

Resolution No. \_\_\_\_\_

Sonoma County Administration Center  
Santa Rosa, CA 95403

Date: October 6, 2009

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MAKING CERTAIN FINDINGS REGARDING THE PROPOSED SALE OF THE CENTRAL LANDFILL, CENTRAL TRANSFER STATION, THE SONOMA TRANSFER STATION AND THE ANNAPOLIS TRANSFER STATION ALONG WITH A 75 YEAR LEASE OF THE HEALDSBURG TRANSFER STATION AND THE GUERNEVILLE TRANSFER STATION TO REPUBLIC SERVICES OF SONOMA COUNTY, INC. [4/5ths vote]

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RESOLVED, that the Board of Supervisors (“the Board”) of the County of Sonoma (“the County”) hereby finds as follows:

### **1. Procedural History**

1.1 The County of Sonoma currently owns the Central Landfill and Central Transfer Station and four other transfer stations located in Sonoma, Healdsburg, Guerneville and Annapolis (the landfill and transfer stations are collectively referred to herein as the “Solid Waste Assets”). The transfer stations are located adjacent to former landfills that are owned by the County (i.e., the former Healdsburg landfill, the former Guerneville landfill, the former Annapolis landfill, and the former Sonoma landfill (the former landfills are collectively referred to herein as the “Adjacent Former Landfills”)).

1.2 The Central Landfill is comprised of two landfill units – the original landfill permitted in 1971 (“Landfill 1”) and the East Canyon Expansion area permitted in 1998 (“Landfill 2”). In May of 2003, following the construction of a new liner in Landfill 2, an evaluation monitoring program detected volatile organic compounds (“VOCs”) in the landfill underdrain system. The results of an investigation to determine the source of the VOCs indicated a design flaw in the liner anchor trench was responsible for VOC detections in the underdrain. The design flaw allowed landfill gas to migrate around the liner into underlying groundwater (Pacific GeoScience Report, 2004). During the investigation, it was also discovered that there was damage to a portion of the liner of Landfill 2. This damage which was caused by an operational error in the select waste sorting area, where an excavator unknowingly damaged the liner, was subsequently repaired and reported to the Local Enforcement Agency (“LEA”) and the Regional Water Quality Control Board (“RWQCB”). As a result of these issues, the RWQCB issued new Waste Discharge Requirements in 2004 (the “2004 WDRs”). The 2004 WDRs included corrective action items for both landfill units. For Landfill 1, controlling landfill gas and removing leachate to the maximum extent practical was required. For Landfill 2, the 2004

WDRs required an enhanced monitoring program, a retrofit of the anchor trench and repair of the liner. All corrective action items in the 2004 WDRs for Landfills 1 and 2 have now been completed. Leachate has been removed to the maximum extent practical in Landfill 1 with a long term landfill gas and leachate management plan in place, which includes a site conceptual and numeric model to guide operational management. The 2004 WDRs also prohibit any further liner construction.

1.3 In August 2005, as a result of the 2004 WDRs prohibiting further liner construction at the Central Landfill, the Board entered into temporary outhaul and disposal agreements so that waste generated within the County of Sonoma could be properly disposed of in out-of-county landfills having capacity.

1.4 In April 2006, the Board held a workshop to discuss solid waste issues and alternatives. As part of the workshop, the Board accepted a report prepared by Brown Vence and Associates which included a recommendation that the County consider the potential divestiture of the Solid Waste Assets.

1.5 In October 2007, the County submitted to the RWQCB the “Final Design Report, CQA of Retrofit, Repair Maintenance and Performance Monitoring”, which documented: (i) how the design issues with the anchor trench were addressed through a retrofit, and (ii) the liner repairs made to the area of the liner damaged from operations.

1.6 The County is authorized to undertake the potential divestiture of the Solid Waste Assets pursuant to Government Code sections 25515 through 25515.5. In accordance with such authority, the Board of Supervisors at its regular meeting on May 22, 2007 directed staff to initiate a competitive divestiture process of the Solid Waste Assets with the release of a Request for Information (“RFI”) regarding the possible divestiture. The County received 8 responses to the RFI indicating significant interest in the Solid Waste Assets by the solid waste industry.

1.7 On November 6, 2007, the Board of Supervisors directed staff to issue a request for qualifications (“RFQ”) in connection with the possible divestiture. The Board included the following divestiture goals in the RFQ:

- Maximize the monetary return for divestiture of the Solid Waste Assets;
- Reduce or eliminate exposure for past, current and future environmental, operational and closure/post-closure liabilities related to the Solid Waste Assets;
- Provide a location for solid waste disposal of the municipal solid waste stream at reasonable prices;
- Transfer, through a divestiture, all of the Solid Waste Assets;
- Assure that the Solid Waste Assets be operated in the future in an environmentally sound and safe manner consistent with applicable law and regulations;
- Assure facilities are operated in the future in a manner that reduces greenhouse gases, complies with the California Global Warming Solutions

- Support diversion goals consistent with AB 939 and the Countywide Integrated Waste Management Plan
- Achieve an in-county Central Landfill solution, if the Divestiture terms are such that they substantially alter the findings of the BVA study, which led to the County Board of Supervisor’s decision to move towards a permanent out-haul solution;
- Assist impacted employees to compete for and find employment with the successful purchaser;
- Involvement in tip rate setting process;
- Preserve capacity at the Central Landfill for the County-generated waste stream

1.8 The County received 8 responses to the RFQ and shortlisted 4 of the companies: USA Waste, Allied Waste, Republic Services and Waste Connections.

1.9 On June 10, 2008, the Board of Supervisors issued a request for proposals (“RFP”) to the shortlisted companies and published notice of the RFP in accordance with Government Code section 25515.2.

1.10 On October 14, 2008 the Board received proposals from Allied Waste and USA Waste and gave negotiating instructions and direction to staff. In December 2008, Allied Waste merged with Republic Services whereby Republic Services became the surviving corporate entity.

1.11 From October 2008 to July 2009, staff negotiated with Allied Waste/Republic Services over the terms and conditions of the proposed divestiture of the Solid Waste Assets.

1.12 On August 5, 2009 the Board held a public workshop on the proposed divestiture and agreements and received public comment.

1.13 In August 2009, a technical memorandum was prepared by Shaw Group, on behalf of the County, and submitted to the RWQCB documenting the County’s compliance with the 2004 WDRs.

1.14 On September 29, 2009, the Board held a duly noticed public hearing on the proposed divestiture of the Solid Waste Assets (hereafter referred to as “proposed project” or “proposed divestiture project”) to Republic Services of Sonoma County, Inc. (“Republic”). The terms of the proposed divestiture include a sale of the Central Landfill and the Central, Sonoma and Annapolis Transfer Stations, along with a 75-year lease of the Guerneville and Healdsburg Transfer Stations. Staff is recommending that the Guerneville and Healdsburg Transfer Stations be leased to Republic since the transfer stations are located on top of areas of potential waste from the former Healdsburg landfill and the former Guerneville landfill. The divestiture does not include the Adjacent Former Landfills which the County will continue to own and maintain.

1.15 The terms and conditions of the proposed divestiture of the Solid Waste Assets are set forth in that certain Purchase and Sale Agreement, along with all exhibits and schedules attached thereto, which has been placed on file with the Clerk of the Board (hereinafter referred to as the “Divestiture Documents”). Included in the Divestiture Documents are an Agreement for Operation of the Central Landfill and County Transfer Stations (“Operations Agreement”) and an Amended and Restated Agreement for the Interim Disposal and Transportation of Solid Waste (“Keller Agreement,” collectively the Operations Agreement and the Keller Agreement are referred to herein as the “Interim Operations Agreement”).

1.16 After the public hearing, the Board gave direction to staff to make certain changes to the Divestiture Documents to: (a) address the future closure of the Transfer Stations; (b) clarify the ability of the composting program to remain in its current location until such time as the Purchaser is ready to resume landfilling operations on that portion of the Central Landfill; (c) clarify the County’s waste commitment in order to exclude waste that is otherwise exempt from a license or franchise agreement pursuant to Section 22-21(b) of the Sonoma County Code; (d) address concerns over the potential future importation of out-of-county waste; and (e) clarify Purchaser’s obligations to prepare a plan that identifies the 1990 baseline for greenhouse gas emissions for the Landfill and includes provisions on reducing greenhouse gas emissions by 25% from the 1990 baseline. Staff and Purchaser have reached agreement on the clarifications and have provided the Board with the proposed revisions to the Divestiture Documents.

1.17 In connection with the proposed divestiture project, the County has prepared an Addendum to the Central Disposal Site Improvement Program Final EIR (“the Addendum”) pursuant to CEQA and the State CEQA Guidelines (California Code of Regulations, title 14, §15000 *et seq.*). A true and correct copy of the Addendum is attached hereto as Exhibit “A” and incorporated herein by this reference.

## **2. CEQA Compliance**

2.1 Public Resources Code section 21166 provides that when an EIR has been prepared for a project, no subsequent or supplemental EIR shall be required unless substantial changes in the project or the project circumstances will require major revisions of the EIR, or new information, which was not known and could not have been known when the prior EIR was certified, becomes available. (See also State CEQA Guidelines, § 15162.) State CEQA Guidelines Section 15164, subdivision (a), provides that the County shall “prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum need not be circulated for public review or comment, but must be considered by the agency before making its decision on the project. (State CEQA Guidelines, § 15164, subds. (c), (d).) The State CEQA Guidelines state that an agency should include a brief explanation of its decision not to prepare a subsequent EIR in the addendum, the agency’s findings on the project, or elsewhere in the record. (State CEQA Guidelines, § 15164, subd. (e).) The agency’s explanation must be supported by substantial evidence. (*Id.*)

2.2 An EIR was certified for the Central Disposal Site Improvement Program in 1998 (“the 1998 EIR”). The 1998 EIR described a general improvement program to provide solid waste disposal capacity at the Central Disposal Site on Mecham Road southwest of the city of Cotati.

2.3 The County’s sale and lease of the Solid Waste Assets is essentially a transfer of the real and personal property, permits, and contracts necessary to allow Republic to resume landfilling at the Central Disposal Site consistent with the County’s longstanding and existing plans and permits, as described in the 1998 EIR. The Solid Waste Assets will remain subject to existing permits and current regulatory standards and no substantial change in operations from those already planned by the County and analyzed in prior environmental documents is proposed, with the exception of implementing a Materials Recovery Facility (MRF) component within the Central Transfer Station building located at the at Central Landfill facility, which must be operational by July 1, 2012. The MRF equipment to be incorporated within the Central Transfer Station building will complement the existing function of the Transfer Station and consist of conveyor belts, sorting platforms, and screening equipment. The purpose and function of supplementing the Central Transfer Station with MRF equipment is to provide the functionality for additional sorting and removal of commercial and industrial (“C&I”) waste and construction and demolition (“C&D”) debris that can be recycled/reused.

2.4 The Addendum discloses the difference in impacts that would result from the County’s proposed sale and lease of the Solid Waste Assets from the impacts described in the 1998 EIR, taking into account the proposed changes to the project, changes in circumstances, and new information that has become available since certification of the 1998 EIR. Specifically, the Addendum considers and discloses the difference in impacts on water quality, air quality, transportation, noise, and land use and planning.

2.5 The Addendum discloses and the Board finds that the proposed project will not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to the proposed project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the Final EIR.

### **3. General Plan and Zoning Compliance**

3.1 Pursuant to the Sonoma County 2020 General Plan, each of properties included in the Solid Waste Assets is designated PQP (Public / Quasi-Public). Section 2.5 of the General Plan Land Use Element permits use of properties within the PQP designation for solid waste processing and disposal. Although Section 2.5 currently appears to anticipate ownership and operation of solid waste facilities by government agencies, non-profit entities or public utilities, the Board finds that any such limitation on ownership and operation is not necessary for land use regulatory purposes, is not appropriate and is contrary to the public interest under the circumstances presented here. The Board directs staff to submit, for the Board’s consideration, an amendment to Section

2.5 and other applicable provisions, to clarify that private ownership and operation of solid waste facilities is permissible under the Sonoma County 2020 General Plan.

3.2 The current operation and management of the Solid Waste Assets by the County is exempt from the Sonoma County Zoning Ordinance, pursuant to Sonoma County Code §26-02-070. Although ownership of the Solid Waste Assets will change by sale and lease of those Assets, the use of the sites will remain unchanged. The change of ownership will result in the use becoming a legal non-conforming use, and the use thereafter shall be subject to the limitations of Sonoma County Code § 26-94-010 et seq. Any change to the use of or structures on the Solid Waste Assets in the future may require new or additional entitlements, permits or variances in accordance with the Sonoma County Zoning Ordinance and other provisions of law.

3.3 This Board finds that the sale and lease of the Solid Waste Assets is exempt from the requirements of the Subdivision Map Act, consistent with the published opinions of the California Attorney General, including 62 Ops.Cal.Atty.Gen. 136 (1979); 64 Ops. Cal.Atty.Gen. 814 (1981); and 75 Ops. Cal.Atty.Gen. 98 (1992). In particular, this Board finds that:

- The County is acting in furtherance of one of its fundamental government purposes and pursuant to its statutory mandate under Public Resources Code §40059 to make adequate provisions for solid waste handling within its jurisdiction and to protect public health and safety;
- The imposition of local subdivision conditions could impair the County's ability to best provide for the efficiency of refuse disposal and for the long term management of the former closed landfills;
- The County will retain substantial control over the divided property in light of the conditions imposed on the sale and lease of the Solid Waste Assets, including, but not limited to the following provisions: (i) a reversion clause in the grant deeds causing the property to revert back to the County in the event Republic no longer uses it for solid waste purposes; (ii) numerous post closing obligations requiring Republic to accept all solid waste generated within the County of Sonoma which is delivered to the Solid Waste Assets for a minimum 20 year period; and (iii) the acceptance by Republic of significant environmental liabilities and obligations associated with the Central Landfill and the other Solid Waste Assets, including the obligation to fund all closure and post closure maintenance obligations for the sites.

#### **4. Exemption from Surplus Property Procedures**

4.1 Pursuant to Article XI, §7 of the California Constitution, the County has authority over matters of public health and sanitation, including without limitation the collection and management of all solid waste within its geographic jurisdiction.

4.2 This Board finds that pursuant to such authority, it is in the public interest to use the divestiture of the Solid Waste Assets as a means to ensure that the collection and management of solid waste will be provided to the public at reasonable and stable rates and in a manner that achieves the County’s environmental goals for increased diversion and reduced greenhouse gas emissions for the foreseeable future. Thus, although the Divestiture Documents include a sale of the Central Landfill, the Central Transfer Station, the Sonoma Transfer Station and the Annapolis Transfer Station, such property does not meet the definition of “surplus land” under Government Code section 54221(b) since the divestiture of the property is a necessary component of the County achieving its solid waste management goals.

4.3 This Board finds that it would not sell the Solid Waste Assets as surplus property since the Solid Waste Assets are essential for the efficient and environmentally sensitive processing of solid waste within the County. Without Republic’s post closing obligations under the Divestiture Document, it is likely that all solid waste generated within the County of Sonoma would have to be outhauled to an out-of-county landfill.

## **5. Government Code Findings Regarding Public Benefit**

5.1 This Board finds, pursuant to Government Code section 25515.2, that the sale and lease of the Solid Waste Assets and the Purchase and Sale Agreement and the transactions contemplated thereby will result in economic benefits to the County, including the following:

- Provides long term disposal for the County and cities waste at competitive disposal rates, with stabilized and predictable pricing (tip fees) over the long-term
- Provides the best opportunity to re-establish an in-county disposal option
- Eliminates truck outhaul
- Reduces greenhouse gas emissions
- Provides increased diversion programs through establishment of a Material Recovery Facility (MRF) at the Central Landfill
- Transfers substantial ownership, regulatory, economic, operational and environmental risk to Republic
- Provides best opportunity to address expensive closure/post-closure funding obligations and potential existing and future liabilities for Central Landfill and the other seven closed landfill sites

5.2 This Board finds, pursuant to Government Code section 25515.1(b), that with regard to the lease of the Guerneville and Healdsburg Transfer Stations: (1) the public benefit from such leases is expected to be greater than the public benefit which would result from the sale of the underlying property; and (2) reasonable expectation exists that the future public need justifies retention of the fee ownership of the underlying property.

5.3 This Board finds, pursuant to Government Code section 25515.1(b), that the proposed divestiture of the Solid Waste Assets will not interfere with the use or development of the remaining public property located adjacent to the Solid Waste Assets.

## 6. Evidence in the Record

6.1 In making the findings and determinations set forth above and in the exhibits attached hereto, the Board, on occasion, references specific evidence in the record. No such specific reference is intended to be exclusive or exhaustive. Rather, the Board has relied on the totality of the evidence in the record of these proceedings in reaching its decisions herein.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board, based on the foregoing findings and the record of these proceedings, hereby declares and orders as follows:

1. The foregoing findings and determinations set forth herein, are true and correct, are supported by substantial evidence in the record, and are adopted as set forth herein.

2. The Board has reviewed and considered the information contained in the 1998 EIR and the Addendum to the 1998 EIR, and has considered the environmental effects of the proposed project as shown therein.

3. Upon the Board's adoption of the Ordinance approving the proposed project, the Director of Transportation and Public Works is authorized and directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines.

4. The Clerk of the Board of Supervisors is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

SUPERVISORS:

BROWN \_\_\_\_\_ KERNS \_\_\_\_\_ ZANE \_\_\_\_\_ CARRILLO \_\_\_\_\_ KELLEY \_\_\_\_\_

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT \_\_\_\_\_

SO ORDERED.

# EXHIBIT A

## *ADDENDUM*

### *to the Sonoma County Central Disposal Site Improvement Program Final Environmental Impact Report (SCH # 1995073068)*

#### **I. Introduction**

This Addendum has been prepared in accordance with section 15164 of the CEQA Guidelines relative to the County's proposed divestiture of the Central Disposal Site and the County's Solid Waste Transfer Stations. This Addendum evaluates whether any of the circumstances or conditions required by Public Resources Code section 21166 and CEQA Guidelines 21152 have been met which would require subsequent environmental review beyond the scope of the Sonoma County Central Disposal Site Improvement Program Environmental Impact Report (certified in November 1998, hereafter referred to as the "1998 EIR") and the Sonoma County Central Disposal Site Rock Extraction Project (hereafter referred to as the "REA EIR").

The County proposes to sell the Central Disposal Site and the Annapolis and Sonoma Transfer Stations, and lease the Guerneville and Healdsburg Transfer Stations (hereafter referred to as the "divestiture" or the "Project"), pursuant to a purchase and sale agreement and a 75-year lease agreement with Republic Services of Sonoma County, Inc., as Purchaser/Lessee (hereafter referred to as "Republic" or "Purchaser").<sup>1</sup>

The County's divestiture of its solid waste disposal and transfer facilities is essentially a transfer of the real and personal property, permits, contracts, and other assets related to the operation of the County's solid waste system. The intent is for the Purchaser to assume the County's responsibilities with respect to operation of its solid waste facilities and to pursue all necessary permitting to allow resumption of landfilling at the Central Disposal Site consistent with the County's longstanding plans and permits. No substantial change in operations from those already planned by the County and analyzed in prior environmental documents is proposed, with the exception of the implementation of a Materials Recovery Facility component with the Central Transfer Station building and incorporating more protective liners in the construction of landfill cells. As explained more fully in Section III, "Proposed Action," the asset transfer will only occur if the Purchaser is successful in obtaining the necessary permits from the Regional Water Quality Control Board (RWQCB) and the Local Enforcement Agency (LEA) to resume landfill operations at the Central Disposal Site.

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<sup>1</sup> The draft Purchase and Sale Agreement, the draft Transfer Stations Lease Agreement, and additional information related to the project are available on the County of Sonoma Department of Transportation and Public Works website at <http://www.sonoma-county.org/tpw/documents.htm>. The divestiture does not include the transfer of the County's closed landfills adjacent to the five transfer stations, or the Airport, Roblar, or Occidental closed landfill sites.

This Addendum supplements the 1998 EIR. The 1998 EIR described an improvement program to provide solid waste disposal capacity at the Central Disposal Site on Mecham Road southwest of the city of Cotati. Also in 1998, the County certified the REA EIR for the excavation of rock to create an additional eight months of landfill capacity. The rock has been excavated but no waste disposal has yet occurred in this area.

CEQA embodies a strong presumption that once an EIR has been prepared for a project, no subsequent environmental review is required unless conditions or circumstances present themselves which would trigger the need for such additional environmental review. Public Resources Code section 21166 and Section 15162 of the CEQA Guidelines define the conditions that would require further environmental review, in the form of a Subsequent EIR or a Negative Declaration, for a project. These conditions are listed below:

**15162 Subsequent EIR's and Negative Declarations**

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the conditions described above has occurred, but some changes or additions to the previous environmental analysis are necessary, then the lead agency shall prepare an addendum to the previously certified EIR. (State CEQA Guidelines, § 15164)

This Addendum considers those changes in the project or project circumstances, or new information since preparation of the 1998 and REA EIRs that might trigger preparation of a subsequent EIR or Negative Declaration for the proposed divestiture project.<sup>2</sup> Below is a discussion of the proposed changes to the project described in the 1998 Central Disposal Site Improvement Program EIR, as well as changes in the setting and changes in circumstances since certification of the 1998 EIR. Each issue area in the 1998 EIR, including cumulative impacts, was reviewed, and is discussed here as warranted. The discussion of each relevant issue area is followed by an analysis of why these changes do not rise to the level requiring the preparation of a Subsequent EIR or Negative Declaration.

## **II. Background**

The 1998 Central Disposal Site Improvement Program EIR described various improvements to be made at the Central Disposal Site within the County's waste management system, including expansion into the East and West Canyons to gain additional waste disposal capacity, and other operational improvements. Phases 1 and 2 of the East Canyon expansion have been constructed and disposal of waste commenced in August 2002. The West Canyon expansion described in the 1998 EIR, shown in Figure 2-3 of 1998 EIR, has not yet been constructed and is not proposed for development by the Purchaser.<sup>3</sup> The project also included construction of a public tipping facility or transfer station<sup>4</sup>, built in March 2003, and a Gas Fuel Facility.<sup>5</sup>

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<sup>2</sup> A Health Risk Assessment entitled *Diesel Particulate Matter Health Risk Assessment for the Sonoma County Central Landfill Divestiture Project*, July 2009, Illingworth and Rodkin, Inc.; a greenhouse gas analysis entitled *Greenhouse Gas Emission Reductions Associated with Reuse of Central Landfill* (memo report to Patrick Carter, Sonoma County Waste Management Agency), August 22, 2008, ESA; and a traffic study entitled *Traffic Impact Study, Sonoma County Central Landfill*, June 16, 2009, Crane Transportation Group) are incorporated by reference into this Addendum and are on file and available for review at the Clerk of the Board.

<sup>3</sup> Section 3.2 of the Purchase and Sale Agreement acknowledges that development of the West Canyon expansion area is not authorized and would require separate permitting and environmental review under CEQA.

<sup>4</sup> The public tipping facility (Central Transfer Station) consists of a large, steel structure enclosed on three sides, within which the public drops off waste. The building has a concrete floor and an opening (a loading bay) at the back of the building through which waste is pushed for filling the transfer trailers. These tractor-trailers then transfer this material to the active landfill face (or in recent years, to other landfills) for disposal.

<sup>5</sup> A small scale pilot project of the Gas Fuel Facility, completed in 2009, produces compressed natural gas (CNG) from landfill gas for use in County transit buses that are fueled directly at the facility. Under Section 6.23 of the Purchase and Sale Agreement, the County retains the right to continue operation of the Gas Fuel Facility, using up to 100 standard cubic feet per minute (scfm) of landfill gas.

The County's waste management system has historically included use of a network of transfer stations and the Central Landfill facility by the County and County's cities to provide an integrated waste management program in compliance with the requirements of the Integrated Waste Management Act of 1989, and its predecessor statutes governing solid waste management.

In May 2003, following construction and initiation of waste disposal in the first two phases of the East Canyon (Landfill 2),<sup>6</sup> the County confirmed trace amounts of volatile organic compounds (VOCs) in the underdrain beneath the lined portion of Landfill 2. The source of the contamination was traced back to a design flaw in the liner anchor trench, which allowed landfill gas to migrate around the liner and into the groundwater. (The investigation confirmed that no landfill gas was migrating from Landfill 1 through groundwater into the underdrain.) The investigation also revealed damage to the Landfill 2 liner caused by an operational error during excavation. The County immediately initiated work to retrofit the liner anchor trench and repair the tear in the liner. On-going water quality sampling of the underdrain has shown significant reductions in the levels of VOCs detected. In the last year, 12 sampling events occurred, with total VOC concentrations in the underdrain ranging from 1.31 ug/L to non-detect (<.5 ug/L). Two of the twelve sampling events did not detect any VOCs. None of the VOC concentrations exceeded the applicable California or EPA (federal) primary maximum contaminant level (MCL) for drinking water.

In response to the VOC detection, the North Coast Regional Water Quality Control Board (NCRWQCB) adopted corrective action Waste Discharge Requirements (WDRs) in June 2004 (order #R1-2004-0040). These WDRs prohibited placement of waste outside the permitted footprint of Landfill 1 and Phases 1 and 2 of Landfill 2 or further landfill expansion until the County submits a new Report of Waste Discharge and Joint Technical Document with a revised liner design and new WDRs are issued. Under the corrective action WDRs, the County could continue disposal of waste within existing waste cells in Landfill 1 upon demonstrating that placement of waste would not impede ongoing corrective actions associated with the area, and within any remaining airspace in Phases 1 and 2 of Landfill 2 (approximately 380,000 cubic yards of combined capacity in Landfills 1 and 2, as depicted in Figure 1).

In addition to corrective actions to address the VOC detection in Landfill 2, the 2004 corrective action WDRs also included additional remedial efforts to address a pre-existing condition of leachate buildup in Landfill 1. To comply with the corrective action WDRs, the County developed a long term landfill gas and leachate management plan for Landfill 1 to control landfill gas and remove leachate to the maximum extent practicable. For Landfill 2, the liner anchor trench was retrofitted and the liner damage repaired. The County has now complied with all required measures listed in the WDRs.

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<sup>6</sup> Throughout this document, the first landfill at the Central Disposal Site is referred to as Landfill 1, and the East Canyon expansion area is referred to as Landfill 2. The total area permitted for landfilling, including both Landfills 1 and 2, is referred to as "Central Landfill." The Central Disposal Site refers to the entire parcel.

Because of these issues, the County pursued other options to manage its solid waste system. In October 2005, the county began transporting all waste out of County for disposal at several landfills with available capacity; that process continues today. An Addendum to the 1998 EIR was prepared for this project in 2005. In 2006, the Board of Supervisors directed staff to pursue divestiture of the County's solid waste assets.

At the time the County ceased landfilling and began outhauling all waste, the total existing remaining capacity at the Central Landfill was approximately 9.1 million cubic yards of airspace, referred to hereafter as "Existing Remaining Capacity." This Existing Remaining Capacity includes the approximately 380,000 cubic yards described above, for which new WDRs would not be required (Figure 1). In addition, the Existing Remaining Capacity includes the compost deck of Landfill 1, Phases 3, 4, and 5 of Landfill 2, the Rock Extraction Area, and the intervening area between Landfills 1 and 2, for which new WDRs would be required. (See Figure 2.)

### **III. Proposed Action**

The County proposes to sell the Central Disposal Site and the Annapolis and Sonoma Transfer Stations and lease the Guerneville and Healdsburg Transfer Stations to a private company (Republic Services of Sonoma County, Inc.) to operate the county's solid waste system. The project will be implemented in two phases as described below:

First Phase - Short-Term Operating Agreement: This phase of the project will commence upon the Board executing the Purchase and Sale Agreement. The Purchase and Sale Agreement includes a short-term operating agreement whereby the Purchaser, upon direction from the County, may begin limited disposal operations at the Landfill of up to 30 percent of the 10-year average waste stream<sup>7</sup> in the locations shown in Figure 1 (hereafter referred to as "Limited Disposal Operations").<sup>8</sup> The Purchaser would be exercising the same rights the County has to utilize the combined capacity of approximately 380,000 cubic yards in Landfills 1 and 2. During this phase, through August 31, 2010, the remainder of the waste will continue to be outhauled to out-of-county landfills as is occurring today. Commencing on September 1, 2010, Purchaser will be operating all of the transfer stations, including the Central Transfer Station, and outhauling the remaining waste to Purchaser's Northern California landfills located in Contra Costa County (Keller Canyon Landfill) and Stockton (Forward Landfill). This phase of the project will

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<sup>7</sup> The County and the California Integrated Waste Management Board entered into a Stipulated Notice and Order and Cooperative Agreement dated December 28, 2007 ("Stipulated Order"), which set out the formula for determining the minimum amount of waste that needs to be disposed of at the Central Landfill in order to meet the regulatory requirements for not having to begin closure of the landfill. Pursuant to the Stipulated Order, the 10 year average is based on the period of time between July 1, 1995 and June 30, 2005.

<sup>8</sup> The terms of the short term operation are included in the Agreement for Operation of the Central Landfill and County Transfer Stations (Exhibit R to the Purchase and Sale Agreement) and the Amended and Restated Agreement for Interim Disposal and Transportation of Solid Waste (Exhibit Q to the Purchase and Sale Agreement).

terminate upon the earlier to occur of: (a) 3 years<sup>9</sup> following the date that it is determined there will be no divestiture of the assets (i.e., no closing under the Purchase and Sale Agreement) or (b) close of escrow under the Purchase and Sale Agreement.

During this phase, the other ancillary functions at the Central Disposal Site will continue. In addition, operations at the four outlying transfer stations, Annapolis, Guerneville, Healdsburg, and Sonoma, will continue as they are currently, although some of the transfer trailers used for out-of-County disposal occasionally may bring some of that waste to the Central Landfill for disposal, as described above. These occasional trips are not significant operational changes and in fact reflect the intended use of the Central Landfill facility contemplated in the 1998 EIR.

Second Phase - Long-Term Asset Transfer: The second phase of the project is the proposed sale and lease of the assets to Republic, which is conditioned on certain events occurring, including: (1) the majority of the cities within the county committing their waste flow to the Purchaser, and (2) issuance of new WDRs from the NCRWQCB and any necessary modification of the existing Solid Waste Facility Permit from the Local Enforcement Agency (LEA), allowing the Purchaser to resume waste disposal operations and fill the Existing Remaining Capacity at the Central Landfill. In the event the conditions are not met and escrow does not close, there will be no second phase of the project, and Purchaser will provide overhaul and disposal of County waste for the 2 to 3 year period described above while the County pursues other long term solid waste disposal options.

If escrow closes and the assets are transferred, the Purchaser will assume the management and operation of the assets and take the necessary measures (liner installation, etc.) to begin filling the Existing Remaining Capacity at Central Landfill in compliance with all applicable permits and mitigation measures. During this phase, the other ancillary functions at the Central Disposal Site will continue (except for the Compost Facility, which is scheduled to move to a new off-site location at the time Republic is able to resume waste operations on the compost deck (estimated to be sometime in 2012)<sup>10</sup>. The Purchaser will continue to operate the transfer stations, with all of the waste being brought from the stations to the Central Landfill for landfilling.<sup>11</sup>

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<sup>9</sup> The term of the agreement is two years; however, the County has the option to extend the term for an additional year.

<sup>10</sup> The proposed relocation of the Compost Facility is not a component of the proposed divestiture project. The Sonoma County Waste Management Agency is the lead agency on the proposed relocation of the Compost Facility.

<sup>11</sup> The Purchaser has the option after five years to close all but one facility, either landfill or transfer station, as long as the remaining facilities have sufficient capacity to handle the waste committed by the County and the cities under the Purchase and Sale Agreement. Whether that option would be exercised, and what form it would take (e.g., which facilities would close) is unknown. Accordingly, the potential impacts associated with that option are speculative and are not evaluated further. However, it can generally be stated that if landfilling ceased, the impacts would be similar to those already occurring under existing conditions with overhauling of the County's waste. Prior to making such a change, the Purchaser would be required to seek appropriate permits (e.g., from the LEA) subject to any necessary environmental review.

The Purchaser also is required to implement a Materials Recovery Facility (MRF) component within the Central Transfer Station building located at the Central Landfill facility, which must be operational by July 1, 2012. The MRF equipment to be incorporated within the Central Transfer Station building will complement the existing function of the Transfer Station and consist of conveyor belts, sorting platforms, and screening equipment. The purpose and function of supplementing the Central Transfer Station with MRF equipment is to provide the functionality for additional sorting and removal of commercial and industrial (“C&I”) waste and construction and demolition (“C&D”) debris that can be recycled/reused. The Purchase and Sale Agreement reflects public policy embodied in the Integrated Waste Management Act and contractually requires the Purchaser to meet the following diversion goals: (1) 60 percent diversion of all source-separated C&D debris; and (2) 45 percent diversion of all source-separated, recyclable materials from the C&I waste stream. If the Purchaser fails to meet the diversion targets, and the Purchaser and County cannot come to agreement on the steps necessary to meet the diversion targets, there is a binding dispute resolution process where a third party determines the necessary measures that should be undertaken and the Purchaser shall be required to undertake those measures at Purchaser’s cost. Besides processing C&D debris and C&I materials with the MRF component, Purchaser has agreed to undertake a pilot project whereby the Purchaser will modify the recyclable processing equipment to be installed with the MRF equipment to recover a portion of the wet waste from certain identified residential and commercial solid waste collection routes for diversion from disposal.

By the terms of the Purchase and Sale Agreement, the Purchaser may not seek to modify the permitted capacity at Central Landfill, the daily or annual tonnage limitations, or the traffic patterns at the landfill, or otherwise modify the Solid Waste Facility Permit for the landfill other than to the extent necessary to resume landfill operations in the Existing Remaining Capacity and construction of the MRF (Section 5.2(c), Purchase and Sale Agreement). As such, the Purchaser is in effect stepping into the shoes of the County to resume the Central Landfill facility operations studied in the 1998 EIR as part of the countywide waste management system. The Purchaser also must comply with the 1998 EIR Mitigation Monitoring Plan adopted by the County in connection with the build out of the existing capacity at the Landfill (Sections 5.2(1) and 6.2, Purchase and Sale Agreement).

The asset transfer will include a commitment of the residential and commercially collected waste stream from virtually all of the cities in the County, as well as a waste commitment from the County for the unincorporated areas, for the contract period of 20 years (hereafter referred to as the “Committed Waste”). The 20-year commitment includes contractually guaranteed disposal rates for the entire 20-year period which are dependent upon the amount of Committed Waste that is processed at the facilities, either through the MRF or through landfilling, or in the event the Central Landfill reaches capacity, through transfer to another landfill for disposal. The rates are tiered so that if there is less Committed Waste processed at the facilities, the rates are higher (although the rates would be the same whether the waste is recycled through the MRF, landfilled at Central, or hauled for out-of-County disposal). If the amount of waste from the cities and the County drops below 70% of the initial Committed Waste, then a “put-or-pay” provision would be triggered, requiring the cities and the County to pay as if they delivered 70% of the

Committed Waste. The put-or-pay provision does not require any waste that is currently being diverted be redirected to the disposal system, and therefore will have no negative impact on diversion going on in the community currently. To the extent the put-or-pay provision encourages direction of all commercially collected refuse from the committed cities and the County through the MRF at the Central Landfill, diversion and recycling will increase, not decrease. The commitment of waste from the County and cities continues the long standing operational history of the County's solid waste management system described in the 1998 EIR.

Contrary to some comments on the proposed divestiture, the Purchase and Sale Agreement does not create a financial incentive for the Purchaser to bury rather than recycle waste at the Central Landfill. Unlike some landfills that have large volumes of airspace already developed for disposal and therefore little unamortized development costs, the Central Landfill has very little available airspace in existing landfill cells (9.1 million cubic yards; see Figure 1) and requires an approximately 70 million dollar investment in a double liner system to develop the rest of the Existing Remaining Capacity. To maximize the return on this investment, it makes prudent fiscal sense for the Purchaser to make the airspace last as long as possible. The Purchaser has estimated that every ton of waste landfilled at the Central Landfill will cost the Purchaser approximately \$12.00 more than every ton diverted through the proposed MRF. Therefore, it is more cost effective for the Purchaser to divert and recycle than to landfill. The Purchase and Sale Agreement also includes an economic incentive for Purchaser to meet the MRF diversion goals (Section 6.20 of Purchase and Sale Agreement).

With projected waste generation rates, and the increased diversion of recyclable materials through the MRF, the remaining capacity at the Landfill is expected to last approximately 15 - 17 years, or possibly longer. In the event the permitted landfill areas are filled to capacity before the expiration of the 20-year commitment period, the Purchaser is required to continue to accept the waste and may outhaul it to one of its Northern California landfills (Keller Canyon Landfill in Contra Costa County or Forward Landfill in Stockton) for disposal.

After the 20-year commitment period, the Purchaser is no longer obligated to accept waste and may close all County solid waste facilities; the Purchaser must give the County at least five years' notice prior to exercising this option. Alternatively, the Purchaser and the County may mutually agree, subject to any necessary permitting and environmental review, to extend the Agreement by up to three 10-year extensions.

#### ***IV. Changes to the Project Setting / Change in Circumstances***

In addition to the minor changes in landfill operations described above that could occur if the Purchaser is successful in obtaining the necessary permits and the County's solid waste assets are transferred, a number of changes to the project setting, and changes to the circumstances in which the 1998 project was approved, have occurred since certification of the 1998 EIR. These include the detection of trace amounts of VOCs in the Landfill 2 underdrain, described above; the CARB's designation of diesel particulate matter (DPM) as a toxic air contaminant in 1998; the recognition of greenhouse gas (GHG) emissions as an environmental issue of concern under

CEQA; and an increase in background traffic volumes on the local roadway system in the vicinity of the Central Disposal Site, as well as the construction of key roadway improvements. The potential impacts associated with these changes are discussed below.

## ***V. Discussion of Potential Impacts***

The following discussion considers environmental issue areas in the 1998 EIR relative to the proposed divestiture of the County's solid waste operations as well as changes in project circumstances that have occurred since preparation of the 1998 EIR. The analysis addresses whether any of the changes would result in significant new or substantially more severe impacts than previously analyzed, such that the preparation of a Subsequent EIR or Negative Declaration would be required.

It should be noted that impacts during the First Phase – Short-Term Operating Agreement, which are included in the analysis below, will be substantially the same as are occurring under existing conditions with outhaul of the County's waste to out-of-County landfills. That is, the solid waste operations within the County would continue largely as they currently are with export of the County's waste by truck. The impacts associated with outhauling as an interim solution to disposing of the County's waste were previously analyzed in a 2005 Addendum to the 1998 EIR. The only change in operations that may occur during this First Phase – Short Term Operating Agreement is the possible landfilling of up to 30 percent of the waste stream, as described earlier, the potential effects of which are also included in the discussion below. The landfill disposal of the 30 percent of the waste stream was fully evaluated in the 1998 EIR.

### **Water Quality:**

#### *Landfilling:*

*First Phase – Short Term Operating Agreement:* During this phase, the County may direct the Purchaser to begin Limited Disposal Operations in the remaining available space in Phases 1 and 2 of Landfill 2 and a portion of the remaining available space in Landfill 1, as shown in Figure 1. (The remainder of the waste would continue to be outhauled to out-of-county landfills as is occurring today.)

The resumption of Limited Disposal Operations in these existing landfill cells within Landfills 1 and 2 will not result in a significant new or substantially more severe impact than previously analyzed. The 1998 EIR addressed the potential water quality impacts of landfill operations in Landfill 2 (East Canyon). As described above in the Background section, following construction and commencement of waste disposal in Phases 1 and 2 of Landfill 2, water quality monitoring of the underdrain system detected the presence of trace amounts of VOCs. A retrofit and repair of the Landfill 2 liner system has been completed, which has eliminated any potential communication between the underdrain and landfill gas. Ongoing water quality sampling of the underdrain has shown significant reductions in the level of VOCs detected. Although trace

amounts of VOCs are still being detected in the underdrain, the system is functioning as designed, capturing potential contaminants and preventing their entering the groundwater.

With respect to Landfill 1, the resumption of Limited Disposal Operations within Landfill 1 also will not result in new or substantially more severe water quality impacts. In compliance with the 2004 corrective action WDR to address a pre-existing leachate buildup, the County has developed a long term landfill gas and leachate management plan for Landfill 1 to control landfill gas and remove leachate. No landfill-related VOCs or leachate have been detected in any of the perimeter monitoring wells at the site as shown in Figure 2.

The RWQCB's 2004 corrective action WDRs permit the addition of waste to these existing landfill cells within Landfills 1 and 2 without the need for new WDRs, as long as the placement of waste in Landfill 1 would not impede ongoing corrective actions in the area. Accordingly, the Limited Disposal Operations proposed during the First Phase – Short Term Operating Agreement are not expected to result in new or substantially more severe effects to water quality.

*Second Phase - Long-Term Asset Transfer:* This phase will be implemented only if Purchaser is successful in obtaining new WDRs from the RWQCB and, if necessary, a modification of the Solid Waste Facility Permit from the LEA, which will in turn depend on Purchaser demonstrating that all water quality impacts associated with the construction of landfill expansion areas and the resumption of waste disposal have been adequately addressed. The Purchaser will be required to comply with all regulatory requirements of the applicable regulatory agencies, including any necessary additional environmental review as determined by the permitting agencies.

The construction of landfill cells and the resumption of disposal operations in Landfill 1 and in Phases 3, 4, and 5 of Landfill 2 (see Figure 2), will not result in any significant new or substantially more severe water quality impacts than previously analyzed in the 1998 EIR. With respect to Landfill 1, the long term landfill gas and leachate management plan described above will ensure continuing landfill gas control and detection and removal of leachate. With respect to Landfill 2, the Purchaser intends to install a double composite liner in the remaining Phases 3, 4, and 5, which will be even more protective of groundwater than the liner analyzed in the 1998 EIR. In addition, the areas of Landfill 2 that overlap Landfill 1 will also have a liner system which will meet current stringent regulatory requirements for new landfills and will isolate any leachate and landfill gas from Landfill 2 and prevent any contribution of these to Landfill 1. Accordingly, construction of new landfill cells and the addition of waste in the Existing Remaining Capacity would not result in any new or substantially more severe impacts than those evaluated in the 1998 EIR.

The Rock Extraction Area landfill component was fully analyzed in the 1998 REA EIR. This area will also include a liner and leachate collection system that meets current regulatory requirements for new landfills, and will be hydrologically isolated from other landfill cells. Accordingly, development of the Rock Extraction Area would not result in any new or

substantially more severe impacts than those already described in the 1998 EIR and 1998 REA EIR.

Based on the above discussion, the transfer of the Central Disposal Site to Purchaser to allow the resumption of in-county disposal of the County's solid waste will not result in significant new or substantially more severe water quality impacts than were described in the 1998 Central Disposal Site Improvement Program EIR and the 1998 the Central Disposal Site Rock Extraction Project EIR. As contemplated in those documents, all landfilling will be subject to appropriate permits from the applicable regulatory agencies, including the RWQCB, and must meet stringent current regulatory standards for the protection of water quality.

#### *Outhauling:*

Outhauling of the County's solid waste will continue during the first phase and may occur at the end of the contract period if waste disposal capacity at Central Landfill is exhausted. No water quality impacts associated with the transport of waste on County roadways were identified in the 1998 EIR, nor have any been identified in the four years that the County has been outhauling waste to out-of-County landfills. Accordingly, it is not anticipated that there would be any significant water quality impacts associated with the continuation or future resumption of outhauling of waste.

#### **Air Quality:**

Air Emissions: The 1998 EIR addressed air quality impacts of constructing and operating expansion of the Central Landfill and the other improvements proposed as part of the project. The 1998 EIR found all air emissions to be less than significant, with the exception of NO<sub>x</sub> and ROG emissions from the landfill expansion component for the years 2005 to 2014. NO<sub>x</sub> and ROG are criteria pollutants that contribute to the formation of ozone. However, this impact determination assumed both the East and West Canyons would be constructed and operated during this period, and, as noted above, the West Canyon has never been developed and is not part of the proposed project. Accordingly, the NO<sub>x</sub> and ROG emissions identified in the 1998 EIR would be less than described, but would occur over a longer time frame than analyzed in the 1998 EIR. This would not be a significant new or substantially more severe impact than previously identified. It is in fact a lesser impact than previously identified. Moreover, the NO<sub>x</sub> emissions will likely be substantially reduced from the amounts shown in the 1998 EIR given the more stringent emission standards established by the CARB since 1998 for the waste hauling vehicles and the off-road equipment used at the site. These newer requirements are strict legal limits which mandate lower emissions than previously allowed under prior regulations. These reductions, combined with the fact that the West Canyon landfill component is not part of the proposed project, means that the significant and unavoidable NO<sub>x</sub> impact from Central Landfill operations already identified in the 1998 EIR would likely be less than shown.

Since certification of the 1998 EIR, the CARB has designated diesel particulate matter (DPM), a human carcinogen, as a toxic air contaminant (TAC). Since DPM was not included in the

analysis of TACs in the 1998 EIR, it is information that now must be considered as part of this analysis. The Bay Area Air Quality Management District (BAAQMD) has established the following significance threshold for DPM: the increased risk of contracting cancer for the maximally Exposed Individual (MEI) as a result of the project exceeds 10 in one million people for a 70 year exposure. In order to determine if this threshold is met, a Health Risk Assessment (HRA) was conducted (*Diesel Particulate Matter Health Risk Assessment for the Sonoma County Central Landfill Divestiture Project*, July 2009, Illingworth and Rodkin, Inc.).

This study calculated the DPM emissions for both the baseline (existing conditions, under which waste is hauled out-of-County) and the proposed project, taking into account both on-road and off-road equipment emissions. Consistent with standard modeling practice, the modeling assumes that the project vehicle fleet will be upgraded over time (with improved engine efficiencies and emission controls) as required by the CARB. The study modeled the emissions of the various landfill activities and the vehicles entering the facility to determine the increased health risk at the closest receptors to the facility, which include the homes along Mecham Road, the home located north of the landfill access road, and the home located directly north of the site. The residential receptor with the greatest exposure is located directly to the north of the facility.

The study found that the increased cancer risk, calculated as a time-weighted 70 year risk for a 70-year exposure, under existing conditions (baseline) is 5.9 per million and for the proposed project would be 4.8 per million. This actually represents a *reduction* in the increased cancer risk at the closest receptor with implementation of the project (i.e., 1.1 fewer excess cancer cases per million). The reason for the decrease with the proposed project compared to the baseline condition is that the Purchaser is proposing to use newer equipment at the landfill than the County is currently using, and will also be using fewer pieces of equipment than the County currently uses. Accordingly, the increased cancer risk with the proposed project would be less than significant and less than under existing conditions, which is also less than significant.

GHG Emissions: GHG emissions were not discussed in the 1998 EIR, as understanding of the effects and science of GHG emissions was still relatively new and not generally discussed in CEQA documents at that time. According to a letter report by ESA (memo to Patrick Carter, Sonoma County Waste Management Agency, August 22, 2008, *Greenhouse Gas Emission Reductions Associated with Reuse of Central Landfill*), GHG emissions will be *reduced* with the proposed project compared to existing conditions. This report found that, with the resumption of landfilling at the Central Landfill site, there would be a net reduction of 2,334 metric tons per year of GHG emissions as compared to the baseline scenario which is occurring currently with *outhauling*.<sup>12</sup> This reduction is primarily due to the decreased vehicle miles traveled with in-

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<sup>12</sup> Note that the analysis of GHG emissions in the Draft Supplemental Program EIR for the Amendment to the Sonoma Countywide Integrated Waste Management Plan (June 2009) has slightly reduced emissions compared to the August 2008 letter report used for this Addendum. According to the consulting firm that prepared both analyses, the difference is due to the use of updated emissions calculations for the Draft Supplemental EIR based on slightly different model years for the vehicle mix (pers. comm. Paul Miller, ESA, August 13, 2009).

County landfilling versus the out-of-County landfilling scenario. As noted earlier, there is the possibility of some outhauling at the end of contract period if waste disposal capacity at the Central Landfill is exhausted. In that case, the overall reduction in GHG emissions may be somewhat less than calculated; however, the proposed project would still represent a net benefit over existing conditions.

The January 2005 “Green House Gas Emissions Inventory for all sectors of Sonoma County” prepared by the Climate Protection Campaign determined that the Solid Waste Sector in Sonoma County has a net positive impact on the countywide generation of GHG emissions, reducing emissions by 78.8 thousand tons in 2000. This report describes the amount of GHG sequestered by the solid waste sector as only a fraction of the GHG produced when the same materials which are disposed, are manufactured. The GHG emissions reductions achieved through increasing recycling through the proposed MRF will significantly contribute to greater GHG reductions in an economy-wide inventory.

In addition, although landfills generate methane gas, a GHG contributor, the project site captures the gas through an extensive gas collection system, and generates power which is supplied to the PG& E power grid. Other landfills simply flare (burn off) this gas. Although the combustion emissions from flaring and power production are similar, the energy production used at the Central Disposal Site replaces energy that PG&E would otherwise produce and thus reduces the indirect GHG emissions associated with this production. The Purchaser is required to continue to capture the landfill gas and process it in a manner that produces renewable energy (Section 6.19(d) of the Purchase and Sale Agreement).

**Odors:**

The 1998 EIR addressed odor impacts associated with Central Landfill operations and determined that they were significant and unavoidable, noting in particular, problems with the greenwaste shredding area and composting operations on the site and, to a lesser extent, inadequate daily cover of active landfill areas. As noted above, the compost facility is already scheduled to be relocated off-site in 2012; however, the Purchaser has agreed to work with the Waste Management Agency to locate a suitable on-site location for composting outside the permitted footprint of the landfill area which would require a discretionary permit from the RWQCB. With respect to daily cover of active landfill areas, the 1998 EIR includes mitigation measures to ensure there is adequate supply of cover materials available to cover refuse daily; as noted above, the Purchase and Sale Agreement requires the Purchaser to comply with all mitigation measures imposed in the 1998 EIR. Section 6.15 of the Purchase and Sale Agreement also prohibits the use of green waste or wood waste for daily cover at the Landfill, thus eliminating another potential source of odors. Accordingly, potential odor impacts from resumption of landfilling at Central Landfill will likely be less than identified in the 1998 EIR.

Based on the above analysis, the proposed project will not result in significant new or substantially more severe air quality impacts than were shown in the 1998 Central Disposal Site

Improvement Program EIR. In fact, implementation of the proposed project will generally reduce air emissions over the current outhauling of refuse to out-of-County landfills.

**Traffic:**

The 1998 EIR analyzed traffic impacts of the various operational improvements at the Central Disposal Site to a horizon year of 2014, as well as the cumulative traffic impacts associated with an additional 8 months of landfilling capacity achieved through the Rock Extraction Project (i.e., extending the horizon year until 2015). Outhauling of all County waste has been taking place since 2005.

A traffic study (*Traffic Impact Study, Sonoma County Central Landfill*, Crane Transportation Group, June 16, 2009) was prepared to update the traffic analysis associated with extending the horizon year of waste disposal in the County to 2030 for the proposed project. This study considered the same intersections and roadway segments in the vicinity of the facility as in the 1998 EIR, and analyzed the a.m. peak hour traffic impacts at these locations (when traffic in the vicinity of the Central Disposal Site is heaviest), as was done in the traffic study for the 1998 EIR. The study updated the traffic counts for the a.m. peak hour on affected roads, traffic projections into the future on affected roadways, and also used revised projected trip generation information into and out of the facility during the a.m. peak hour.

*First Phase - Short Term Operating Agreement:* During this phase of the project, which will extend up to 3 years beyond the time that divestiture fails or does not close escrow, the landfill will function as it does currently, with one possible change – up to 30 percent of the waste stream may be disposed of in the areas marked on Figure 1, as described above under Limited Disposal Operations, and some of the transfer trailers used for out-of-County disposal from outlying transfer stations occasionally may bring some of that waste to the Central Landfill for disposal. During this phase of the project, there would be no other change to the daily number of trips to the facility from what is occurring today, as trucks that would deliver waste to the transfer building for outhauling under current conditions would instead simply drive to the active landfill to dispose of the waste. Thus, there would be no significant new or potentially more severe traffic impacts related to the implementation of the first phase of the proposed project.

*Second Phase - Long-Term Asset Transfer:* During this phase of the project, 100 percent of waste brought to the site would be processed at the site (i.e., recycled/diverted or landfilled). For purposes of the traffic study, it was assumed that landfilling, once resumed, would continue for an estimated period of approximately 15 years, and for the remaining five years of the project, the waste would be outhauled to out-of County disposal sites, as is now being done.<sup>13</sup>

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<sup>13</sup> Note it is likely that landfilling could occur for longer than 15 years, depending upon growth in the County, waste generation, and diversion rates of recoverable materials, particularly with construction of the MRF. The traffic analysis considered the above time periods in the analysis based on information available at the time. However, the change from landfilling to outhauling would not generate a substantial change in traffic to or from the Central (Footnote cont'd on next page)

The traffic study compared the project with the background traffic that exists today (with the outhauling of waste), which is defined as the base case. The base case traffic was then compared to the projected horizon years of 2010 and 2025 (assumed last year of landfilling)<sup>14</sup> to determine if the project would result in any new or substantially more severe significant impacts than disclosed in the 1998 EIR.

Consistent with the 1998 EIR, the updated traffic study found that, with implementation of the project, two significant traffic impacts would occur: 1) the intersection of Stony Point Road and Roblar Road would meet the peak hour signal warrant criteria, and 2) the intersection of Stony Point Road and West Railroad Avenue would also meet the same signal warrant criteria. These are the same significant traffic impacts described in the 1998 EIR (see Traffic Impacts No. 2 and 3a at pages 3-219 and 3-221). Accordingly, the traffic study confirms that the proposed project will not result in significant new or substantially more severe traffic impacts than were shown in the 1998 EIR.

### **Noise:**

The 1998 EIR analyzed and mitigated accordingly, the potential for short-term construction noise impacts, long-term off-site project-related traffic noise, long-term on-site project-related operational equipment noise, and combined traffic and operational noise impacts for the various improvements proposed.

*Short Term Construction Noise:* Following the close of escrow and assumption of the County's solid waste operations, the Purchaser would undertake limited new construction (installation of the MRF, most of which is inside the public tipping building, and minor grading associated with landfill liner installation, where required). These minor construction activities will be short-term and will generate less noise than construction of the larger landfill expansions and other project components that were previously analyzed in the 1998 EIR and determined to be less than significant.

The potential operational and traffic noise impacts of the first and second phases of the project would be essentially the same, as described below.

*Traffic Noise:* The primary noise generated at the Central Disposal Site is related to traffic to and from the facility. The 1998 EIR addressed traffic noise on the primary routes used to travel to and from the facility, and mitigated impacts accordingly. As described above in the discussion of transportation impacts, the 1998 EIR estimated the number of vehicles accessing

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Disposal Site, as the site would operate as a transfer station, and thus would not substantially affect the traffic study analysis.

<sup>14</sup> The traffic projections during the a.m. peak hour for landfilling in the future horizon years used in the traffic study were based on actual counts in 2003, and are less than those projected in the 1998 EIR, most likely because the growth rate and subsequent waste generation rate assumptions were over-estimated in 1998.

the facility during the a.m. peak hour, and made assumptions as to the mix of these vehicles (approximately 50% of the vehicles would be medium and large-sized trucks). For this project, the a.m. peak hour projections for traffic to and from the facility were updated from the 1998 EIR, based on actual traffic counts in 2003, when landfilling was still occurring. Based on these revised traffic projections, the proposed project will generate fewer a.m. peak hour vehicles than projected in the 1998 EIR for the landfilling phase and the potential outhauling phase. Because of this, there would be no new significant or substantially more severe long-term traffic-related noise impacts as a result of the proposed project than those already described in the 1998 EIR.

*Operational Noise:* The 1998 EIR found no significant impacts related to long-term operational noise from landfilling or the public tipping building. The Purchaser is proposing to use newer equipment than the County is currently using, and will also be using fewer pieces of equipment than the County currently uses. Accordingly, long-term operational noise impacts are likely to be even less than identified in the 1998 EIR.

MRF: The project also includes construction of a Material Recovery Facility (MRF) within the existing public tipping building, as described above in the Project Description. The MRF has a number of components, which include conveyor belts, sorting platforms, and screening equipment, and will be installed within the tipping building, except for a baler which will be used to bale commodities from the commercial and industrial sort line (e.g., plastic, metal, cardboard, glass, etc.) and will be located outside on the west side of the building. The MRF will operate five days a week for eight hours. Note that the public tipping building has three sides and is open on the north side.

The 1998 EIR analyzed the noise associated with the unloading of refuse and the loading of transfer trailers that occur in the public tipping building. The EIR found that due to the relatively low level of activity, the large distance (a minimum of 1,000 feet) to the nearest receptor, and an intervening ridgeline, the resulting noise levels associated with activities in the public tipping building would not have a significant noise impact. With the addition of the MRF inside the building, and the baler outside, it is possible noise levels may increase, although distance and topography will continue to provide noise attenuation. Construction and operation of the MRF will require a Use Permit from the County and the Purchaser therefore will be required to demonstrate that the design meets the General Plan noise standards, mitigated if necessary by noise-attenuating measures. Typical noise-attenuating measures could include noise barriers, noise blankets, or shielding of noise-generating engines and motors. With implementation of appropriate mitigation measures for the MRF, no new significant or substantially more severe noise impact from landfill operations than previously analyzed would result.

### **Land Use/Planning:**

The Sonoma County General Plan (GP 2020) identifies the Sonoma County Waste Management Agency's Countywide Integrated Waste Management Plan (CoIWMP) as the principal planning document for solid waste management in the County. The CoIWMP contains goals, objectives, and policies to guide solid waste management and disposal actions within the County. The

CoIWMP does not currently provide for ownership and operation of the landfill by a private company as an option for solid waste management. GP 2020 Policy PF-2p provides that the CoIWMP should be amended as necessary to address potential shortfalls in future landfill capacity. The Waste Management Agency has prepared a Draft Amendment to the CoIWMP to include private ownership and operation of the Central Landfill as an option for addressing landfill capacity issues, and a Draft Supplemental Program Environmental Impact Report (SPEIR) for the Amendment has been circulated for public review and comment. The Waste Management Agency anticipates adopting the Amendment by end of 2009.

The project site has been used for waste disposal since 1971. The GP 2020 land use designation of the site is public/quasi-public (PQP), which recognizes a waste disposal site as a permitted use. The sale of the Central Disposal Site for continued use as a waste disposal site would not constitute a change in use and would generally be consistent with the existing land use designation.

### **Cumulative Impacts:**

The 1998 EIR discussed cumulative impacts that could occur with implementation of the Central Disposal Site Improvement Program in conjunction with other projects in the vicinity. Included in the 1998 EIR as the key projects with potential to contribute to cumulative impacts were the following:

Rock Extraction Project - the project included excavating a 14.3 acre rock outcrop at the Central Disposal Site, and extending the life of the Central Landfill site by approximately 8 months. The rock extraction component is complete and therefore no longer contributes to any cumulative impacts associated with the proposed project. The landfilling component of the Rock Extraction Project is part of the currently proposed project, and is included in the Existing Remaining Capacity.

Stony Point Quarry - to accommodate the Rock Extraction Project, the Stony Point Quarry revised their operating permit to accept the rock excavated from the Rock Extraction Project. This project has been completed and therefore no longer contributes to any cumulative impacts associated with the proposed project.

Stony Point Road/Highway 116 Intersection Improvements - These intersection improvements have been constructed and therefore would no longer contribute to any cumulative impacts associated with the proposed project.

Stony Point Road Reconstruction - this project is complete (minus a short segment at the southern end near the City of Petaluma), and therefore would no longer contribute to any cumulative impacts associated with the proposed project.

Dunham School Expansion – as described in the 1998 EIR, the school planned to increase enrollment from 128 students to approximately 175 students over several years;

that expansion has occurred. The increased trips associated with the increased enrollment are reflected in the traffic counts for the project and are part of baseline, and therefore do not give rise to any additional cumulative impacts.

Santa Rosa Wastewater Reclamation Project – the project described in the 1998 EIR was the construction of a large reservoir on the Button Ranch, one-half mile west of the West Canyon Expansion area. The project would have included irrigation and transmission pipelines in many of the roads in the vicinity. This project was not constructed, and the City of Santa Rosa implemented a different project, which is now complete.

With the exception of the Dunham School Expansion, the potential cumulative impacts of all of these projects were associated with their construction. Since they have been completed, the potential for cumulative impacts with the proposed project has ceased. However, one new project with the potential to contribute to cumulative impacts has been identified:

Roblar Road Quarry - this project, which proposes a new, 65-acre hard rock quarry on Roblar Road, is currently under review by the County, with a Final EIR anticipated to be released in the fall of 2009. The quarry proposes to mine approximately 570,000 cubic yards of material annually, for a mining period of 20 years.

The following analysis considers issue areas in which the Roblar Road Quarry and the proposed project could result in cumulative impacts not previously addressed in the 1998 EIR.

#### Cumulative Water Quality

The two projects are in different watersheds: the Roblar Road Quarry site drains to Americano Creek, while the proposed project site drains to Stemple Creek. Due to the distance between the proposed Roblar Quarry site and the project site, and different watersheds, there is no potential for any cumulative water resource impacts.

#### Cumulative Air Quality

The Roblar Road Quarry Draft EIR (May 2008) found a significant unavoidable impact in NO<sub>x</sub> emissions from the project. The 1998 EIR also identified a significant cumulative impact in NO<sub>x</sub> emissions. As noted above, most of the projects analyzed as cumulative projects in the 1998 EIR have been constructed and are therefore no longer a factor in NO<sub>x</sub> emissions; however, because of the Roblar Road Quarry project's contribution of significant NO<sub>x</sub> emissions, there would continue to be a significant cumulative impact in NO<sub>x</sub> emissions.

#### Cumulative Traffic

The Draft EIR for the Roblar Road Quarry identified likely haul routes for quarry traffic. Some of these haul routes include the same intersections utilized by the proposed project, including the intersections of Stony Point Road/Roblar Road, Stony Point Road/West Railroad Avenue, and

Stony Point Road/Mecham Road. The Stony Point Road/Mecham Road intersection has been signalized since preparation of the 1998 EIR, and no significant cumulative impact will occur there. Both the Stony Point Road/Roblar Road and Stony Point Road/West Railroad Avenue intersections are identified as meeting signal warrants in both the 1998 EIR and in the updated traffic study for this Addendum. The Roblar Road Quarry project would generate approximately 28 truck trips during the am peak hour. Given the low number of truck trips and their distribution over the haul routes during the a.m. peak hour, the cumulative traffic impact at these two intersections would not be substantially more severe than previously identified.

### Cumulative Noise

The primary noise impact identified in the 1998 EIR is truck traffic on Mecham Road. Because Mecham Road is not a potential haul route for the Roblar Road Quarry project, there would not be a cumulative impact with the proposed project. Given the distance between the two project sites, operational noise also would not be a cumulative impact.

### Alternatives:

With respect to whether new alternatives to those previously considered in the 1998 EIR must be identified in addressing the proposed divestiture of the County's solid waste assets as described above, the question is whether new information that was not known and could not have been known with the exercise of reasonable diligence when the prior environmental document was prepared shows either (1) that an alternative previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant project impacts but will not be adopted, or (2) that an alternative considerably different from those previously analyzed would substantially reduce one or more significant project impacts but will not be adopted.

The 1998 EIR considered four alternatives to the proposed expansion of Central Landfill (three build alternatives and a "no project" alternative):

- East Canyon Only: This alternative considered developing the East Canyon only, with no expansion into the West Canyon. This is the current situation, and the proposed project does not include landfilling within the West Canyon.
- East Canyon Only (with reduced capacity): This alternative considered landfilling in the East Canyon only, limited to a period of 10 years.
- Alternate Site: This alternative considered four alternative sites in the County based on a siting study prepared by the County in 1989.
- No project: This alternative considered the consequences of no landfill expansion, with eventual closure of the existing landfill and siting of a new facility at an undetermined location.

The 1998 EIR also considered alternatives that had been discussed in the 1994 County Integrated Waste Management Plan (CoIWMP) Program EIR. Among the alternatives found to be infeasible and not carried forward for further consideration in the 1998 EIR were:

- **Materials Recovery Facility (MRF) combined with a Waste Transformation Facility:** Under this alternative, all commercial, industrial and residential waste would be processed at the MRF to remove as much recyclable waste as possible, and the remaining combustible waste would be pelletized into a refuse derived fuel and incinerated in a facility that would generate both electricity and ash. The electricity could be used to power the facility and excess could be sold as renewable energy. The resulting ash would be landfilled at Central Landfill.
- **Municipal Solid Waste Materials Recovery with Transfer Station:** This alternative would involve construction of a MRF, either at the Central Disposal Site or elsewhere, with the remainder of the waste disposed of at the Central Landfill.
- **Municipal Solid Waste Composting with construction/demolition waste reuse and recycling:** Under this alternative, a MRF would be constructed (either on- or off-site), which would handle the commercial, industrial and residential waste stream and also recover construction and demolition wastes. All residual organic wastes; food, yard debris, wet cardboard, paper products, etc, would be composted using an in-vessel composting method. The product would be sold and/or disposed of at the Central Landfill.
- **Exportation of all of the County's waste out of County for disposal, by truck or rail.**
- **Transformation (mass burn):** A waste-to-energy facility would be constructed and all refuse would be burned to recover energy and reduce the volume of landfilled waste. The resulting ash would be landfilled.

Of these alternatives found to be infeasible in the 1998 EIR, the implementation of MRF activities, which will remove from the waste stream commercial and industrial waste and construction and demolition debris that can be recycled/reused, is part of the proposed project and will be implemented by the Purchaser. This likely will result in greater diversion of recyclable/reusable materials than under existing conditions, as commercial and industrial waste is not currently removed from the waste stream at the site. Increased diversion, likely to be on the order of 75% as the state increases its goals from the currently required 50% diversion rate, is the established policy of the state and is expected to continue to be a centerpiece of the state's waste management program. Thus, with implementation of the project, it is likely that diversion rates will exceed existing levels and will continue to exceed the current state mandated levels for the contract period. It is presumed that the Sonoma County Waste Management Agency will continue to operate an organic material processing facility at the Central Landfill and eventually at an off-site location. A waste-to-energy facility (described in the first and fifth bullets) continues to be a prohibitively expensive technology, as well as difficult to permit due to air quality impacts and ash disposal issues. There has not been a new solid waste incineration facility permitted in the State of California in the last decade. Accordingly, this previously identified alternative would continue to be infeasible.

Exportation of the County's waste by truck to out-of-County landfills (described in the fourth bullet) is currently underway. Although feasible, this alternative does not reduce significant impacts of the proposed project, and in fact results in substantially greater GHG emissions than

local landfilling, as shown above, due to the greater distances waste must be hauled for disposal. Exportation of the County's waste by rail is currently being evaluated as an alternative in the Draft Supplemental Program EIR for the Amendment to the Sonoma Countywide Integrated Waste Management Plan (June 2009, Sonoma County Waste Management Agency). No freight rail service is currently available in Sonoma County, although resumption of service has been proposed and is being evaluated in the North Coast Railroad Authority's Russian River Division Freight Rail Project Draft Environmental Impact Report (March 2009). However, even if transport by rail is feasible and were available, this alternative would have greater GHG emissions than the proposed resumption of in-County landfilling. In addition, this alternative would require new public infrastructure for loading and off-loading of the containers from the rail line, with associated operational noise impacts of these facilities. The air quality impacts associated with landfilling would not be eliminated, but rather would be transferred to the out-of-County facilities to which the waste is transported. Accordingly, this alternative would not reduce significant impacts of the proposed divestiture project.

## **VI. Conclusion**

The County's proposed divestiture project is primarily a transfer of the real and personal property, permits, contracts, and other assets related to the operation of the County's solid waste system. The proposed transfer is subject to a two-year escrow period during which the Purchaser will pursue the necessary permitting to resume landfilling in the County. If the Purchaser is successful in obtaining those permits, the asset transfer will take place and the Purchaser will assume operation of the County's solid waste facilities, consistent with the County's prior plans and all applicable regulatory requirements. The resumption of in-County waste disposal, combined with the Purchaser's proposed new MRF and improved landfill liner systems, will offer substantial environmental benefits compared to existing conditions in the areas of GHG emissions and water quality.

As shown in this Addendum, although there are some minor changes in the project and project circumstances, these changes will not result in any new significant effects, or substantially more severe significant effects than previously examined in the 1998 Central Disposal Site Improvement Program EIR. In addition, no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the prior EIR was certified has been identified that shows that mitigation measures or alternatives that were previously found to be infeasible are now feasible and would substantially reduce one or more significant effects of the proposed project, or that mitigation measures or alternatives considerably different from those analyzed in the prior EIR would substantially reduce one or more significant effects of the proposed project but are not being adopted.

Accordingly, a subsequent EIR or Negative Declaration is not required, and this analysis will serve as an Addendum to the 1998 Central Disposal Site Improvement Program EIR, as required under Section 15164 of the CEQA Guidelines.