

Environmental, Transparency and CEQA concerns with the current Miramar Landfill Privatization RFQ

A Presentation to the Natural Resources &
Cultural Committee – City of San Diego

Wednesday, December 1, 2010



Main Objectives of CEQA

- Evaluate all impacts of an approved project (Environmental Impact Report)
 - Environmental, Social, and Economic
- Provide fullest information to decision makers
- Allow for public comment and hearings
- Transparency



Privatization triggers CEQA

“[T]he transfer of the operation...to [a] private operator will likely have a substantial impact on the environment” and “common sense dictates that methods of operation will differ between a government and [the] private sector based on a minimum the profit motive.”

➤ *Concerned Citizens Coalition of Stockton v. City of Stockton*
128 Cal.App 4th 70 (2005)



“[L]ow threshold requirement for preparation of an EIR” ...“whenever a public agency proposes to approve or to carry out a project that *may* have significant effect on the environment.”

- *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68 (1974)
- *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.*, 47 Cal.3d 376 (1989)



Miramar RFQ is a Project Pursuant to CEQA

- Project is defined “extremely broadly.” “an activity which may cause either a direct or indirect physical change in the environment” and is authorized by a government body.



RFQ Contains **NEW** Expansion Potential in Scope of Services

- Expansion of the landfill
- Development of a materials transfer and processing facility
- Reclamation of closed landfills
- Other development
 - C & D processing
 - “other” Recyclables processing
 - Waste-to-energy conversion
 - Wind and solar power



Direct and Indirect Physical Changes to the Environment

- Exhausting capacity leads to new landfills
- Sensitive habitats and species
- City Planning's Habitat Conservation Plan is not finished
- Emissions and Greenhouse Gases
- Native Plant Nursery
- Greenery
- City will lose fundamental control over the handling of waste in San Diego



Loss of Funding for City Services

- Public trash receptacle collection
- Illegal dumping cleanup
- Dead animal removal
- Community cleanups
- Solid waste Code enforcement
- Closed landfills and Burn Ash Dumps cleanup



Loss of Public Input and Transparency

- **Brown Act** (Cal. Govt. Code § 5490)
- **Public Records Act** (Govt. Code § 6250)



Conclusions

Environmental review should occur as early in the process as possible

It is only through a public evaluation of the project's legal, environmental, and public policy considerations that informed decision-making can occur.



