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December 18, 2003

Deidra Dingman
Contra Costa County
Community Development Department
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553

Subject:

Dear Ms Dingman,

The Sierra Club would like to comment on several aspects of this draft EIR. Our comments are on the following pages.

Thank you for your attention,

Debbi Landshoff
Conservation Chair, West Contra Costa Group of the Sierra Club

SIERRA CLUB COMMENTS ON WCCSL BULK MATERIALS PROCESSING CENTER AND RELATED ACTIONS DRAFT ENVIRONMENTAL IMPACT REPORT

1. The draft EIR miscalculates the increase in traffic

It is clear that the vehicle traffic in to and out from the landfill has been severely underestimated. 12-1

By my calculations, the proposed operations will cause at least 5 times as much material to be trucked to and from the landfill, as is now the case. The draft EIR shows a much lower increase.

Draft EIR's traffic numbers

Table 8-4 in Section 8.A.2.a states that the current traffic volumes for Class II landfill, composting, concrete/asphalt processing, importing landfill cover soil, and various minor activities is 2,250 vehicles per day. Table 8-7 in Section 8.A.2.c states that the anticipated 2015 traffic volumes for waste recycling, composting, concrete/asphalt, wood recovery, soil reclamation, and other/miscellaneous activities is 3,220 vehicles per day.

These tables break down the traffic into four types: collection trucks, other large trucks, self-haulers, and vehicles used by site employees, visitors, and suppliers. If we include only the vehicles used for importing waste materials and exporting waste products and trucking to an outside landfill, the numbers would be as follows:

Current conditions		Anticipated 2015 conditions	
Collection trucks	460	Collection trucks	340
Other large trucks	320	Other large trucks	820
Self-haulers	850	Self haulers	1,480
TOTAL	1,630	TOTAL	2,640

Calculations of tons trucked in and out per year

The draft EIR does not have a direct comparison the current and proposed tonnage. This is one of the elements that are required to calculate the changes in vehicle traffic. The figures below are extrapolated from data in the draft EIR. 12-2

Current: tonnage imported to the landfill each year:

Activity	Tons per year	Reference
Composing	10,000	2.A.1.a.
Concrete/asphalt	125,000	2.A.1.b.
Wood recovery	30,000	2.A.1.e.
MSW at landfill	240,000	3.B.2 (measured as 650 TDP7)
Sewage sludge	0	Currently piped in
TOTAL	405,000	

Current imports plus exports

Of this tonnage, up to 165,000 tons per year (the total tonnage less the municipal solid waste that remains at the landfill) is trucked out. Thus the materials currently trucked in to and out from the landfill are something like $405,000+165,000=570,000$ tons per year.

Projected tonnage imported to the landfill each year:

Activity	Tons per year	Reference
Composing	164,300	2.A.1.a.
Concrete/asphalt	528,000	2.A.1.b.
Waste recycling	365,000	2.A.1.c
Wet/dusty materials	51,100	2.A.1.d
Wood recovery	131,400	2.A.1.e.
Soil reclamation	195,000	2.A.1.f
Biosolids/Dredged materials	Unknown	2.A.1.g (may all be piped)
TOTAL	1434,800	More if sewage, dredge materials are trucked

Projected imports plus exports

At least an equal amount would be trucked out from the landfill. Thus the materials projected to be trucked in to and out from the landfill are something like $1434,800 \times 2 = 2,869,600$ tons per year.

Projected increase in volume

Using the figures about, the projected trucking numbers (even excluding biosolids) would be $2,869,600/570,000$ for a five-fold increase.

Traffic numbers and calculations should be more complete and consistent

To correct this problem, the EIR should take an apples-with-apples approach, clearly listing the amounts of each type of material presently imported in to and exported from the landfill as well as the same numbers as projected for the proposed project. The tonnage should include all types of materials, including sewage sludge and dredged materials.

12-3

Then, the EIR should recalculate the numbers and types of vehicles from these numbers, using a consistent and clearly defined formula for each type of vehicle.

2. The draft EIR is unclear about the source and amount of materials for the proposed sewage sludge processing.

The draft EIR does not provide adequate baseline numbers for the sewage products currently piped into the landfill and does not provide adequate information about the projected operations.

12-4

The project description (3.C.2.g) says that the biosolids/dredged material spreading operation “would involve the spreading of wet dredged materials and/or biosolids (wastewater sludge) from the adjacent WCWD treatment plant on the southern or eastern sideslopes of the closed landfill.”

The proposed permit capacity for the combined dredged material and biosolids operation is 50,000 tons per year, clearly an amount in excess of what the WCWD plant produces. The EIR should clearly specify the amount of this 50,000 tons that would be made up of sewage and whether this is more than the amount projected to be generated by WCWD.

3. The significance of traffic and circulation impacts, as covered in chapter 8, should be reanalyzed to account for re-estimated traffic volumes.

Because many traffic and circulation impacts of the project are based on an incorrect estimate of the increase in traffic, their significance must be revised and the mitigations must be revisited. The impacts should be analyzed by type of vehicle, since the impacts of collection trucks and other large trucks are much greater than the impacts of self haulers.

12-5

The need for reanalysis applies to, but is not limited to:

- Roadway and intersection capacity
- Pavement deterioration, especially on Parr and the Richmond Parkway

4. Mitigation measure 8-5 would not adequately protect pedestrian safety

It is unreasonable to expect that pavement striping and signage that tells motorists to stop for pedestrians would actually cause trucks to stop and allow pedestrians to continue safely on the Bay Trail. Drivers notoriously disregard such signs, especially on private property not patrolled by City or County traffic officers. Such a measure was acceptable to the trail design committee when the expectation was that landfill operations would be limited to current recycling operations and self-haulers, but is not adequate in a greatly expanded operation. The applicant should work with professional trail planners and traffic design engineers to find a usable approach.

12-6

5. The control measures proposed to address potential impacts of the trail on special status species are not an adequate solution to the problem

As the mitigation for impact 9-1, the applicant proposes to discourage access into the marsh and mudflats at low tide by planting thorny shrubs and vines such as wild rose and blackberry, and possibly poison oak.

Planting poison oak is a particularly bad idea: poison oak poses a serious health risk to sensitive individuals who even come near the plants; it is often difficult to recognize in the winter; even if warning signs are posted, many visitors may not be able to read such signs, especially if they are written in English.

12-7

Some of the other listed species are notorious for spreading beyond the area in which they are planted. If they are selected, the applicant should prepare detailed plans describing how they will be controlled so they do not grow into the trail area.

12-8

The EIR recommendation as mitigation for impact 9-1 is a fence, not the barrier plantings. This is confusing. Should the applicant build and fence *and* create barrier plantings?

12-9

A fence might be a preferred method to keep people and predators out of sensitive areas, but the draft EIR does not specify anything about the height, construction materials, or location of a fence, so it is not clear whether such a fence would be compatible with the recreation values of the trail.

An alternative mitigation measure might be to specify that ABAG Bay Trail planners, Trails for Richmond Action Committee members, and appropriate regulatory agencies, and the applicant design appropriate barriers working in cooperation with each other.

6. The plant list in Appendix 9A should be improved or eliminated.

Appendix 9A consists of a list of plants intended to serve as a vegetative buffer between sensitive creek and marsh habitats adjacent to the landfill and the future trail and water recreation users. This list should be composed of species indigenous to the North Richmond Area. Wildlife needs might be enhanced if the plants are attractive to locally native birds, insects, and mammals. The plants should be able to compete with alien species without being unduly invasive themselves. They should have a good possibility for survival in the conditions of the landfill area.

12-10

This plant list seems to be overly generic for these purposes (there are many Ceanothus species, for example, not all of which would be suitable at this location). The list does not necessarily include plants that might be very useful.

The list should be improved to reflect these values. Alternatively, a set of guidelines for selecting plants could be substituted for the plant list.

7. Measures to protect wildlife from predators are not necessarily appropriate.

Mitigation measure 9-1-d, proposes to control predators that might be attracted by the trail as follows: “As directed by appropriate agencies, the Applicant would cooperate with efforts on predator control of feral cats, dogs, and red fox.” However, it is the experience of trail advocates that some agencies will always choose to prevent the creation of trails that might possibly pose a threat to wildlife. However, working in cooperation with those agencies, it is often possible to work out an agreeable solution.

12-11

Mitigation measure 9-4-d, further proposes to control predators by eliminating phase 4 of the trail. The applicant should, instead, make all possible effort to build the trail as designed. They could work with the ABAG Bay Trail Planners to find a solution that would be create the maximum usable trail that could be acceptable to wildlife protection agencies.

12-12

8. The significance of air quality and odor impacts, as covered in chapter 10, should be reanalyzed to account for re-estimated traffic volumes.

Because many of the air quality and odor impacts of the project are based on an incorrect estimate of the increase in traffic, their significance must be revised and the mitigations must be revisited. The impacts should be analyzed by type of vehicle, since the impacts of collection trucks and other large trucks are much greater than the impacts of self haulers.

12-13

The need for reanalysis applies to, but is not limited to:

- On-road vehicle exhaust
- Fugitive emissions
- Diesel health risk assessment

9. Relying on proposed new emissions standards to offset increases in traffic is not appropriate.

The analysis of Impact 10-3 states that proposed CARB Risk Reduction Plan “is expected to result in reductions in diesel exhaust particulates of 75 percent by 2010 and 85 percent by 2020.” This state mandated reduction is deemed to bring the impacts of the increased traffic below the standard for significance. However, the comparison should be between the pollution levels under CARB at current traffic volumes and with those at projected traffic levels.

12-14

10. Trail closure is not an appropriate control measure to mitigate against the hazards created by spraying or spreading liquid biosolids.

Control measure a for Impact 11-7 specifies that “during biosolids application, sensitive portions of the Trail would be closed for a 4- to 6-week period and areas fenced off to prevent public access until the materials are disked into the soil surface of the landfill cover.”

Although the draft EIR does not contain any schedule for the application of biosolids, it can be assumed that there would not be many days that do not fall into the 4- to 6-week period around one application or another of 50,000 tons per year. The planned Bay Trail segment is meant to be a loop. It would lose much of its recreational value if trail users could not travel through the entire loop and could not plan their visits to the trail knowing that the loop would be open.

12-15

The applicant should find a better mitigation measure or modify the biosolids program so it is not so hazardous to trail users.

11. The draft EIR does not specify protections against the spread of plant pathogens other than *Phytophthora ramorum* (Sudden Oak Death)

Mitigation Measure 11-11 specifies that the applicant comply with state rules that would prevent transporting of the pathogen out of a quarantined area as finished mulch. However, this measure would not protect from the spread of pathogens within the local area.

Additional effort should be made to control the spread of the many plant pathogens that are devastating our urban and woodland forests. If appropriate, the landfill operator might restrict the use of the windrow method of composting to plant species that are not generally hosts to communicable pathogens and to use only the aerated static pile method for species such as pine and oak that are more often infected.

12-16

12. The significance of noise impacts, as covered in chapter 12, should be reanalyzed to account for re-estimated traffic volumes.

Because many of the noise impacts of the project are based on an incorrect estimate of the increase in traffic, their significance must be revised and the mitigations must be revisited. The impacts should be analyzed by type of vehicle, since the impacts of collection trucks and other large trucks are much greater than the impacts of self haulers.

12-17

The need for reanalysis applies to, but is not limited to:

- General noise levels
- Extended hours of operation

13. The draft EIR analysis of the Environmental Justice implications of the proposed project is inadequate

It is very heartening to see the considerable attention paid in the EIR to the impacts of illegal dumping in the neighborhood of the landfill. The analysis and proposed mitigations need some refinement, and Sierra Club supports the comments by other parties to improve the mitigation requirements.

12-18

There should also be an analysis of the impacts of the increase in vehicular traffic on the neighboring communities of North Richmond, Parchester Village, and west San Pablo, including a more careful analysis of the impacts in the early-morning and late evening hours.

12-19

Because the draft EIR does not adequately count the amount of increased traffic, especially traffic from heavy vehicles, it does not adequately analyze the impact of increased noise, air emissions, and traffic in the local area. Noise and air pollution generated by the Richmond Parkway already have a very negative impact on the area, and the increased truck traffic would make a bad situation worse. 12-20

Particular care should be taken in analyzing the impacts of noise and pollution on Parchester Village, because the elevated position of the Richmond Parkway at that location exacerbates the impact of noise and air pollution on that community. 12-21

The surrounding communities already suffer from very high asthma rates; studies are ongoing as to the impact of the Parkway on these rates. The diesel risk assessment section seems to be limited to the cancer risk. If asthma were included, the risk assessment might have been considerably higher and might have been considered a significant impact. 12-22

14. The draft EIR does not study the growth-inducing impacts of the project

Assuming the high volumes of out-of-region materials processed at the landfill are achieved because low fees attract out-of-area businesses, the project would be growth-inducing for the region. It is generally understood that low garbage costs are a growth inducer because they make it easier for people and businesses to move into a region. 12-23

15. The draft EIR does not adequately study regional impacts

The noise, air quality, traffic, and roadway maintenance impacts of the increase in vehicular traffic, would also be felt throughout the region. The regional impacts were not adequately studied. 12-24

16. The draft EIR lacks an analysis of the impacts on recreation

The proposed increased landfill operations would have major impacts on the proposed Bay Trail segment. The trail segment is specified in planning documents such as the North Richmond Shoreline Specific Plan and the existing use permits. Richmond's Parks and Open Space zone designation for the area intended that the area revert to public use after 2023, but the proposed project is meant to use the area for waste recycling and disposal operations well beyond that date.

Among the impacts that should be analyzed within a recreational impacts section are:

- Closure of the trail portions during biosolids application would preclude use of the trail as a loop. It might also affect access to a kayak put-in.
- Heavy truck traffic would make it difficult for pedestrians and bicyclists to get to the staging area.
- Noise and odors would decrease enjoyment of the trail, and discourage use of the trail.
- Pedestrian safety requires a signal or other effective method of getting trucks to give pedestrians the right-of-way.

Impact 4-2 in section 4.D.2 state that "Users of the Trail are generally not considered to be 'sensitive receptors' in the EIR because their presence is elective and short-term in nature." Therefore the draft EIR analyzes the impacts of noise, odor, public health, and traffic and safety to trail users as being less than significant. However, when analyzed in the context of the impact on recreation, the issues take on much more significance, because they have the effect of discouraging potential users of the trail. 12-25

17. The draft EIR fails to mitigate for the possible cumulative effects of waste transfer facilities at both the landfill and the IRRF

Although the applicant has stated that they intend to relocate the transfer operations on the landfill site, there remains the possibility that they might use or sell their permit for use of the IRRF.

12-26

An appropriate way to prevent this eventuality would be to require the applicant to “give back” their permit for transfer operations at the IRRF as a mitigation for obtaining a permit for transfer operations at the landfill.

18. The draft EIR fails to consider a reasonable range of alternatives

The draft EIR does not consider an increase in operations that might satisfy the applicant’s goal to develop “capacity for new business” but yet have fewer adverse environmental impacts than the full project.

The EIR should consider a midway project that satisfies the need for disposal of waste generated in West Contra Costa but minimizes importation of waste materials from outside the West Contra Costa area.

With the exception of the “no-Project” alternative, all the alternatives studied rely on large increases that most likely depend on disposal fees that are considerably lower than the fees for other sites in the Bay Area. The EIR should add a mitigated alternative that increases capacity by a smaller amount, perhaps 25-50%. Demand for the landfill would be controlled by mitigation fees such as the \$13 per ton charged by San Jose or the Alameda County Source Reduction Recycling Surcharge (Measure D, 1990), which will be \$7.06 on Jan 1, 2004, but would remain strong enough to attract growth in operations.

12-27

Such a solution would allow the applicant to grow their business without making Richmond, once again, the dumping ground for the region.

The draft EIR should also include an alternative in which biosolids treatment is clearly limited to sewage sludge generated by WCWD. In this way the impacts of treatment of local sewage sludge could be compared to the impacts of the proposed 50,000 tons per year.

12-28

19. Potential conflict between City and County administration of the landfill should be removed.

The landfill is a single operating unit with a single road into and out from the site, but the entity with permitting and code enforcement responsibilities depends on the location of each operation within the site footprint. This situation makes for confusion and possibly conflicts about the setting and administration of mitigation fees or surcharges and the scope and extent of landfill operations increases. The landfill operator, Richmond, and Contra Costa County would all benefit from institution of a comprehensive joint permitting process.

12-29