Ken Ellison
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

October 26, 2012

Re: Carneros Ranch Fill Project (UPE08-0110), State Clearing House No. 2011062013

Dear Mr. Ellison,

The Marin Conservation League ("MCL") has actively monitored significant environmental and land use issues affecting Marin County for some 78 years. As you know, MCL is concerned about the proposed Carneros Ranch landfill project because it has the potential for significant impacts within Marin County and over the entire region due to its massive scale.

We are pleased that Sonoma County has determined to prepare an Environmental Impact Report ("EIR") for the project under CEQA, and has belatedly agreed to seek public input on the scope of the EIR. This massive project, extending over decades, deserves a thorough environmental review. We note that the land owner stands to make in excess of $100,000,000 from operation of the landfill and, therefore, agricultural use of the property decades in the future is likely secondary to operation of a profitable landfill. The project should be viewed, first and foremost, as a proposal to operate a commercial waste disposal landfill.

Neither MCL nor, as far as we know, any other Marin entity was notified of this project, and so our involvement came late in the process. As such, our prior comments and concerns were focused on some of the more egregious aspects of the County's approval, and was not meant to be a complete recitation of the issues that should be addressed in an EIR. We hope that the EIR is not simply a warmed over version of the studies prepared in connection with the County's prior "negative declaration," which were inadequate in many respects.

We submit this letter on short notice so that the public record clearly contains our views concerning the EIR scope in advance of its preparation. We sincerely hope that our concerns are properly addressed in the EIR.

Sea Level Rise

The impending rise in sea level is, at this point in time, beyond any reasonable doubt, and has several implications for the Carneros Ranch landfill project, insofar as the ranch is presently situated nearly at sea level on diked bay lands. Some of the issues related to sea level rise, which should be analyzed in the EIR, include:

The Alternative of using the site for the creation of new wetlands – As the level of the sea rises existing wetlands will be flooded and lost. All levels of government, including Sonoma County, should be planning for the creation of new wetland areas to replace those that will be flooded. Carneros Ranch, on diked wetlands at the edge of the San Francisco Bay adjacent to the Petaluma River, is

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ideally situated for this purpose; we believe that there are few other properties that are as well-suited for wetland creation. CEQA requires that the County consider alternatives to the action under consideration. The alternative of using Carneros Ranch as a future wetland site should be evaluated.

Adequate supply of fill material – As sea level rises there will be increased competition for the limited supply of fill material. This could affect the Carneros Ranch landfill in two ways. First, as the demand for fill increases, a significant proportion of the fill that is expected to be available for disposal at the landfill could be diverted to other, higher priority, uses. For example, nearby Highway 37 is in danger of being inundated by sea level rise, and an obvious solution for protecting this important route would be to elevate the level of the roadway, which could require enormous amounts of fill. Other areas subject to flooding, some of which are more developed or otherwise higher in priority, will require fill for elevation or for dikes to hold back the rising sea water.

Second, the "tipping fees" paid by dredging companies to dispose of waste dredged material at the Carneros Ranch landfill could be dramatically reduced as demand for dredge material increases. Instead of being considered waste that dredgers pay to dispose of, the dredged material could become a desired commodity in the fight against sea level rise. The economic viability of this landfill operation is dependent on the income it generates from the disposal of unwanted fill at the site, and without this revenue it is unlikely that the project can succeed.

Accordingly, we believe that the following questions should be addressed in the EIR:

- Will there be an adequate supply of suitable dredge fill material over the next twenty years for the landfill? What has been done to investigate the supply? What is the likelihood that other projects associated with sea level rise will divert dredge material?

- What level of tipping fees are required to make the landfill economically viable? What is the risk that the tipping fees will not be adequate?

- What is the risk that the landfill operator will be unable to complete the project within the allotted twenty-year period because of an inadequate supply of dredged material? What would be the environmental effects if the project is delayed?

- What would happen if the landfill operator goes bankrupt or otherwise abandons the project before it is completed? What actions should the County take to protect against this eventuality – for example, should it require performance bonds to insure that all environmental testing, monitoring and other requirements are continued if the landfill operator is financially unable to continue operation?

Moreover, if tipping fees are significantly reduced, or if easily transportable dredge material becomes harder to find, the landfill operator would be motivated to find other sources of waste material for disposal on the site, which could lead to a substantially higher volume of waste being trucked to the landfill. As described below, there already would be serious environmental impacts associated with the very large numbers of trucks that will be required for this operation, and any substantial increase in the volume of material transported by truck will only exacerbate those impacts.

An obvious alternative to trucking would be to haul material to the landfill site in using the nearby rail line, and it is a matter of public record that the landfill owners have or have in the past had affiliations with the rail industry. Moreover, the cost of rail transport could be lower than trucking, particularly if the volume of dry waste material increases, such that the landfill operator could be motivated to use this alternative. Accordingly, we ask that the following issues/questions be addressed in the EIR:

- The EIR should address the alternative of rail transport of dry waste. This would involve an analysis of the environmental and traffic impacts of rail transport and its potential for accelerating the industrialization of Port Sonoma.

- The applicant should be required to disclose any plans that it has made or that it is considering regarding use of rail transport, including inquiry into its affiliations with rail companies.

Impact on Floodplain – As sea level rises, the impacts on the drainage could be significant. The landfill site is situated on a floodplain, and raising the elevation of the tract, so that it is essentially an island of elevated land, has the potential for significantly impacting the drainage patterns. Specifically elevation of the site could exacerbate the potential that the surrounding properties will be flooded. Our attorney has previously advised you that it is illegal under county law to locate a landfill operation in a floodplain. Accordingly, we ask that the potential impacts on the flood plain, and possible mitigation measures, be assessed. We further ask for an explanation of why the county ordinance, barring disposal of fill material in a flood plain, does not apply to this project.

Land Use Impacts

The operation of a massive landfill/waste disposal facility in what is presently a substantially rural, semi-suburban area will have both short term and long term land use impacts. Our attorney has advised you that the landfill project is inconsistent with the current comprehensive plan for the area and that revisions of the plan would be required.

Industrialization of Port Sonoma – The large quantity of waste dredge material that will be disposed of at the site will generate considerable tug/barge traffic that will effectively destroy Port Sonoma's current designation as a recreational facility. MCL believes that there has not yet been adequate disclosure or discussion of the details of how this barge traffic will be managed or its impact on the recreational use of the Port. For example, it is not known whether the barge traffic will be evenly spread out over the course of a year, or whether it will be more intense during certain seasons.

Moreover, even if the land use designation for recreational use is maintained, the intensity of the barge traffic would cause a *de facto* industrialization of the Port both in the short and long term. Once recreation is effectively driven out, and Port Sonoma takes on an industrial character, it will become much easier for the developer to seek legal recognition of the Port as an industrial facility. In this regard, we further note that the land fill operator is affiliated with individuals who have, in the past, sought to industrialize Port Sonoma, and who would benefit from the *de facto* industrialization of the Port. As noted above, they are also affiliated with rail lines that could also benefit from industrialization of the Port.

The following questions should be addressed:

- What is the anticipated scheduling and management of barge traffic and what impact will it have on recreational use of the Port?

- Is it realistic to believe that recreational users will continue to patronize the Port?

- What are the growth inducing effects of industrialization of Port Sonoma? What is the likelihood that the industrialization of the Port will involve substantial rail traffic and what would be the impacts of making the Port a rail hub?

- If the plan is to revive the recreational character of the Port after the landfill project is completed, what remedial actions would be required to accomplish that revival? What guarantees and/or bonds are required to assure that any projects needed to revive recreational use decades from now are funded and performed?

Impacts on Marin – One reason MCL has taken an interest in this project is because it is situated directly across the Petaluma River from Marin, yet the environmental analysis done to date has largely neglected to assess the impacts of the project on Marin. Sonoma county is legally required to assess impacts outside of its jurisdiction and cannot ignore impacts in Marin.

Port Sonoma is situated on a stretch of the Petaluma River that is heavily used for recreation. For example the closest portion of Marin (the Black Point development) is residential in character and many of the homeowners in the community have docks on the river. The *de facto* industrialization of Port Sonoma, with the attendant pollution, increased water/highway/rail traffic and noise, has the potential for substantial degradation of the adjacent Marin community. As noted above, the huge increase in barge traffic will have very substantial impacts on recreational use of the Petaluma River by Marin residents. Accordingly, we ask that the following questions/issues be addressed in the EIR:

- How will barge traffic impact recreational use of the lower Petaluma River by Marin residents and others?

- What would be the noise impacts of the project on the Black Point community? What are the aesthetic impacts of the project on residents of the Black Point community?

Changes in Agricultural Use – Once the landfill project is complete it appears that the ultimate use of Carneros Ranch will be for vineyards. The landowner has been quoted in the press as stating that the site will be used to grow grapes, and this is the predominant agricultural use on suitable lands in the area. The successful establishment of a large vineyard in the area will only encourage other nearby property owners to follow suit and will, therefore, it appears likely that the project could have substantial growth inducing impacts that change the agricultural character of the area. Moreover, once Carneros Ranch is put into wine grape production, its position on Highway 37, one of the main routes to the "wine country," makes it ideally suited for a winery because it would be near the gateway of the Carneros region. As the closest winery encountered by those travelling to the wine county along Hwy 37, it would generate considerable traffic and would encourage other nearby land owners to follow suit. The roads to Carneros Ranch, *i.e.*, highways

101 and 37, and Lakeville Road, are already heavily travelled, and the long term impacts of increased traffic along these roads as a result of a new winery developments on the site and in the area should be analyzed.

The likelihood that the entire character of the region will change as a result of this project needs to be analyzed. Specifically, we ask that the EIR address the growth inducing impacts of the industrialization of Port Sonoma and introduction of vineyards and a winery into the area.

Traffic Impacts

The proposed Carneros Ranch landfill expects to truck to the site up to 10% of the fill material destined for disposal there. It has been estimated that this translates to about 15,000 dump truck trips to and from the site per year. This translates to about 40 trips per day if evenly spread over 365 days. This is a very substantial volume of traffic that would be added to already crowded roads. If, as can be expected, the 15,000 trips are not evenly spaced throughout the year, there will be times when the truck traffic is more intense.

Moreover, as noted above, any shortfall in the availability of waste dredge material could lead the landfill operator to increase the volume of solid waste it accepts to make up for a deficiency in available dredge waste. This would either further increase the volume of truck traffic or push the landfill operator to use rail to haul solid waste for disposal at the site.

There are quite a number of unanswered questions about the traffic impacts of the huge volume of dump trucks that will be hauling waste to the landfill, including:

- How will traffic be managed and controlled? Will there be any limits on truck traffic to the landfill? Specifically, will there be any yearly, monthly or daily maximums?

- How will the truck traffic be distributed during the year, e.g., will it be evenly distributed throughout the year or will it be concentrated at specific times/seasons?

- Will there be restrictions on truck deliveries in terms of time of day, week, season etc.?

- How will truck traffic be routed to and from the landfill, e.g., via Hwy 37, Lakeville Rd? What will be the specific impacts on these routes in view of the answers to the foregoing questions, (e.g., if all of the truck traffic is concentrated in specific seasons)?

- How many accidents, injuries, deaths will there be due to increased volume of truck traffic?

- What road work will be required to accommodate the increased traffic? Will it be necessary to install new or redesigned intersections, traffic lights, street lights, etc. Who will pay for these improvements? Has CalTrans weighed in? Will any trucking operations be permitted before all the needed improvements are made?

- Where will trucks be coming from? What is the estimated average truck round trip distance?

Air Pollution

The letter previously submitted by our attorney, along with the expert report of Pless Environmental, Inc., has identified the deficiencies in the developer's prior analysis of the air pollution impacts of the project. We believe that these deficiencies need to be cured and that a thorough analysis of impacts on air quality from the barges, tugs, trucks, pumps, farm equipment, etc. is needed. This requires a thorough analysis of the green house gas emissions from the project, the diesel emissions from the project, and from windblown particulates from the wet and dry waste fill material. As noted above, an air pollution analysis requires a basic understanding of average trip distance for waste material trucked, barged, or hauled by rail to the site for disposal, and should consider both local and global pollution effects.

Impacts from waste disposed of at the Landfill

As we understand it, the dredge material that is brought to the site will have a very high water content. Since most dredge material in the Bay Area is from salt water sites, it appears that a very large quantity of salt will be contained in the dredge material. On the other hand, salt is largely incompatible with agricultural use. This raises the following questions:

- Is it correct to assume that the dredge material will be salt laden? What will be the average salt content? If the material is not salt-laden, where will the dredge material come from and is there a sufficient supply of salt-free dredge material to meet the 20-year landfill schedule?

- If it is anticipated that any substantial portion of the dredge material will contain salt, how will the salt be eliminated from the soil, and what are the impacts of salt removal, for example:

  -Will salt migrate into the ground water? What impacts on the ground water can be expected?

  -Will salt migrate onto adjacent properties (including existing wetland areas)? What impacts on surrounding properties can be expected?

  -Will salt and/or salt water be disposed of in the Petaluma River? If so what permit(s) are required and has the permitting agency been consulted? What impacts on the river can be expected?

  -Will salt removal, or other aspects of the landfill operation, require a substantial supply of fresh water and, if so, where will the water come from and where will it be disposed? Again, if a water supply is needed what legal arrangements are required and have any agency(ies) with jurisdiction been consulted?

As noted, the landfill presently plans to haul huge amount of dry waste to the site via truck. Yet the source of this waste is only described in highly vague terms. As further noted above, any decrease in the availability of dredge material could result in an increase in the relative amount of dry waste material disposed of in the landfill. This raises several questions, including:

- What, if any, restrictions will be imposed on acceptable dry fill material? How will any such

restrictions be monitored?

- What testing, if any, will be required of dry fill material, and what is the reliability of the testing?

- Will sewerage sludge be accepted at the landfill? If so, where will it come from, how will it be delivered to the site, and what testing will be required? What measures will be taken to insure that any sewerage sludge is disinfected and what monitoring will be required?

- Will household trash be accepted at the landfill? If so, where will it come from, how will it be delivered to the site, and what testing will be required?

- Who will decide if waste deposited on the site is compatible with agricultural use of the property after the landfill is closed?

- How will water from the wet dredge material or sludge be collected and tested? Will drainage from the site go into the Petaluma River? How often should runoff water be tested?

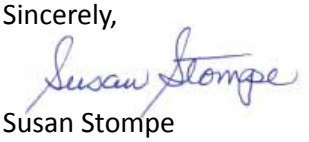
Impacts on Biological Resources

MCL, through its attorney, previously submitted the expert report of Peter Baye, Ph.D., identifying issues and questions related to the biological impacts of the landfill project. In summary, Dr. Baye concluded that the biological impact assessments done to date are, "fundamentally flawed." We ask that the issues and questions raised by Dr. Baye be fully addressed in the EIR.

We appreciate the opportunity to provide our input on the scope of the landfill EIR and sincerely hope that these comments are fully addressed.

Please advise us when the Draft Environmental Impact Report becomes available for public review. We may be reached via email at mcl@marinconservationleague.org or regular mail at 175 No. Redwood Dr., Ste. 135, San Rafael, CA 94903.

Sincerely,



Susan Stompe
President

cc: Sonoma County Board of Supervisors
Bruce Goldstein, Sonoma County Counsel
San Francisco Bay Regional Water Quality Control Board
US Army Engineer District, San Francisco
Bay Conservation and Development Commission