

30 August 2010

Mayor Paul Miller  
City of Simi Valley  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

**RE:** Simi Valley Landfill and Recycling Center Expansion Project  
Recirculated Draft Environmental Impact Report, July 2010

Dear Honorable Mayor Miller:

The Simi Valley Landfill Task Force respectfully submits to you and fellow members of the City Council our concerns on Waste Management's request for a substantial expansion to the Simi Valley Landfill which is tentatively scheduled to be presented to the Ventura County Board of Supervisors in early 2011. The Task Force was established and named by a long tenured member of your City Council to independently review the complexity of the expansion and impacts on our community. For the past three years and on a voluntary basis we have been actively reviewing the thousands of pages of documents associated with this project and presenting our findings to the community.

Tonight, the City Council will consider sending a response to the County of Ventura with on new information presented in the project's Recirculated Draft Environmental Impact Report (RDEIR). The Task Force finds the draft response woefully insufficient in expressing in the strongest terms the magnitude of the environmental damage that will be inflicted on this community if the county approves the project as proposed. As is substantiated by the RDEIR, the Task Force implores the City Council to declare in fervent terms its desire to protect Simi Valley from the numerous negative environmental impacts the landfill expansion will cause and to demand that the county safeguard the interest of this community.

The following findings support the Task Force position on this matter. In submitting our comments, the Task Force notes that insufficient time was afforded for a thorough review of the substantial changes contained in the RDEIR, namely the Air Quality report (Appendix B – Volume II) which is 730 pages in length and is replete with highly technical graphs, charts, tables and calculations related to air pollutants, toxic emissions and global climate change impacts. In total, the RDEIR contains nearly 1,000 pages.

**Significant Environmental Impacts per CEQA**

In reviewing the project documents, the Task Force finds no less than 24 areas of significant impact including air quality, demand for housing, water quality, flooding, migration corridors, scenic areas, local parks and cultural resources. In areas of concern to Simi Valley, many of these impacts are declared “unavoidable.” They include housing demand, local parks and scenic highways (see summary table Attachment A).

**CEQA Statement of Overriding Consideration:**

As cited above, the Simi Valley Landfill and Recycling Center Expansion Project will cause significant environmental damage. When a project will cause one or more significant environmental effects, CEQA requires the lead agency, the county in this case, to prepare a statement of overriding considerations **IF** it considers approval of the project. The county must express its views in writing as to how the merits of approving the project, despite the environmental damage, is balanced by competing community objectives (including environmental, legal, technical, social, and economic factors). The statement must be substantiated by specific reasons based on the final EIR or other substantial evidence in the record.

The Task Force stands by its comments presented on December 8, 2009 to the City Council that the DEIR is unable to make a compelling reason or matter of urgency supporting an expansion at this time, moreover new information in the RDEIR further supports our position in that there are additional areas of significant impact not previously identified. In compliance with the intent of CEQA, it is imperative that the City Council strengthen its case by requesting that the county prepare economic reports on the landfill’s impacts.

**Mitigation Measures:**

The RDEIR contains a phone book listing of mitigation measures which supposedly will lessen the severity of the environmental impacts. These measures include complex plans, multiple agency reviews, collection of fees, cooperative agreements with the applicant, numerous permits, good-faith-efforts on the applicant’s part, periodic reviews, submission of samples, construction activities, completion of surveys, and implementation of control measures to name a few. The RDEIR cites areas where the impact is significant and unavoidable because there is no feasible mitigation measure.

Under Air Quality, it provides a long list of features to include in an emissions reduction program but states as a conclusion that it is uncertain the extent to which the program would offset overall projected related vehicular emissions and it is not possible to calculate what those reductions might be because the specific emissions mitigation projects are unknown at this time. It shall be noted that this program includes funds be collected for a countywide lawn mower replacement program as a mitigation measure for fouling Simi Valley’s air quality.

The Task Force is deeply troubled by the faith the county appears to place in the applicant in adhering to each and every mitigation measure and the Task Force is not at

all confident that the county will direct mitigation fees and efforts to Simi Valley where the brunt of the environmental damage will be sustained. It would behoove the City Council to strongly advocate for a comprehensive and enforceable mitigation plan which lays out all the measures required to “lessen” the significant environmental impacts.

### **Project Purpose and Project Objectives:**

The RDEIR includes yet another version of the project purposes and project objectives including “to provide waste disposal capacity within Ventura County” which supposedly addresses disposal capacity and long-term availability of Ventura County’s landfill needs. This has yet to be proven by substantiating demographics and population trends; addressing Ventura County 15-year disposal capacity; citing increased waste diversion goals; and improved waste disposal technologies. The Task Force questions why a project of this size has three versions of the project description and objectives (1 - application for expansion, 2 - DEIR and 3 - RDEIR) yet continues to leave out obvious purposes - namely to increase its profits by accommodating Los Angeles County’s waste disposal needs.

The RDEIR (Volume II Appendix B – Air Quality, Table B-1-B-17) contains a table listing data for trucks entering the Simi Valley Landfill in 2008. The table paints the picture as to where the trucks are coming from and how even at the current permitted waste disposal allowances, an inordinate number of trucks come from outside the county limits – a few examples follow:

LA County 1,337  
Sun Valley 168  
Anaheim 768

Van Nuys 390  
Pacoima 171  
Granada Hills 144

Play del Rey 157  
Huntington Beach 89

Truck loads come from as far as Hemet and San Bernardino and this will only increase if the project is approved yet this does not improve waste disposal capacity for Ventura County as is inferred in the project purpose.

### **Greenhouse Gas Emissions**

As previously mentioned, the RDEIR includes a newly revised Air Quality Report. This substantial re-write was necessary to address the significant greenhouse gas (GHG) emissions caused by the project construction, operation and expansions to the liquefied natural gas processing facility (LFGTLNG). The RDEIR concludes that the GHG emissions will exceed annual thresholds set by the state therefore they are a significant impact. For purposes of the RDEIR, the county has set a GHG threshold at 10,000 metric tons a year.

What the Task Force finds of particular concern is that the existing landfill gas flares are major emitters of GHG and this existing environmental impact needs to be mitigated by the County - immediately. The estimated GHG emissions currently caused by the gas flares represent 50,926 metric tons of carbon (CO<sub>2</sub>e). Putting this into perspective, it is

about the amount of GHG generated by the annual electricity used by 6,200 homes – or 5,729,856 gallons of gasoline. Additionally, the total existing landfill (2009) GHG emissions are calculated to be nearly 178,000 metric tons or 17 times the stated threshold. The gas flares account for 29% of total 2009 GHG emissions. This is a phenomenal disclosure. So significant is the GHG emissions attributed to the landfill flares that the project was revised to increase the LFGTLNG facility to accommodate landfill gas diverted from the flares.

Operation of the proposed landfill expansion will significantly contribute to GHG in the order of 520,270 metric tons by 2041 or nearly three times the current landfill GHG emissions. Not surprising, the mitigated project emissions (519,559 metric tons) are only slightly less than the unmitigated project emissions.

### **Landfill Liners**

In the past, the Task Force has raised concerns over the efficacy of liners used in landfills. The RDEIR states the following:

*The Los Angeles Regional Water Quality Control Board (LARWQCB) recently concluded that geosynthetic clay liners (GCL) “would not afford the same protections to groundwater as the prescriptive liner system” (two feet of clay overlaid by HDPE) due to “recently observed deficiencies on GCL at several landfills ... and the concerns that certain mechanical and chemical properties of GCL may not be as reliable as a compacted clay liner” (LARWQCB 2009). Therefore, unless the LARWQCB approves an alternative, a prescriptive liner would be necessary in future expansions of the existing landfill.*

An additional two feet of soil will need to be excavated to mitigate this mechanical deficiency. The Task Force cites this as a further example as to why hasty approval of the project proposal could have severe consequences in future years. Today's technology may prove to be tomorrow's environmental nightmare.

### **Alternatives Not Addressed**

The Task Force eagerly anticipated that previously raised concerns on the inadequacies of the project alternatives would be included in the RDEIR. Unfortunately, this is not the case and the Task Force remains skeptical as to the county's diligence in providing full disclosure on this critical EIR component. A rush to approve the proposed business-as-usual landfill project, is not warranted in the absence of disclosure on project alternatives.

### **Sustainable Simi Valley**

On tonight's agenda, the City Council will consider adopting a Green Community Action Plan that sets forth a framework for action to increase the community's resiliency in meeting future demands on our natural resources and our economic well being. The

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first action this City Council can take to demonstrate its commitment to environmental stewardship for the long-term viability of this community is to send a resounding, strong and clear message to the county that the Simi Valley Landfill and Recycling Center Expansion Project as presented and depicted in the RDEIR is of meritless value to this community. Furthermore, the City Council should state that it would consider it a dishonor, a disgrace and an infringement on present and future generations' quality of life if the county approves profit over community standards.

On behalf of the Task Force, thank you for the opportunity to share our views with you.

Sincerely,

Louis Pandolfi

cc: Councilmembers Williamson, Foster, Sojka, and Becerra

Attachment A – Summary of Significant Impacts Table

**DRAFT**

**Simi Valley Landfill and Recycling Center Expansion  
DEIR (September 2009) and Recirculated DEIR (July 2010)**

The DEIR and RDEIR contain 24 impacts of significance before mitigation including 13\* impacts of significance after mitigation. Seven significant impact issues having no feasible mitigation measures.

**Table 1:** Summary of Environmental Issues with Significant Impacts Before Mitigation<sup>1</sup>

#	Environmental Impact Issue
1*	<b>Impact LU-3: Demand for Housing.</b> Increase the demand for housing due to construction or operation.
2*	<b>Impact AQ-1o: Air Quality.</b> Project operations would produce emissions that exceed VCAPCD daily ROC and NOx emission significance thresholds.
3	<b>Impact AQ-1c: VCAPCD Daily Emission Significance Criteria.</b> Project construction would produce emissions that exceed VCAPCD daily ROC and NOx emission significance thresholds.
4	<b>Impact AQ-2c: Air Quality.</b> Project construction would result in offsite ambient air pollutant concentrations that would contribute to an exceedance of an ambient air quality standard.
5*	<b>Impact AQ-2o: Air Quality.</b> Project construction and operation would result in offsite ambient air pollutant concentrations that would contribute to an exceedance of an ambient air quality standard.
6*	<b>Impact AQ-7o: Air Quality.</b> Proposed operational emissions of GHGs would cause a significant impact on the environment.
7	<b>Impact WR-4: Surface Water Quality.</b> Degrades the quality of surface water and causes it to fail to meet surface water quality objectives for a hydrologic unit defined in the most recent Water Quality Control Plan.
8	<b>Impact WR-5: Flooding.</b> Flooding hazards are ubiquitous throughout Ventura County and are accommodated by the Ventura County Building Code and the Ventura County Watershed Protection District Standards and Specifications Design Manual. The effects of flooding hazards are required to be considered within the existing framework of grading and building code ordinances which apply to all projects.
9	<b>Impact BIO-1: Endangered, Threatened or Rare Species and Nesting Birds.</b> Directly or indirectly: reduce species population; reduce species habitat; or restrict reproductive capacity.
10	<b>Impact BIO-2: Wetland Habitat.</b> Direct reduction of, or a substantial indirect impact to, a significant Wetland Habitat. All wetlands are potentially significant.
11	<b>Impact BIO-3: Migration Corridors.</b> Substantially interfere with the use of said area by fish or wildlife. This could occur through elimination of native vegetation, erection of physical barriers, or intimidation of fish, or wildlife via introduction of noise, light, development, or increased human presence.
12	<b>Impact BIO-4: Locally Important Plant and Wildlife Species/Communities.</b> Directly or indirectly cause a substantial reduction in population numbers, habitat area, or reproductive capacity. For locally important communities or habitats a significant impact would result if the Project caused a substantial reduction in area or impairment in quality or function.
13*	<b>Impact AG-1: Soils.</b> Direct and/or indirect loss of soils designated Prime, Statewide Importance, Unique or Local Importance or agricultural soils meeting or exceeding the acres lost criteria.

<sup>1</sup> Information from Simi Valley Landfill and Recycling Center DEIR Table ES.7-1. and ESR.2

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<b>14</b>	<b>Impact AG-2: Dust.</b> Result in a ten percent or greater increase in dust on agricultural parcels within one-half mile of the proposed project.
<b>15*</b>	<b>Impact VIS-1: Scenic Highways.</b> Change or obstruct important visual resources as experienced from a scenic highway during construction or operation.
<b>16*</b>	<b>Impact VIS-2: Scenic Areas/Features.</b> Degrade scenic areas or features or significantly alter them during construction or operation.
<b>17</b>	<b>Impact VIS-3: Glare.</b> Create substantial sources of light or glare.
<b>18*</b>	<b>Impact Geo-8: Paleontological Resources.</b> Direct impacts to fossil sites including grading and excavation of fossiliferous rock, which can result in the loss of scientifically important fossil specimens and associated geological data. Indirect impact including increased access opportunities and unauthorized collection of fossil materials.
<b>19</b>	<b>Impact CUL-1: Cultural Resources.</b> Cause a substantial adverse change in the significance of an archaeological or historical resource.
<b>20</b>	<b>Impact HAZ-4: Petroleum Wastes.</b> Exposure of soils (or associated soil gas) containing toxic substances and petroleum hydrocarbons, associated with prior oil field operations, would be deleterious to humans, based on regulatory standards established by the lead agency for the site.
<b>21*</b>	<b>Impact REC-1: Local Parks/Facilities.</b> Cause an increase in the demand for recreation when measured against the following standard: five acres of developable land (less than 15 percent slope) per 1,000 population.
<b>22*</b>	<b>Impact REC-2: Regional Parks/Facilities.</b> Cause an increase in the demand for recreation when measured against the following standard: five acres of developable land per 1,000 population.
<b>23*</b>	<b>Impact REC-3: Regional Trails/Corridors.</b> Cause an increase in the demand for recreation when measured against the following standard: two-and-a-half miles per 1,000 population.
<b>24*</b>	<b>Impact REC-4: Future Development.</b> Cause an increase in the demand for recreation when measured against the following standard: impede future development of Recreation Parks/Facilities and/or Regional Trails/Corridors.