



RON ROBERTS

VICE-CHAIRMAN

SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: May 10, 2011 30
TO: Board of Supervisors
SUBJECT: OPPOSITION TO STATE SENATE BILL 833 (DISTRICTS: ALL)
SUMMARY:

Overview

San Diego's vast, sprawling and populous North County has been without a landfill for decades. Recent census data shows the North County to be among the county's fastest growing regions, in terms of population. The trash generated by North County residents must be collected and then transported by heavy trucks to landfills in the East County (Sycamore) and South County (Otay). County of San Diego voters twice have gone to the polls (1994 and 2004), and in overwhelming numbers (68 percent and 64 percent, respectively), in support of the Gregory Canyon Landfill project. The project has an approved Environmental Impact Report that has withstood legal scrutiny as high as the California Supreme Court.

Senate Bill 833, as introduced on February 18, 2011 and amended on April 25, 2011, proposes to put additional restrictions on the abilities of counties to determine the timing and citing of landfills, and most directly and immediately, end the Gregory Canyon project. This is a blatant effort to thwart the will of San Diego County voters.

Today's action will direct the Chief Administrative Officer to draft a letter in opposition to SB 833 and authorize the County's Sacramento representatives to convey this message to the appropriate members of the Legislature and the Administration.

Recommendation(s)

VICE-CHAIRMAN ROBERTS

1. Direct the Chief Administrative Officer (CAO) to communicate this Board of Supervisors' opposition to State Senate Bill 833 (SB 833) to San Diego County's Legislative Representatives in Sacramento and draft a letter communicating this Board of Supervisors' opposition to SB 833 to the appropriate members of the State Legislature and Administration.

Fiscal Impact

This action will result in no current year or subsequent year costs, and will not require additional staff years.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

San Diego's vast, sprawling and populous North County has been without a landfill for decades. Recent census data shows the North County to be among the county's fastest growing regions, in terms of population.

The trash generated by North County residents must be collected and then transported by heavy trucks to landfills in the East County (Sycamore) and South County (Otay). County of San Diego voters twice have gone to the polls (1994 and 2004), and in overwhelming numbers (68 percent and 64 percent, respectively), in support of the Gregory Canyon Landfill project. The project has an approved Environmental Impact Report that has withstood legal scrutiny as high as the California Supreme Court.

Senate Bill 833, as introduced on February 18, 2011 and amended on April 25, 2011, proposes to put additional restrictions on the abilities of counties to determine the timing and citing of landfills, and most directly and immediately, end the Gregory Canyon project.

SB 833 as amended would not prohibit any agency from issuing permits for the Gregory Canyon project. Instead, it would prohibit the construction or operation of the facility even if all required permits are issued. It would also require this County, as the designated enforcement agency for the state solid waste program, to take immediate enforcement action against the operator. Unless the operator successfully challenged the legality of SB 833, this bill would stop the project from going forward. In any litigation the operator undertook to challenge this bill, the County would be in line of fire as the state-designated agency to initiate an enforcement process.

As amended SB 833 states that it is a special statute directed at the unique circumstances of a particular proposed landfill, which can only be the Gregory Canyon landfill. Clearly, SB 833 is a blatant effort to thwart the will of San Diego County voters.

As evidenced by the ongoing multi-decade, multi-agency approval process, the existing permitting processes includes extensive review and public comment provisions for the full protection of resources. Additionally, there is some concern this bill will set a precedent by overriding existing law and regulations and place statutory limits on permits.

Among those also in opposition to SB 833 are the Regional Council of Rural Counties, San Diego Regional Chamber of Commerce, San Diego County Taxpayers Association and Solid Waste Association of North America.

It is for the above reasons that I am recommending the County of San Diego and the San Diego County Board of Supervisors actively oppose SB 833.

I strongly urge your support.

Respectfully submitted,

RON
Supervisor, Forth District

ROBERTS

ATTACHMENT(S)

N/A

REQUIRES FOUR VOTES:

Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

NA

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT:

Ron Roberts, Vice Chairman, Fourth District

OTHER CONCURRENCE(S):

N/A

CONTACT PERSON(S):

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