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DEPARTMENT OF CONSERVATION  
AND DEVELOPMENT

August 11, 2008

Ms. Deidra Dingman  
Contra Costa County  
Community Development Department  
651 Pine Street, Fourth Floor, North Wing  
Martinez, California 94553-1229

RE: COMMENTS ON APPLICATION TO AMEND LAND USE PERMIT FOR KELLER CANYON  
LANDFILL

Dear Ms. Dingman:

The City of Pittsburg has reviewed the application to amend the Land Use Permit for Keller Canyon Landfill and would like to submit the following letter with comments on the proposed amendments.

The City of Pittsburg is highly concerned with the inconsistencies between the Solid Waste Facilities Permit (SWFP) for Keller Canyon Landfill (KCL) and the proposed changes to the Land Use Permit and the impact these would have on the City of Pittsburg. Items of concern and clarification requested before authorization changes to the Land Use Permit (LUP) are as follows:

Maximum Daily Tonnage:

1. *Proposed increase from 3,500 TPD to 4,900 TPD* - The City opposes this increase without an update to the California Environmental Quality Act (CEQA) analysis previously prepared for the project. If the County has prepared an updated CEQA analysis, the City would like to review it and comment on it. The new proposed 40 percent increase in daily tonnage does not appear to fit within projections identified within the EIR. The proposed daily tonnage increase by KCL in January 2000 cited the 1990 EIR proposed estimated tons based on assumed growth rates of 2 percent per year, with projections to 2005. KCL reached the proposed projection of the EIR in 2000; the additional 40 percent would exceed the maximum daily tonnage analyzed in the Environmental Impact Report (EIR) certified for KCL and would therefore warrant new analysis in an updated EIR. The conservative projections and project summary in the EIR are outdated and KCL's application affirms this with their acknowledgement of "*east Contra Costa and Solano County growth that will occur over the next decade as well as the uncertainties surrounding out-of-county options*" statement.

KCL's additional argument for daily tonnage increase that landfill capacity was impacted by facility closures is inaccurate since this was addressed in the EIR with closure dates of albeit 2002 and 2005 instead of the stated timelines of 1991 and 1993. In addition, the applicant's project description implies that material currently going from the transfer station in Pittsburg to the Potrero Hills Landfill will be redirected to KCL, in the event that Potrero Hills is unsuccessful in obtaining approvals for their facility expansion requests (pages 2-3). Other landfills in the region such as Altamont Landfill and Vasco Landfill also should be acknowledged, as the transfer station in Pittsburg may elect to send their material to one of these landfills. Failure to acknowledge



these alternative landfill sites creates a mis-directed sense of urgency around expected landfill closures and redirection of solid waste material.

The City understands that KCL believes that the maximum daily tonnage was intended to be conditioned for refuse only as noted in the LUP and not include soil and cover materials. If that was the true intent per definition then other commercial waste, institutional waste and sludge would not have been accepted at this Class II designed landfill. Inconsistencies in terminology in the EIR may have contributed to this and current solid waste management requirements and accounting should set precedent with the inclusion of all materials as part of the Maximum Daily Tonnage limit. The City requests a more accurate description of the cumulative TPD in solid waste KCL is requesting. It is misleading to indicate a proposed increase to 4,900 TPD in one part of the project description only to imply in succeeding paragraphs that the proposed 4,900 TPD excluded non-disposal material.

Management of Beneficial Re-Use Materials and Alternative Daily Cover:

1. *Proposed daily caps for Green Waste, Wood Waste and Inert/Beneficial Re-Use* - KCL is proposing the "new maximum daily tonnage limit ...include all materials accepted for disposal but exclude non-disposal materials (i.e. cover, alternative daily coverage (ADC), inert materials that are beneficially re-used)." In addition to the proposed new maximum daily tonnage limit of 4,900 TPD, KCL is requesting an amendment to their LUP that would allow them to accept 1,300 TPD, of the following which would not be counted towards the daily tonnage:

- *Green Waste* 500 TPD
- *Wood Waste* 300 TPD
- *Inerts/Beneficial Re-Use* 500 TPD (includes concrete & asphalt/recyclable)

The City acknowledges that the regulations allow for the exclusion of ADC and Beneficial Re-Use from disposal tipping fees but these materials are still counted toward the daily tonnage limit. The City opposes this exclusion and questions the validity based on current solid waste management regulations as well as the increase to 6,200 TPD (or a 77 percent increase) without CEQA analysis or a new EIR. In addition, if AB 2640 (Huffman) passes, only a percentage of ADC will be considered reuse and the remaining will be included in the disposal tipping fee program.

2. *Beneficial Re-Use Tracking* - KCL is allowed to use tarps, green waste and 'clean' soil as ADC. The Waste Flow Diagram (Attachment 5) indicates that Wood Waste is "stockpiled" for beneficial re-use. The City would like to know to what beneficial re-use program at KCL would the 300 TPD be attributed. If the material is used for ADC, the City would like to know how the material will be processed. Per T27 CCR § 20686, how will the material be tracked to ensure compliance? Does the Development & Improvement Plan mentioned in the Land Use Permit (LUP), section 20.21 and 20.22, account for the volume and type of materials that can be used?

Peak Daily Truck Trips:

1. *Proposed increase in daily Transfer Truck trips and retention of existing 320 peak daily truck trips* - The 320 peak daily truck trips may be conditioned in the LUP but the SWFP allows only 260 truck trips per day. KCL exceeded the truck trip count 63 days in 2007 and recorded 320 truck trips on Sept 12<sup>th</sup>. The City is concerned about the violations to the SWFP and believes the LUP should be modified to either reflect the Permitted Traffic Volume of 260 vehicles per day as conditioned in the SWFP or that condition 3.5 in the LUP, Compliance - Solid Waste Facility Permit, be adhered to. The modest increase of the 140 truck transfer trips is being requested and the City believes this should not be allowed until the SWFP has been modified and the issues regarding the maintenance of Bailey Road have been finalized. The severe wear and tear on

roadway pavement from slow moving heavy loads such as truck traffic is well documented. Bailey Road was designed to accommodate some truck traffic; however, it was not designed to accommodate the proposed truck traffic loads. The existing roadway is already showing signs of significant distress. Increases in truck traffic will have a severe impact on the pavement life of Bailey Road disproportionate to the increase in the total vehicles. The adequacy of the road maintenance surcharge to be collected by KCL needs to be resolved as a result of the project impact. In addition, due to the large size and slow acceleration of the transfer trucks, the City of Pittsburg also feels that the increase in transfer vehicle traffic will also have a disproportionate affect on traffic congestion, noise, and air pollution.

It is also the belief of the City that it is not possible to increase the tonnage from 3,500 TPD to 6,200 TPD without exceeding the daily permitted truck trips of 260, based on a truck weight of 23 tons. As mentioned in the paragraph above and in contrast to the statement made on page 4 of the applicant's project description, KCL has, on 64 occasions in the last year, met or exceeded the more lenient LUP cap of 320 truck trips per day under its current maximum tonnage of 3,500 TPD. With the 77 percent increase in maximum daily tonnage currently requested by KCL, the City believes that there is a reasonable expectation that both the 260-trip cap specified in the SWFP as well as the 320-trip cap specified in the LUP will be exceeded on a regular and frequent basis. The applicant's project description suggests that truck trips would not increase (page 4), but includes little justification to support that assertion. The City also believes that this reasonable expectation of a significant increase in truck trips warrants an update of the traffic impact analysis in the Keller Canyon Landfill Environmental Impact Report (KCL EIR, 1989), which analyzed a maximum of 320 peak weekday in-bound truck trips (page 3-181). A truck trip count higher than the 320 trips analyzed in the KCL EIR could trigger additional traffic, air quality and roadway maintenance impacts not identified in the certified EIR, and in turn warrant preparation and circulation of a new draft EIR for the permit revision. The update to the KCL EIR traffic impact analysis should be based on current traffic conditions and land use assumptions, including those of the County's Pittsburg/Bay Point BART Station Area Specific Plan (2002) and the Pittsburg General Plan (2001, as amended), should comply with current county-wide standard procedures for preparation of traffic studies, and should identify appropriate new mitigation measures to address any newly-identified impacts that would result from the proposed permit revision.

Allowable Vehicle Types:

1. *Modify direct haul vehicle requirements* - The City does not have a copy of the draft LUP to comment on the limitations on the types of vehicles allowed. The City requests a copy of the draft LUP to review and comment. The City has always been concerned about the balance of vehicles on the less than one mile stretch of road leading to KCL and will continue to be concerned due to the increase in traffic in the area from development within Contra Costa County and the City.

Analysis of Current and Future Waste Tonnages by Origin:

1. *KCL tonnage forecast of landfill waste* - The City is concerned that KCL has not taken into consideration mandates to reduce waste streams and increased recycling requirements. In addition, new state mandates expected to pass this fiscal year to increase waste diversion from 50% to 60% by 2012 to eventually 75% by 2020 have not been considered as well as the potential loss in the reduction of Alternative Daily Cover credits for green waste being reduced. The City would like to see a better explanation in the project description to see if these factors have been taken into consideration.

The City does not have a copy of the draft LUP in which KCLC is proposing text edit changes. The City will comment on what information it has in its possession but reserves the right to provide additional comments and or revise statements below if the text is not consistent with the present LUP.

Attachment 3: KCLC Proposed Text Edits to LUP Conditions of Approval:

*Land Use Permit Section 3.4* - The City believes the word should be left as is since the County already has the discretion to enforce the 'severity' of violations of the LUP as it deems necessary.  
*Reciprocal Capacity Agreement Section 5.3 & Emergency Use Section 6.5* - The City believes that KCL is actually referencing section 5.4 of the LUP. The City believes these sections are still pertinent.

*Eligible Vehicles Section 8.1c* - The City feels this language should remain.

*Eligible Vehicles Section 8.1g* - The City does not have this language and requests a copy for review and comment.

*Maximum Daily Tonnage Section 9.3* - The City provided comments above on this condition.

*Section 11.6* - The City would need to review the draft to comment on this section.

*Section 17.17* - The City agrees with the County's proposed consistency with the SWFP of the working face be maintained at 1 acre. The City has received odor complaints over the years, and recently, the County has also had to investigate such complaints. In addition, the high winds have been of concern as well as the release of litter beyond the litter fences. KCL staff has had to do litter clean up in the surrounding neighborhoods next to KCL. An increase in the working face would amplify the litter situation within the surrounding neighborhoods.

*Wood Chipping Section 31.6* - The City does not have this language and requests a copy for review and comment.

*Special Conditions of Approval Section 35* - The City does not have this language and requests a copy for review and comment.

Present Land Use Permit:

Per the approved Land Use Permit for Keller Canyon Landfill dated June 25, 2002, the City is concerned about the following:

*Administration; Permit Review 11.1* - Will there be a Public Hearing to address the revisions requested by the Landfill Operator?

*Administration; Local Advisory Committee 11.2* - Has the Local Advisory Committee been established? If yes, who are the members? Are they reviewing the Land Use Permit? The City would like to know when the next meeting is and attend. If no, will an Advisory Committee be established to review and discuss the Land Use Permit revisions?

Additional Comments:

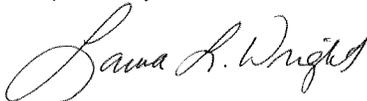
The City is concerned about the effect the increase in tonnage will have on the already exasperated problem of refuse along Highway 4 at the western entrance to the City of Pittsburg. It has been noted by residents and employees of the City that plastic bags and trash have been seen floating out of the tops of transfer vehicles only to litter the road way along Highway 4 and Bailey Road and become entangled in the fence line of BART mainly on the south side of the highway. Without practical mitigation, the increase in volume requested by KCL would worsen the current litter problem as well as drivers' perception of Pittsburg as they enter from the western City limits.

Lastly, the City is concerned that the increase tonnage will not only shorten the lifespan of the landfill but will also increase the rate of grading of the hills south of the City to accommodate the covering of the additional volume being disposed of. Increases in the current rate of grading in the southern hills would negatively impact Pittsburg residents' perception of the landfill's affect on the hillsides. It is anticipated the affect would be more dramatic than gradual as originally expected over the longer lifespan.

The City of Pittsburg respectfully requests that conditions within the SWFP be reflected within the LUP for consistency and appreciates the attempts taken to alleviate the inconsistency between these two documents. The City requests the comments above be considered and included in the amended LUP for KCL as well as an updated CEQA analysis or a new EIR for any major increases in tonnage. The City of Pittsburg also formally requests to be included in any future meetings and to be sent any information concerning Keller Canyon Landfill's Land Use Permit amendments or otherwise.

If you wish to contact me on this subject and or want clarification on the comments provided above, I can be reached at (925) 252-4114.

Respectfully Submitted,



Laura L. Wright  
Sr. Administrative Analyst

cc. Marc S. Grisham, City Manager  
John L. Fuller, Director of Public Works  
Don Stockenberg, R.E.H.S., City of Pittsburg LEA  
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