



CITY COUNCIL STAFF REPORT



April 23, 2024

ITEM TITLE

State Legislation: Report on Senate Bill 1208 “Waste Discharge Permits: Landfills” and Adoption of a Resolution Expressing Support of Senate Bill 1208

Report Number: 24-0109

Location: Unincorporated area of south San Diego County, approximately two miles east of the Siempre Viva Road exit from Interstate 905, one-quarter mile from Loop Road/Paseo De La Fuente and east of State Route 11.

Department: City Manager

G.C. § 84308: No.

Environmental Notice: This activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act (“CEQA”) State Guidelines. Therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action

Council hear report and adopt a resolution in support of Senate Bill 1208: Waste Discharge Permits: Landfills.

SUMMARY

This item is in response to a City Council referral received at the Tuesday, March 19, 2024 City Council meeting requesting a report on Senate Bill 1208 titled “Waste Discharge Permits: Landfills”. Authored by Senator Steve Padilla and introduced on February 15, 2024, the bill seeks to address concerns regarding a proposed landfill in East Otay Mesa and potential pollution to the Tijuana River Watershed as a result.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines, because it will not result in a physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

On June 8, 2010, the voters of San Diego County approved county-wide initiative Proposition A. Proposition A amended the County General Plan, Zoning Ordinance, and other ordinances and policies of the County of San Diego to allow for the construction and operation of a recycling collection center and class III solid waste landfill on the project site.

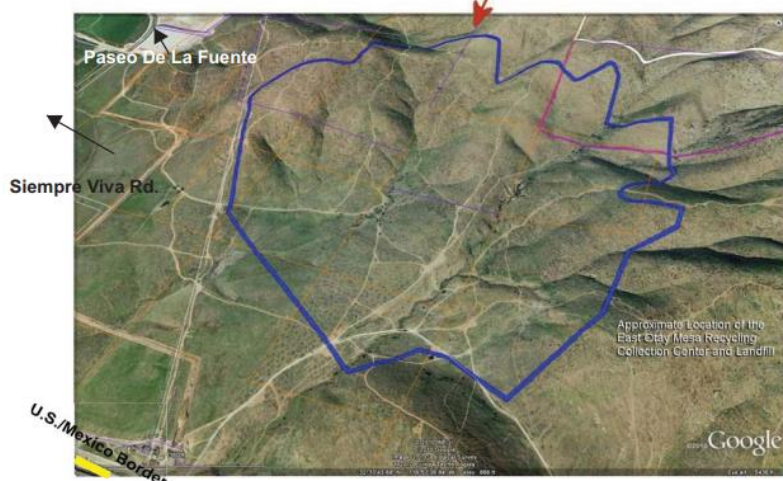
Class III sites can accept non-hazardous resources such as household, commercial, and industrial waste.

Proposition A also amended the Siting Element of the Countywide Integrated Waste Management Plan (CIWMP) to list the project site as a recycling and disposal site and to conform the siting element text to provide for the proposed project. The Siting Element is not a specific development program but rather must demonstrate 15 years of countywide or regional permitted solid waste disposal capacity are or will be available through existing or planned facilities or other strategies.

The proposed recycling collection center and class III solid waste landfill would occupy approximately 340 acres of the 450-acre site. The remaining 110 acres would remain undeveloped. The proposed project would be located in the unincorporated area of south San Diego County, approximately two miles east of the

East Otay Mesa Recycling Collection Center and Landfill

Proposed Project Vicinity Map



Siempre Viva Road exit from Interstate 905, one-quarter mile from Loop Road/Paseo De La Fuente and east of State Route 11. The proposed project site would be located approximately one and one-half miles from the City of San Diego, two and one-half miles from the City of Chula Vista, and one-quarter mile from the United States/Mexico border.

Permitting Process

There are various regulatory agencies involved in the permitting of landfills in California. The main regulatory body is the California Department of Resources Recycling and Recovery (CalRecycle) which issues a solid waste facility permit and conducts inspections and others like the Regional Water

Quality Control Boards which regulate discharges of waste to land using permits known as “Waste Discharge Requirements”.

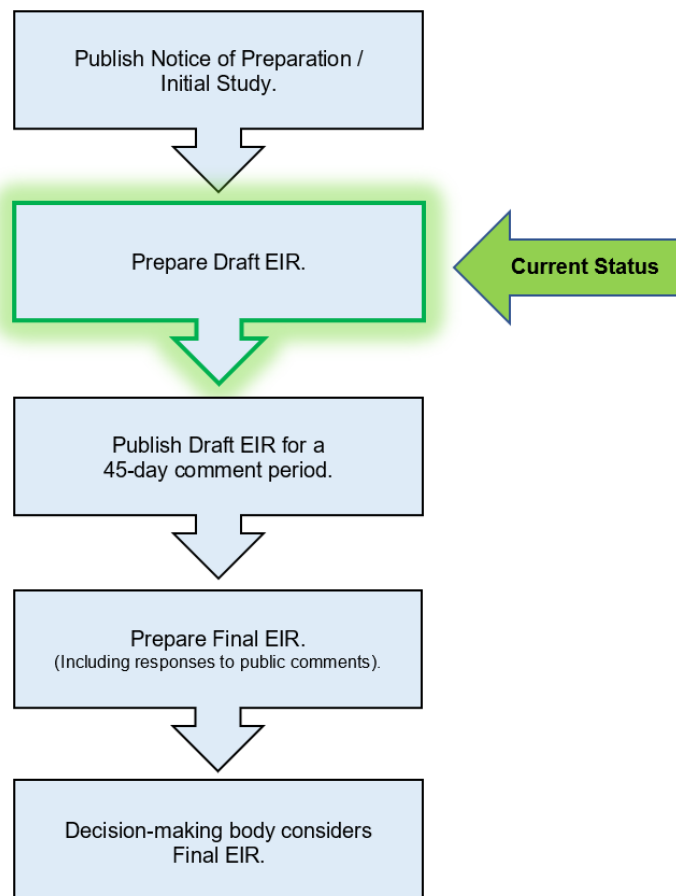
The County of San Diego Department of Environmental Health and Quality is certified as the Solid Waste Local Enforcement Agency (LEA) by CalRecycle to regulate solid waste facilities in San Diego County, excluding the City of San Diego. The LEA is responsible for the review and approval of applications for solid waste facility permits within unincorporated areas of San Diego County. In this capacity, the LEA also serves as the lead agency for compliance with the California Environmental Quality Act (CEQA).

Government agencies, pursuant to CEQA, are required to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce any environmental impacts to the extent feasible. In 2011, the LEA published a Notice of Preparation with an accompanied Initial Study to inform the public about the project and the planned Environmental Impact Report (EIR).

The flowchart shown here briefly summarizes the steps to prepare an EIR and the project’s current status. The amount of time needed to prepare an environmental document can vary widely depending on a variety of factors. Some projects may take a year, others may take years depending on the scope, scale, complexity of the project, and speed at which an environmental technical analysis is completed by the project applicant and submitted to the lead agency for review.

Currently, an analysis of the environmental impact is being conducted. The following factors will be analyzed

in environmental documents, these issues along with an analysis of project alternatives, cumulative effects, and potential for growth will be analyzed and discussed in the environmental document of the proposed project:



- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

Senate Bill 1208

Senate Bill (SB) 1208: *Waste Discharge Permits: Landfills* is authored by Senator Steve Padilla and seeks to amend Section 40060 of the Public Resources Code, relating to solid waste by prohibiting a regional water board from issuing a waste discharge permit for a new landfill that is used for the disposal of nonhazardous solid waste if the land is located within the Tijuana River National Estuarine Research Reserve or within an area that is tributary to the Tijuana River. The bill would also expand the definition of “landfill used for the disposal of nonhazardous solid waste” to also include a disposal site regulated by a regional water board as a class II landfill.

Watersheds are land areas that drain water through streams, lakes and rivers to a common low point – usually the ocean. The Tijuana Watershed is one of 11 watersheds within San Diego County. The Tijuana Watershed begins in the mountains near Mount Laguna. Water then flows into Mexico before returning to San Diego County, where it reaches the Pacific Ocean south of Imperial Beach.

The map below shows the Tijuana River Watershed in green and the Tijuana River National Estuarine Research Reserve (“NERR”) in red.



Although the draft EIR is currently being prepared, concerns have been raised about the potential harmful pollutants being discharged from the proposed landfill that is proposed to be located within the Tijuana River Watershed. These harmful pollutants may potentially travel to the Tijuana River and eventually back into the United States and Pacific Ocean further exacerbating the ongoing transboundary pollution that is severely impacting the coastline of South San Diego County.

In the 2023-2024 Legislative Platform, the City Council’s position statement regarding this topic reads, “Support state and federal funding and efforts to address and eliminate untreated sewage, trash, and sediment that originates from across the U.S.- Mexico border.”

Landfill Capacity in San Diego County

Public Resources Code (PRC) Sections 41770 and 41822 require CalRecycle to review and approve or disapprove each Countywide or Regional Agency Integrated Waste Management Plan Five-Year Review Report.

In 2022, the County of San Diego [Five-Year Review Report of the Countywide Integrated Waste Management Plan](#) (CIWMP) was approved by CalRecycle. The CIWMP addresses waste management conditions within the county. It also provides an overview of the actions that will be taken to achieve the 50 percent equivalent per capita disposal target and to maintain a minimum of 15 years of landfill disposal capacity. Statute requires that the elements comprising the waste management plan be reviewed every five years after the original plan’s approval date, and be revised, if necessary.

The 2022 CIWMP found that using estimated remaining capacities provided by landfill operators, the current physical space (system capacity) available in the region’s landfills is the equivalent of approximately 107,000,000 tons with an overall capacity estimated to last through 2053 (Figure 6).

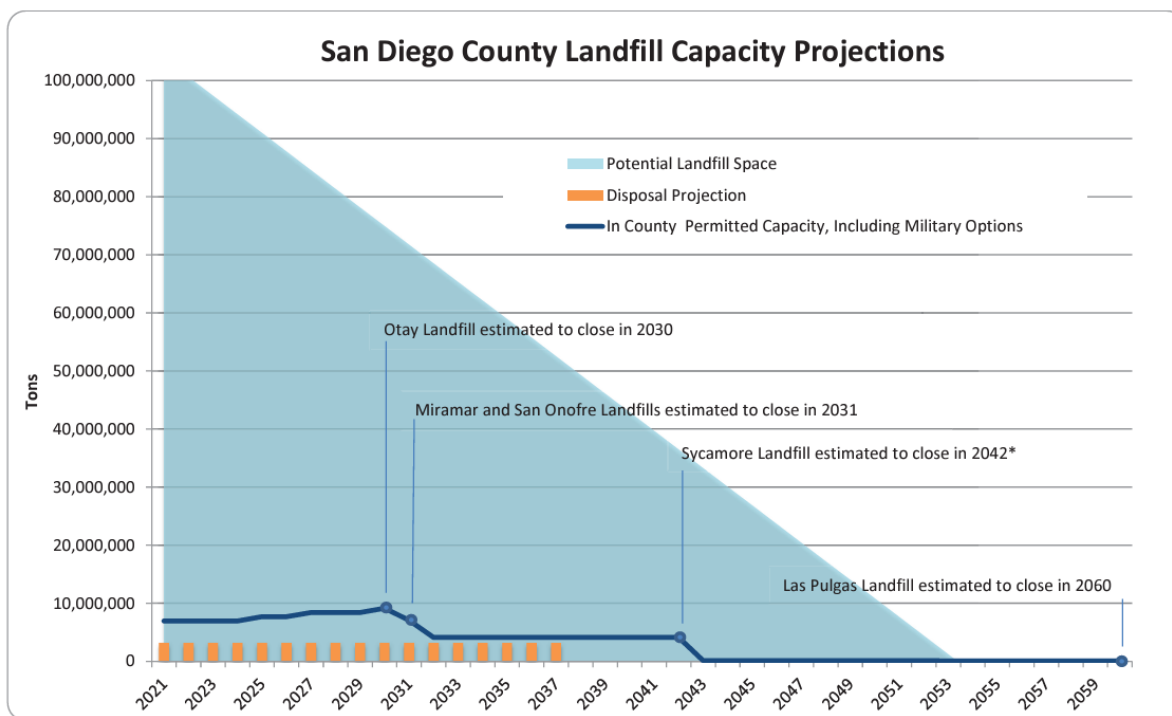


Figure 6 - San Diego County Landfill Capacity Projections

*Sycamore Landfill’s 2017 permit lists an estimated closure date of 2042. The permit is anticipated to be revised later this year and is expected to extend the estimated closure date.

Capacity projections for all landfills in San Diego County do not represent Senate Bill 1383 (food waste and organics recycling) which began in the last few years and will likely extend the life of landfills.

Considering the potential impact of a landfill within the Tijuana Watershed and consistent with the Council approved Legislative Platform, staff recommends supporting SB 1208 as it seeks to address further pollution of waterways and the Tijuana Watershed which is a tributary of the Tijuana River located in southern San Diego County. City Council may also provide alternative direction to staff regarding the City's position on SB 1208.

DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no current-year fiscal impact associated with this item.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact associated with this item.

ATTACHMENTS

1. Senate Bill 1208 Language
2. SB 1208 Fact Sheet

Staff Contact: Adrianna Hernandez, Special Projects & Legislative Manager