*PLACER COUNTY*

*SOLID WASTE LOCAL TASK FORCE*

***Devin Whittington, Chairman***

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February 13, 2019

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

**Subject: Sunset Area Plan/Placer Ranch Specific Plan Draft EIR (State Clearinghouse No. 216112012)**

Dear Board of Supervisors:

The Solid Waste Local Task Force (SWLTF) was established by the Board of Supervisors in 1990 to advise the Board on matters related to solid waste. The SWLTF is an advisory committee which, among other things, reviews and comments on proposed actions, programs, and facilities that affect the management of solid waste and diverted materials in Placer County. Membership of the SWLTF includes representatives from the cities of Roseville, Rocklin, Lincoln, Auburn, and Colfax, Town of Loomis, two franchise waste haulers, landfill and Material Recovery Facility (MRF) operators, the County Board of Supervisors, County Planning Commission, an environmental group, and the general public.

The SWLTF writes to respectfully provide the Board with the following comments on the Sunset Area Plan/Placer Ranch Specific Plan (Project) Draft Environmental Impact Report (EIR). The Project would modify the existing land use buffer standards that apply to solid waste facilities, potentially allowing residential and commercial uses much closer than currently allowed to the Western Regional Sanitary Landfill (Landfill) and MRF.

As described in detail in Chapter 3, "Project Description", the Project proposes an amendment to General Plan Policy 4.G.11, the purpose of which is to protect landfill facilities from incompatible encroachment. The policy currently requires that "new residential land uses…be separated from the property lines of active and future landfill sites by a buffer of one mile, or 5,280 feet." The proposed policy would allow residential development as close as 1,000 feet to the Western Regional Sanitary Landfill (WRSL) with approval of a specific plan, master plan, or a development agreement with certain requirements. Without a specific plan or development agreement, the minimum buffer zone would be 2,000 feet.

The sensitive receptors that would be developed within the landfill buffer zone would be:

- 5,827 Family homes
- 1 Elementary school
- 1 Middle school
- 1 State University for 30,000 students

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**The SWLTF has significant concerns with the proposed modification to the buffer zone and urges the County to maintain and enforce existing General Plan Policy 4.G.11 for the reasons outlined in this letter.**

**The Landfill and MRF are crucial public facilities.**

These facilities are owned and operated by the Western Placer Waste Management Authority (Authority) which is a Joint Powers Authority comprised of County of Placer and the cities of Lincoln, Rocklin and Roseville. They provide the primary waste disposal and recycling services for the majority of Placer County. The MRF has been key in enabling Placer County jurisdictions to comply with state laws, such as AB 939, which mandates jurisdictions divert 50 percent of their waste from landfills or face fines of up to $10,000 per day.

**Encroaching development could hinder future expansion of Landfill and MRF.**

Currently, the Authority is developing future expansion plans for the Landfill and MRF to meet future disposal and recycling needs of the County. The SWL TF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand.

**Finding alternative facilities will significantly increase cost impacts on citizens.**

If the County is forced to utilize alternative, out of county options for disposal and recycling, it will significantly increase ratepayer costs due to hauling waste longer distances. In addition, complying with extensive new mandates would be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control.

These concerns are elaborated on in the SWLTF's previously submitted comment letter, dated May 3, 2018, and attached herein.

**The current buffer zone was the subject of a court case.**

The Task Force strongly requests the County to be mindful of previous litigation regarding the one mile buffer around the landfill. The Placer County General plan was updated in August 2003 and included the one-mile buffer to protect the landfill. The EIR should explain what has changed that enables Placer County to now support a reduction in the buffer whereas they adopted the current one-mile buffer in 2003.

The following are specific comments on sections of the EIR that we are highlighting for your attention and that support our concerns outlined above:

Chapter 4.3 Air Quality

1. **Section 4.3.2 Environmental Setting - Odors**

**Page 4.3-6 – Odors.** The SWLTF supports the EIR's acknowledgement of the ways that odor can impact people, e.g. that "a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache)." The SWLTF urges the County to consider that the Project, by bringing land uses in closer proximity to the landfill, will expose the sensitive receptors listed above to these conditions as part of their daily lives.

**Page 4.3-8 – Odors Complaint / Notification History.** The SWLTF also supports the County's decision to, while not strictly required to do so, evaluate and draw significant conclusions with respect to impacts of existing odor sources on future residents and visitors. Table 4.3-3 in the EIR lists the number of complaints filed due to odors from year 2012-2017 and Exhibit 4.3-1 illustrates where the complaints originated geographically, the vast majority just beyond the one-mile buffer. This visually demonstrates the extent of additional odor complaints that will originate within that area once the buffer is reduced. The SWLTF urges the County to understand the ramifications of this: in addition to the impact on sensitive land uses, additional complaints can result in violations being issued by Placer County Air Pollution Control District (PCAPCD) and other regulatory agencies which could limit or prohibit waste acceptance at the Landfill and/or MRF.

Chapter 4.10 Land Use

1. **Impact 4.10-2: Consistency and compatibility with the Western Regional Sanitary Landfill**

The SWLTF is supportive of, and would like to emphasize, the finding under Impact 4.10-2: Consistency and compatibility with the Western Regional Sanitary Landfill, which concluded with a Significant and Unavoidable Impact finding related to consistency and compatibility of proposed land uses, specifically stating that, "Therefore, with implementation of the proposed amendment to the General Plan landfill buffer requirements, the PRSP would bring residential development closer to the WRSL, which would result in an incompatible use with the WRSL." The SWLTF would like to bring attention to this section and advise the County against reducing the landfill buffer which would place family housing, an elementary school, and a middle school or college within the buffer zone. These are incompatible land uses and would cause conflicts with the current landfill operation. The inherent odors from the landfill, MRF, and compost facility, which include handling of food waste, would adversely affect the public's ability to participate in outside activities if these sensitive receptors were allowed to be built in the current landfill buffer zone.

As noted on page 4.10-15, the EIR acknowledges that the PCAPCD CEQA handbook recommends a screening distance for sanitary landfill odor impacts of one mile from the landfill.

Still, the Project proposes to modify the existing land use buffer zone standards that apply to solid waste facilities, potentially allowing residential and commercial uses as close as 2,000 or 1,000 feet, respectively (and potentially as close as 1,000 or 300 feet, respectively, when considered on a project specific basis), to the landfill and MRF. The SWLTF advises the County to heed the PCACD recommendation to maintain a one-mile buffer or explain in the EIR the justification for a reduced buffer.

It is important for the County to understand and acknowledge the ramifications of this land use conflict. As mentioned above, the Authority is developing future expansion plans for the Landfill and MRF to address population increases and meet future disposal and recycling needs of the County. The landfill already receives odor complaints outside the one-mile buffer, as described in the Air Quality chapter of the EIR. The SWLTF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand. Despite the current buffer, the facility receives odor complaints and reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, so adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities. As stated in this section, impacts relative to consistency and compatibility of proposed land uses with the WRSL would be Significant and Unavoidable. The SWLTF agrees with this and recommends against the placement of sensitive receptor development projects in the current buffer zone for the landfill.

2. **Mitigation Measure 4.10-2: Require odor control measures of specific plans (PRSP Area and Net SAP Area)**

Among other things, the Mitigation Measure proposes the following:

Deed Notification

"Require written disclosures to initial and subsequent prospective buyers, lessees, and renters of those properties, particularly residential buyers, with information that their respective properties would potentially be subject to objectionable odors from a known nearby odor source. While this specific action would not eliminate complaints, it may reduce the frequency of complaints by those living or working closest to the landfill."

The SWLTF appreciates inclusion of such a mitigation measure, but the language proposed does not preclude a property owner from seeking legal restitution due to odors. The SWLTF recommends that, to the extent legally permissible, the Deed be modified, particularly for parcels within one mile of the landfill, to include language that would prohibit a property owner from litigating against the landfill based on odors.

The SWLTF appreciates all the mitigation measures proposed, but would like to point out that current technologies do not exist to completely eliminate or fully mitigate landfill originated odors. The following WPWMA workshop presentation identifies the odor challenges associated

with landfill operation even with extensive odor mitigation and monitoring: http://www.wpwma.com/wp-content/uploads/2017/10/2017-Odor-Workshop-Presentation.pdf.

Therefore, the SWLTF supports the EIR conclusion that "this impact would be significant and unavoidable", but is deeply concerned about, and wonders how the County will ensure against, the potential ramifications to the landfill and MRF, as described in the Utilities chapter, should the County approve this Project. In other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of expansion permits, significant financial ramifications, and abatement orders. The General Plan currently includes a one-mile residential land use buffer around the Landfill. Despite this buffer, the facility receives odor complaints. Reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, and therefore, adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities. The WPWMA facilities are valuable assets in Placer County and can support our community for years to come, if protected.

*CEQA requires that "When the agency decides to approve a project that will cause one or more significant environmental effects, the lead agency shall prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives." The SWLTF urges the County to include in its overriding conditions how it will balance these competing land uses and protect these essential public facilities from potential closure or other impacts.*

Chapter 4.15 Utilities

1. **Impact 4.15-11: Potential impact on Western Regional Sanitary Landfill from incompatible land use that results in insufficient permitted capacity to serve waste disposal needs**

This section states, "The close proximity of incompatible land uses and the resulting increased odor complaints that are likely to occur with project implementation could result in increased public pressure and enforcement action. It is possible, but not likely, that such pressure could result in the need for WPWMA to modify WRSL operations, including possible diversion of waste to other facilities. Additionally, complaints related to the landfill and co-located operations could cause opposition to future expansion plans, and could jeopardize approval of the expansion." While the EIR states that these are unlikely scenarios, and ultimately makes a Less than Significant finding, the SWLTF disagrees and feels that these potential impacts are real and significant.

As mentioned, in other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of

expansion permits, significant financial ramifications, and abatement orders. In addition, finding alternative facilities would have a significant cost impact on citizens. If the County is forced to utilize alternative, out of county options for disposal and recycling, it will likely significantly increase ratepayer costs due to hauling waste longer distances and potentially needing additional trucks and routes if separate recycling service is required. In addition, complying with extensive new mandates could be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control. Additional complaints can result in violations being issued by Placer County Air Pollution Control District and other regulatory agencies which could limit or prohibit waste acceptance at the Landfill and/or MRF.

We appreciate this opportunity to comment on the Project Draft EIR. We trust that you will consider these comments as you give direction to County staff on the next steps in this important planning process.

Sincerely,

Devin Whittington
Chair, Solid Waste Local Task Force

cc: Crystal Jacobsen, Placer County Planning Services Division

Attachment: Prior Comment Letter dated February 15, 2018

*PLACER COUNTY*

***SOLID WASTE LOCAL TASK FORCE***

***Devin Whittington, Chairman***

May 3, 2018

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

**RE: SUNSET AREA PLAN AND PLACER RANCH SPECIFIC PLAN COMMENTS**

The Solid Waste Local Task Force (SWLTF) is an advisory committee which, among other things, reviews and comments on proposed actions, programs, and facilities which affect the management of solid waste and diverted materials in Placer County. Membership of the SWLTF includes representatives from the cities of Roseville, Rocklin, Lincoln, Auburn, and Colfax, Town of Loomis, two franchise waste haulers, landfill and Material Recovery Facility (MRF) operators, the County Board of Supervisors, County Planning Commission, an environmental group, and the general public.
The SWLTF has concerns regarding the proposed Sunset Area Plan and Placer Ranch Specific Plan (SAP/PRSP), which we understand your Board will consider for approval sometime this year. These plans would modify the existing land use buffer zone standards that apply to solid waste facilities, potentially allowing residential and commercial uses as close as 2,000 or 1,000 feet, respectively (and potentially as close as 1,000 or 300 feet, respectively, when considered on a project specific basis), to the Western Regional Sanitary Landfill (Landfill) and MRF. We respectfully submit the following comments and concerns:

**Reduced buffer standards could threaten the long-term viability of the Landfill and MRF.** As stated in the General Plan, as well as the SAP/PRSP, the buffers are needed to separate potentially incompatible uses and protect the long term viability of critical public facilities. The SWLTF feels that bringing such land uses, particularly residential uses, in close proximity to the Landfill and MRF is incompatible and would not adequately separate those uses from odors and other impacts that could be perceived as nuisances. In other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of expansion permits, significant financial ramifications, and abatement orders. The General Plan currently includes a one-mile residential land use buffer around the Landfill. Despite this buffer, the facility receives odor complaints. Reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, so adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities.

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**The Landfill and MRF are crucial public facilities.** These facilities are owned and operated by the Western Placer Waste Management Authority (Authority), which is comprised of Placer County and the cities of Lincoln, Rocklin and Roseville. They provide the primary waste disposal and recycling services for the majority of Placer County. The MRF has been key in enabling Placer County jurisdictions to comply with state laws, such as AB 939 which mandates jurisdictions divert 50 percent of their waste from landfills or face fines of up to $10,000 per day. Newer legislation such as SB 1383 which requires an additional 50 percent reduction in disposal of organic waste by 2020 and 75 percent reduction by 2025, and AB 1826 which requires most businesses to separate and recycle organic waste, will necessitate expansion of organic waste processing at the MRF. The Authority is currently in the conceptual planning phase for expansion of the landfill, MRF, and organics processing facilities. Each jurisdiction is required by the State to have fifteen years disposal capacity per AB 939. Having these crucial facilities in the County and under local control is invaluable as solid waste mandates continue to increase.

**Finding alternative facilities would have a significant cost impact on citizens.** If the County is forced to utilize alternative, out of county options for disposal and recycling, it will likely significantly increase ratepayer costs due to hauling waste longer distances and potentially needing additional trucks and routes if separate recycling service is required. In addition, complying with extensive new mandates could be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control.

**Encroaching development could hinder future expansion of Landfill and MRF.** Currently, the Authority is developing future expansion plans for the Landfill and MRF to meet future disposal and recycling needs of the County. The SWLTF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand. A potential solution would be to incorporate a coordination agreement into the SAP/PRSP between the County and WPWMA that creates a framework for land uses within and surrounding the WPWMA properties, including WPWMA's expansion plans, as well as mitigation measures to reduce impacts on surrounding development. The WPWMA facilities are valuable assets in Placer County and can support our community for years to come, if protected. Again, appropriate buffer standards and inter-agency coordination can ensure that protection.

We appreciate this opportunity to comment on the SAP/PRSP and ask that you take these comments into account as you consider both the merits and ramifications of this very important project.

Sincerely,

Devin Whittington
Chair, Solid Waste Local Task Force
Solid Waste Utility Manager, City of Roseville

Cc: Crystal Jacobsen, Placer County Planning Services Division