

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

May 11, 2012

Deputy Director Mark De Bie
Dept of Resources Recycling and Recovery (CalRecycle)
1001 I Street
Sacramento, CA 95812

By email to:
Mark.DeBie@CalRecycle.ca.gov
and publicmeetings@calrecycle.ca.gov

RE: New Full Solid Waste Facilities Permit for Santa Maria Integrated Waste Management Facility in Santa Barbara County – SWIS No. 42-AA-0076

Dear Deputy Director De Bie,

This office represents the Gaviota Coast Conservancy (GCC) in this matter. GCC previously submitted a letter dated 4/16/12 respecting the Solid Waste Facilities Permit (SWFP) for the Santa Maria Integrated Waste Management Facility at Los Flores (SMIWMF), and Mr. Erin Chalmers, Esq. of Shute, Mihaly, and Weinberger appeared and testified at the April CalRecycle monthly meeting on GCC's behalf. We are pleased that CalRecycle declined to take action at the April meeting, and since that time GCC and the Project Planner Steve Kahn with the City of Santa Maria have endeavored to set up a meeting to discuss the issues of concern to GCC. Unfortunately due to busy schedules on both sides, the meeting has not yet occurred, but we are actively working to find a mutually acceptable date. Understanding that no action is required on this SWFP until June 11, 2012, we would ask that you defer final action on this matter until we have the chance to discuss and hopefully resolve the issues identified in our 4/16/12 letter and herein with the City of Santa Maria.

In our prior letter, we argued that the City of Santa Maria (via the Local Enforcement Agency (LEA)) submitted inadequate information respecting conformity with its General Plan to CalRecycle. This letter clarifies that the findings with respect to the Project's conformity with the Countywide Integrated Waste Management Plan (CIWMP) are similarly deficient because the critical component of the CIWMP (Amendment to the Countywide Siting Element to address this Project) relies on the identical inadequate General Plan conformity findings. In short, the City of Santa Maria never found that the Los Flores facility complies with the Conservation and Open Space Elements of their General Plan (mandatory General Plan elements), including the biological resource protection policies and air pollution control policies implicated by the Project's significant and unavoidable biological resource and air quality impacts. This finding is a central aspect of this Project's suitability for this site.

Additionally, the City of Santa Maria adopted the Statement of Overriding Considerations prematurely, before demonstrating the infeasibility of additional mitigation. The Statement of Considerations and SMIWMF EIR are also flawed for failing to accurately reflect the waste stream that will be disposed of at the SMIWMF. The Statement of Overriding Considerations adopted by the City of Santa Maria states that "the project would accommodate regional waste management and disposal needs upon the closure of the Tajiguas Landfill in 2023". In fact the County of Santa Barbara has clearly stated

that they have no intention of utilizing SMIWMF and instead is focused on alternatives to landfilling including anaerobic digestion and increased materials recovery to extend the life of Tajiguas Landfill. Without this waste stream from the Tajiguas watershed, Santa Maria will be increasingly dependent on out-of-county sources of waste. The SMIWMF EIR did not analyze the impacts associated with importing waste – an egregious flaw that undermines the adequacy of the entire environmental document.

We once again acknowledge that finding a place for Santa Maria's solid waste following the impending closure of the existing Santa Maria Regional Landfill is critically important. However, if CalRecycle allows the flaws identified herein to pass uncorrected, it will have failed to fulfill its responsibilities and the Project will encounter the same hurdles to securing other agency approvals including from the Regional Water Quality Control Board (RWQCB) and Air Pollution Control District (APCD). Resolving the fundamental flaws at this time we believe is the most expedient way for the City of Santa Maria to secure required permits and open the Los Flores facility.

1. Inadequate Information Submitted on General Plan Conformity

The California Supreme Court considers a city's general plan the "constitution for all future developments". (*Citizens for Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal. 3d 553, 570). A Conservation Element and an Open Space Element are both mandatory elements of a city's general plan. (Gov't Code §§ 65302 (d and e)). The City of Santa Maria's Conservation and Open Space Elements are contained within the Resources Management Element (which also includes the Recreation and Parks Element, and the Public Facilities and Services Element). In our 4/16/12 letter, we identified the City of Santa Maria's failure to adopt required findings demonstrating that the SMIWMF conforms with the City's General Plan. Specifically Planning Commission Resolution No. 2567, which includes the only general plan conformity findings approved in association with the SMIWMF, focuses on a narrow subset of Santa Maria's General Plan policies, and does not include any reference to Conservation Element or Open Space Element policies (note, the findings reference only three policies of the Resources Management Element, which are wholly contained within the Public Facilities and Services Element). Discussed in our prior letter, the significant biological resource impacts and air quality impacts of the SMIWMF demonstrate inconsistencies with key policies in the Conservation and Open Space Element.

The City relied on these fundamentally flawed general plan consistency findings not only to approve the Project, but also to support the amendment to the Countywide Siting Element which integrated the Los Flores location into the CIWMF. Specifically, the CIWMF's Amendment to the Countywide Siting Element includes Planning Commission Resolution No. 2567 as the sole evidence of General Plan Conformity. (*See* Attachment 1, Amendment to the Countywide Siting Element).

Pursuant to 27 CCR 21685 (b), Public Resources Code §§ 50000.5 and 50001, and Government Code § 65402 (c), a demonstration of general plan conformity must be presented to CalRecycle either with respect to the Project or the Countywide Siting Element before CalRecycle can legally concur with the SMIWMF SWFP. Because the City of Santa Maria did not demonstrate that the Project complies

with mandatory elements of its general plan either with respect to the Project or the Countywide Siting Element, CalRecycle lacks the information it needs to concur with the SWFP pursuant to 27 CCR 21685 (b).

2. Flawed Statement of Overriding Considerations

Because the SMIWMF will have significant and unavoidable environmental impacts, CEQA requires that CalRecycle adopt a Statement of Overriding Considerations indicating its reasons for overriding the adverse impacts of the Project. (CEQA Guidelines §§ 15092 (b), 15093 (a)). The Statement of Overriding Considerations adopted by the City of Santa Maria is flawed and CalRecycle should not adopt it for two distinct reasons. First, the Statement of Overriding Considerations relies on SMIWMF to “accommodate regional waste management and disposal needs upon the closure of the Tajiguas Landfill in 2023”. The County of Santa Barbara however does not intend to close the Tajiguas Landfill in 2023, and is currently pursuing alternatives to landfilling including a Dry Fermentation Anaerobic Digestion Facility and Materials Recovery Facility to substantially extend the life of Tajiguas Landfill. (See Attachment 2, Notice of Preparation of a Draft Subsequent EIR for the Resource Recovery Project at the Tajiguas Landfill). Santa Barbara County Public Works notified the City of Santa Maria in its comments on the draft EIR (see Attachment 3) of its intention not to utilize the SMIWMF for future disposal of the waste streams from the Tajiguas watershed (which includes waste from the Cities of Santa Barbara, Goleta, Buellton and Solvang, and most of the unincorporated County of Santa Barbara (see Attachment 2)) and yet the City of Santa Maria still relied on the Tajiguas waste stream in the Statement of Overriding Considerations. Because accommodating the waste stream from the Tajiguas Landfill is not a benefit of the SMIWMF, CalRecycle must evaluate whether the remaining benefits are sufficient to override the significant adverse impacts of the Project, and amend the Statement of Overriding Considerations accordingly.

Second, CEQA requires that prior to adopting a Statement of Overriding Considerations, a public agency must eliminate or substantially lessen all significant effects on the environment where feasible (See CEQA Guidelines § 15092 (b)(2)(a)). With respect to the SMIWMF, the City jumped to making a Statement of Overriding Considerations for the significant and unavoidable impacts of the Project including biological resource impacts, without imposing feasible mitigation such as increasing the compensatory mitigation ratios for habitat loss. Specifically, the EIR imposes extremely weak biological resource mitigation including 1.5:1 and 2:1 compensatory mitigation ratios for loss of special status habitat types (FEIR p. IV.C-28), and 2:1 compensatory mitigation ratios for wetlands (p. IV.C-31) and oaks (p. IV.C-33). In its comments on the draft EIR, County of Santa Barbara Planning and Development specifically requested that the EIR “include a discussion of the viability of higher replacement ratios in the range of 3:1 and 4:1 for wetlands, and an overall 2:1 for all other sensitive habitats.” (Attachment 4). The City failed to respond to this comment, violating the requirements for adequate responses to comment articulated in CEQA Guidelines section 15088 (c), and otherwise failed to demonstrate that these higher replacement ratios are infeasible. Prior to CalRecycle adopting a Statement of Overriding Considerations for this Project, the City of Santa Maria must either demonstrate the infeasibility of higher replacement ratios, or strengthen biological resource mitigation to the maximum extent feasible.

3. Failure to Analyze Impacts of Importing Waste

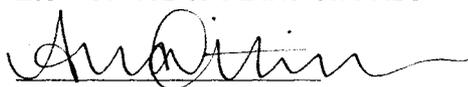
It is undisputed that the City of Santa Maria intends to accept waste from locations outside of Santa Barbara County, and given that the waste stream from the Tajiguas watershed will not be sent to the SMIWMF, Santa Maria will be that much more dependent on imported waste to generate fee revenue. The SMIWMF EIR however fails to analyze the environmental impact associated with importing waste from locations outside the Santa Maria and Tajiguas watersheds. For example, trip generation rates utilized in the traffic and air quality impact analysis only accounts for travel within the County of Santa Barbara (*see* FEIR pp. IV.K-8, IV.B-12). This failure results in a fundamentally flawed EIR that does not identify, analyze, or mitigate the additional potentially significant impacts associated with importing large volumes of waste. Accordingly, unless the City of Santa Maria undertakes an amendment to the SMIWMF EIR, CalRecycle must revise the SWFP to limit Santa Maria's ability to import waste from out of county sources to conform the scope of the CalRecycle entitlement to the project evaluated in the EIR.

4. Conclusion

For the reasons stated above, CalRecycle is not in a position to concur with the SMIWMF SWFP at this time, and we respectfully request that CalRecycle defer action until the concerns raised herein are resolved.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin

Marc Chytilo

For Gaviota Coast Conservancy

Attachment 1: Amendment to the Countywide Siting Element, pages 1-22

Attachment 2: Notice of Preparation of a Draft Subsequent EIR for the Resource Recovery Project at the Tajiguas Landfill

Attachment 3: Santa Barbara County Public Works SMIWMF draft EIR Comment Letter

Attachment 4: County of Santa Barbara Planning and Development SMIWMF draft EIR Comment Letter

CC: Dianne Ohiosumua, CalRecycle Staff Contact (Dianne.Ohiosumua@calrecycle.ca.gov)
Mike Schmaeling, LEA Contact (Mike.Schmaeling@sbcphd.org)
Steve Kahn, Project Planner, City of Santa Maria (skahn@ci.santa-maria.ca.us)
Mark Schleich, Resource Recovery & Waste Mgmt. Deputy Director
(Schleich@cosbpw.net)

ATTACHMENT 1

**AMENDMENT TO THE
COUNTYWIDE SITING ELEMENT**

**AMENDMENT TO ADD THE
INTEGRATED WASTE MANAGEMENT FACILITY
TO THE COUNTYWIDE SITING ELEMENT**

Site Identification & Description

The City of Santa Maria has proposed the implementation of a new Integrated Waste Management Facility (IWMF) that would be located approximately eight miles southeast of the city and ½ mile east of U.S. Highway 101 in an unincorporated portion of Santa Barbara County. The City proposes to locate the IWMF at Los Flores Ranch. This 1,774 acre property is owned by the City. The proposed parcels listed in the County of Santa Barbara Assessor's parcel map register are as follows: Assessors Parcel Numbers (APN) 101-030-010; 101-030-013; 101-030-014; and 101-060-002.

The proposed project includes a Solid Waste Facilities Permit (SWFP) from the California Department of Resources, Recycling and Recovery (CalRecycles, formerly the California Integrated Waste Management Board) and Waste Discharge Requirements (WDR) from the Regional Water Quality Control Board (RWQCB) for the implementation of a modern, Class III lined landfill with 90 years of capacity. The proposed project falls under the jurisdiction of the Santa Barbara County Air Pollution Control District (APCD) for monitoring and control of dust and gas emissions. The IWMF was designed to comply with U.S. Environmental Protection Agency (EPA), California Department of Health Services (DHS), California Department of Toxic Substances Control Board (DTSC) and State Minimum Standards for solid waste handling and disposal requirements. As required by Title 27 California Code of Regulations (CCR), a preliminary Closure and Post-Closure Maintenance Plan would also be developed. The project also includes implementation of the following facilities at the proposed City of Santa Maria IWMF:

- A composting facility/area;
- Concrete and asphalt recycling area;
- Agricultural plastics baling and recycling area;
- Recycling & Resource Recovery Park area for commercial vehicles;
- Entrance facility/scales/scale house/office;
- Access roads;
- Equipment maintenance building;
- Landfill Gas and Energy Recovery Management System;
- Storm water management facilities;
- Water tanks;
- Leachate management system.

- Environmental monitoring systems, including groundwater monitoring, surface water monitoring and landfill gas monitoring

Disposal activities would be similar to those currently employed at the existing Santa Maria Regional Landfill. Materials accepted for disposal would include non-hazardous municipal solid waste and non-hazardous hydrocarbon impacted soil and separately handled materials such as treated wood waste, non-friable asbestos and household hazardous wastes. Resource recovery operations would continue to take place at the existing Santa Maria Regional Landfill for the public and the Los Flores Landfill for commercial vehicles.

The project would also involve the use of Class B biosolids from the City-owned Wastewater Treatment Plant (WWTP) as final landfill cover soil amendment, as Alternative Daily Cover (ADC) in the lined area of the landfill, and for erosion control. The biosolids are stored at the WWTP, and it is anticipated that biosolids will be brought to the landfill on an as-needed basis for final cover amendment, erosion control, and/or use as ADC.

The proposed project would have a 286-acre refuse footprint, and would span two adjacent canyons. The total project area, including the perimeter of disturbance associated with the landfill, soil stockpile areas, and associated infrastructure, is approximately 617 acres. The project site is bordered on the north and south by open space, existing oil fields and Dominion and Palmer Roads and to the west by Highway 101. Land Use Designations for the project site and surrounding parcels to the north, south and east are Agricultural II (A-II) while parcels to the west, across Highway 101 are designated Agricultural Commercial (AC). Surrounding land is primarily uninhabited with the exception of a few scattered rural residences located off-site to the north and east.

Siting & Constraining Criteria

The proposed Santa Maria IWMF Environmental Impact Report (EIR) identified siting criteria as related to environmental considerations and impacts, socioeconomic, legal and environmental justice considerations. The IWMF provides for the management of waste in a manner and location that protects public health and safety and the environment through compliance with applicable federal, state, and local laws and regulations. It also provides for the management of waste in a location that respects the fair treatment of people of all races, cultures, and income levels.

Environmental Considerations –

- The proposed IWMF is not located on or within 200 ft. of a known Holocene fault (CCR Title 23, Division 3, Chapter 15, sections 2532(d) and 2533(d)). No evidence of Holocene-age faulting on the property has been found either through

a review of available literature or through site investigations, and the project site is not within or near any State of California earthquake Fault Zones (as mandated by the Alquist-Priolo Earthquake Fault Zoning Act passed in 1974 and updated through 1999).

- The proposed IWMF is not located within 10,000 ft. from runways used for turbojet aircraft or 5,000 feet from runways used solely by piston aircraft (Chapter 40 Code of Federal Regulations (CFR), Part 258, Subpart B, Section 258.10) so as not to pose a hazard to aircraft. Title 49, Section 44718(d) of the US Code places limitations on the establishment of new landfills near a public airport. It requires that a new landfill cannot be located within five miles of certain public airports without an exemption from the FAA. The proposed IWMF is not located within six miles of the nearest airport, the Santa Maria Airport.
- The proposed IWMF is not located to restrict the flow of the 100-year floodplain (40 CFR, Part 258, Subpart B, Section 257.11). According to FEMA Flood Insurance Maps (FIRMS), the entire project area is outside the 100-year and 500-year flood plain (Map panel, 083C).
- The proposed IWMF is not developed where the discharge of wastes occurs within five feet of the highest anticipated elevation of underlying groundwater (CCR Title 23, Chapter 15, Art. 3, Sec. 2530). Groundwater was encountered at depths ranging from 500 to 712 feet below ground surface. Leachate from the landfill has the potential to impact surface and groundwater quality. However, the proposed composite liner system that includes a leachate collection and removal system would reduce potential impacts to a less than significant level.
- The proposed IWMF will not cause unreasonable impairment of beneficial uses of waters of the state (CCR Title 23, Chapter 15, Art. 3, Sec. 2533 (b)(1)(A-F)(2). All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide are not affected. Site disturbance during initial grading and construction, as well as grading construction of subsequent phases, could increase the level of soil erosion, sedimentation and pollutant discharges. Short-term and long-term impacts would be significant but mitigable. Introduction of impervious surfaces associated with the project would increase storm water runoff. However, implementation of proposed on-site detention basins would reduce impacts to a less than significant level.
- The proposed IWMF is not located on land that is susceptible to soil liquefaction.

According to County Safety Element maps and the site Geotechnical Investigation Report, the project site has a low potential for liquefaction.

Environmental Impact Considerations –

- The proposed IWMF would impact jurisdictional waters of the U.S., including wetlands under the regulatory authority of the U.S. Army Corps of Engineers, as well as waters of the state falling under the State Water Quality Control Board's regulatory authority, and riparian areas regulated by the California Department of Fish and Game. This is a significant but mitigable impact. Rincon Consultants, Inc., (2008) performed a wetland delineation of the entire Los Flores Ranch property. Waters of the United States, including wetlands potentially subject to Corps jurisdiction were delineated in accordance with the Corp's *Wetlands Delineation Manual* (Environmental Laboratory 1987), *Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest* (Corps 2001), *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Corps 2006), and *Jurisdictional Determination Form Instructional Guidebook* (Corps 2007). Department of Fish and Game jurisdiction was delineated in accordance with Section 1602(a) of the California Fish and Game Code. Additionally, Rincon Consultants reviewed aerial photographs of the site topographical maps, the Soil Survey for the Northern Santa Barbara Area, California (Soil Conservation Service 1972), and the Soil Survey Database (Natural Resources Conservation Service 2008) to characterize the nature and extent of potential jurisdictional areas on the property. The National Wetlands Inventory was also reviewed to determine if any wetlands had been previously documented and mapped on or in the vicinity of the site. Prior to construction, the applicant shall submit an Open Space Management Plan with specific elements to satisfy federal and state permitting requirements to the Corps, SWRCB, and CDFG, as applicable. (See Tables ES-1, ES-2 and ES-3 for a detail summary)
- The proposed IWMF significant but unavoidable impacts include the removal of oak trees, impact to wildlife corridors, and cumulative impacts to biological resources. Of the nine habitat types identified on site, three are listed as special status plant communities by the Department of Fish and Game (DFG). In addition, wetlands riparian and some mule flat scrub habitats are protected by the U.S. Army Corps of Engineers (Corps), State Water Resources Control Board (SWRCB) and/or DFG. A qualified botanist/biologist shall develop an Open Space Management Plan that details the methods to create, restore and

enhance required habitat. (See Tables ES-1, ES-2 and ES-3 for a detail summary)

- The proposed IWMF cultural resource inventory of the project site was prepared by Applied EarthWorks, Inc. between July 2007 and August 2008. The proposed IWMF would impact two prehistoric archaeological sites and three historical archaeological sites which are considered significant resources but the impacts are mitigable. The inventory included a records search at the Central Coastal Information Center of the California Historical Resources Information System, background archival research, consultation with Native American tribal representatives, and a Phase 1 archaeological surface survey of the study area. An appropriate data recovery plan will be prepared by a Registered Professional Archaeologist in advance of fieldwork and requirements of the plan will be implemented prior to construction. (See Tables ES-1, ES-2 and ES-3 for a detail summary)

Socio-Economic Considerations –

- The proposed IWMF is consistent with the applicable General Plan, current and proposed land uses (Public Resources Code, Section 50000.5). The proposed IWMF would provide waste disposal capacity, a necessary urban service for the Santa Maria waste shed. The IWMF would provide waste disposal capacity for approximately 90 years and would provide waste disposal capacity to the City upon closure of the existing Santa Maria Regional Landfill. The proposed IWMF would not result in significant hazards to the City residents or employees of the IWMF. In addition, it would accommodate non-hazardous hydrocarbon impacted soils and other special wastes to beneficially address impacted soils associated with oil fields. The proposed IWMF would comply with applicable regulations of California Code of Regulations Title 27, as well as other applicable local and state laws regarding landfill operations. In addition, the IWMF would comply with the applicable permitting requirements of the Santa Barbara County Air Pollution Control District, the Regional Water Quality Control Board and the California Department of Resources, Recycling and Recovery.
- Based upon a traffic study conducted by Associated Transportation Engineers, Inc., the IWMF would not create a significant environmental effect. The project's traffic additions would not generate any project-specific roadway segment or intersection impacts according to the City's LOS D criteria. The IWMF would comply with the following regulations, which would assure vehicle hazard impacts would not occur in this area: The Caltrans Highway Design Manual. Specifically,

the proposed project would reconstruct the pavement on the ramp systems to comply with Chapter 610 (Pavement Engineering Considerations) of the Caltrans HDM and provide two 14-foot lanes in the undercrossing. The system would be built to Traffic Index (TI) of 10.0, as derived from Table 613.5A (Traffic Index (TI) Values for Ramps and Connectors) of the Caltrans HDM. In addition, the following aspects of the proposed project's operation would assure impacts would not arise in this area: The siting of the proposed haul route, which reduces potential hazards related to incompatible uses due to the availability of turnouts.

Post-Closure –

- The currently proposed post-closure end use for the Santa Maria IWMF is undeveloped open space. The final cover for the site would be designed to meet regulatory requirements effective at the time of closure and would provide a cover which would support drought-tolerant, native vegetation, and open space use. If a different end use is proposed in the future, it would need approval from the appropriate regulatory agencies. Site closure would also include reclamation of the stockpile areas. Any remaining stockpiled material would be left in-place, graded as necessary to provide drainage, and contoured to blend in with the surrounding natural topography. The areas would be hydro-seeded for erosion control and replanted with native species. In addition, any post-closure site security fencing would be of a type that would allow for wildlife movement, such as three to five rail fence, but would restrict all points of access for public health and safety reasons, as required in 27 CCR, Section 21135(f).
- Maintenance and repair of existing systems such as final cover, drainage and erosion control, and landfill gas control would occur during post-closure. Monitoring of groundwater, landfill gas (both surface emissions and perimeter probes) and stormwater would continue during post-closure maintenance and monitoring would be included in the Preliminary Closure and Post-Closure Maintenance Plan.

Legal Considerations –

- The proposed IWMF would comply with applicable federal, state and local regulations and would in fact improve consistency with California Integrated Waste Management Act (CIWMA) and the California Integrated Waste Management Plan (CIWMP), which require identification of at least 15 years of landfill capacity. Impacts related to solid waste disposal services would therefore be less than significant.

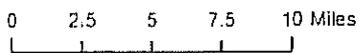
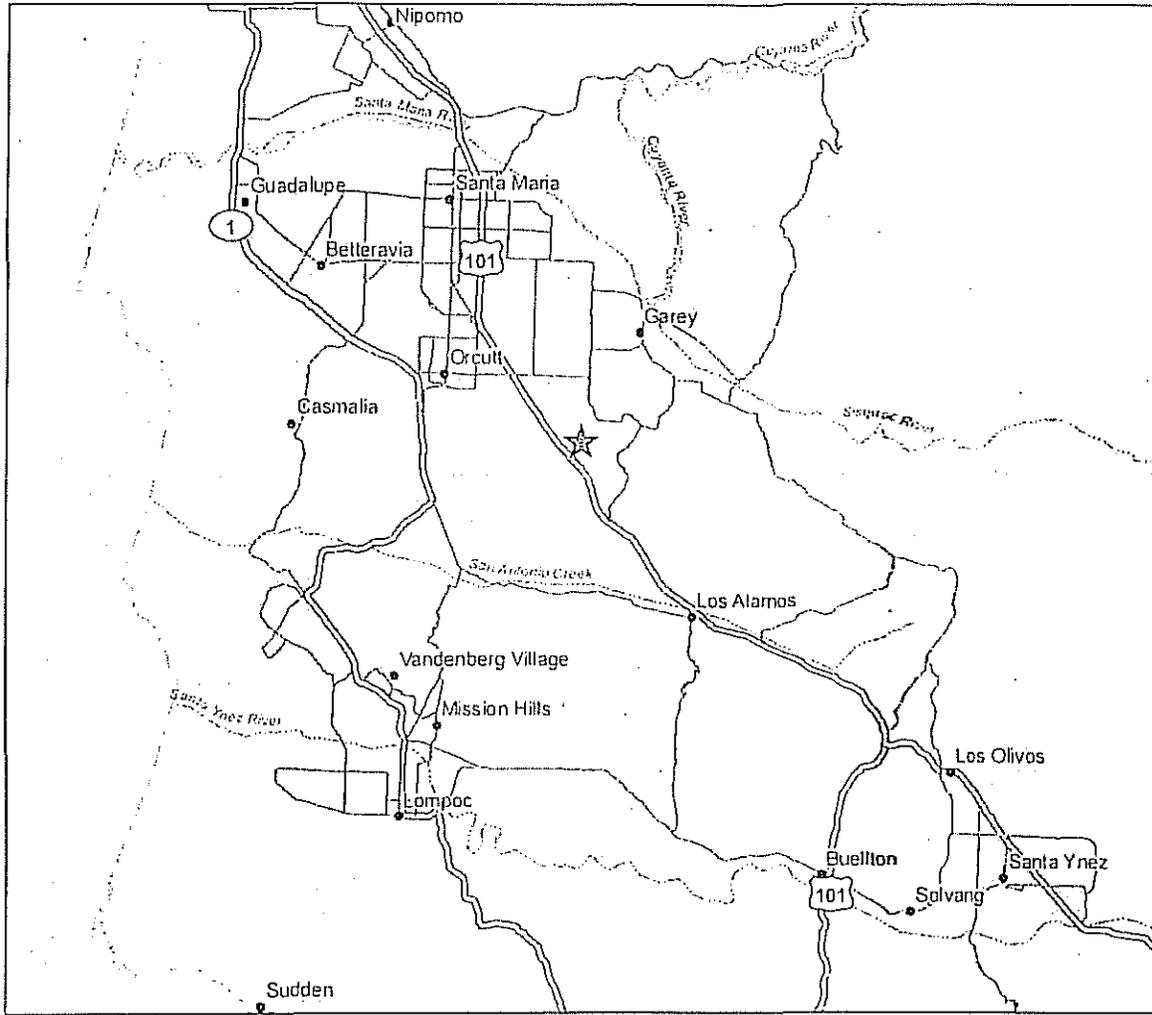
Environmental Justice –

- Based on the 2000 U.S. census figures, no significant minority or low-income populations would be adversely affected by the proposed IWWMF project, and potential environmental impacts attributable to the project would be adversely affected by the proposed project, and potential environmental impacts attributable to the project would not fall disproportionately on the minority or low-income residents of the community. Environmental Justice impact would be less than significant.
- Actions were taken to solicit public participation from the communities that could be affected by the Los Flores Ranch project including, but not limited to, minority and low-income populations. This included two public workshops held June 25, 2009 and July 23, 2009 to discuss the Santa Maria Integrated Waste Management Facility Projects Draft Environmental Impact Report. Workshop information was posted on the City of Santa Maria web site.
- The local newspapers, the Santa Maria Times and the Santa Maria Sun, were sent press releases and feature stories were published. The City of Santa Maria purchased display advertising space in the local newspapers since most people in Santa Maria who reported speaking a language other than English at home also speak English, as recorded in the 2000 Census. The City of Santa Maria did not commit to fund display advertising in the smaller circulation newspapers and chose the two English language newspapers with a larger circulation to reach a bi-lingual audience.
- Local television stations KCOY, KKFX, Univision (Spanish Language), Telemundo (Spanish Language), and KSBY were provided press releases and public service announcements. Local radio stations El Dorado (Spanish Language) and AMG (English & Spanish Languages) were provided press releases and public service announcements.
- On July 21, 2009, a general Community Meeting was held which announced the Los Flores Ranch project. A Spanish language translator was present at the workshops to translate questions and answers for the proposed project.

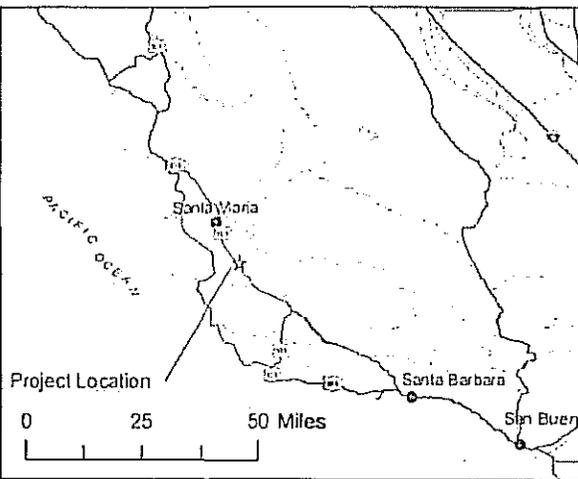
Disposal Capacity Contributors

- The proposed IWWMF will initially accommodate 500 tons per day or 161,000 tons per year of waste. The IWWMF has an estimated disposal capacity of 14,490,000 tons of total disposal capacity.
- The estimated site life is approximately 90 years, with a projected closure year of 2105. This estimation excludes the estimated volume of airspace that would be

occupied by the containment system, daily, immediate, and final cover materials, and it should be noted that this closure date is highly dependent on projected waste disposal rates over the next 90 years.



★ Project Location

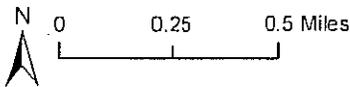


Sources: U.S. Bureau of the Census Tiger 2000 data and ESRI, 2004.

Regional Location



Sources: Bryan A. Stirrat & Associates, 2008, U.S. Bureau of the Census Tiger 2000 data and National Geographic TOPOI, 2004.



**CEQA DOCUMENTATION
AND
GENERAL PLAN CONFORMITY**

NOTICE OF DETERMINATION

To: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: City of Santa Maria
Utilities Department
2065 East Main Street
Santa Maria, CA 93454

Clerk of the Board
County of Santa Barbara
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Santa Maria Integrated Waste Management Facility, E-2008-053

Project Title and File Numbers

2006091069

State Clearinghouse Number (if applicable)

Steve Kahn

(805) 925-0951, Ext. 7244

Lead Agency Contact Person

Telephone Number

APNs 101-030-010, 101-030-013, 101-030-014, 101-060-002, Santa Barbara County

Project Location (include County)

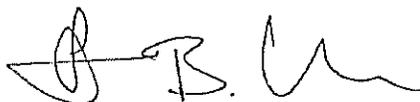
Phased construction and operation of a modern Class III (non-hazardous municipal solid waste and hydrocarbon impacted soil) lined landfill on a 1,774-acre site with approximately 90 years of capacity. The project includes construction of support facilities (including a scale house and scales, an equipment shop, landfill offices, and access roads), and environmental controls at the site, coordinated with the previously permitted construction of a transfer station at the existing Santa Maria Regional Landfill.

Project Description

This is to advise that the City of Santa Maria as the Lead Agency has approved the above described project on April 20, 2010 and has made the following determinations regarding the above described project:

1. The project will [x] will not [] have a significant effect on the environment.
2. [x] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were [x] were not [] made a condition of the approval of the project.
4. A Statement of Overriding Considerations was [x] was not [] adopted for this project.
5. Findings were [x] were not [] made pursuant to the provisions of CEQA.

This is to certify that the environmental impact report and record of project approval is available to the General Public at: Community Development and Public Works Departments, 110 South Pine Street, Santa Maria, CA 93458 (also available at 2065 East Main Street, Santa Maria, CA 93454).



Signature Steve Kahn

Title Utilities Engineer

Date April 27, 2010

COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS
2010 APR 27 PM 5:50

RESOLUTION NO. 2567

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA MARIA FINDING THAT THE
PROPOSED SANTA MARIA INTEGRATED WASTE
MANAGEMENT FACILITY PROJECT IS IN CONFORMITY
WITH THE CITY OF SANTA MARIA GENERAL PLAN,
SP-2010-010

WHEREAS, the Planning Commission of the City of Santa Maria held a regularly scheduled meeting on June 16, 2010, for the purpose of considering a request by the City of Santa Maria; and

WHEREAS, notice of said public hearing was made at the time and in the manner required by law; and

WHEREAS, California Government Code Section 65402(c) requires the City of Santa Maria to determine whether the planned Los Flores Integrated Waste Management Facility is in conformity with the Santa Maria General Plan; and

WHEREAS, the planned Los Flores Integrated Waste Management Facility project is presently under review by the California Department of Resources and Recycling, as well as other State and local agencies; and

WHEREAS, the General Plan discusses the provision of urban services, including the needed infrastructure, capacity, and timing; and minimizes the community risk from hazardous materials associated with this landfill.

WHEREAS, the environmental impacts of this Facility have been adequately addressed in a Final EIR (SCH#2006091069), certified on April 20, 2010; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Maria hereby finds that the Integrated Waste Management Facility project is in conformity with the Santa Maria General Plan for the reasons stated in Exhibit A, attached hereto and incorporated by reference.

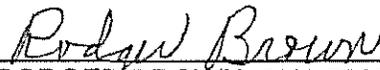
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Santa Maria held June 16, 2010, by the following roll call vote:

AYES: Commissioners Andrade, Lopez, Quandt and Chairman Brown

NOES:

ABSENT: Commissioner Moats

ABSTAINED:



RODGER BROWN, CHAIRMAN
City Planning Commission

ATTEST:



PEGGY WOODS, Assistant Secretary
City Planning Commission

EXHIBIT A – General Plan Conformity of the Los Flores Integrated Waste Management Facility

EXHIBIT A

General Plan Conformity

Santa Maria Integrated Waste Management Facility
(SP-2010-010)

<u>LAND USE ELEMENT</u>	<u>Conformity Discussion</u>
<p><u>GOAL L.U.2 Urban Services</u> <i>Provide all necessary urban services and facilities for present and future City residents, which includes providing sufficient land for community facilities (i.e., fire station, police station, library, cultural center).</i></p>	<p>The proposed Integrated Waste Management Facility (IWMF) would provide waste disposal capacity, a necessary urban service, for present and future City residents. The IWMF would provide waste disposal capacity for approximately 90 years.</p>
<p><u>POLICY L.U.2 Infrastructure Timing</u> <i>Insure that all urban services and infrastructure are planned and provided for in a timely manner and sufficient land is reserved for this provision.</i></p>	<p>The proposed Integrated Waste Management Facility would provide waste disposal capacity to the City upon closure of the existing Santa Maria Landfill, which is expected to occur in 2015.</p>
<p><u>Goal L.U.2 Implementing Program 5</u> <i>Continue to identify the useful life of infrastructure and establish appropriate rehabilitation programs.</i></p>	<p>The proposed Integrated Waste Management Facility would provide waste disposal capacity to the City for an estimated 90 years and replace the existing Santa Maria Landfill, which is expected to close in 2015.</p>
<u>Safety Element</u>	<u>Conformity Discussion</u>
<p><u>Goal 9 Hazardous Materials</u> <i>Minimize the community's risk from potential hazards associated with hazardous materials.</i></p>	<p>The proposed Integrated Waste Management Facility (IWMF) would not result in significant hazards to the City residents or employees of the IWMF. In addition, it would accommodate non-hazardous hydrocarbon impacted soils and other special wastes to beneficially address impacted soils associated with oil fields inside and outside the region.</p>
<p><u>Objective 9.1.b Hazardous Waste Disposal</u> <i>Comply with law governing hazardous waste management.</i></p>	<p>The proposed Integrated Waste Management Facility (IWMF) would comply with applicable regulations of California Code of Regulations Title 27, as well as other applicable local and state laws regarding landfill operations. In addition, the IWMF would comply with the applicable permitting requirements of the Santa Barbara County Air Pollution Control District, the Regional Water Quality Control Board and the California Department of Resources and Recycling.</p>

<u>Resources Management Element</u>	<u>Conformity Discussion</u>
<p>Objective 10.1.d(1) - Comprehensive Solid Waste System</p> <p><i>Provide a comprehensive solid waste collection/disposal system to meet the existing and future solid waste demands in the service area.</i></p>	<p>The proposed project involves the construction and operation of a modern Class III lined landfill on a 1,774-acre site with approximately 90 years of capacity. The project is necessary to enable the City to phase out the use of and close the existing Santa Maria Regional Landfill in the next few years. The project would provide a long-term assured source of solid waste management capacity and capability to ensure compliance with City's solid waste management obligations and accommodate projected long-term waste management and disposal demand in the City and region. The project includes construction of support facilities, and environmental controls at the Integrated Waste Management Facility site, coordinated with the previously permitted construction of a transfer station at the existing Santa Maria Regional Landfill.</p>
<p>10.1.d(2) - Waste Diversion Requirements</p> <p><i>Locate a material recovery facility (MRF), transfer station and/or compost facility at the landfill to facilitate waste and disposal operations during and after landfill closure, and to facilitate the attainment of waste diversion requirements specified in AB 939.</i></p>	<p>The majority of the resource recovery operations would continue to take place at the existing Santa Maria Regional Landfill. Disposal activities at the Integrated Waste Management Facility would be similar to those currently employed at the Santa Maria Regional Landfill. Materials accepted for disposal would include non-hazardous municipal solid waste and non-hazardous hydrocarbon impacted soil. The existing Santa Maria Regional Landfill would be closed, but would continue to serve as a transfer station and resource recovery center. The proposed site plan reserves two potential locations for the future implementation of a materials recovery facility on the site.</p>
<p>Objective 10.1.d(4) - Solid Waste Disposal</p> <p><i>Support the regional efforts of Santa Barbara County to site a new landfill or other solid waste facility in northern Santa Barbara County by the end of the planning period (2010).</i></p>	<p>The proposed Integrated Waste Management Facility (IWMF) would comply with applicable regulations of California Code of Regulations Title 27, as well as other applicable local and state laws regarding landfill operations. In addition, the IWMF would comply with the applicable permitting requirements of the Santa Barbara County Air Pollution Control District, the Regional Water Quality Control Board and the California Department of Resources and Recycling.</p>

ATTACHMENT 2

**COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT**

123 East Anapamu Street
Santa Barbara, CA 93101
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN
Director

NOTICE OF PREPARATION

**PUBLIC NOTICE OF SCOPING MEETING
AND REQUEST FOR COMMENTS ON THE PROPOSED
RESOURCE RECOVERY PROJECT AT THE TAJIGUAS LANDFILL**

PUBLICATION DATE: April 19, 2012

FROM: Mr. Mark Schleich, Deputy Director
County of Santa Barbara
Public Works Department
Resource Recovery and Waste Management Division
130 East Victoria Street
Santa Barbara, CA 93101

SUBJECT: Notice of Preparation of a Draft Subsequent Environmental Impact Report (12EIR-00000-00002) to the Tajiguas Landfill Expansion Project EIR (01-EIR-05, SCH# 98041003) certified August 13, 2002, the November 8, 2006 Addendum to 01-EIR-05 approved on December 5, 2006, and the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project Subsequent EIR (08EIR-00000-00007, SCH#2008021052) certified May 5, 2009

PROJECT NAME: Resource Recovery Project at the Tajiguas Landfill

The Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division (RRWMD) is the Lead Agency responsible for preparation of a Subsequent Environmental Impact Report (Subsequent EIR) for the proposed Tajiguas Landfill Resource Recovery Project in Santa Barbara County. In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Preparation (NOP) has been prepared for the Tajiguas Landfill Resource Recovery Project. This NOP is a request for comment on the scope of environmental issues that you or your organization believes should be addressed in the Subsequent EIR regarding the proposed project. Attached is a "scoping paper" which describes the issues currently anticipated to be addressed in the Subsequent EIR.

Background: The Tajiguas Landfill is an existing County-owned and operated municipal solid waste disposal facility located in a coastal canyon known as the Cañada de la Pila, located approximately 26 miles west of the City of Santa Barbara, and 1,600 feet north of U.S. Highway 101, Santa Barbara County. The Santa Barbara County Public Works Department, (RRWMD) is the owner and permitted operator of the landfill. In 2002/2003, the County obtained all the necessary approvals and permits to expand the landfill both vertically and laterally. On December 5, 2006, the Board of Supervisors approved an Addendum to 01-EIR-05 which addressed minor changes to the approved Tajiguas Landfill Expansion Project and In May 2009, RRWMD prepared and the Board of Supervisors certified a Subsequent EIR and obtained all permits for a modification (reconfiguration) of the permitted landfill footprint and for
AA /EEO Employer

Thomas D. Fayram, Deputy Director
Rochelle Camozzi, Chief Financial Officer

Dacé B. Morgan, Deputy Director
Michael B. Emmons, County Surveyor

Mark A. Schleich, Deputy Director

www.publicworkssb.org

biological restoration activities on Baron Ranch (Tajiguas Landfill Reconfiguration and Baron Ranch Restoration). The proposed waste footprint design change (reconfiguration) did not modify any of the landfill's operational parameters, but did involve physical changes to the approved location of the waste footprint and associated disturbances for construction and equipment operations.

Since the Tajiguas Landfill was last approved for an expansion in 2002, the County has been looking into alternatives to landfilling. The proposed construction and operation of a Resource Recovery Project at the Tajiguas Landfill would allow further recovery of recyclable material from the communities' waste stream, provide an alternative to burying organic waste, generate green energy and reduce the amount of waste requiring burial.

Project Location: The project will be located at the Tajiguas Landfill approximately 26 miles west of the City of Santa Barbara at 14470 Calle Real, Santa Barbara, California 93117. The landfill property encompasses approximately 497 acres on APNs 081-150-019, -026 and -042. The Resource Recovery Project Facilities would be located on approximately 6 acres on APN 081-150-019. The digestate curing site(s) would occupy ~4 to ~6 acres on APN 081-150-019 and/or APN 051-150-026 and the water storage facilities would be on 081-150-019 and 081-150-042.

Project Description (summary): The County of Santa Barbara proposes to develop a Resource Recovery Project that would process municipal solid waste from the communities currently served by the Tajiguas Landfill. The Resource Recovery Project will be designed and constructed to process various waste streams delivered to the Tajiguas Landfill from unincorporated areas of the South Coast of Santa Barbara, the Cities of Santa Barbara, Goleta, Buellton and Solvang as well as the unincorporated Santa Ynez and New Cuyama Valleys. The waste stream anticipated to be delivered for processing is mixed municipal solid waste. As an optional project element, commingled source separated recyclables and source separated organic waste from existing and future recycling programs could also be brought to the Resource Recovery Project for consolidated processing. The Resource Recovery Project would be located at the Tajiguas Landfill and would include a Materials Recovery Facility (to recover recyclable materials), a Dry Fermentation Anaerobic Digestion Facility (to process organic waste into biogas and digestate), and an Energy Facility that would use the biogas from the Anaerobic Digestion Facility to produce electricity. The digestate would be further cured in outdoor windrows at the landfill to create compost and/or soil amendments. Residual waste (residue) from the processing would be disposed of in the landfill. No change in the landfill's permitted capacity is proposed.

Potential Environmental Effects: A Subsequent EIR will be prepared to evaluate the changes in environmental impacts that this proposed project might cause. Issue areas proposed to be evaluated in the Subsequent EIR include: Aesthetics/Visual Resources, Air Quality/Greenhouse Gas Emissions, Biological Resources, Risk of Upset/Fire Hazards/Health and Safety, Geologic Impacts, Noise, Land Use, Transportation/Traffic, Water Resources, and Nuisances. Alternatives to the proposed project will also be evaluated in the Subsequent EIR. A more detailed description of the proposed Resource Recovery Project and potential environmental effects are provided in the attached Resource Recovery Project, Notice of Preparation Scoping Paper.

Written Comments: In accordance with the time limits established by CEQA, **your response to this NOP must be received at the address underlined below at the earliest possible date, but not later than 5:00 p.m. on Friday May 18th, 2012.** Your response should include your name, your agency's or organization's name, your address, and if applicable, the name of the specific contact person in your agency or organization. Comments should be mailed, e-mailed or hand delivered to: County of Santa Barbara, Public Works Department, Resource Recovery and Waste Management Division, 130 E. Victoria Street, Suite 100, Santa Barbara, California 93101. Attention: Ms. Joddi Leipner. E-mail Address JLeipner@COSBPW.NET

Public Scoping Meeting: A public Scoping Meeting will also be held to accept comments regarding issues of concern that should be evaluated in the Subsequent EIR. The purpose of the Scoping Meeting is to provide the public and other affected government agencies with a formal opportunity to comment on the environmental issues that should be analyzed in the Subsequent EIR. The Scoping Meeting will focus on gathering public input on the environmental document and on feasible ways in which project impacts may be mitigated to reduce or eliminate the significance of the impact.

Date: Monday, May 14th, 2012
Time: 5:00 pm
Location: Santa Barbara County Planning Commission Hearing Room
123 E. Anapamu Street
Santa Barbara, California 93101

Please contact Ms. Joddi Leipner, Senior Engineering Environmental Planner at (805) 882-3614 or Mr. Carlyle Johnston, Project Coordinator at (805) 882-3617, if you have any comments or questions regarding the Resource Recovery Project.

Respectfully,



Mark A. Schleich
Deputy Director – Resource Recovery and Waste Management Division

cc: Clerk of the Board (please post for 30 days)
Encl. Scoping Paper

ATTACHMENT 3

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, CA 93101
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN
Director

July 24, 2009

Mr. Steve Kahn
City of Santa Maria
Utilities Department
2065 East Main Street
Santa Maria, CA 93454

Re: Comments on the Draft EIR for the City of Santa Maria Integrated Waste Management Facility Project

Dear Mr. Kahn:

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the Santa Maria Integrated Waste Management Facility (IWWMF) Project. The Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division (RRWMD) appreciates the challenges faced by the city in providing affordable, environmentally sound waste disposal services for the community. Our comments primarily pertain to the conclusions made in the Draft EIR regarding the feasibility of Conversion Technology Alternatives and assumptions in the Draft EIR that waste from the Tajiguas Landfill would be directed to the Santa Maria IWWMF in the future.

Conversion Technology

The Draft EIR currently finds that alternative waste disposal technologies, such as Conversion Technology (CT) are infeasible. The RRWMD disagrees with this conclusion. The EIR fails to identify that Santa Barbara County is actively pursuing a CT project. The primary reason for determining that CT is infeasible in the DEIR is the issue of "public acceptance constraints." The EIR cites the common belief that CT is assumed to be the same as incineration. The EIR mentions that no Waste-to-Energy facilities have been sited in the past 15 years. However, only one new landfill has been permitted in that same time frame. A secondary reason for dismissing CT is the time needed for implementation. The EIR states that "Although no accurate estimate can be made, a timeline in excess of 10-12 years could be necessary to develop such a project..." The County's schedule and that of Los Angeles County is 8 years.

1

There are many communities across California that are evaluating the use of CT. This EIR alternative analysis only uses the very negative Santa Cruz County experience with plasma arc technology. Both Los Angeles County and Santa Barbara County have

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determined CT to be a viable and feasible waste disposal alternative. Other communities researching CT include: City of San Jose, City of San Diego, City of Los Angeles, Salinas Valley Waste Management Authority and the City & County of San Francisco.

The County of Santa Barbara and the cities of Santa Barbara, Goleta, Solvang and Buellton are moving forward with a CT project to provide long term waste disposal capacity for the Tajiguas Landfill watershed. A Request for Proposals for construction and operation of a CT facility is expected to be issued in September 2009. RRWMD believes that with completion of design, environmental review, and permitting a CT facility could be in operation at the Tajiguas Landfill by 2015. Therefore, RRWMD disagrees with the EIR's conclusion that Conversion Technology is an infeasible alternative.

2

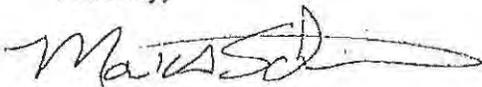
Disposition of Waste from the Tajiguas Landfill

Because the EIR does not identify that the County is pursuing a CT project, the EIR includes incorrect assumptions regarding the future disposition of waste from the Tajiguas Landfill watershed. Several sections of the EIR state that the Santa Maria IWMF would take an additional 500 tons/day of waste upon closure of the Tajiguas Landfill in 2019. Please note that the Tajiguas Landfill is currently permitted to accept up to 1,500 tons/day and under current disposal rates is not expected to reach capacity until 2023. Further as discussed above, the County Board of Supervisors has directed the RRWMD to move forward with a CT project to meet the future waste disposal needs of the communities currently served by the Tajiguas Landfill. The County Board of Supervisors and other jurisdictions served by the Tajiguas Landfill have not entered into or approved agreements with the City of Santa Maria to accept waste from the Tajiguas Landfill watershed. Therefore, it is incorrect for the Draft EIR to assume that this waste would be disposed of at the new Santa Maria IWMF.

3

Should you have any questions regarding these comments or the County's proposed CT project please feel free to contact Carlyle Johnston at 805-882-3617 or Joddi Leipner at 805-882-3614.

Sincerely,



Mark Schleich
Deputy Director
Resource Recovery and Waste Management

Letter C.2

COMMENTER: Mark Schleich, County of Santa Barbara Resource Recovery and Waste Management

DATE: July 24, 2009

RESPONSE:

Response C.2-1 and C.2-2

Please note that the EIR acknowledges that conversion technology projects exist and may be feasible in certain instances, as discussed in Section VII *Alternatives* page VII-8. While conversion technology may be feasible in particular instances, the EIR primarily rejected conversion technologies and concluded they were infeasible for the City at this time because these techniques, alone or in combination, cannot currently meet the project objectives and/or were infeasible due to cost or technological constraints, as discussed in Section VII *Alternatives* page VII-8. Nevertheless, the City intends to monitor the County's Conversion Technology implementation efforts at the Tajiguas Landfill. The City will consider implementation of conversion technology if it is demonstrated to be feasible and fiscally prudent for the City.

The following discussion regarding bioreactor technology has been added to Section VII *Alternatives*, page VII-8.

A bioreactor landfill operates to rapidly transform and degrade organic waste. The increase in waste degradation and stabilization is accomplished through the addition of liquid and air to enhance microbial processes
(<http://www.epa.gov/osw/nonhaz/municipal/landfill/bioreactors.htm>, 2009).

The United States Environmental Protection Agency (EPA) is currently collecting information on the feasibility, advantages and disadvantages of bioreactor landfills through case studies of existing landfills and additional data so that EPA can identify specific bioreactor standards or recommend operating parameters
(<http://www.epa.gov/osw/nonhaz/municipal/landfill/bioreactors.htm>, 2009).

According to the EPA, bioreactor landfills generally are engineered systems that have higher initial capital costs and require additional monitoring and control during their operating life. Issues that need to be addressed during both design and operation of a bioreactor landfill include:

- Increased gas emissions
- Increased odors
- Physical instability of waste mass due to increased moisture and density
- Instability of liner systems
- Surface seeps



- Landfill fires

Although bioreactor pilot programs are currently being implemented, due to the lack of understanding of the risks associated with the bioreactors, potential engineering constraints and undeveloped standards or recommendations for operating parameters, the City has determined that a bioreactor is not a feasible alternative at this time.

Response C.2-3

While the tonnage assumptions include potential waste from Tajiguas Landfill upon its closure as a reasonable worst case scenario for the purposes of evaluating environmental impacts, the EIR notes that it is not certain this will occur. As discussed in Section II Project Description page II-8 and II-21, “once the Tajiguas Landfill closes in Southern Santa Barbara County, refuse from that watershed may also be shipped to the proposed IWWMF”. If in the future waste from the Tajiguas Landfill is not redirected to the proposed IWWMF, the overall operational impacts of the IWWMF would be proportionally reduced.



ATTACHMENT 4

County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

Derek Johnson, Director Long Range Planning



July 31, 2009

Steve Kahn, Utilities Engineer
City of Santa Maria, Utilities Department
110 E. Cook St.
Santa Maria, Ca 93454

FAX: 805-928-7240
EMAIL: skahn@ci.santa-maria.ca.us

RE: Draft Environmental Impact Report Available for Santa Maria Integrated Waste Management Facility Project

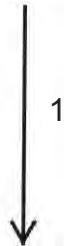
Dear Mr. Kahn:

Thank you for the opportunity to comment on the Draft Environmental Impact Report Available for Santa Maria Integrated Waste Management Facility Project. The County Planning & Development, Development Review Division submits the following comments for your consideration:

IV.C Biological Resources

The project involves phased excavation and stockpiling of soils and use of the proposed facility for refuse containment for the next 90 years. Stockpile areas total over 200 acres. The Biological section identifies Class I significant and unavoidable impacts to biological resources in four areas: (1) loss of over 3,000 oak trees; (2) potential "take" of vernal pool fairy shrimp; (3) effects on wildlife movement and linkages; and (4) cumulative impacts. Other impacts have been identified as Class II significant and mitigable (loss of maritime chaparral, needlegrass grasslands, and riparian vegetation; impacts to jurisdictional water of the U.S.; loss of habitat for special status plants; and impacts to Special status animals). Adverse, but less than significant impacts have been identified for loss of 516 acres of "non-sensitive" vegetation and to the California tiger salamander.

CEQA (Public Resources Code Division 13, Section 21082.2) requires the identification of significant impacts as spelled out on page IV.C-27 of the Draft EIR. In general, based on the information presented in the biological section, the characterization of impacts appears reasonable. The project will result in over 600 acres of disturbance to vegetation and wildlife habitat. The Draft EIR should include an analysis of the impacts to high quality coastal scrub and/or coastal scrub that contains a significant native understory or rare species. Any impacts identified in this analysis should include appropriate mitigation measures. A case could be made that impacts to coastal



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Long Range Planning
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Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

scrub, especially where it is of high quality and/or contains a significant native understory or rare species, could be considered significant and should be mitigated. In addition, without identification of potential mitigation areas on the site, it is questionable if impacts to maritime chaparral and native grasslands can be mitigated to less than significant levels.

The Draft EIR should analyze whether or not these areas could be avoided by minor changes to the plans, given the locations of several of the sensitive vegetation areas on the outskirts of the stockpile and landfill areas. For example, Valley needlegrass grassland appears to be situated at the southern edge of stockpile area 2. Perhaps small shifts in the footprint area for this stockpile could reduce some of the potential impacts to this sensitive habitat type. Similar adjustments for other areas should be explored.

CEQA Guidelines §15125 (c) indicates "The EIR must demonstrate that significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." The Draft EIR should either include the biological reports used in the Biology section analysis as an appendix to the report or be made available to the public for review. In the absence of access to these reports it is difficult to review data (species lists, etc.) to determine if the Biology section analysis is accurate. For example, information is presented regarding survey dates and times listed as "blooming seasons of 2007 and 2008" (page 11). The thoroughness of the surveys over the 1,774-acre site remains unclear, since there is no information beyond this blooming season statement. Additionally, there are no photographs of the areas surveyed, and the quality of habitats is not described in detail. This information is typically contained in the biological report.

The Draft EIR should include additional biological methodology information such as indicating how vegetation was mapped (i.e. on the basis of aeriels etc.), how many areas were sampled, and where sample points are located (CEQA Section 15147).

Environmental Setting

The Draft EIR, Table IV.C-1 (p. IV.C-2), Habitat Types and Acreages, indicates that 86 acres of oak woodland would be affected by the project. Impact BIO-4 (p.IV.C-33) should include a discussion that this 86-acre oak woodland consists of 3200 mature coastal live oak trees. Figure IV.C-1 should include the data points used to sample the vegetation.

The Draft EIR, Figure IV.C-2, Wetlands and Drainages, shows an area labeled "not included in survey." This area appears to correspond to stockpile location #3, however there does not appear to be any reference of this in the text. The Draft EIR should include a discussion as to whether the area identified as "not included in survey" was surveyed as part of the biological study and if there is any relationship between this area and stockpile location #3.

Project Impacts and Mitigation Measures

The Draft EIR should identify and describe the mitigation areas. Additionally, analysis of the proposed project replacement ratios of 1:1 for maritime chaparral and valley needlegrass grassland; 2:1 for riparian, and 2:1 for wetlands should include a discussion of the viability of higher replacement ratios in the range of 3:1 and 4:1 for wetlands, and an overall 2:1 for all other sensitive habitats.



Impact Bio-6

Pursuant to CEQA §15126.4., mitigation cannot be deferred to a later time. Mitigation Survey and USFW Consultation indicates that a second wet season or dry season soil analysis survey shall be performed to determine the presence or absence of VPFS. The EIR needs to identify mitigation should that survey determine that VPFS is present, or if no mitigation (including avoidance by using an alternative location) is feasible, appropriately identify the impact as unavoidable.

7

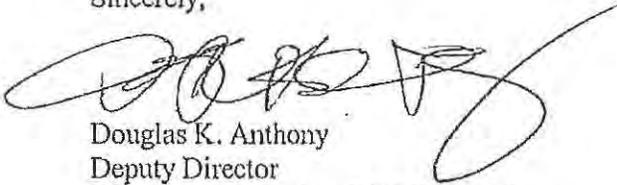
VII Project Alternatives

Table VII-1. Comparison of Project and Alternative 2 Habitat Types and Acreages does not include soil stock pile areas and illustrates less environmental impact for some sensitive communities (maritime chaparral, mulefat scrub, and valley needlegrass grassland). The Draft EIR should analyze whether alternate siting of the soil stockpile areas would result in less environmental impact to sensitive biological resources for this alternative. The Draft EIR should also provide additional discussion between the relationship of the data in Table VII-1 and the statement "because this alternative contains the same general habitat characteristics as the project site and would have a similar project footprint, impacts to oak tree removal, special status plant and animal species, and wildlife movement corridors would be comparable to the proposed project." It is unclear how Table VII-1 data supports the above statement. Finally, the Draft EIR should analyze this alternative using more in-depth biological criteria (CEQA Section 15126.6).

8

Thank you again for the opportunity to review the proposed project. Please contact Ms. Melissa Mooney at (805) 934-6587 if you have questions or comments.

Sincerely,



Douglas K. Anthony
Deputy Director
Development Review Division North

Letter C.5

COMMENTER: Douglas Anthony, County of Santa Barbara Planning and Development

DATE: July 31, 2009

RESPONSE:

Response C.5-1

Impacts to coastal scrub habitat are discussed under Impact BIO-3 in Section IV.C *Biological Resources* page IV.C-32. Therein it is noted that these habitats may contain special status plant species or be used as habitat by special status animal species. Impacts to special status plant and animal species are discussed under Impacts BIO-5 and BIO-6 though BIO-8 in Section IV.C *Biological Resources*. No change to the EIR is necessary.

Response C.5-2

The City evaluated various options to adjust the footprints of each of the proposed stockpiles to avoid environmental constraints. Based on consideration of engineering and environmental constraints, the City determined that Stockpile #3 will be eliminated. The removal of this stockpile from the project would avoid impacts to biological resources in this area, including oak woodland, non-native grassland and coastal scrub habitats.

Response C.5-3

The biological report prepared for the proposed IWMF has been included as Appendix I to the Final EIR.

Response C.5-4

As noted above, the biological report prepared for the proposed IWMF has been included as Appendix I to the Final EIR. The report discusses the methodology used for the biological study.

Response C.5-5

As noted above in Response C.5-2, Stockpile #3 has been removed from the project.

Response C.5-6

Based on preliminary site assessments, there is ample acreage available on-site to implement oak tree mitigation; however, the precise location of planting is not known at this time. As discussed in Section IV.C Biology page IV.C-33, Mitigation Measure BIO-4, an Open Space Management Plan must be prepared. As required by Mitigation Measure BIO-4, the plan will identify the location of the tree planting, prior to implementation of the applicable phase of the landfill project. No change to the EIR is necessary.



Response C.5-7

The commenter states that mitigation cannot be deferred and that the EIR should identify mitigation should the Vernal Pool Fairy Shrimp be found on-site, or if mitigation is infeasible identify impacts as significant and unavoidable. Please note the EIR identifies mitigation measures should VPFS be found on-site and Impact BIO-6 states that impacts to VPFS would be significant and unavoidable, if present on-site.

Mitigation Measure BIO-6 states the course of action (i.e. additional surveying) and mitigation measures that would need to be implemented if the surveys determine that Vernal Pool Fairy Shrimp are present on-site. Specifically, Mitigation Measure BIO-6 establishes a habitat replacement ratio of 3:1. In addition, shrimp cysts or topsoil collected from a known breeding pool shall be introduced into the newly created habitat in accordance with the VPFS Compensatory Mitigation Plan. Performance standards include at least 80% survivorship of planted plant species and pooling of water at least 12 inches deep for a minimum of 40 days in a year with at least 90% of normal rainfall. The EIR states that the implementation of standard requirements, project elements, and Mitigation Measure BIO-6 would reduce potential impacts to the vernal pool fairy shrimp to the extent feasible. However, since the issuance of incidental take authorization of vernal pool fairy shrimp from USFWS cannot be assured, and the recommended mitigation therefore may be infeasible, impacts are significant and unavoidable. No change to the EIR is necessary.

Response C.5-8

Each alternative discussed in Section VII *Alternatives* will require soil stockpile areas to accommodate the amount of refuse anticipated by the Santa Maria wasteshed. Each of the stockpile areas would be comparable in volume and size because landfill capacity would need to be similar to the proposed project in order to meet the project objectives. As such, the total disturbance area, regardless of the alternative, would be similar to the proposed project. Accordingly, the biological resource impacts of Alternative 2 would be similar to the proposed project. No change to the EIR is necessary.

