MEMORANDUM

Date: July 29, 2013

To: Jeffrey W. Collier, City Manager

From: David A. Pelser, Director of Public Works

Subject: Savage Canyon Landfill Permit Revision Application
LEA Public Informational Meeting

On July 24, 2013 the Los Angeles County Public Health Department, acting as Local Enforcement Agency (LEA) for CalRecycle, conducted a required public informational meeting at the Whittier Historic Depot. Following is my summary of the meeting and my analysis of the issues raised.

Meeting Summary:

The meeting was attended by several staff from the LEA, one from CalRecycle, and several City staff (see attached attendance record). Gerry Villalobos made a brief presentation (attached) explaining the pending application for a solid waste facilities permit revision, the permit revision process, and some background information about the landfill. He explained the meeting was informational and informal; that no decisions would be made at the meeting and that the public would have an opportunity ask questions and make comments.

Two public members attended the meeting: Valorie Shatynski, and Helen Rahder, both property owners on Penn Street. Extensive questions and comments came from both. Following is my summary of the key points they raised. After drafting this summary, we received an email from Valorie Shatynski dated July 28, 2013 and another from Jason Prelesnik dated July 30, 2013 (both attached). After reviewing these emails, I did not change the following summary and analysis which I believe addresses the points in the email.

1. Meeting Notification.

   Valorie and Helen said they did not receive the mailed meeting notice and Valorie noted that none of her immediate neighbors received the notice. Valorie learned of the meeting when I emailed her in advance to let her know the notice was coming and the purpose of the meeting. I had also provided her in advance the affidavit of mailing and the addresses used.

2. Closure Date.

   Both Valorie and Helen believed the City had told them in public meetings years ago that the landfill projected closure date was 2025. They were surprised to learn the 1996 Final Grading Plan (that was the subject of 2001 CEQA review) resulted in additional volumetric capacity that will extend the estimated life of the landfill to 2055. They are concerned about cumulative impacts over time of diesel truck emissions on Penn Street due

to the longer projected site life.

3. Cumulative Impacts of Multiple Projects.
   Concern was expressed about the cumulative impacts on the Penn Street neighborhood of the Whittier College Sports Complex, the proposed Matrix Oil project with access through the landfill, and the landfill operations. They expressed dismay that Whittier College was allowed to improve its sports facilities and dramatically increase facilities use (including by other parties) without advance public disclosure through an EIR. A particular concern was for cumulative impacts of traffic and diesel emissions.

4. Clean Soil Import.

   Valorie indicated she perceived the use of imported clean dirt for cover material as a change in landfill operations that should be subject to a complete EIR.

5. CEQA.

   Valorie and Helen specifically requested a new EIR be completed to analyze the neighborhood impacts of the landfill operations and the cumulative impacts of other projects including the Whittier College Sports Complex, the Matrix Oil project, and the landfill operations including its projected life extension from 2025 to 2055.

<u>Analysis of Issues</u>

1. Meeting Notification.

   Meeting notices (attached) were placed in standard City envelopes and first class postage was applied with the City postage meter along with other City mail processed on the same day (July 11, 2013). The City mail was transported by a City employee from City Hall to the US Postal Service Office at the end of the business day. The notices were mailed by US Mail to all property owners of record within 500 feet of the permitted landfill boundary and to the properties on Penn Street from Painter Avenue to the Landfill entrance. They were also mailed to State Senator Ron Calderon and State Assemblyman Ian Calderon. Notices were posted at the landfill entrance and on the official bulletin board at City Hall. The notice and the affidavits and address lists (all attached) were provided in advance of the meeting via email to resident Valorie Shatynski. The City received one notice back from the US Postal Service marked undeliverable (this was returned to the City on July 19, 8 days following

the mailing and 5 days in advance of the meeting). The LEA accepted the City's affidavits of mailing and posting as being in compliance with the State regulations. The one returned undeliverable letter is evidence that the notices were delivered by the US Postal Service .

2. Closure Date.

The 1995 Permit indicates there is no expiration date for the landfill and acknowledges the 2025 estimated closure date is based on calculations in the 1989 Report of Disposal Site Information involving the volumetric capacity and daily waste disposal of 350 T/D. In 1996, the City prepared a new Final Grading Plan that would increase the volumetric capacity of the landfill. The 1996 Final Grading Plan was incorporated in a 1997 Master Development Plan. This was subject of a CEQA Initial Study/Negative Declaration in 2001 that indicated a revised estimated closure date of 2048. The IS/ND was publicly circulated with that estimated closure date. In 2003 the City received from the California Integrated Waste Management Board (now CalRecycle) a notice to proceed with implementation of the 1997 Master Development Plan; however, the permit form was not updated to reflect this approval. The Whittier Utility Authority approved the IS/ND on October 23, 2003. A 2007 Joint Technical Document (JTD) reiterated the estimated closure date of 2048. However, the 2007 JTD also noted the average tonnage was somewhat less than 350 T/D which implies a closure date beyond 2048. The 2012 JTD update indicated the estimated closure date had in fact slipped to 2055 which is the current estimate in the pending permit revision application. In summary, there is no expiration date for the landfill in the current permit; the estimated closure date is based on volumetric capacity which has not changed since the 1996 Final Grading Plan in the 1997 Master Development Plan approved by the CIWMB in 2003.

3. Cumulative Impacts of Multiple Projects.

Analysis of cumulative impacts is required under CEQA when evaluating the impacts of a proposed project. In this case, the permit revision is not a new project subject to CEQA review. The permit revision is merely acknowledging on the permit form items that received CEQA review years before, or were ongoing practices that predated CEQA. Not approving the permit revision would simply continue the current situation of the permit form not explicitly acknowledging already approved landfill operations that have been reported to the LEA and CalRecycle for many years. The LEA and CalRecycle recently agreed with the City's evaluation of CEQA compliance. The LEA filed a CEQA Categorical Exemption for the permit revision approval. The recent proposed Matrix Oil project was the subject of an extensive EIR in 2011 that included a cumulative impact section and

environmental justice section. Public testimony included concerns about total truck traffic on Penn Street. The Matrix Conditional Use Permit included conditions of approval that addressed the cumulative impacts of the landfill truck traffic and project truck traffic on Penn Street. City Council Resolution 8424 includes the following conditions of approval:

> *15. Traffic Management Plan. Prior to any project excavation or construction activities related to the Project Site, the Operator shall prepare for review and approval of the City a Traffic Management Plan to reduce project traffic impacts on substantially affected residential streets, including at a minimum affected portions of Penn Street and Catalina Avenue. The Operator shall take steps to include residents of the affected streets in the planning and preparation of the Traffic Management Plan. The plan shall require that residents be notified whenever work is performed on their streets relating to the Project.*
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> *16. The Operator and its successors in interest shall submit a fair share contribution/cost offset to the Whittier Utility Authority associated with the loss of revenue of landfill fees should waste hauler truck trips on Penn Street be reduced to account for an equivalent quantity of truck trips generated from and for the Whittier Main Oil Field Development Project in order to maintain existing, equivalent overall truck trip traffic along Penn Street. The frequency and amount of the fair share contribution shall be determined by the City Engineer and Executive Director, and updated as appropriate, to ensure a consistent revenue stream to the Whittier Utility Authority's Solid Waste Collection Account.*

Cumulative traffic impacts have been addressed in the Matrix Oil project EIR and conditions of approval. As for diesel emissions, the City garbage truck fleet is almost entirely run on clean Compressed Natural Gas (CNG) fuel and the private garbage companies (Whittier franchised haulers and "foreign trash") are also in various stages of converting their fleets to clean fuels in compliance with SCAQMD regulations. In summary, <u>cumulative impacts were addressed in the EIR for the proposed Matrix Oil project</u>.

4. Clean Soil Import.

The pending permit revision application includes recognition of the City's historic practice of importing clean soil on occasion when a local construction project can provide it for free. The current 1995 permit limits refuse for disposal to 350 T/D. However, it only requires reporting of quantities of inert material reclaimed for beneficial use such as clean soil for intermediate and final cover (reusable tarps are employed as alternative daily cover) without any specific quantity limitation. The City,

with concurrence from the LEA and CalRecycle, determined this practice is exempt from CEQA because there exist documentation that it is a long-standing practice that predates the landfill permitting process and the passage of CEQA by the legislature. The City's pending permit revision application indicates the City has voluntarily submitted a 3,000 T/D peak limit on the import of inert material for beneficial uses. Basically, the current permit does not have a peak daily limit, and the permit revision, if approved, will have a 3,000 T/D peak limit. This change in the permit to limit the peak daily import of inerts is not a project subject to CEQA review. This issue was addressed in detail in a letter from the City to the LEA dated November 6, 2012 (copy attached – see section entitled, "Other" Materials Clarification).

5. CEQA.

The change in estimated closure date from 2025 to 2048 was addressed in the IS/ND of 2001 for the Revised Final Grading Plan. The updated estimated closure date of 2055 reflects several years of actual disposal less than the maximum permitted. The peak daily tonnage of inerts is changing from an unlimited amount to a maximum of 3,000 T/D. The practice of importing inert materials for beneficial use predates the adoption of CEQA in 1978. The recently proposed Matrix Oil project was addressed in a 2012 EIR that included cumulative impacts and resulted in mitigation measures and conditions of approval that mitigate the impacts. The pending solid waste facilities permit revision application has already been determined to not require further CEQA analysis and the LEA recently filed a Notice of Exemption. In short, the pending permit revision application is in compliance with CEQA.

Attachments:

Meeting Notice
Affidavits of Publication and Posting
Map of Area showing property owners on mailing list
Attendance Sheet
PowerPoint presentation by LEA
11/6/2012 Letter to LEA from Whittier Public Works
7/28/13 Email from Valorie Shatynski
7/29/13 Email from Jason Prelesnik