

Press Release

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County's Approval of Dump Expansion Ruled Illegal Supervisors Must Face Political Heat

The grassroots environmental group, No Wetlands Landfill Expansion (NWLE), prevailed in Marin Superior Court today as Judge James Ritchie tossed out Marin County's environmental impact report and the County's approval of the Redwood Landfill's dump expansion. The court ruled that Marin County unlawfully denied NWLE's attempt to appeal County staff's approval of the environmental impact report to the Board of Supervisors.

At the end of 2008, Marin County's Department of Environmental Health Services approved the expansion permit to increase the capacity from 19.1 to 25.3 million cubic yards of waste. In June 2008 Marin County Counsel's office blocked NWLE's attempt to appeal staff's approval of the environmental impact report to the Board of Supervisors, despite the fact that such an appeal is mandated under the California Environmental Quality Act or "CEQA," as found by Judge Ritchie.

Over the course of an 8 year battle, NWLE has argued that Marin County failed to analyze properly the environmental risks to groundwater from the dump's toxic materials that leach into the ground, to air quality from the dump's smog and fine particulate matter emissions, to global warming from massive emissions of methane and CO₂ from rotting garbage and food waste and combusting methane, and to the surrounding marsh and wetlands along the Petaluma River from future flooding and earthquakes. NWLE also charged that the County illegally deferred adoption of policies to address groundwater contamination and protecting the landfill from global warming-caused sea level rise. Because the Court has required the Board of Supervisors to hear the appeal, the court declined to rule on these substantive claims.

Now the Board of Supervisors must face the political decision that county staff wrongfully sought to avoid. NWLE was joined in the lawsuit by the environmental group, SPRAWLDEF, or "Sustainability, Parks, Recycling and Wildlife Legal Defense Fund," which also has successfully challenged in court the Potrero Hills dump expansion.

"Our position is that the Board of Supervisors as our elected officials in Marin County have the obligation to protect our environment and the health of residents and to decide whether the environmental risks justify rejection of the dump expansion, or at least should require greater protections. Look what happened in the Gulf; we cannot keep dumping waste in the marsh when an earthquake or rising sea levels will cause the dump to fail." said Bruce Baum,

Chairman of NWLE.

Christopher Gilkerson, a long-time supporter of NWLE, said: "We hope the Supervisors will now give NWLE, as well as other environmental groups and the public, a real hearing on the dump's expansion project and consider carefully the danger to the environment and public health. We look forward to working with our partners in the Green Coalition for Responsible Waste / Resource Management to inform our Supervisors who are now empowered to do the right thing." The Green Coalition includes Sustainable Novato, Sustainable San Rafael, Sustainable Fairfax, Sierra Club Marin Group and Friends of the Petaluma River, among other local groups.

"It's been a long fight, but it's not over, and we're not going to give up," said Doug Kerr, a member of the NWLE board. "Marin deserves, and should demand, state-of-the-art environmental protections. We owe it to future generations to protect our water and air, and to decrease the contribution Marin makes to global warming."

"The Landfill's practice of burying both green waste and food waste makes the Landfill Marin County's largest man-made producer of methane, a potent greenhouse gas," added Kerr. One of NWLE's claims is that Waste Management's consultants and the County improperly calculated the greenhouse gas emissions from the watery dump, whose bottom sits below sea-level and is surrounded on three sides by sloughs and marshland.

The court's ruling sets aside the solid waste facility permit, which also provided for resource recovery projects at the Landfill, and requires the dump to operate under the conditions existing before Marin County approved the expansion. Baum noted that NWLE strongly supports some of these projects but that others, such as a landfill gas-to-energy installation, "have to be based on proper science. It is better to have a careful public review to make sure gas-to-energy is actually appropriate for this location and not simply a green-washing ploy."

No Wetlands Landfill Expansion

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