste Facility Permit for the Compostable Material Handling Facility requires a valid and complete environmental impact analysis, if EHS moves forward and issues the permit it too would be invalid and unlawful.

In any event, a Subsequent EIR is required – instead of an Addendum – because (1) the change in the project is substantial; (2) the change involves new or more severe significant impacts; (3) the change will require major revisions to the previous EIR (which is inadequate); and (4) the new impacts were not considered in the previous EIR. These changes include aspects that were expressly rejected or not considered in 2008 as part of the FEIR and landfill expansion project that were approved at that time, including 544 tons a day of compost, 28 additional vehicle trips a day, and a new wastewater pond on the site.

The sleight-of-hand in calling this an "Addendum" enables the County to ignore reams of additional information and data about the impact of global warming on sea-level rise that would have to be considered if this were a "Supplemental" FEIR. The attached letter links materials on that important topic we request the County and its consultant consider before finalizing the environmental impact analysis. Letter to Judy Arnold, President Marin County Board of Supervisors, April 16, 2013 from FEMA and link to the state's website: http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml

Material Deficiencies to the Compost Addendum to the FEIR

The landfill seeks an additional 344 tons per day of permitted capacity for compost materials for a total of 514, consisting of: 400 tons of green/wood waste, 82 tons of biosolids, and 32 tons of food waste. (Compost Addendum at A-66). This expansion would result in numerous impacts not adequately analyzed or mitigated.

- At the October 10 informational meeting, the representative of the Landfill stated that the Landfill has no intention of accepting biosolids for composting, yet could not explain why the Landfill requires biosolids to be permitted at the rate of 25,584 tons per year (82 tons per day). Rebecca Ng, the LEA, stated that it would be a “worst case scenario” but did not elaborate in response to attendees’ concerns. The CEQA process is intended to inform citizens to enable them to comment. This can not happen given the inconsistency between the project description at the meeting and what is in the Addendum.
- Ammonia emissions from composting biosolids are 3 times the level of green waste. This is a significant factor for odor control but was not addressed in the Addendum. Simply pointing to a 2008 odor minimization plan is insufficient. (Addendum at A-66 and 2-10).
- The Addendum states that the proposed changes of the overall project – including the MRF - will generate an additional 401 tons of Green House Gas (GHG) emissions per year and that it would have a significant negative impact on the environment, requiring new analysis and verification whether it would be consistent with the Marin County GHG reduction plan. (Compost Addendum at 3-29, 3031). The Addendum assumes without any basis or documentation that the additional GHG emissions would be “more than offset” by reductions in GHG emissions attributable to composting and recycling of wastes that would otherwise be landfilled. (Compost Addendum at 3-31) This is unfounded. Additional emissions will come from new large truck trips, electricity to run the facility, and emissions from the larger composting piles, and because most of the new materials will come from outside Marin County. One prior mitigation measure noted is the landfill’s own GHG reduction plan, but no specific aspect of that plan is cited to support the assumptions. (Compost Addendum at 3-33).
- The Landfill is also seeking 28 additional vehicles entering the site each day, which will be “heavy-duty” and arriving from an average of 18 miles away. (Compost Addendum at 2-7 and 2-15). The purpose of these large trucks is a mystery. At the October 10 Information Meeting, Ms. Ng said that the public notice for the meeting was “mistaken” when it mentioned that the Compost Facility Permit would include the additional 28 truck trips, but did not further clarify. Will they be added to the existing Solid Waste Facilities Permit? They need to go somewhere. Depending on the type of large trucks, this could materially change the air quality analysis in the FEIR. There is no traffic data included for retail sales of the “bagged compost”. What vehicle and GHG impact will this have on the project?

- The expanded Compost Facility will be operating literally a few feet from San Antonio Creek and the Petaluma Marsh. Although most composting when done properly is good for the environment, the location of the operation greatly matters. This is ignored. Although the “rubbish dump” might be essentially grandfathered, not so this new facilities permit. Moreover, the Addendum does not indicate any new or additional environmental safeguards for the expanding compost operations on this sensitive site.
 - Inexplicably, composting within the landfill footprint is subject to more stringent standards (low permeable pad, control of run-off) that don’t appear to apply to composting operations still on site but outside of the landfill footprint - yet closer to the wetlands. If so, this is nonsensical. (Compost Addendum at 3-28).
 - Because the entire site sits on top of ancient sloughs, the Landfill is required to document site-specific studies because permeable sand and organic materials may be underneath. (Compost Addendum at 3-44). This, apparently, has never been done.
 - The Landfill was required to reanalyze the stability analysis, develop a new design for the levee repair, and update a plan for long-term flood protection of the site - given that it is located in an earthquake fault zone below sea-level. (Compost Addendum at 3-45). If the Landfill did any of these mitigation measures, they are not reported in the Addendum so any reliance on them is unfounded. Below are two of the many reports that are materials the County and its consultant must consider in the analysis - the latest data regarding changes to the 100 year flood zone and rising sea level due to Global Warming.
http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml
<http://geology.com/sea-level-rise/san-francisco.shtml>
 - Finally, the new compost operation will be so large that it will generate considerable new waste water requiring a new waste water impoundment pond on the site only a few feet from San Antonio Creek. (Compost Addendum at 2-14). The potential environmental impact of housing additional waste water is not adequately analyzed, in light of the additional data over the last 5 years about sea-level rise which could inundate and discharge the waste water if there are inadequate safeguards.

NO WETLANDS LANDFILL EXPANSION

We appreciate your consideration of our comments, and request that you not proceed with the permit until our concerns have been addressed and you follow the appropriate procedures under CEQA.

Very truly yours,



Bruce Baum
Chair

/s/

Christopher Gilkerson
Member