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September 26, 2005

Mr. Tim Haddad
Marin County Community Development Agency
3501 Civic Center Drive, San Rafael, CA 94956

RE: Redwood Landfill Solid Waste Facilities Permit Revision Final EIR
(please disregard our 9/12 comment and replace it with this 9/26 comment)

Dear Mr. Haddad:

The Sierra Club, on behalf of our 7,000 Marin County members opposes the certification of this Final EIR and the expansion of the Landfill it would authorize unless amendments are made to conditions under which expansion would occur:

The 1958 Land Use Permit must be re-opened and modernized
CEQA Deficiencies in the FEIR must be remedied
Independent monitoring must be funded and effective

1958 Land Use Permit:

In 1958, Supervisors granted a one-page permit for a farmer to create a rubbish dump in an environmentally sensitive wetland adjacent to San Antonio Creek. At the permit hearings, a dump representative testified that *“At present our plans are to commence an operation that will be about one mile from the San Antonio Creek boundary...it will be a progressive operation, depending on how many years it remains in effect. It might go to within a couple of hundred feet of San Antonio Creek in future years if it is still in operation.”* Yet this promise was never incorporated into the 1958 use permit, nor were modern requirements for a liner and leachate collection system. In reviewing this now antiquated 1958 use-permit, Waste Management Inc (WMI), a multi-national conglomerate, seemingly did not see an environmental problem...instead it saw an economic opportunity and bought Redwood Landfill in the early 1990's. Today garbage is piled within a few feet of San Antonio Creek within its 100-year floodplain and Streamside Conservation Area. By avoiding these environmental protections, WMI appears to be able to profit while still undercutting competitors' rates and heir proposed expansion seemingly wishes to further capitalize on the oversights of the 1958 use permit. But since lateral expansion would trigger the requirement for modern environmental protections, WMI may be attempting to circumvent these protections by building up rather than out. We believe that in spite of its one-page inadequacy, the 1958 use permit, which is the basis of the FEIR, may be being violated by WMI's current and proposed operations. Therefore, a careful review of WMI's adherence to the 1958 use permit should be performed before FEIR certification takes place.

CEQA Deficiencies

The FEIR's Status Quo Alternative assumes that lack of enforcement would continue; instead the baseline should include only existing *permitted* uses. The FEIR proposes an ex-post facto approval of an otherwise improper lateral expansion of the permitted landfill footprint from 210 to 222.5 acres. The FEIR proposes to relieve WMI from prior conditions of its 1995 Solid Waste Facility Permit, including the reconstruction of the old levee intended to protect wetlands from spillage. The FEIR relieves WMI from its failure to meet state prescriptive standards re liner design and a mandated 5-foot separation of waste from groundwater. The FEIR also relieves WMI from floodplain and SCA violations.

Independent Third Party Monitoring and Oversight.

As the Marin County Department of Health official testified in 1958: *"As far as pollution is concerned, if we are ever led to expect in any way shape or form, that there is pollution in San Antonio Creek, ... we can revoke [the use permit] on 24 hours notice."* In response to the FEIR proposal that *"arranging for third party oversight of the monitoring to eliminate a perceived influence of the monitoring results by the applicant's consultants should only be required if the data collection methods and analyses are suspect,"* we believe that a fair analysis of FEIR deficiencies and possible violations of the 1958 Use Permit meet the FEIR's independent monitoring standard now. Consequently, a monitoring plan should be prepared and conducted by an engineer independent from WMI and the reports made available at the same time to the County and the public. Precedent for this exists per the Almont Landfill Community Monitor.

Lastly, as a comment on the FEIR and/or request to the Supervisors, we urge adoption of additional landfill-based fees of \$8.75 per ton with an automatic annual Cost of Living Adjustment to fund five environmental programs:

Countywide Source Reduction and Recycling Surcharge	\$ 7.25
Host Community Impact Mitigation Fee	0.25
Recycling Education/Job Training Fee	0.25
Wildlife Habitat/Open Space Acquisition Fee	0.75
West Marin Dump Closure Costs (until complete)	0.25

These fees should be imposed on all wastes accepted, whether in- or out-of-county. The purpose of the programs is to mitigate the social and environmental costs of their using up Marin County landfill capacity. On going fees finance recycling programs that will reduce waste generated, educate the public about better recycling practices and acquire wetlands or open space to compensate for that being taken by the landfill's current operations. The West Marin Dump fee is to compensate the County for Court-ordered one-time fees and monitoring in connection with the closure of the West Marin Dump, whose refuse is now being delivered to Redwood Landfill.

Thank you for the opportunity to comment on the Redwood FEIR.

Sincerely

Gordon Bennett, Marin Group Chair

cc: Planning Commission