



South Coast  
Air Quality Management District

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October 24, 2011

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**Appeal of Certification of Final Environmental Impact Report (Final EIR), the  
Approval of a CUP, and the Approval of a Variance for the Proposed Salton City  
Landfill Expansion Project**

**DECISIONS BEING APPEALED**

The South Coast Air Quality Management District (AQMD) hereby appeals the decision of the Planning Commission of the County of Imperial to certify a Final Environmental Impact Report for comments on the CEQA analysis for the Salton City Landfill Expansion project. Specifically, AQMD appeals the following items that were placed on the agenda on October 12, 2011:

1. Item 8 from the October 12, 2011 Planning Commission Agenda - Consideration of Final Environmental Impact Report (EIR) as submitted by Burrtec Waste Industries, Inc. on behalf of the Salton City Landfill Expansion Project;

2. Item 9 from the October 12, 2011 Planning Commission Agenda - Consideration of Conditional Use Permit #10-0002 as submitted by Burrtec Waste

Industries, Inc. on behalf of the existing Salton City Landfill from 50 tons per day to 6,000 tons per day in six (6) phases; and

3. Item 10 from the October 12, 2011 Planning Commission Agenda - Consideration of Variance #10-0005 as submitted by Burrtec Waste Industries, Inc. on behalf of the Salton Landfill Expansion Project, proposing to increase the existing height limit of 80 feet allowed within the "Government/Special Public Zone" to an elevation of 250 feet over the existing grade for the expanded Salton City Landfill over the life of the project.

### **BACKGROUND**

The AQMD is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties (the South Coast Air Basin). The area within the AQMD's jurisdiction has the worst air pollution in the nation, routinely exceeding state and federal health-based air pollution standards. Pollution levels exceed the federal ozone standard by 70% and the federal 2.5 micron particulate matter standard by 40%. The California Air Resources Board has estimated that there are approximately 5,000 premature deaths each year in the South Coast Air Basin due solely to exceeding the 2.5 micron particulate standard. State and federal law requires that the region meet the 2.5 micron particulate matter standard by 2015 and the 8-hour ozone standard by 2023. Meeting these standards will require the AQMD to reduce existing emissions of nitrogen oxide (NOx) by approximately two thirds from existing levels.

### **REASONS FOR APPEAL**

The proposed project will cause significant air quality impacts in the South Coast Air Basin by adding truck traffic that will traverse the region. Among the significant air quality impacts from the increased truck traffic in the South Coast are increases in NOx emissions. Truck emissions from the proposed project will contribute up to an additional 210 pounds per day of NOx in the South Coast, greatly exceeding the CEQA threshold of 55 pounds per day.

These impacts will be caused in part by the Planning Commission's granting of Conditional Use Permit #10-0002, as submitted by Burrtec Waste Industries, Inc. on behalf of the existing Salton City Landfill, to expand the permitted dumping quantities from 50 tons per day to 6,000 tons per day in six (6) phases. These impacts will also be caused by the Planning Commission's granting of Variance #10-0005, as submitted by Burrtec Waste Industries, Inc. on behalf of the Salton Landfill Expansion Project, proposing to increase the existing height limit of 80 feet allowed within the "Government/Special Public Zone" to an elevation of 250 feet over the existing grade for the expanded Salton City Landfill over the life of the project.

### **BASIS FOR APPEAL**

The Planning Commission has violated CEQA by certifying the Final EIR for this project without consulting with the AQMD. On September 8, 2010, AQMD staff submitted a comment letter to the Notice of Preparation requesting that a copy of the Draft EIR be provided for review during the comment period, consistent with CEQA Guidelines § 15087. AQMD did not receive a copy of the Draft EIR. AQMD's comment letter also requested that the Draft EIR evaluate air quality impacts consistent with AQMD recommended guidance. Despite this request, AQMD's recommended guidance was not followed.

The County's CEQA analysis has also violated CEQA by failing to adequately analyze environmental impacts and by failing to impose all feasible mitigation, or indeed imposing any mitigation measures, for potentially significant impacts in the South Coast Air Basin related to NOx emissions and other air quality impacts. The County's CEQA analysis ultimately determined in the Final EIR that air quality impacts were less than significant because the project proponent will pay a mitigation fee to the Imperial County Air Pollution Control District. No mitigation, however, was applied to impacts within SCAQMD. The vast majority of the NOx emissions are due to trucks traversing the South Coast Air Basin that are carrying waste from the greater Los Angeles area to the Salton City Landfill. It is important to note that two recent projects—the Mesquite Regional Landfill Trucking project and the Liberty Quarry project—have identified measures to reduce these impacts, including requiring all trucks to meet 2007 EPA air pollution emission standards. At a minimum, this project should require the same or more stringent measures, such as trucks that meet 2010 EPA air pollution standards.

In addition, the Final EIR failed to comply with CEQA by failing to analyze cumulative air quality impacts in the South Coast Air Basin. This project will allow up to 6,000 tons of waste per day to be trucked to the facility, mostly from our District. However the Final EIR does not evaluate the cumulative air quality impacts from redirecting waste from the newly opened Mesquite Regional Landfill (MRL). The MRL is the primary substitute for the Puente Hills Landfill that closes in 2013. The MRL allows waste to travel by rail instead of truck. By expanding the Salton City Landfill, the MRL may not be able to completely fill trains, and more Los Angeles area waste may reasonably be expected to travel to Imperial County by truck.

### **PRIOR EFFORTS TOWARD RESOLUTION**

Given that AQMD did not receive a copy of the Draft EIR as required by CEQA, its comment to the Notice of Preparation and its request for a copy of the Draft EIR for comment constitute AQMD's best available and good faith efforts to arrive at a resolution with the Planning Commission regarding the issues contained in this appeal. Additionally, Ian MacMillan, Program Supervisor of the AQMD's CEQA Section, contacted Imperial County Planning staff on October 14th inquiring about the project. Mr. MacMillan both e-mailed Imperial County staff, and also left a voicemail for Armando Villa, the Development Services Director, to express the AQMD's concerns

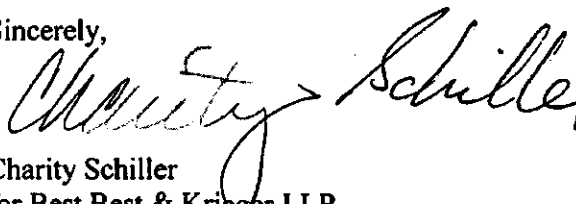
and seek information regarding the project's status. Mr. MacMillan did not receive a response to his inquiries.

**REQUESTED ACTION**

AQMD staff requests the Board of Supervisors order the Planning Commission to meet its legal obligations under CEQA by recirculating the Draft EIR and addressing the deficiencies that have been identified in this letter and to withhold the approval of any CUP or Variance for the project until such time as CEQA's requirements have been met. It is particularly important that any potentially significant air quality impacts occurring in the South Coast Air Basin be fully analyzed and mitigated to the maximum extent feasible, in consultation with the AQMD.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,



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ODP110929-01  
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