



September 7, 2017

Board of Directors
Ventura Regional Sanitation District
Ventura, California

UPDATE ON EFFORTS TO MODIFY THE COUNTY-ISSUED CONDITIONAL USE PERMIT FOR THE TOLAND ROAD LANDFILL

RECOMMENDATION

Receive and file an update on the progress to modify the conditional use permit for the Toland Road Landfill.

FISCAL IMPACT

This action has no fiscal impact.

BACKGROUND/ANALYSIS

Staff has made a concerted effort in 2017 to move forward with its plan to modify the existing County-issued conditional use permit (CUP) for the Toland Road Landfill. It is currently set to expire in May 2027. At its current fill rate, the site would not likely reach its maximum permitted grades until 2037.

Fiscal Sustainability

Staff has been examining the plan to extend the CUP beyond the 2027 termination date and analyzing the fiscal sustainability of the District as a whole. The financial model that was created and presented to the Board in August 2016 was further scrutinized and refined in December 2016. The model has consistently shown a revenue shortfall that would require additional tonnage to be brought into the landfill or an increase in tipping fees to our customers. Beginning in December 2016, the Board has indicated its preference for increasing tonnage instead of increasing customer's rates as a way to address the additional revenue requirements.

First Meeting with Ventura County Planning Division

With this knowledge in mind, staff first met with County Planning staff on January 19, 2017 to discuss the intent to modify the CUP and seek guidance on the timeline to accomplish this goal. At that time, Planning staff suggested that requesting a 10 percent increase on the daily tonnage limit from 1,500 to 1,650 tons per day would be a reasonable and potentially expeditious route in the form of permit adjustment.

The 150-ton increase and 10-year time extension formed the basis of a project description that Planning asked District staff to submit to them for review. As part of this description, staff demonstrated how the site would not be filled by 2027. The description also included data that showed that the additional tonnage would have very little impact on traffic since the additional 150 tons would likely be brought up on just seven transfer trucks. Planning staff took this project description and presented it to an internal “New Case” committee that discusses new projects in the County. The informal determination of this group was that while the request was reasonable, it would not fall under a permit adjustment.

Refined Revenue Requirements

Final preparation was made for budget and fiscal sustainability presentations for the Board to consider during its June 15, 2017 meeting. At this meeting, the refined financial model reflected a need for an additional 257 tons to bring total annual revenues to the point of overall fiscal sustainability for the District.

A discussion with the Board ensued that considered both the informal findings of the County’s *New Case* review and daily tonnage needs for fiscal sustainability. Direction was given by the Board to staff to pursue a time extension of 10 years (until 2037) and an increase in daily tonnage of 300 tons.

Second Meeting with Ventura County Planning Division

Staff secured a meeting with Planning staff, which included the County’s Planning Director, on July 11, 2017. From this discussion, it was determined that pursuing a removal of the termination date in lieu of the specific 10-year time extension would be a reasonable approach. The reasons for this include the following: 1) the conditions of the permit state that the site may be filled up to maximum permitted grades; 2) it is not possible to define a date in time that accounts for all the variability in the fill rate of the landfill; 3) the landfill is a County resource and up to 10 years of capacity would be left on the table if it closed in 2027; and 4) consistency with Simi Valley Landfill’s conditions is a reasonable request. This final point is important to consider because the landfill in Simi Valley does not have a termination date in its CUP. To be consistent with the third reason, it was also determined that the 15 million ton limit noted in the CUP should be removed since this capacity would also be reached before the landfill reaches its maximum permitted grade.

District staff received a couple of key pieces of advice at this meeting. The first was to focus efforts on submitting the most thorough and complete application, since our tight timeline was important to the fiscal sustainability of the District, and this would minimize delays. The second was that it was important to get qualified CEQA consultants on board to enhance District staff efforts right away.

Retention of CEQA and Permit Consultants

Following this meeting, immediate efforts were made to solicit qualifications from local, experienced CEQA consultants to assist in completing the application and advise on a final project description that would shape the subsequent EIR amendment process. The District requested Statements of Qualifications from 15 local firms with expertise in CEQA and environmental regulatory consulting services in Ventura County. An interview panel comprised of the General Manager, Director of Operations, Regulatory Compliance Officer, and VRSD General Counsel, met with four firms that were found to have relevant and recent CEQA consulting experience with major projects in Ventura County. From these interviews, two firms were selected and asked to team together on this project due to their strong, complementary skills.

Rincon Consultants, Inc. (Rincon), were asked to lead the overall process for the District and a \$25,000 contract was signed with them under staff authority on July 31, 2017, so they could begin the critical task (Phase I) of guiding the District through the permit application process with the Ventura County Planning Department. Environmental Compliance Solutions was also retained to assist in this effort given their strong air quality work and prior experience in the solid waste permitting arena.

Further Meetings with County Planning, VRSD Staff and VRSD Consultants

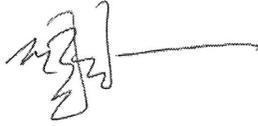
During the month of August, Rincon has met with staff several times to help finalize the project description and prepare the application submittal. Rincon also worked with County Planning staff to set up a pre-application meeting on August 22, 2017 that provided the team with an opportunity to get more clear direction in achieving a determination of completeness for the application. Division representatives from Planning, Environmental Health, and Integrated Waste Management were in attendance to review the refined project description. Key takeaways from this meeting focused on ensuring the District identified the key technical reports in a list to help direct County staff to any supporting documentation needing during the 30-day review period following submittal.

Subsequent conversations between Rincon and Planning staff helped to solidify the items needed on this list of technical reports. District and Rincon representatives are currently completing this comprehensive list of reports, the final project description, and the detailed permit application. The planned submittal date for the entire package is September 8, 2017, at which time County Planning will have 30-days to respond with their determination of completeness for the application.

In conclusion, staff has been working diligently to finalize the submittal of an application to modify the existing CUP for the Toland Road Landfill, pursuant to the Board's direction. Staff will continue these efforts and keep the Board informed of the progress.

This letter has been reviewed by Legal Counsel as to form.

If you should have any questions or need additional information, please contact me at (805) 658-4679 or via email at mattbaumgardner@vrsd.com.



MATT BAUMGARDNER, INTERIM DIRECTOR OF OPERATIONS

APPROVED FOR SEPTEMBER 7, 2017 AGENDA:



Chris Theisen - General Manager

Attachments: None