

# City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

March 14, 2017

Clerk of the Board  
County of Contra Costa Board of Supervisors  
Supervisor John M. Gioia, District I  
Supervisor Candace Anderson, District II  
Supervisor Diane Burgis, District III  
Supervisor Karen Mitchoff, District IV  
Supervisor Federal D. Glover, District V  
651 Pine Street, Room 107  
Martinez, CA 94553

Re: **March 14, 2017 Board of Supervisors Meeting, Agenda Item D5 –  
Direct Haul of Construction and Demolition Materials  
to Keller Canyon Landfill**

Honorable Members of the Board of Supervisors:

This letter is written by the City of Pittsburg, a jurisdiction directly adjacent to and heavily impacted by operations at the Keller Canyon Landfill.

The City has closely followed the issue of the illegal direct hauling of construction and demolition (C&D) materials at the Keller Canyon Landfill, in an effort to protect the City, its residents, its infrastructure, and the environment. The City applauds the County Planning Commission for its actions taken to impose best management practices in 2014, as well as the Board of Supervisors for its September 2015 action amending the landfill permit conditions to prohibit the direct hauling of C&D materials. The City further applauds the Board of Supervisors' clarification last December 20, 2016, regarding enforcement of compliance deadlines to implement the amended conditions.

However, the City is extremely concerned about the current proposal to further extend the "grace period" previously provided to Keller Canyon Landfill Company to extend its deadline to comply with the conditions prohibiting the direct haul and disposal of unprocessed C&D materials in the landfill. It is eighteen (18) months since the County Board of Supervisors modified the permit to impose the conditions as required by law, yet the landfill operator has taken no steps to come into compliance with those conditions, but instead has filed suit against the County seeking millions of dollars in damages. The City does not feel the operator's inertia and irresponsibility should be rewarded with a decision allowing for unlawful and environmentally harmful conduct.

The City has counted on the Board to make the landfill operator act in accordance with entitlements and applicable law in order to protect the City's interests and its residents. This particular operation seems incapable of doing the right thing, and the City has continued to suffer the consequences. In fact, the City has been subjected to numerous complaints regarding odors and vectors based on the same operator's mismanagement of its West County facilities, where a stop work order has resulted in fetid, half-composed waste being transferred to Pittsburg instead. Make no mistake, this is one of the largest disposal companies in the country, listed on the New York Stock Exchange. To them it is simply a matter of the money required to meet permit requirements and best management practices. To the residents of our city, this is a crucial issue of quality of life.

Aside from odors and vectors, our residents' quality of life has been affected in a number of ways. Specifically, by allowing Keller Canyon Landfill Company to direct haul C&D materials, the County has been directing, and with this action would again direct, more large, diesel trucks to the landfill than otherwise would travel there.

The reason has to do with State and local diversion requirements. If these recycling requirements were being observed, and C&D material were being routed to transfer stations, we anticipate *less than half of the C&D material* coming out of these transfer stations would be routed to the landfill. What results is a concentration of large, diesel trucks on local highways and roads leading to the landfill which, in turn, means more congestion and road degradation. But this is not just about motorists having a pleasant driving experience. Significant health concerns are at stake. Large diesel trucks emit toxic air contaminants, which are known causes of cancer and non-cancer illnesses (e.g., emphysema). The roads that lead to the landfill, meanwhile, are populated by residential homes and schools.

If the Board now allows Keller Canyon Landfill Company to direct haul C&D materials despite having in place a condition of approval disallowing the practice, these sensitive populations will inhale the particulates and other contaminants emitted by the associated fleet of diesel trucks. And yet the Board has not considered, or even taken a look at, the potential impacts that would derive from the individual and cumulative cancer and non-cancer risks that are likely to result.

In fact, the item before the Board does not appear to involve Board consideration of *any* of the potential impacts that would derive from determining to allow the landfill company to accept direct haul C&D *after* such a practice has been formally disallowed.

Significantly, based on the staff report it appears that the requested action would be improper under the California Environmental Quality Act (CEQA), because it would constitute a discretionary project which requires environmental analysis. A "project" has two essential characteristics, which are set forth in Public Resources Code Section 21065. First, as noted above, it is an activity that may have a direct or indirect physical effect on the environment, including road, traffic and air quality

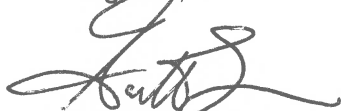
impacts. Second, as is apparent, it is an activity directly undertaken by a public agency or requiring the approval of a public agency. The grace period extension satisfies both criteria.

In any case, it is incomprehensible that the Board would consider granting the landfill company a "bye" when its actions potentially could significantly increase the risk that local men, women, and children will be diagnosed with cancer, among other diseases.

Your predecessor Board awarded an exceptionally valuable franchise to this company. The company has ignored conditions and restrictions over the many years of operation and it is now time for you to act unequivocally to protect the residents of Pittsburg, the County, and the entire region.

The City urges this Board to stay its course and enforce the March 22, 2017 deadline for compliance with the permit conditions. It should not allow the environmentally harmful direct hauling and dumping of unprocessed C&D material after that date, as to do so would be to put the profits of the second largest garbage company in the country above the concerns of the law, the local municipality, its residents, and the environment.

Regards,



Garrett Evans  
Assistant City Manager  
City of Pittsburg

cc: Joseph Sbranti, City Manager



Speaker Laura Wright DG  
3-14-17

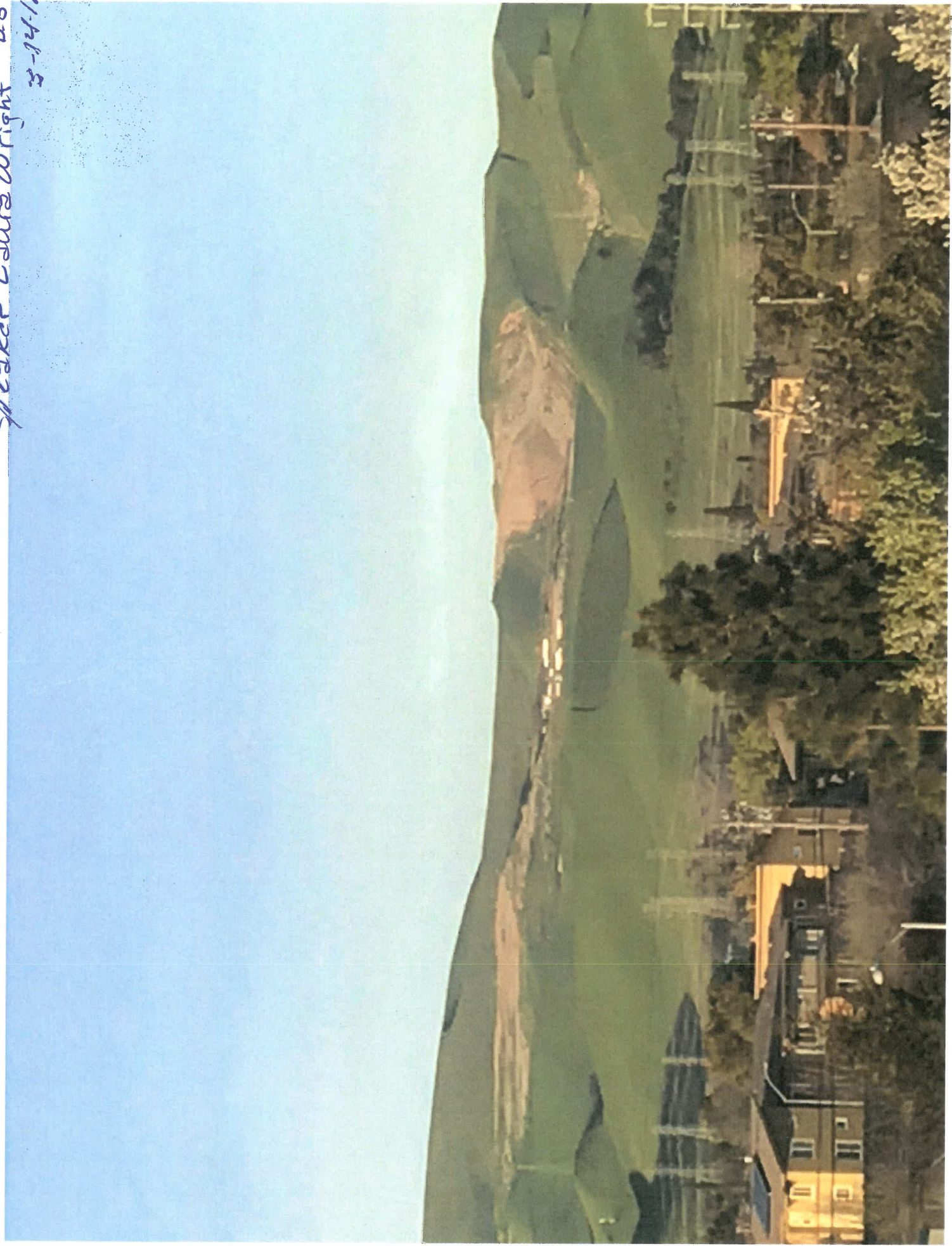


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