

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



14-5

During the oral communication section of the agenda for Tuesday, October 1, 2013, Emmanuel Martinez spoke regarding the Notice of Intent to adopt the Mitigated Negative Declaration for the Coachella Valley Compost Facility permit.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
14-5**



September 6, 2013

Mr. Ryan Ross, Principal Planner
Riverside County Waste Management Department
14310 Frederick Street
Moreno Valley, CA. 92553

RE: Comments on Notice of Intent (NOI) to adopt Mitigated Negative Declaration for Coachella Valley Compost Solid Waste Facility Permit Revision (SWFP) Environmental Assessment No. CVC 2012-01

Dear Mr. Ross:

Thank you for the opportunity to comment on the above referenced project.

The City of Coachella (Coachella) consists of approximately 21 square miles and is home to some 42,000 residents. The Coachella City limits are coterminous to the landfill property on the eastern and southern sides and within one-half mile of the proposed project site. The City is responsible for protecting the health and safety of its residents and, therefore has a great interest in the impacts that may result from the proposed project.

The City has reviewed Environmental Assessment (EA) CVC 2012-01 and believes that the EA underestimates the potential significant impacts that could result from the proposed project. We believe that the California Environmental Quality Act (CEQA) mandates that an Environmental Impact Report be prepared for the proposed project.

Coachella submits the following comments on Environmental Assessment CVC 2012-01:

Initiation of an Ordinance and Ordinance Amendment that would regulate the Siting, Approval and Operation of Composting Facilities:

On July 30, 2013, the Riverside County Board of Supervisors (Agenda Item 3.67) directed the Departments of Code Enforcement, Environmental Health, Waste Management and Planning to work collaboratively with County Counsel to prepare and process the ordinances referenced above relating to the siting of compost facilities. Page 2 of the Form 11 to the Board, states:

"The Board recently enacted a clean-up action on Cal Bio-Mass, a large scale composting facility to eliminate an odor problem that was adversely affecting residents within one mile of the location. In the past, another site that composted sewage sludge was closed primarily due to odors generated during the processing of material".

Emmanuel Martinez
Oral
Comm.
10/1/2013

- I. Identify the zones in the County that can house a composting facility without negatively affecting the residents of Riverside County from odors emanating from the site.
- II. Establish appropriate development standards, conditions and requirements for composting facilities to ensure compatibility of such facilities with other surround uses and properties, avoid any negative impacts, and address public health, safety and welfare concerns.
- III. Ensure State accepted Best Management Practices are used at all composting facilities such as enclosed operational areas and other odor mitigating procedures.
- IV. Require the companies wishing to operate composting facilities within Riverside County to meet waste diversion needs but operate under terms to mitigate odors and other negative impacts to residents.
- V. Require appropriate restoration bond amounts, letter of credit or some other form of financial security acceptable to the County.
- VI. Establish and enforce storage amount limits and/or storage times established in the operating permit.

The City of Coachella strongly supports the Board of Supervisors action to prepare an ordinance relating to the siting of compost operations. Furthermore, the City recommends that **no action** on the proposed project be made until the ordinance is prepared and adopted and that this project adheres to all provisions of the new ordinance.

The comments below address responses to the environmental factors in the Environmental Initial Study portion of the Environmental Assessment, as well as some additional items of concern for the City of Coachella.

Land Use and Planning

1. Section 3.2.1(a) of the Environmental Assessment states that the project would not conflict with the County General Plan, and Zoning of the property. The City believes that the proposed project is **inconsistent** with the County General Plan as explained below.
 - a) The project does not comply with Land Use Policy 6.2 which states: “Notwithstanding the Public Facilities designation, public facilities shall also be allowed in any other land use designation except for the Open Space-Conservation and Open Space-Habitat land use designations. For purposes of this policy, a public facility shall include all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, all facilities operated by any combination of these agencies.” The EA states that the “project site encompassing approximately 35 acres is leased from the RCWMD which owns the entire 640-acre Coachella landfill property. The project site is leased to Burrtec Waste Industries Inc., the

facility operator who acquired the facility from Agri-Service in 2010.” Because a private company, not a Federal, State, County or Special District governed by the County, would operate the proposed facility, the proposed project is **inconsistent** with the County General Plan.

- b) The proposed project is inconsistent with County LU Policy 25.3 that requires that new public facilities protect sensitive uses, such as schools and residences from the impacts of noise, light, fumes, odors, vehicular traffic, parking and operational hazards. The mitigation measures included in the EA would fail to protect the existing and future Coachella residents from the potential for additional noise, light, fumes, odors, vehicular traffic and operational impacts given the proposed intensity of the project.
 - c) The proposed project is also inconsistent with LU Policy 25.5 that requires that public facilities be designed to consider their surroundings and visually enhance, not degrade, the character of the surrounding area. There is nothing in the EA or in the project description that would visually enhance the character of the surrounding area. The proposed project is absent any screening or landscape buffers. Additionally, the additional traffic associated with the Project would only serve to degrade existing areas because of additional truck traffic.
2. The EA states “that properties to the east and south of the landfill property are located within the City of Coachella and are zoned for residential land uses as part of Specific Plans. Because this site has been historically used for waste management purposes and has vacant land, the closed landfill, and a transfer station immediately surrounding it, the proposed CVC expansion project would be compatible with surrounding land uses” and concludes that a less than significant impact is identified and no mitigation will be needed. The City disagrees with this finding.

As stated earlier, in the report to the Board regarding a new proposed ordinance regarding compost facilities, residents over a mile away from Cal Bio-Mass have been impacted from odors emanating from the site. The report also referenced a former facility in Temescal Canyon where residents 3 miles away were significantly impacted from odors. Just because the site has been used for landfill operations in the past provides no assurance that there will be an absence of adverse impacts to surrounding land uses. The City of Coachella General Plan calls for commercial entertainment and resort residential uses for the areas west, south and east of the project site with large master planned communities contemplated immediately adjacent to the subject site (Desert Lakes Specific Plan), and the La Entrada Specific Plan south of the Interstate 10 Freeway, east of the All American Canal. The proposed project is incompatible with existing and future commercial and residential uses in the larger vicinity, and the project should be implemented in a more remote region of the County to avoid adversely impacting residents of the City of Coachella.

Water:

- 3. The response to the question in Section 3.2.4(f) indicates that the project will result in an increase of 48,130 gallons per day of potable water from the City of Coachella. This

increase will impact the Coachella Valley's limited water supply that is in a state of overdraft, and needs to be fully mitigated through agreements with Coachella to fully offset any additional use of ground water. The City has worked diligently with the Coachella Valley Water District to participate in an imported water surcharge program that needs to be implemented for projects requiring large amounts of water supply. The increased water demand would be supplied through the existing water reservoir located at Polk and Avenue 46 which currently serves existing developments in the northern Coachella service area, and is slated to serve future commercial developments in the City of Coachella. The exclusive use of potable water for a large dump site as proposed is not a sustainable option, and other mitigating options such as surface water should be explored to augment the limited water supplies available to serve the site.

Transportation:

4. The traffic study prepared as part of the EA includes a traffic signal warrant analysis for the intersection of I-10 Freeway/EB Ramps, and the I-10 Fwy/WB Ramps. The analysis concludes that traffic signals are warranted for these intersections. However, the conclusion of the traffic study indicated that the County of Riverside should periodically review traffic operations in the vicinity of the project once the project is constructed to confirm that traffic operations are satisfactory. The City does not concur with the conclusion of the traffic study and supports the results from the traffic signal warrant analysis that the two new traffic signals be installed as an integral part of the proposed project development.
5. Existing street pavement of Dillon Road between Vista Del Norte and "The Vineyards" motorcoach resort is severely deteriorated, especially along the southbound traffic lane. The traffic study forecasted a generation of new Passenger Car Equivalent (PCE) of 1,404 daily trips as a result of the proposed project. The projection of PCE daily trips will consist of heavy multi-axle trucks that cause repeated heavy impact loading on flexible asphalt pavement. Prolonged exposure of such truck loading to a street pavement severely damages, and foreshortens the expected life span of, conventionally designed city street pavement systems. It is recommended that the developer provide an asphalt pavement design analysis, for approval of the City that is based upon the projected PCE daily trip loading of trucks and existing traffic loading on Dillon Road. It is further recommended that the developer reconstruct the section of Dillon Road, affected by the project, according to the approved asphalt pavement design that is approved by the City.

If there are significant environmental effects to traffic that are not being mitigated as noted above, the County should be preparing an Environmental Impact Report in order to override these significant impacts.

Air Quality:

6. The EA states that the nearest sensitive receptors are located in the Vineyards Phase 2 development, approximately 3700 feet from the proposed project, yet it concludes that any air quality impacts including odor impacts will be mitigated by adherence to the Odor Impact Minimization Plan and rules and regulations by SCAQMD. On September 4, 2013

the Indio City Council had a special meeting where verbal and written testimony was provided by Mr. Fritz Bachli, a 4-year resident from the City of La Quinta that lives near the recently-abandoned composting facility on Avenue 62 and Jackson Street in Thermal, California. His testimony indicates that odors from industrial and animal waste emanating from the prior-existing composting facility escaped from the facility and caused his “back yard to smell like an outhouse” and “the inside of his home smells” ultimately causing mental distress and physical illness.

7. Section 3.2.6(b) of the EA responds to the question “Would the project expose sensitive receptors to air pollutants?” with a less than significant impact and no mitigation is recommended. At the September 4, 2013 special meeting of the Indio City Council mentioned above Mr. Fritz Bachli indicated that toxins from industrial and animal waste emanating from the prior-existing composting facility escaped from the facility and caused him to become physically ill, and he “became a victim of exposure to environmental pollutants and chemicals” as documented by his physician.
8. The EA states that future residents of the City will be adversely impacted by the proposed project even with the proposed odor minimization plan included in the EA. The City believes that the proposed project, if approved, should be located in a more remote part of the County. Any increase in tonnage to the existing composting facility should only be allowed if the project proponent demonstrates that impacts can be kept to a less than significant level. As previously stated, there are large master planned communities contemplated immediately adjacent to the subject site (Desert Lakes Specific Plan), and the La Entrada Specific Plan south of the Interstate 10 Freeway, east of the All American Canal. Both of these large master-planned communities would be located down-wind of the prevailing wind patterns and would be adversely impacted by odors.

Noise

9. The discussion of noise impacts fails to identify any off-site impacts that will be caused by increased traffic resulting from the proposed project. The roadway section of Dillon Road between the Interstate 10 Freeway and Landfill Road will be used by all truck traffic accessing the facility. There are sensitive receptors (existing residents) at “The Vineyards” motorcoach resort and at the “Villas at The Vineyards” gated community at the northeast corner of Tyler Street and Vista Del Norte that would be impacted by the increased noise levels resulting from added truck trips. These noise impacts should be analyzed and mitigated accordingly.

Fire

10. The discussion in the EA regarding fire protection fails to evaluate the potential for a long-term fire event at the site. Given the proposed intensity of the project it is extremely likely that a fire could occur on-site. Historically, fire events in composting operations last for weeks or months and typically leave the government entity on the hook for cleanup. The EA should evaluate the potential for a long-term fire event and the impact that would have on Coachella Fire Department resources, including fiscal impacts. Furthermore, the EA needs

to analyze the potential for health impacts that could result from a long-term fire event on existing residences within the City.

Sewerage Disposal

11. The EA makes reference to a new on-site wastewater treatment system for the new break room, but no further information is provided regarding the that system. Additional details are necessary to explain what this OWTS will entail.

Aesthetics

12. The EA states that the facility is 1.5 miles from the closest residential use, yet previously it identified the closest residential use as 3700 feet away. The EA needs to be consistent as to where and how close the nearest residences are and if the project will be visible. The EA also needs to evaluate the impact of increased traffic from an aesthetic point of view.

Flies and Other Potential Rodent Infestations

13. The EA completely ignores any potential for increased fly or other rodent infestations that could result from implementation of the proposed project and how that might impact the City.

Economic Impacts

14. The City of Coachella believes that the project will have secondary economic impacts to the surrounding community. As previously stated, the City of Coachella has a “commercial entertainment” vision with retail/hotel/restaurant and resort housing uses in the vicinity of Dillon Road and the Freeway. A large-scale composting and dump facility as proposed by the County in this region will create an industrial appearance from the large influx of trash trucks and related services.
15. The City of Coachella believes that because it will be more expensive to dispose of waste at this proposed facility, the City may see an increase in illegal dumping, which continues to plague the Eastern Coachella valley communities. Information of the proposed disposal fees for this facility should be disclosed. This would adversely affect Coachella’s prospects for attracting investments for upscale commercial and resort developments in the larger vicinity.

Public Notice

16. The City believes that the public notification of the proposed EA needs to be extended beyond the 2500 ft. radius that was used. Additionally, many residents leave town in the summer and return in the fall. Additional time should be allocated for commenting on the proposed EA and project.

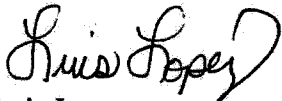
Conclusion

Coachella respectfully requests that the County of Riverside Waste Management Department postpone any decision on the proposed CVC Solid Waste Facility Permit Revision and Environmental Assessment No. CVC 2012-12 until Riverside County prepares and adopts an ordinance that would regulate the siting, approval, and operation of compost facilities. Furthermore, as explained above, the City believes that the proposed project is inconsistent with the County General Plan.

Lastly, we believe the environmental assessment underestimates the potential significant impacts that may result from the proposed project, and proposes to “override” significant environmental effects without mitigation, thus triggering the need for an Environmental Impact Report. The City of Coachella would like to see a detailed analysis of project alternatives as part of the Environmental Impact Report process to consider viable options, including the “no project” alternative and alternative locations for the project.

I am available for any questions at (760)398-3102.

Respectfully,



Luis Lopez
Development Services Director

Xc: David Garcia, Mayor and City Council Members

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Emmanuel Martinez

Address: _____
(only if follow-up mail response requested)

City: Coachella **Zip:** 92236

Phone #: (760) 398-3502

Date: 10/1/13 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.