

November 13, 2015

David Brockbank
Senior Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, California 94553

**Re: Scoping Comments for the Proposed Supplemental
Environmental Impact Report to Amend Keller Canyon
Landfill's Land Use Permit 2020-89
County File #LP08-2026/State Clearinghouse No. 1989040415**

Dear Mr. Brockbank:

This office represents Evan Edgar & Associates, Inc. with regards to Contra Costa County's ["County"] preparation of the proposed Supplemental Environmental Impact Report ["SEIR"] pertaining to amendments to Keller Canyon Landfill's ["Keller"] land use permit and its operations ["Proposed Project"]. Please accept the following comments on the scope and content of the County's environmental review for this Proposed Project in response to the County's Notice of Preparation and Scoping Meeting dated October 15, 2015 ["NOP"].

As background, our clients have an interest and experience in the areas of environmental analysis and CEQA documentation regarding both composting and use of green waste as alternative daily cover (ADC) as well as with regards to landfill permitting. While most of our comments below focus on these particular issues, they also encompass a wider spectrum of concerns and environmental issues that need to be addressed in the environmental review of Keller's Proposed Project.

Inadequate Notice Regarding Preparation of SEIR and Scoping Meeting

Our first comment revolves around the issue of receiving adequate notice of the Proposed Project, which is currently set for preparation of an SEIR. Although our office had previously commented on the various practices and operations at Keller throughout

the past two years (including those specifically dealing with its land use permit) and have presented such comments to the County at numerous meetings, it came as a surprise to us that this matter was now before the County again after having been dormant since 2009. If we had known about the NOP earlier, we would have also attended and participated in the scheduled November 2, 2015 scoping meeting to provide our scoping comments.

Therefore, as an initial comment, we suggest that the comment period should be extended and/or another scoping meeting should occur in order to allow more of the public and requisite to get involved in the County's environmental review process for the Proposed Project, especially considering that its impacts will be wider spread than presented as other counties will also be affected by the amendments to Keller's land use permit ["LUP"] and operations as discussed below.

Inaccurate and Incomplete Project Description

As an additional overarching matter, it should be noted that the project description set forth in the NOP does not accurately describe the Proposed Project, especially in light of the County Board of Supervisors' ["BOS"] recent approval of new and modified conditions of approval to Keller's LUP.¹ In other words, while the NOP describes the proposed amendments to Keller's LUP as including increased daily tonnage, modified separate tonnage regarding green waste, wood waste, inert and other recyclable materials, increased truck traffic, and modified size and boundaries regarding the Extent of Disturbance ["EOD"], many details are left out, including those recently approved new and modified conditions of approval to Keller's LUP dealing with its current operations and limitations.

For example, there is no indication in the NOP whether the Proposed Project takes into account the new and modified LUP conditions regarding preclusion of direct haul of C&D materials (after the 18-month grace period allowed to find another facility location). As described in the NOP now, Keller is seeking to establish a separate daily tonnage limit of 500 tons of inert and other recyclable materials (which include rocks and concrete) despite such preclusion. This C&D restriction will also increase the amount of transfer truck traffic, which may not necessarily be reflected in the description of the Proposed Project as the NOP states that Keller is seeking to increase its daily truck trips and that the current limit of 225 transfer trucks would be lifted. There is no indication in the NOP of whether this amendment is meant to address the increase in transfer truck trips that would result because of the restriction against the direct haul of C&D material.

¹ As reference, the BOS voted to approve certain new and modified Conditions of Approval to Keller's land use permit on September 22, 2015.

This brings up the issue of whether Keller's current operations are also accurately described in the NOP. The proposed amendments regarding increases to Keller's daily tonnage and truck traffic were requested back in *2008 and 2009*. Information is needed to address whether *since that time* Keller has actually been operating at the currently permitted levels by accepting 3,500 tons per day for disposal.

Furthermore, some of the data, assumptions and objectives that were initially presented to support this Proposed Project back in 2008 and 2009 are outdated and no longer accurate. For example, the Executive Summary for the prior NOP explained that part of the reason that the Proposed Project was needed was because Solano County's Portrero Hills Landfill had been unsuccessful in its attempts to gain approvals for expansion. As a result, a large amount of waste would need a new "home". The problem with applying this assumption now is that the Portrero Hills Landfill has actually since been approved (and the litigation of all necessary CEQA and environmental review has also since concluded) for an expansion of over 50 million cubic yards that will extend its useful life by over 30 years.² Therefore, an accurate explanation of the *current* environmental setting and circumstances needs to be included in the SEIR.

Also, it should be made clear that this Proposed Project actually has implications for other counties, rather than just Contra Costa County, as the incoming material to Keller comes from several different counties and trucks will be travelling to and from such counties. Therefore, the scope of any resulting impacts is a wider range.

In any case, the Project Description needs to be revised to account for all of the recently approved new and modified permit conditions as well as any other relevant factors so that the public has an accurate picture of the actual project at hand. Once revised with a more accurate and complete description of the Proposed Project, the NOP should then be re-issued to allow the public and other agencies to participate in a more meaningful review of the Proposed Project.

Broader Scope of Environmental Impacts to Discuss in the SEIR

A review of the entirety of the Proposed Project as presented in the NOP indicates that the Proposed Project will have a wide and broad range of environmental impacts, some of which have not yet been mentioned in the NOP itself.

Utilities & Service Systems

Because the proposed changes to Keller's LUP and operations impact issues regarding its compliance with statutes and regulations related to solid waste, including those

² *SPRAWLDEF v. San Francisco Bay Conservation & Development Com.* (2014) 226 Cal.App.4th 905, 912-914.

pertaining to Keller's permitted capacity for solid waste disposal and its use and treatment of non-disposal materials, these issues need to be closely reviewed and addressed in the SEIR.

One of the most important issues that needs closer review is the sheer impact of Keller accepting *6,200 tons per day* of refuse based on the proposed increase of daily tonnage for disposal to 4,900 tons per day and the request to allow an *additional 1,300 tons per day* of non-disposal/beneficial re-use materials to be accepted at Keller. It should be pointed out that the NOP does not explicitly state that Keller is proposing that it be allowed to accept the 6,200 tons of material per day; rather, the emphasis is on separating out these two types of materials (disposal vs. non-disposal) which would then result in an even larger increase of tons accepted at Keller. Analysis is needed on whether Keller can sufficiently accommodate this proposed increase of 6,200 tons as well as whether Keller will be complying with all statutes and regulations as the result of such increase.

More information and review is also required regarding how Keller's proposed amendments and limits regarding non-disposal/beneficial re-use materials will comply with statutes and regulations related to the State's broad policy goals encouraging diversion of recoverable waste from landfills. This includes the State's currently mandated diversion requirement of 50 percent as well as its diversion goal that 75 percent of solid waste be source reduced, recycled, or composted by year 2020 as set forth in Public Resources Code Section 41780.01. Accordingly, the environmental review on the Proposed Project must include a discussion on whether these diversion goals are thwarted by the Proposed Project's seeking to encourage *more* disposal of *even more* garbage at the landfill.

In other words, the County should look at whether expanding the landfill is the *only* answer to dealing with the increase in garbage production as the region's population increases. This entails the County considering at this juncture and with this environmental review of the Proposed Project whether it wants to simply meet the minimum diversion rate of 50 percent or, instead, whether it wants to encourage higher rates of diversion.

Moreover, environmental review of the Proposed Project should include a review of compliance with regulatory requirements for Keller's use and treatment of green waste as alternative daily cover ["ADC"]. For example, in the environmental review of the Proposed Project, Keller's proposed amendment of excluding green waste from the total maximum tonnages (i.e., separating out the non-disposal vs. disposal materials) should be thoroughly assessed considering that this directly violates the policy established in

Assembly Bill 1594, which provides that starting in 2020 the use of green material as ADC would not constitute diversion through recycling and would instead be considered disposal.

Related ADC policy issues are currently the subject of a writ action that we recently filed against CalRecycle.³ This action deals with such issues as (1) whether green waste mixed with food waste may qualify as ADC and (2) whether green waste must be processed in accordance with Title 27 of the California Code of Regulations, Section 20690 based on the apparent use of both mixed and unprocessed green waste as ADC at Keller. With this in mind, processing any landfill expansion plans should be stayed, including any proposals to increase the permitted amount of green waste at Keller, until these issues are resolved. At the very least, these ADC issues should also be part of the environmental review for the Proposed Project.

Diversion requirements for C&D materials, including those set forth in the recently approved new and modified conditions of approval to Keller's LUP discussed above, also need to be considered as the County reviews the Proposed Project.

Overall, another issue to look more closely at is whether the basis for proposing such an increase in daily tonnage as explained when Keller originally requested such a change back in 2008 apply to the current conditions in 2015. In other words, factors such as potential facility closures or delayed expansion projects need to be reevaluated as to whether they apply now to support Keller's proposed increase in its daily tonnage.

Yet another key concern to address in the environmental review of this Proposed Project is whether Keller is complying with other regulatory requirements as a solid waste facility, including those under its solid waste facility permit, its Bay Area Air Quality Management District (BAAQMD) permit, and waste discharge and storm water requirements.

Greenhouse Gas Emissions

Another area that needs a thorough analysis is the impact on the levels of greenhouse gas emissions from using green waste as ADC at Keller, increasing the daily tonnage accepted at Keller, and increasing truck trips.

In general, the use of green waste instead of soil as ADC creates methane, which is a short-term climate pollutant with a global warming potential of over 21 times that of

³ For further information, *see also* the correspondence dated November 13, 2015 from Evan Edgar of Edgar & Associates, Inc., which is attached and submitted concurrently with this letter ["11/13/15 Edgar & Associates Letter"].

carbon dioxide.⁴ In addition, the increases in the daily tonnage and truck trips would also increase the amount of greenhouse gas emissions. The types of vehicles and equipment used with the Proposed Project would also affect the greenhouse gas emissions.

An important factor to also consider in such analysis is that these impacts are even more so intensified because the area affected by the resulting greenhouse gas emissions is not limited to just Keller's surrounding area (its city and county location). Instead, the affected area also encompasses other counties and cities, including as far as Sonoma and Marin counties, because of the proposed, increased truck traffic to and from Keller and the resulting impacts.

Hazards & Hazardous Materials, Traffic, and Air Quality

The potential of hazards and hazardous materials to be released because of Keller's Proposed Project also needs to be carefully reviewed in the SEIR, especially as it affects air quality.

With the proposed increases in daily tonnage and truck trips and the modified size and scope of the EOD, there should be a thorough analysis of the increase and effects of the hazards and hazardous materials that would be released, including toxic air contaminants, pollutant emissions, and landfill gas emissions such as benzene, formaldehyde, and chlorinated hydrocarbons.

Once again, any such review and analysis of air quality and hazards/hazardous materials impacts from this Proposed Project should be consider that any resulting impacts are much wider-spread than presented by the operator as these impacts are also exacerbated by the increased traffic impacts resulting from more truck traffic back and forth from Keller and *several* other cities and counties. In other words, the SEIR needs to consider *regional* impacts regarding air quality, hazards and hazardous materials, and traffic.

Cumulative Effects

With such a large increase in the maximum daily tonnage accepted at Keller comes even greater impacts to the environment and nearby residents that need to be fully analyzed, especially as the proposed amendments first raised in 2008 and 2009 (which partly used assumptions and projections from the original 1990 EIR) do not account for the changes in the circumstances since that time.

⁴ See the attached 11/13/15 Edgar & Associates Letter for additional comments on the effects of the use of green waste as ADC on the levels of greenhouse gas emissions.

The proposed amendments of increasing the daily tonnage and truck trips will have wide and broad range of significant effects, including but not limited to: increased traffic, air pollution, drainage and water quality issues, increase in noise impacts, and land use compatibility issues. Therefore, the environmental review of this Proposed Project should include an emphasis on the cumulative effects of this proposed expansion and change to Keller's operations including the effects of its past, current, and probable future projects.

Conclusion

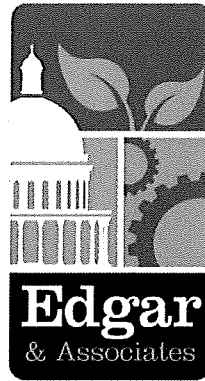
In summary, we would like to thank the County for the opportunity to present our initial comments regarding the scope and content of the environmental review for the above-referenced Proposed Project. It is our hope that the discussion above has helped the County with its tasks of preparing the SEIR and of ensuring an adequate and sufficient environmental review of the proposed amendments to Keller's LUP and operations.

Respectfully submitted,



DANA DEAN
DD/vwb

cc: Clients



November 13, 2015

David Brockbank, Senior Planner
Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, California 94553

RE: Notice of Preparation – Keller Canyon Landfill

Dear Mr. Brockbank:

Edgar & Associates, Inc. represents the compost and recycling industry throughout California and has been meeting with County Planning staff regarding certain aspects of the Keller Canyon Landfill's operation and Land Use Permit over the last few years. Our clients are comprised of private independent composters that seek green waste and wood waste that can be processed into a valuable organic soil amendment. Edgar & Associates is an environmental engineering firm based in Sacramento that has 20 years of experience in permitting solid waste facilities and has extensive knowledge of environmental analysis and CEQA documentation regarding both composting and use of green waste as alternative daily cover (ADC) as well as landfill permitting.

We have the following overarching comments:

1. The green waste used as ADC needs to be analyzed in the Greenhouse Gas section of the EIR. Using green waste instead of soil as daily cover creates methane which is a short-term climate pollutant with a global warming potential of over 21 times carbon dioxide.
2. Beneficial reuse materials need to be mechanically processed to meet specifications for the intended use. The mechanical processing of those materials need to be analyzed.
3. The County should analyze project alternatives that include better and more processing of green waste, in particular its use for composting material.

The NOP dated October 15, 2015 and August 6, 2009 would add an additional 1,300 tons per day (TPD) of material to be used on-site as beneficial reuse above the permitted 3,500 TPD of disposal, as follows:

- Green Waste: 500 TPD
- Wood Waste: 300 TPD
- Inert Materials: 500 TPD

Reading the comments of prior NOPs, we would concur with the comments submitted by the city of Pittsburg on August 11, 2008 and on January 21, 2009, regarding the need to provide details, tracking, and specification on how these materials would be used. The City of Pittsburg also acts as the local enforcement agents to the state on solid waste permitting and enforcement and staff is knowledgeable regarding the subject matter.

Please consider the following comments when evaluating the possible import of alternatives to the landfill expansion.

The green waste used as ADC needs to be analyzed in the Greenhouse Gas section of the EIR. Using green waste instead of soil as daily cover creates methane which is a short-term climate pollutant with a global warming potential of over 25 times carbon dioxide.

Keller Canyon Landfill has used over 885,000 ton of green waste ADC since 1998 from many sources. The impact of using 885,000 tons of green waste as ADC is landfill fugitive emissions plus the loss of the compost use benefits results in increase greenhouse gas emissions by 540,000 metric tons. The EIR needs to provide a GHG Analysis on the use of green waste as ADC, not only in current amounts but in the amounts projected under the expansion project.

Contra Costa County and its cities alone used 71,402 tons of green waste in 2013 at the Keller Canyon Landfill as ADC. Instead, the County could have, for example, required that these green materials be composted and hauled to the Contra Costa Transfer & Recovery Station in Martinez and then transferred to a permitted compost facility with capacity owned by Republic Services, Forward Compost Facility near Stockton.¹ As summarized in the chart below between 38,600 to 48,900 metric tons of greenhouse gas could be reduced by composting in Stockton as compared to landfilling green waste as ADC at Keller Canyon, even when factoring in the increase transportation distances to a compost facility.

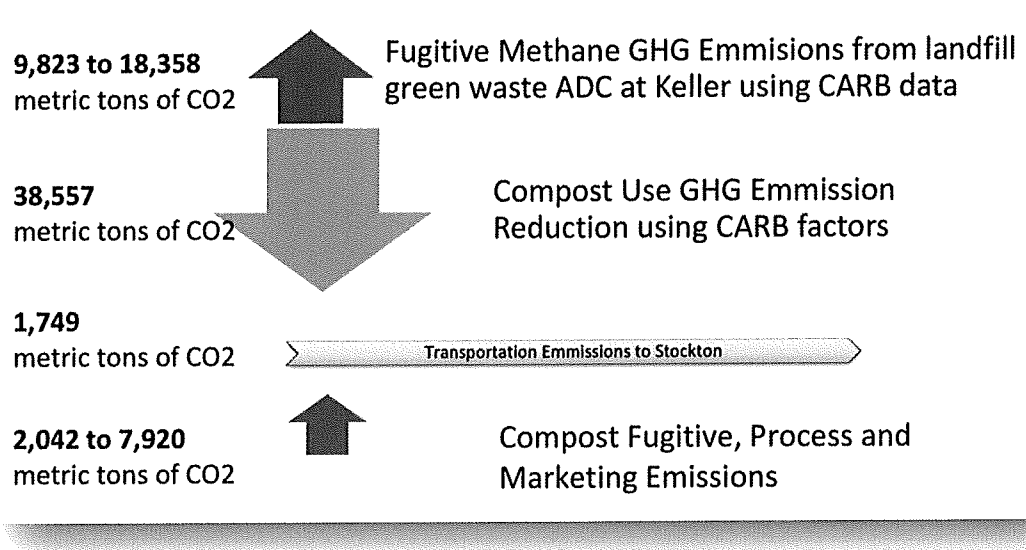
Green waste ADC in a landfill creates and releases to the atmosphere fugitive methane, which is 21 times stronger than carbon dioxide² according to CARB. The 71,402 tons of ADC would emit between 9,823 to 18,358 metric tons of carbon dioxide (CO₂) depending on landfill performance. In contrast, compost is sequestered in the soil and would avoid 38,557 metric

¹ There are several other possible transfer stations and compost facilities in closer range. However, we chose Forward to demonstrate that even when traveling to a more distant facility, the use of transfer stations and compost facilities still results in a substantial reduction in GHG emissions as compared to direct haul of ADC to Keller Canyon Landfill.

² www.arb.ca.gov/cc/landfills/landfills.htm

tons of CO₂. The availability and use of compost significantly reduces water use and the need for chemical fertilizers, which are largely petroleum –based.

The emissions from composting including fugitive gases, process equipment, and marketing would emit between 2,042 to 7,920 metric tons of CO₂ based on composting method. **Between 38,600 to 48,900 metric tons of greenhouse gas could be reduced by composting in Stockton as compared to landfilling green waste as ADC at Keller Canyon, even when factoring in the increase transportation distances to a compost facility.**



As noted, the transportation emissions in the Forward example are only 1,749 metric tons of GHG per year. This is true even though the materials are being transported out of County. The results show that direct-haul of green waste to Keller Canyon to be used as ADC has huge GHG impacts for the County as compared to hauling the green waste to a permitted compost facility. The transportation emissions are marginal compared to landfill methane emissions.

Green waste in a landfill creates methane, of which an average of 25% leaks as a fugitive emission into the atmosphere and the leakage continues for years³. Methane is a short-lived climate pollutant that the California Air Resources Board (CARB) will be evaluating during 2015 as required by SB 605, Lara. The global warming potential could increase from 21 times CO₂ to 84 times CO₂⁴ where the amount of greenhouse gas emissions from the Keller Canyon Landfill could quadruped.

³ www.arb.ca.gov/cc/landfills/docs/guidance0711.pdf

⁴ <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

Thank you for your continued interest and attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan W.R. Edgar". The signature is written in a cursive, somewhat stylized font.

Evan W.R. Edgar
Principal Civil Engineer