

**NORTH VALLEY COALITION OF CONCERNED CITIZENS INC
11862 BALBOA BOULEVARD, BOX 172
GRANADA HILLS, CA 91344**

February 29, 2012

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182
Attention: Mr. Gaurang Rawal, Air Quality Engineer, Engineering and Compliance

**RE: NOTICE OF INTENT TO ISSUE "PERMIT TO CONSTRUCT" PURSUANT TO RULE
212 AND TITLE V PERMIT PURSUANT TO RULE 3006**
APPLICANT: SUNSHINE GAS PRODUCERS, LLC. (Facility ID 139938)
APPLICATIONS NOS.: 480567 through 480572, 482510 AND 480628
LOCATION: 14747 San Fernando Road (at Sunshine Canyon Landfill) Sylmar, CA.
PROJECT DESCRIPTION: LANDFILL GAS TREATMENT AND LANDFILL GAS TO
ENERGY SYSTEM

SENT: VIA Email & US Mail

Dear Mr. Rawal:

The North Valley Coalition wishes to thank you for the opportunity to comment on the Notice of Intent to Issue a "Permit to Construct a Landfill Gas Treatment and Gas to Energy System.

To begin with, the efficiency, policy, and procedures employed by the SCAQMD to process this permit, to notify the public, and to provide the necessary documentation appears to be totally lacking, and not consistent with provisions and intent of CEQA.

The SCAQMD failed to adequately consider and respond to a formal request to re-issue the Notice due to a failure to provide the necessary documentation, and which ultimately involved a series of email exchanges on February 8, 2012, February 10, 2012. The NVC was forced to file a Request for a Title V Hearing based on the deadline of February 15, 2012 including in the deficient Notice. To ask the requestor to "assume" that the request has not been granted did not rise to the level of an official response to the request, since the responder indicated, "he would bring my request to his superiors and District Counsel."

By February 15, 2010, there had still not been an official reply to my request forcing a Title V Request deadline of 02/15/12 to be initiated. As of the writing of this document there still has been no official response, either to my formal request to re-issue the Notice, nor the decision on the Title V Hearing Request. This has forced our community's organizations, and the public to have to respond to this deficient Notice because of the still active and unresolved deadline of March 1, 2012 for comments.

The SCAQMD website at <http://www.aqmd.gov/ceqa/nonaqmd.html> had information on the project but did not include the responses submitted to the DSEIR whose comment period was noted as closing June 23, 2011. The only comments noted were in Appendix C and those were to the NOP and the Scoping Hearing. We believe that the lack of acknowledgement that these other responses existed deprived the public of a reasonable understanding of the issues, and problems associated with this project. We have provided examples of two of those responses to the DSEIR (see GHNNC comments dated June 20, 2011 & NVC cover letter and comments to DSEIR dated June 23, 2011).

A system that issues a NOP, holds Scoping Hearings, issues a DSEIR requesting public input and then withholds a portion of that information, and then follows that by issuing a Notice of Intent to Construct before an FSEIR is issued (which would have garnered further public input), has the cart before the horse. It would appear that it is premature to issue a Notice of Intent to Issue a Permit to Construct before all of the environmental impacts have been properly identified, quantified, and addressed, and that the public has had an opportunity to comment on, and to have their concerns addressed.

ADDITIONAL COMMENTS NOT INCLUDED IN PRIOR COMMENTS TO DSEIR

DSEIR section 4.2.3.4, Regional Operation Impacts

It states that: *“Operational CO and PM_{2.5} emissions from the proposed project would be significant and unavoidable.”* It also goes on to state that: *“Emissions from the proposed project would increase from the current level of emissions generated by flaring, due to differences in the combustion process of the turbines as compared to the flares and between baseline LFG production and project capacity. It is expected that LFG production will increase in the future as solid waste placement increases decomposition of that solid waste (see Figure 3-1). As the supply of LFG increases, it will eventually exceed the capacity of the turbines in the proposed project. At this point, the excess gas would be flared by the existing LFG flares, as required by SCAQMD regulations.”*

The assessment of the gas generation used in the preparation of this DSEIR is incorrect, being underestimated by at least 12 percent based in part by the failure of the landfill to capture and flare the full amount of gas being generated (see SCAQMD letter Jay Chen to Anthony Bertrand dated February 10, 2012). Since the proposed project is only sized for 10,000 scfm and the estimated gas generation rate is around 16,420 scfm with SCAQMD now requiring an additional flare by Republic to process in excess of 17,000 scfm, it supports our contention that the DSEIR is incorrect, as the capacity of the turbines has already been exceeded.

New information regarding fine particulates and ozone should also be taken into account as to the impacts on urban areas, which indicate that Southern Californians are among those at

highest risk of death due to air pollution, according to recent U.S. Environmental Protection Agency research published in the journal Risk Analysis.¹

Some additional earlier material supports our contention that the DSEIR is lacking in identifying, quantifying, modeling and risk analysis of the true impacts of the emissions. The USC Department of Chemical Engineering commissioned a study for the South Coast Air Quality Management District (SCAQMD) entitled Evaluation of Health Effects of Landfill Gas Emissions in the Los Angeles Basin. In their final report they state, under Conclusions and Recommendations: *“Further studies relating landfill gas emissions to health effects are necessary. Currently available health risk assessments are derived indirectly from data that may not describe landfills accurately. Epidemiological studies that estimate gas concentrations near landfills by emissions models and relate health data for residents living in those effected areas are recommended.”*

This same report further states that : *“Few studies relevant to estimating health risks based on landfill gas were found. Research needs to be done which relates the health of people living near a landfill to their landfill gas exposure.”* This puts in question the DOHS statement that an extensive literature review was conducted since extensive literature does not exist. This was an opportunity to conduct a meaningful study that would add to the body of literature that is so urgently needed.

It is important to remember that the PM₁₀ concentrations at the landfill and at the school exceeded State standards (50 ug/m³) more than one out of every five days, and at the landfill almost one out of every two days according to a recent study. This is even before the City expansion had begun to move operations back into the City and directly next to the community.

Particulates and emissions generated from the landfill, combined with the already-degraded air quality of the region, to produce a cumulative impact. Indeed, Dockery and Pope state that: *“It presents a comparison of recent studies of the acute effects of particulate air pollution and shows evidence for increased mortality and morbidity associated with particulate pollution, even at moderate concentrations.”* And *“In this review, changes in health measurements are reported for only small changes in daily particulate pollution: 10 ug/m³ increase in PM₁₀ concentrations. Because daily concentrations of PM₁₀ in some US cities average over 50 ug/m³ and often exceed 100 or 150 ug/m³, the effects of particulate pollution can be substantial for realistic acute exposures. For example, a 1% effect estimate per each 10 ug/m³ increase would produce a 5% increase in the health measure of a 50 ug/m³ increase in PM₁₀ concentrations, and a 3% effect estimate would produce a 16% increase.”*

4.7.3.1 Operational Noise Impacts

While this section purports to address or quantify noise impacts on pages 4-47 thru 4-49 it fails to fully address the impacts not only human sensitive receptors to the east and west of the

¹ See attached *California Watch* article & Risk Analysis Study Estimating the National Public Health Burden Associated with Exposure to Ambient PM_{2.5} and Ozone, Society For Risk Analysis, May 31, 2011, <http://onlinelibrary.wiley.com/doi/10.1111/j.1539-6924.2011.01630.x/pdf>.

property boundaries but also to the fauna in all cardinal directions. The landfill and abutting properties sustain populations of mountain lion, deer, coyotes, and many species of birds. Many of these are sensitive to noise, and many of them are nocturnal, and potentially would be impacted further. The DSEIR contained no biological assessment of the potential impacts of this project. As part of our previous observations to the DSEIR regarding the masking effect of the freeway, we wish to cite the Calabasas Landfill which is similarly sited in regards to community and freeway, and that it also contains a gas-to-energy system. Calabasas was forced to shroud their equipment in sound deadening materials in response to neighbors' complaints of noise.

5.3.6 Level of Significance After Mitigation

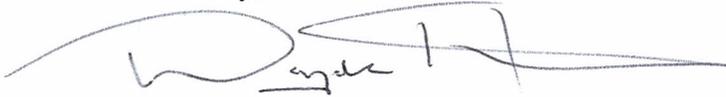
The DSEIR states that: *"The cumulative impacts from CO and PM2.5 emissions are considered to be significant and unavoidable. The cumulative impacts from GHG emissions are considered to be significant and unavoidable, even after all feasible mitigation."* In Table 5-4 it indicates that the flare baseline produces 79,267 Metric Tons per year of CO2e and, the proposed project turbines 114,635 Metric Tons per year of CO2e with the total proposed project emissions of 114,677 Metric Tons per year of CO2e.

We were unable to find in the DSEIR the cumulative total of all the PM2.5-10 produced nor did we find a risk assessment based on the cumulative impacts of all the gas to be processed at maximum capacity. We do not agree that this is a new project, and that it must be considered as such, and that the landfill gas currently being flared is being considered as a part of the background air quality. To introduce a new process which is less efficient (e.g. the turbines) to replace a process currently in existence which is more efficient (e.g. three flares) does not comport with the SCAQMD's own goals to reduce pollution, and with the intent of CEQA.

6.5 Conclusions

We concur with the first part of the statement under this section, which states: *"The No Project Alternative is the environmentally superior alternative because it would eliminate the proposed project's potentially significant adverse impacts related to air quality"*. We also feel that there was a failure to analyze other technologies that are potentially environmentally superior to the conversion of the landfill gas to electricity, such as the conversion of the landfill gas to CNG or LNG to power alternate fuel vehicles.

Sincerely,



Wayde Hunter
President, North Valley Coalition

c.c. Jeffrey Inabinet, SCAQMD CEQA Section, Planning, Rule Development and Area Sources
Kelly T. Smith, Esq., The Smith Firm

(5) Attachments

ATTACHMENTS

1. GHNNC Comments to DSEIR dated June 20, 2011
2. SCAQMD letter Jay Chen to Anthony Bertrand dated February 10, 2012
3. NVC cover letter and comments to DSEIR dated June 23, 2011
4. California Watch article (dated after June 2011)
5. Risk Analysis Study Estimating the National Public Health Burden Associated with Exposure to Ambient PM_{2.5} and Ozone published by the Society For Risk Analysis, May 31, 2011