

**STAFF REPORT**

K-14



THE CITY OF  
**NOVATO**  
CALIFORNIA

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MEETING

DATE: September 27, 2005

TO: City Council

FROM: David Wallace, Planning Manager

SUBJECT: **PROPOSED EXPANSION OF THE REDWOOD LANDFILL**

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**REQUEST**

Consider adopting a resolution to Marin County commenting on the proposed Redwood Landfill Solid Waste Facilities Permit Revision and the Final EIR for the project.

**RECOMMENDATION**

Adopt resolution.

**DISCUSSION**

The City Council conducted a public hearing on this item on September 13, 2005. The applicant spoke in favor of the proposal and notified the City Council that changes had been made to the project including a reduction in the proposed increase in overall capacity, a reduction in the increase in the daily capacity, and proposed operational improvements. Several members of the public spoke in opposition to expansion of the Redwood Landfill, and expressed concerns about the adequacy of the Final EIR. The City Council discussed the proposed solid waste facility permit revision and the FEIR, and directed staff to prepare a resolution for consideration by the Council commenting on both the proposed permit revisions and the environmental review for the project. A draft resolution is attached. Upon approval of the resolution, staff will forward copies to the Marin County Board of Supervisors, Marin County Planning Commission (makes recommendation on the adequacy of the Final EIR) and the Marin County Environmental Health Services Division (the decision making body on the permit).

**ATTACHMENTS**

1. Draft Resolution

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1.

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. \_\_\_\_\_

RESOLUTION COMMENTING ON THE PROPOSED REDWOOD  
LANDFILL SOLID WASTE FACILITIES PERMIT REVISION  
AND FINAL EIR

WHEREAS, on September 13, 2005, the City Council conducted a public hearing on the proposed permit revisions and Final EIR for the Redwood Landfill Solid Waste Facilities located in Marin County north of the Novato City boundary; and

WHEREAS, a representative of the Landfill spoke in favor of the proposal and two persons spoke representing opponents of the project; and

WHEREAS, the landfill representative stated that the project proposal has been again revised reducing the proposed maximum size of the facility from 34.7 million cubic yards to 31 million; limiting all landfill activities to an area at least 200 feet from the existing boundaries of fill; reducing the average daily tonnage accepted from 1,850 to 1,500; limiting the amount of composting; and, eliminating the air-drying of sludge; and

WHEREAS, testimony from opponents of the permit revision expressed opposition to expansion of the facility because of its environmentally sensitive location adjoining wetlands, and expressed concerns about the completeness and adequacy of the analysis of the potential impacts of the proposal in the FEIR; and,

WHEREAS, the group No Wetlands Fill Expansion and the Law Offices of Brent J. Newell submitted to the City Council at the hearing copies of two separate letters addressed to Marin County and dated September 12, 2005; the letters further detail concerns about the FIER analysis and the potential impacts of the proposal; and

WHEREAS, a use permit for the facility was issued in 1958; according to the Final EIR the use permit does not need to be updated, however, opponents of the proposal contend that a new or updated use permit is required prior to approval of any expansion of capacity or activities; and

WHEREAS, a revised Solid Waste Facilities Permit issued by Marin County Environmental Health Services Division is required for the proposal; and

WHEREAS, Novato is the closest city to the facility and has the greatest potential to experience impacts from the proposed expansion of activities, and therefore the City wishes to comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato does hereby provide the following comments on the FEIR and the proposed solid waste facilities permit revision to revise and expand the operations of the Redwood Landfill Solid Waste Facility:

1. The existing facility is located on diked and drained bay wetlands. In addition, the site is nearly surrounded by natural and manmade sloughs. The City questions whether it is appropriate to expand waste disposal capacity and daily operations in such an environmentally sensitive area. There are numerous potential environmental impacts from such an expansion that would directly impact the sensitive habitat. In addition, any catastrophic failure of the facility or mitigation measures (e.g. seismic event or leachate leakage) may not be mitigable because the sloughs and wetlands are so close to the site. Such a catastrophic event could have significant impacts on the bay.
2. Substantial questions have been raised about the adequacy of analysis in the Final EIR, as indicated in testimony to the City Council and letters to the County of Marin copied to the City Council at the hearing on September 13, 2005. Concerns about the adequacy of the analysis of impacts include among others: air quality impacts from numerous sources associated with landfill operations; landfill instability exacerbated by increased volume and steeper landfill slopes especially in the event of seismic activity; the capacity of the bay mud to adequately separate the landfill from the ground water below without the normal barrier required by the State; adequacy of containment/drainage provisions to protect the surrounding area; biologic resources impacts; and aesthetic impacts especially since the profile of the landfill has changed as a result of the latest revisions to the proposal (prohibiting fill within 200 feet of the existing boundaries of the facility). The City believes that all of these questions and concerns regarding impacts and mitigation measures need to be fully addressed prior to any action on the proposed expansion of the facility.
3. The proposed expansion will increase air quality impacts due to on-site operations and traffic accessing the site. Air quality impacts are a substantial concern to the City of Novato because these impacts can "migrate" off-site and, according to the Final EIR, cannot be mitigated to a level of insignificance. The pollutants include toxic emissions and odors which impact neighboring residents. Since the proposed project has limited benefits for Marin County, the City does not believe there is a basis for making findings of overriding considerations.
4. The analysis of project alternatives in the Final EIR is inadequate. The City believes there should be further discussion of alternatives outside Marin County, better definition of alternatives within the County (e.g. potential locations) and discussion of "zero" waste alternatives.
5. Public testimony and discussions in the Final EIR raise concerns that the facility operator has a very poor record of complying with permit restrictions and operational requirements. This record casts serious doubt on future compliance with mitigation

measures or with any permit restrictions that may be placed on operation of the landfill. The City is concerned about approving expanded operations for an activity with a known record of noncompliance, especially in an environmentally sensitive area. Public/outside agency involvement in mitigation monitoring should be considered for any expanded operations.

6. According to the Final EIR, there is currently adequate daily capacity (amount of material accepted per day) to serve the waste disposal needs of Marin County. The proposed increase in daily capacity would shift the character of the facility to that of a more regional waste disposal facility. Therefore, much of the requested additional daily capacity would enable the facility to accept more waste from other jurisdictions in the Bay Area and potentially beyond. There is limited benefit to Marin County or the City of Novato in an expansion of daily capacity, as that will ultimately shorten the life of the facility. The City supports limiting any increases in daily capacity and adoption of an out-of-county waste disposal fee ordinance and diversion programs identified in FEIR Mitigation measure 3.6.4b. Funds collected through such a fee should be utilized to assist in meeting Marin County's future waste disposal needs.
7. There is public controversy over whether the existing use permit covers all existing and proposed activities and whether violations of the use permit have occurred, thereby necessitating review of the existing approval. Given the compliance record of the applicant, the substantial increase in the size of the landfill facilities since inception and the further increase in capacity and operations currently proposed, the City believes a review of whether the existing use permit encompasses the proposed capacity increase and revised activities is warranted.
8. The City acknowledges the positive changes to the project proposal presented by the applicant at the City Council hearing including reductions in the increase in the overall and daily capacity. Should a permit revision be approved by the Marin County Environmental Health Services Division, the City would support further reductions to daily and ultimate capacity increases, and the City supports better mitigation of potential impacts of the proposal.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting hereof, held on the \_\_\_\_ day of \_\_\_\_\_, by the following vote, to wit:

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

\_\_\_\_\_  
City Clerk of the City of Novato

Approved as to form:

\_\_\_\_\_  
City Attorney of the City of Novato