

Sutter County Taxpayers Association

Honesty, Integrity and Cost Effectiveness in Government

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February 29, 2016

City Council Members
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

Dear City Council Members:

Concerning Item #8 on the March 1 City Council agenda which is a request by Recology to increase its rates by 3.25% or spend \$1 million of Yuba City's Rate Stabilization and Capitalization Fund which is funded by Yuba City citizens through their garbage rates. After much study, I firmly believe Recology is not entitled to additional funds to pay for the work they have identified in the staff report because there are **no new Water Board regulations**.

It is clearly stated in the proposed Amendment to Collection Service Agreement of March 1, 2016 that Recology is claiming that this is work required under new State Water Board requirements adopted July 31, 2015, and that is definitely not the case. I have been in contact with Wendy Wyles, Supervisor of the Compliance and Enforcement Section of the Central Valley Regional Water Quality Control Board who stated in a November 10, 2015 email the following:

- "Title 27 regulations have not changed, the 2015 WDRs reference the same regulations as the 2003 WDRs. However, because Recology has a release of waste (ie, groundwater beneath the landfill is impacted) the 2013 CAO and 2015 WDRs required it to take further steps to implement Title 27 to mitigate the current impacts and prevent future impacts."
- "Recology operates on top of a closed landfill. This is highly unusual and therefore requires extra monitoring and maintenance to ensure that the landfill cover is not compromised. The underlying requirements did not change between the 2003 and 2015 WDRs, but the 2015 WDRs are more specific as to what Recology must do."

- “With respect to composting, the big picture is that Title 27 never allowed water to percolate into the closed landfill. Because Recology chose to operate a composting operation on top of a closed landfill, it always had the responsibility to prevent leachate and stormwater from infiltrating through the cover. While the 2013 CAO and 2015 WDRs provide more specifics as to what must be done, **the regulations have not changed.**” Emphasis added.

The bottom line is that Recology was responsible for complying with California Title 27 Environmental Protection laws when they placed the composting operation on top of the closed landfill in the early 2000s. Because they did not comply, the Water Board issued Notices of Violation on April 14, 2011, August 12, 2011, March 28, 2012 and May 14, 2012. When Recology did not correct the deficiencies which caused the Notices of Violation, a Cleanup and Abatement Order was issued on August 29, 2013. Recology then failed to comply with the Cleanup and Abatement Order and was fined \$440,440 in January 2015.

Now, Recology is asking rate payers to fund the necessary improvements to bring it into compliance with Title 27. As stated above, the Water Board issued the 2015 WDRs to give more specifics to what Recology must do to correct the problems with the green waste recycling program at its site in Marysville to comply with Title 27. There are no new regulations.

And a reminder: Recology rates went up 2% on October 1, 2015 despite the fact that only 1.44% was justified by the Rate Refuge Index. The remainder of .56% was earmarked for the Rate Stabilization and Capitalization fund. Further, the rates are subject to an annual review and could be raised again this year.

The citizens of Yuba City do not need to be burdened with this unjustified rate increase of 3.25% or replacement costs to the Rate Stabilization and Capitalization Fund. SCTA therefore requests that you council members, who represent the citizens of Yuba City, firmly reject this increased cost to its rate payers.

Sincerely,

Patricia A. Miller
President

Enc. Copy of Email from Wendy Wyles, Central Valley Regional Water Quality Control Board