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COMMUNITY
DEVELOPMENT DEPARTMENT

TO: BOARD OF SUPERVISORS
FROM: Dennis M. Barry, AICP
Community Development Director
DATE: July 13, 2004

SUBJECT: CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PROJECT AT THE WEST CONTRA COSTA SANITARY LANDFILL (LP#022026) - STATE CLEARINGHOUSE # 2002102057

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS

1. ACCEPT Resolution 21-2004, dated July 6, 2004, from the County Zoning Administrator pertaining to the adequacy of the Final Environmental Impact Report (EIR) (see Exhibit A).
2. CERTIFY the Final EIR for the Proposed Amendment of Land Use Permit (LP#022026) for the Bulk Materials Processing Center and Related Actions at the West Contra Costa Sanitary Landfill as being adequate and as having been prepared in conformance with the California Environmental Quality Act.
3. AUTHORIZE the Chair of the Board of Supervisors to execute the Memorandum of Understanding (MOU) between Contra Costa County and the City of Richmond regarding the Mitigation Fee specified in Mitigation Measure 4-5 of the EIR (see Exhibit B).

FISCAL IMPACT

No impact to the County General Fund. The staff and printing costs related to this Project are recovered from the Applicant (West Contra Costa Sanitary Landfill, Inc.).

The proposed MOU between the County and the City of Richmond provides for the joint administration of any revenue generated by the mitigation fee called for by Mitigation Measure 4.5 specified in the Final EIR; this revenue will only be generated if the proposed Project is approved and commences operation. The MOU requires that the mitigation fee revenue collected from the Applicant be paid to the County, held in a dedicated separate account and jointly administered for the benefit of the incorporated and unincorporated North Richmond area (see Exhibit B).

CONTINUED ON ATTACHMENT: YES SIGNATURE Dennis M. Barry

RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

APPROVE OTHER

SIGNATURE(S): _____

ACTION OF BOARD ON July 13 2004 APPROVED AS RECOMMENDED OTHER

APPROVED the recommendations and DIRECTED staff to work with the Bay Area Quality Management Board with regard to recommendations for the greatest possible mitigations of impacts on the air quality in relation to this project.

Speakers: Bruce Beyaert, Trails for Richmond Action Committee, 73 Belvedere Ave, Richmond;
Lee Jones, North Richmond MAC and Beautification Committee, 200 Willard Ave, Richmond.

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT none)

AYES: _____ NOES: _____

ABSENT: _____ ABSTAIN: _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

Contact: Deidra Dingman (925/335-1224)

cc: Community Development Department (CDD)
West Contra Costa Sanitary Landfill, Inc. (via CDD)

ATTESTED July 13 2004

JOHN SWEETEN, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

BY [Signature], DEPUTY

BACKGROUND/REASONS FOR RECOMMENDATIONS

This Final EIR evaluates the potential environmental impacts associated with the Project known as the Bulk Materials Processing Center (BMPC) and Related Actions at the West Contra Costa Sanitary Landfill (WCCSL) proposed by West Contra Costa Sanitary Landfill, Inc. ("Applicant") and West County Landfill, Inc. ("Owner"). The WCCSL is a Class II sanitary landfill located at the foot of Parr Boulevard located partially within North Richmond and partially within the City of Richmond.

Project Overview

WCCSL is requesting amendments to its existing land use permits (LUP) for its Bulk Materials Processing Center. These permits were issued in 1993 by Contra Costa County (under LUP No. 2054-92, as amended by LUP 2043-94) and the City of Richmond (under conditional use permit No. 92-53). WCCSL is also requesting to revise the Solid Waste Facilities Permit to allow a maximum of 20 to 30 feet of additional height for the landfill (currently 130 ft. elevation limit) to a new elevation limit of 150 to 160 feet.

The proposed changes to applicable land use permits are described below:

- Increase the amount and types of compostables processed.
- Increase the amount of asphalt and concrete rubble processed.
- Discontinue operation of the Soil Remediation Facility, an existing currently permitted facility.
- Start-up of a new spreading/drying operation for wastewater sludge and dredged materials.
- Start-up of a new soil reclamation/processing operation to combine high moisture content mud and sludges and with dusty materials to create a product suitable for Alternative Daily Cover (ADC), final cover, final cap, or off-site use.
- Construction and operation of a transfer station at the WCCSL to recycle, sort, and transfer for disposal waste from self-haulers, industrial debris boxes, and other commercial customers that would not be processed at the existing transfer station operated by West County Resource Recovery, Inc. at 101 Pittsburg Avenue in North Richmond.

The Final EIR concludes that the Project would result in significant impacts associated with air quality (an exceedance in allowable PM₁₀ particulate emissions) that cannot be mitigated to a level of insignificance. All other potentially significant impacts identified in the Draft EIR will be mitigated to a level of insignificance.

CEQA Process Overview

Contra Costa County is the Lead Agency for this Project for the purposes of the California Environmental Quality Act (CEQA). Below is an overview of the significant milestones of the CEQA process that have been completed related to this Project:

| | |
|-------------------|--|
| October 10, 2002 | Environmental Impact Report (EIR) Notice of Preparation issued |
| November 1, 2002 | CEQA Scoping Session held in North Richmond |
| November 6, 2003 | Draft EIR circulated for review, beginning the 45-day public comment period |
| November 25, 2003 | Zoning Administrator held a public hearing in North Richmond to provide further opportunity for public comments on the Draft EIR |
| December 22, 2003 | End of 45-day public comment period on the Draft EIR |
| June 25, 2004 | Final EIR/Response to Comments document released as required by CEQA |
| July 6, 2004 | County Zoning Administrator conducted a closed public hearing regarding the adequacy of the Final EIR |

Certification of this Final EIR

The landfill height increase is a portion of the proposed Project evaluated in the Final EIR. The landfill height increase is the most time-critical component of the proposed Project, therefore staff is recommending certification of this Final EIR separate from consideration of the proposed amendments to the County Land Use Permit. The California Integrated Waste Management Board, as a Responsible Agency under CEQA, requires that their agency be provided with a

certified environmental document as a part of their application procedures for the proposed landfill height increase.

On July 6, 2004, the County Zoning Administrator (ZA) recommended that the Board of Supervisors certify the Final EIR for the Proposed Amendment of Land Use Permit (LP#022026) for the Bulk Materials Processing Center and Related Actions at the West Contra Costa Sanitary Landfill as being adequate and as having been prepared in conformance with the California Environmental Quality Act (see Exhibit A). Furthermore on July 6, 2004, the Zoning Administrator recommended that the Board of Supervisors make the following Findings required by CEQA (CEQA Guidelines § 15090) related to the certification of the Final EIR:

1. The Final EIR has been completed in compliance with CEQA, and with the State and County CEQA Guidelines; and
2. The Final EIR was presented to the Board of Supervisors, and the Board of Supervisors has reviewed the document and considers the information contained therein to be complete and adequate for the purposes of making a decision on the project; and
3. The Final EIR reflects the County's independent judgment and analysis.

Future Public Hearings to Consider Final Decision on Proposed Project

Staff expects to schedule separate public hearings in the next several months before the County Planning Commission and the Board of Supervisors regarding the application (LP#022026) to amend existing County Land Use Permit (LUP) # 2054-92 (as amended by LUP 2043-94) to allow expansion of existing resource recovery operations and new resource recovery operations at the existing WCCSL site.

Consistent with CEQA requirements, the Board of Supervisors will be asked to adopt Findings (CEQA Guidelines § 15091), including a Statement of Overriding Considerations (CEQA Guidelines § 15093), and a Mitigation Monitoring & Reporting Program (CEQA Guidelines § 15097), prior to reaching a decision on the proposed Project. These actions will be scheduled before the Board of Supervisors in the next several months, in conjunction with proposed Conditions of Approval for the proposed Project.

Mitigation Fee MOU with the City of Richmond

Mitigation Measure 4-5 of the Final EIR in part requires the facility operator to pay a Mitigation Fee "to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas." The purpose of the proposed Memorandum of Understanding (MOU) with the City of Richmond (see Exhibit B) is to implement Mitigation Measure 4.5 of the Final EIR, to provide for the joint imposition of the Mitigation Fee irrespective of the final location of the various BMPC operations (including the new transfer station), and the joint administration of the mitigation funds for the benefit of the host community as identified in the Draft EIR. Mitigation funds shall be used, as described in the Draft EIR, for the benefit of the host community.

By entering this MOU, the County and City agree to jointly impose the Mitigation Fee on all solid waste and processible materials received at the facility (all BMPC operations including the transfer station except those materials which are disposed of in the WCCSL). The amount of the Mitigation Fee for all solid waste transferred to other Republic landfills shall be \$2.76/ton, subject to CPI adjustment at the beginning of each calendar year. The amount of the Mitigation Fee for all other materials processed at the BMPC (except those materials which are disposed of in the WCCSL) shall be \$0.75 per ton (as adjusted annually pursuant to the CPI) if the rate charged by Republic and/or its Contractor(s) is more than \$10.00 per ton (as adjusted annually pursuant to the CPI) or 7% of the gross revenue received by Republic and/or its BMPC Contractor(s) if the rate charged is less than or equal to \$10.00 per ton (as adjusted annually pursuant to the CPI).

By entering this MOU, the City and County also agree that the Mitigation Fee monies collected from the Applicant will be paid to the County, held in a dedicated separate account and jointly administered for the benefit of the incorporated and unincorporated North Richmond area.