

JOHN SMITH ROAD LANDFILL EXPANSION

FREQUENTLY ASKED QUESTIONS

1. **Who owns and operates the John Smith Road Landfill?**

The County of San Benito owns the landfill. The landfill is operated by Waste Solutions Group of San Benito County LLC, a subsidiary of Waste Connections.

The landfill was first established in 1968. Waste Solutions Group (“WSG”) has operated the landfill since 2005 under agreements with San Benito County. A joint public/private-partnership Landfill Operating Agreement was unanimously approved by the Board of Supervisors with Resolution 2010-171 in December 2010. A First Amendment to the Operating Agreement went into effect April 2013, a Second Amendment in October 2019 and a Third Amendment in July 2021. Copies of the Agreements are available on the [County website](#).

Under the Agreement, WSG has assumed responsibility of the eventual closure and 30 years of post-closure maintenance of the landfill, at a savings/budget adjustment to San Benito County of \$4.2 million.

WSG launched a public information website in 2015 and actively posts updates on Facebook. WSG partners with County Integrated Waste Management on special events including monthly Household Hazardous Waste collection and bulky item events. WSG provides extra personnel for security and traffic control.

Additionally in 2020-21, WSG invested \$800,000+ in a truck wheel wash, sweeper, high litter fencing, supplemental litter clean up and directional/safety signage to improve the health and safety of the community. Additionally, the most current landfill cell constructed by WSG amounted to a \$4 million investment.

2. **What is the purpose of the landfill expansion?**

Landfill expansion is a key economic development project that prevents the dependency on out-of-county landfills and eliminates the need for a costly transfer station and extreme rate hikes. Out-of-county landfills would control the costs to the out-of-county user with no guaranteed rates and could reject taking waste at any time.

This expansion will provide long term disposal capacity for local and regional refuse (80+ years) and will generate in excess of \$3 million per year to the County over this period.

The Landfill Operating Agreement requires WSG to maintain landfill capacity sufficient to dispose of local waste for a period of 15 years prior to the exhaustion of landfill capacity to ensure adequate time to plan for the future.

Currently, regional out-of-County waste disposed of at the landfill generates approximately \$1.2 million in annual revenue to the County including road impact fees. The revenue has been used to repair local roads, and to pay for the administrative functions required of the County by the State for waste management and recycling programs.

3. Who is the John Smith Road Landfill Expansion Project Applicant?

WSG submitted the General Plan and zoning map amendment and Conditional Use Permit application to the County. While WSG is the project applicant, the County is the owner of the current landfill and will be the eventual owner of the expanded landfill including the 388-acre property associated with it. In essence, the landfill expansion project continues the current joint public/private-partnership between WSG and the County.

This expansion property was purchased by WSG at a cost of \$7 million.

4. Who will financially benefit from this expansion?

The County "Solid Waste" Enterprise Fund and General Fund and WSG will financially benefit. The expansion will generate in excess of \$3 million per year to the County over the 80+ year operating period of the landfill.

The County General Fund pays for County services and the Enterprise Fund pays for solid waste related expenditures including road repair.

The Landfill currently provides an estimated \$1.85 million annually to the County in the form of host and road impact fees.

A financial impact analysis on this project will be prepared for the Board of Supervisors as part of the project review process.

5. What is the process for approval of the Landfill Expansion?

The County must approve a General Plan amendment to change the land use designation of the expansion area from Agriculture (A) and Rangeland (R) to Public-Quasi-Public with appropriate zoning, plus grant a conditional use permit. Public hearings will be conducted by the County Planning Commission and the County Board of Supervisors. Before granting any approvals, the County must certify an Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA).

6. What is the CEQA process for the Landfill Expansion?

The County will circulate a Draft Environmental Impact Report for the project for public review and comment that describes the project in detail, evaluates all potentially significant environmental impacts of the project, discusses potential feasible mitigation measures to reduce or avoid significant environmental impacts, and alternatives to the project that could achieve most or all of the project objectives and reduce significant environmental impacts. After the minimum 45-day public comment period closes, the County will prepare responses to comments as part of a Final Environmental Impact Report that must be certified before the project can be approved.

7. What is the size of the proposed landfill expansion?

The present landfill property is 95 acres and includes a waste footprint of 58 acres. Only 190 of the additional 388 acres will be used for disposal, the proposed acres that will not occupy waste footprint will be used to provide additional services, improve site function and provide buffer.

This contiguous, 388-acre parcel was purchased by WSG and will be deeded to the County.

8. What other changes does the project propose to the current landfill site?

The project proposal would; 1) expand the landfill entrance area to accommodate additional vehicle arrivals to better manage traffic and reduce wait times for customers, 2) establish an area for the future installation of a landfill gas-to-energy facility, and 3) remove the closed Class I Hazardous Waste section owned by the City of Hollister and convert it to a non-hazardous disposal area. In addition, as required by State and Federal standards, the existing groundwater, surface-water, landfill-gas monitoring, leachate collection and recovery systems would be expanded as necessary into the expanded landfill area. Overall, the anticipated site life of the project would be expected to be 80+ years, a significant benefit for local residents and employers/businesses.

9. Are there alternatives to the landfill expansion?

An evaluation of project alternatives will be included in the Environmental Impact Report. Alternatives to be evaluated include but are not limited to: 1) no expansion, 2) building a transfer station and recycling area, within the area formally known as the Resource Recovery Park, and 3) development of a smaller landfill on the Southside of the landfill on property already owned by the County.

This application is for the expansion of an existing landfill. The possibility of developing a new landfill in San Benito County is very low based upon the fact that the last permit of a new landfill in Northern California was issued in 1990.

10. What are the steps for consideration of the proposed landfill expansion project?

The following are the key steps in the process:

- Draft Environmental Impact Report – minimum 45-day public and regulatory agency review and comment period
- Preparation of the Final Environmental Impact Report, including responses to all public and regulatory agency comments
- Planning Commission Hearing (open to public) of the Final Environmental Impact Report and proposed project, and recommendation to the Board of Supervisors
- Board of Supervisors Hearing (open to public) of the Final Environmental Impact Report and proposed project, and decision to approve, approve with modifications or deny the proposed project.

The schedule for the above process has not been finalized.

11. What is the current status of the proposed landfill expansion and how can the public provide input?

A 30-day period for initial public input regarding the potential environmental impacts of the proposed project closed on March 23, 2021. Two virtual public scoping meetings were conducted as part of this process. Information collected will help determine the scope of the Draft Environmental Impact Report. Public input is an important part of this process. Additional public input opportunities exist at the Planning Commission Hearing and Board of Supervisors Hearing. San Benito County residents and businesses can be added to the County's landfill information distribution list by emailing sbcium@cosb.us.

12. What host fee does the County currently receive from WSG for wastes delivered to the landfill? The County currently receives \$4.01 per ton for waste delivered to the landfill; this is currently known as the landfill depletion fee (or host fee). This fee escalates annually based upon inflation.

13. How will the host fee be increased as a result of the proposed expansion? The County would receive additional revenue for increased tons disposed at the Landfill as detailed in the Second Amendment of the Operating Agreement. Upon Final Expansion Approval, the County will receive a host fee calculated as follows:

- If the Average Daily Tonnage is 1,000 tons or less, the fee will be 16% of the Gross Revenue for that Quarter, initially \$4.84/ton.
- If the Average Daily Tonnage is greater than 1,000 tons but less or equal to 1,250 tons, the fee will be 18% of the Gross Revenue for that Quarter, initially \$5.14/ton.
- If the Average Daily Tonnage is greater than 1,250 tons but less or equal to 1,500 tons, the fee will be 22% of the Gross Revenue for that Quarter, initially \$6.14/ton.
- If the Average Daily Tonnage is greater than 1,500 tons, the fee will be 27% of the Gross Revenue for that Quarter, initially \$7.44/ton. As rates charged to customers increase with inflation, these payments also increase on a year-to-year basis.

14. What other revenue does the County receive? The County currently receives \$1.00 per ton for road repairs (road impact fee). This revenue source to the County ends no later than December 17, 2023. Additionally, per the Second Amendment, the County receives \$200,000 per year during the expansion process or a total of \$2 million upon final landfill expansion approval, whichever occurs first.

In addition, WSG will pay the County \$2 million to support funding for the John Smith Road realignment project or for other improvements to haul routes at the County's discretion. This payment will take place at the time of final expansion approval.

Finally, ownership of the additional 388 acres acquired by WSG for \$7 million will be deeded to the County at no cost to the County.

15. How much garbage goes to the landfill now? Approximately 1,000 tons per day are currently disposed at the landfill. About 22% of this waste is from San Benito County users and 78% comes from out-of-county, primarily from Santa Clara County.

16. What percentage of landfill traffic comes from out-of-county? 14% of disposal traffic comes from Counties other than San Benito County.

86% of disposal traffic to John Smith Landfill comes from vehicles originating from within San Benito County, 95% of this traffic is from self-haul customers.

17. Why take out-of-county waste at John Smith Road Landfill? The landfill is a county asset that can only be optimized by taking out-of-county waste. Optimization goals are two-fold: 1) to stabilize in-county disposal rates, (the increased tonnage from out-of-county spreads the cost of operating the landfill over more tons,

effectively subsidizing in-county rates; the current rates at the landfill are the lowest of all landfills in the surrounding area), and 2) generate increased revenues to the County. Taking out-of-county waste for purposes of asset optimization is not unique to San Benito County. Many counties do this including neighboring Monterey County.

18. Why is tonnage coming from out-of-county to the John Smith Road Landfill?

The out-of-county waste generates the majority of the revenue to the County. This additional revenue helps stabilize rates for in-county customers on a long term basis.

19. Who controls the rates for in- and out-of-county waste?

The County sets the in-county rates. WSG sets the rates for out-of-county waste disposed in the landfill but securing flow is subject to competitive forces.

20. How will the proposed additional tonnage and trucks impact county roads and traffic?

The environmental review process will evaluate traffic and safety issues on the agreed upon haul route.

21. Can the haul route be modified?

An alternative haul route was agreed to in the second amendment to the landfill operating agreement. To the extent a modified haul route were to be considered, this would necessitate approval by the County as part of the Conditional Use Permit. More information will be provided about any new proposed haul route. The haul route will be evaluated in the Environmental Impact Report.

22. How is litter on the haul route managed?

The County pays \$40,000 per year for RJR Recycling to keep John Smith Road clean through twice a week litter cleanups. WSG does intermittent pick up of materials on John Smith Road and sections of Fairview Road. All waste haulers including out-of-county haul trucks are required to be tarped to minimize litter. The County is currently working with the Sheriff Department on tarped load enforcement.