MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of October 18, 2012

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Boschee, Rhoads-Poston, Karah,

Cayler and Chairman Mahoney

EXCUSED:

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim

Laughlin, Deputy County Counsel; Nedzlene Ferrario, Senior Planner; Terry Schmidtbauer, Environmental Health Manager; Ricardo Serrano, Environmental Health Supervisor; Ed Padilla, Environmental Health Specialist; Nick Burton, Public Works Civil Engineer; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

June Guidotti, 3703 Scally Road, Suisun, spoke in reference to road work being done on Scally Road and voiced concerns about radiation and water contamination.

The Minutes of the regular meeting of September 20, 2012 were approved by a 4-0 vote with Commissioner Rhoads-Poston abstaining. The minutes of October 4, 2012 were unanimously approved as prepared.

1. CONTINUED PUBLIC HEARING to consider Use Permit Application No. U-11-09 of Recology and Jepson Prairie Organics for a landfill and composting facility. The project includes modifications to the permit limits for the average daily limits on municipal solid waste received at the Hay Road Landfill. The project is located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in an "A-80" and "A-160" Exclusive Agricultural Zoning District, APN's: 0042-020-280 and 060. The Planning Commission will also be considering adoption of a mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Nedzlene Ferrario) Recommendation: Approval

Nedzlene Ferrario, project planner, stated that this item was continued from the October 18, 2012 Planning Commission meeting. She briefly reviewed staff's written report. The report included responses to public comments made at the October 18th meeting with regard to vehicle trip increase and odor complaints.

Richard Serrano, Local Enforcement Agency (LEA), provided the commission with an overview of the role and responsibilities of the LEA and past enforcement actions.

Commissioner Rhoads-Poston inquired about the complaint process. Mr. Serrano described the process, noting that the response time can span from 15 to 90 minutes depending upon where on-call staff reside.

In response to Commissioner Karah's inquiry, Mr. Serrano explained the reasons behind the fluctuation in the number of complaints over different periods of time. He stated that the increase in the number of complaints were due to operating system deficiencies. He noted that those systems have since been upgraded and the complaints have decreased.

Chairman Mahoney also wondered if the increase could be due to the development of homes in the area. Mr. Serrano stated that in 2005, through the use permit revision process, staff held several stakeholder meetings where there was more interaction among residents. He noted that a web based complaint form was created to give residents a venue for providing feedback, and so complaints increased at that time. He noted that prior to 2005 residents were unsure where to voice their concerns.

Greg Pryor, Recology Hay Road, gave an overview of the project and addressed concerns expressed at the previous public hearing with regard to traffic, odor compliance, need for the project, regional facility, and environmental review.

Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, voiced her concerns with regard to the environmental impacts of the project as well as her concern to health and safety, air quality, traffic, litter, odor and dust. She requested the commission deny the proposal.

Donnie Huffman, President, Friends of the Dixon May Fair, 6587 Byrnes Road, Vacaville, stated that Recology is a very important business for them and for the community. He said that Recology accepts all of the Fair's green waste and manures and is one of their biggest supporters. He noted that Recology started out as a small company and has grown to be one of the best in California. Mr. Huffman said that Recology supports the community and runs a clean operation and have spent millions of dollars to address odor concerns.

Tom Raycraft, President, Fair Board, 6969 Robben Road, Dixon, spoke in support of the project. He said that Recology is a strong supporter of the Fair and the local community in general. He said they are their biggest in-kind sponsor and without their support and others like them they would not be able to survive. Mr. Raycraft stated that this permit revision has undergone an environmental review and the review concluded that the potential impacts have been mitigated to below significant levels. He said Recology is a good corporate citizen who not only gives back financially to the Fair Committee, but is active in giving time and in-kind services on a volunteer basis. Mr. Raycraft urged the commission to approve the project.

Tom Phillips, General Manager, Recology Vallejo (RVJO), 186 Spikerush Circle, American Canyon, stated that their facility is a collection and recycling company and is part of the Recology family. He said that Hay Road Landfill is more than just a landfill that accepts trash. He said they accept food scraps, green waste, and municipal solid waste. They also accept curbside recycling from the Cities of Dixon and Vacaville and unincorporated county areas. Mr.

Phillips stated that they take materials stored at Recology back to their facility where it is processed. He said there is a partnership between the municipalities and the different cities and this provides the ability to maximize the efficiencies to cut cost. Mr. Phillips stated that passing this proposal is important for the county and for the individual communities. He urged the commission to approve the project.

Commissioner Boschee wanted to know where Vallejo takes their municipal solid waste. Mr. Phillips explained that it currently goes to the Devlin Road transfer station and from there it is transferred to Keller Canyon Landfill in Contra Costa County. Mr. Boschee inquired as to why it is not disposed of in Solano County. Mr. Phillips stated that the cities of Vallejo, American Canyon, and Napa are all under contract and are required to take their waste to the transfer station. Mr. Phillips stated that he was not aware of when the contract expires.

Martin Emigh, 5814 Pedrick Road, Dixon, spoke in support of the proposed permit revision. He stated that he is a neighbor of the Hay Road Landfill and has been for the past 15 years. Mr. Emigh stated that there have been odor problems in the past from the composting operations, and Recology has been very responsive and open about addressing the issue. He noted that there has been a significant improvement and has only smelled the odor from the composting facility once in the last 3 years. Mr. Emigh commented that the area is an agricultural area and sometimes there are odors from other activities such as the spreading of fertilizer on nearby fields that can be confused with the composting operation. He said if he has an issue he can contact Mr. Pryor and the problem will be immediately addressed. Mr. Emigh stated that the composting that Recology does provides a great benefit to the environment. He said the soil amendments that they produce come back full circle to support agriculture in Solano County and the surrounding area. Mr. Emigh stated that Recology may have had a bit of a learning curve at first, but from his perspective they have done a very responsible job of addressing the issues. He encouraged the commission to support the permit request.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

Commissioner Rhoads-Poston commented that she went out to the landfill last weekend and toured the facility.

Commissioner Boschee stated that one of his concerns is that Solano County seems to be the dumping ground for other counties. He said that county citizens voted some years ago not to accept out-of-county garbage, but with recently passed legislation the county has no choice and that bothers him. He said if the expansion of the facility was for accepting Solano County solid waste it would certainly be a different issue for him. Mr. Boschee stated that his concern is with the expansion there is going to be additional material coming from out of county. Mr. Boschee stated that he does understand that the facility needs to maximize the operation of their facility, but in order to address his concern he asked Mr. Pryor if Recology would be willing to agree to limit the increase to Solano County waste only.

Mr. Pryor stated that Condition No. 3 contains language with regard to Measure E and if the measure is upheld they would have to comply with that condition.

Commissioner Boschee asked if they would be willing to limit the amount either way.

Mr. Pryor said that he was not authorized to answer that question. He stated that it was anticipated in the 1993 environmental document the potential tonnage of up to 2,445 tons per day. Based on that master development plan and the environmental review that was done for the project all of the impacts associated with importing municipal solid waste from within Solano County or outside the county had been mitigated to less than significant. He said it is important to note that the regional nature of these facilities and the extensive environmental oversight that is done have escalated costs significantly, and in order to keep costs palatable and stabilized, the importation of waste helps do that which is a benefit to the residents of Solano County.

Commissioner Boschee said that he does believe that Recology is attempting to run a clean and environmentally sound operation which is not the issue for him. He said that he would still like to come out and visit the facility in the future.

Chairman Mahoney stated that in looking at the scenario of the facility only accepting Solano County waste and being in competition with other businesses, he asked Mr. Pryor how long he would expect to remain in business. Mr. Pryor stated if they were restricted to just Solano County municipal solid waste and other regional landfills were not, it would not take long for them to go out of business. He said that it would not necessarily be from the standpoint of them competing for the waste, but the environmental regulations require the same type of compliance for lessor tons as they do larger tons. He said the systems that they build would still have to conform to state and federal regulations, and spread that over a dwindling number of tons would have a significant impact.

Paul Yamamoto, President, Recology, Davis, agreed that they would be handicapped in a way that would cause them to be unviable, so the capacity that is currently available to the county would no longer be available. He said it is a worst case scenario, but if they were competing with regional landfills that do not have the same restrictions or constraints, it would be very difficult to compete. He stated that there is significant cost associated with running a compliant landfill. He commented that California has one of the most stringent requirements for operations and monitoring in the country and so it would be difficult to manage that site. He said there is another regional landfill within the county that they are competing with and between the two sites it would be very difficult.

Commissioner Rhoads-Poston asked if it has ever been put to legislation to have every county accept only their waste. Mr. Yamamoto stated that he was not aware of any statewide legislative initiatives to that effect.

Commissioner Rhoads-Poston commented that during her tour of the facility some of the things that she observed and was impressed by were the new innovations that they are trying such as using chickens to help decrease the seagull population and the use of apricot sacks. Mr. Pryor went into some detail of the process in the use of the chickens and apricot sacks in their attempt to help decrease odors.

Commissioner Rhoads-Poston mentioned she has friends who reside a mile from the Hay Road Landfill and have lived and operated a business there for about 5 years. She said that her friends have never complained about odor. She commented that she has visited them many times and has never detected any odor.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Cayler to determine that the Mitigated Negative Declaration is adequate and complete, adopt a Mitigation Monitoring Program, and approve Use Permit Application No. U-11-09 subject to the revised conditions of approval. The motion passed 3-2 with Commissioners Boschee and Karah dissenting. (Resolution No. 4587)

2. ANNOUNCEMENTS and REPORTS

Commissioner Karah announced that Mike Yankovich was voted Best Planning Manager of the Year at the Annual California County Planning Commissioners Association banquet. Commissioner Boschee commented that Commissioner Karah did an excellent job of putting on this event and felt proud of how she promoted the county and the various aspects of the county. Commissioners Cayler and Rhoads-Poston also agreed that Commissioner Karah did a great job at planning the event.

3. Since there was no further business, the meeting was **adjourned**.