

September 7th, 2016

Dear Milpitas Candidates for Mayor and City Council,

Milpitas residents have been suffering under Republic Services' Newby Island operations for decades. Our city does not benefit from disposal tax revenue as it sits on San Jose land, but we are negatively impacted as Newby Island uses our city address and pollutes our environment.

Newby Island has grown from a local dump into one of California's largest waste management facility, attracting waste streams not only from the Bay Area, but also from cities as far as Elk Grove, Merced and Clovis. Newby Island is now the largest and last active landfill along San Francisco Bay. Instead of following its original closure plan at 150ft height, Newby Island has applied to expand its landfill to an unprecedented 245ft height and operate beyond 2041.

To make matters worse, Republic Services has a monopoly of Milpitas garbage contract for over 30 years. Milpitas residents pay the highest garbage rate in Santa Clara County for unlimited collections while we bear the burden of pollution. Regulatory violations continue to occur and Newby Island operations have now raked in over 30+ violations (including 11 for public nuisance violations) in the past 1.5 years. Over 5367 odor complaints logged to BAAQMD (Bay Area Air Quality Management District) and the City, which is 100 times above CEQA (California Environmental Quality Act) guidelines for odor threshold. Republic Services have been ignoring our pleas to suspend its expansion plan until odor is abated. It continues to lobby for landfill expansion permits and new long-term disposal contracts.

We urge you to take the following public stance against Republic Services in support of the 23,000+ residents who have signed "Stop Newby Island Expansion" petition:

1. Support Measure L because the City has done its due diligence in the entire Garbage Disposal/Collection process which was fair, competitive, and open. Voting YES on the Measure L would uphold the Milpitas City Council's decision to award the disposal contract to Waste Management's Guadalupe Landfill. Republic Services has held a 30-year monopoly of Milpitas garbage contracts. It did not submit a garbage disposal bid and now seeking to undermine the RFQ process costing the city an additional \$58,000 to place this item on the ballot. Waste Management who won the disposal contract is the lowest qualifying bid and had demonstrated strong regulatory conformance with 50-years remaining landfill capacity.

2. Oppose the Newby Island Landfill expansion. This is just bad idea with excess landfill capacity remaining in the county, so there is no need to expand Newby Island Landfill and bring more garbage into a densely populated and environmentally sensitive area. An expansion is also counterintuitive to state mandates on recycling, composting and source reduction. We have low confidence in Republic Services based on their track record. They spent \$27 millions in odor measures at their Sunshine Canyon Landfill in Southern California, and violations persist. This is evidence that a full-proof odor mitigation technology does not exist. We are extremely

frustrated because other states have denied permits and ordered landfill closure as in the case of the Tullytown landfill which has a similar scenario where one city has the permitting jurisdiction, another city downwind bears the odor impact. North San Jose, Milpitas, Fremont residents deserve equitable protection, especially since Newby's odor has been an on-going problem for decades.

3. Reject any campaign contribution by Republic Services. Republic Services works by deeply getting involved in local politics and preaching that they are not the dominant source of odor and is the only viable solution to Garbage Disposal and Collections services. We know from working with BAAQMD that their investigation has pinpointed Newby Island as the source for 90% of confirmed complaints in the area. The RFP process has shown that there are many many companies who would do business with Milpitas without causing pollution in our town.

4. Apply pressure on Republic Services to cleanup their facility. We need to apply pressure to Republic Services at all level of government local, state, and federal. We have escalated the problem to all regulatory agencies. They've done their investigations and uncovered violations. Improvements were made, but odor problem is persisting. Regulatory violations continue to occur and Newby Island operations have now raked over 30+ violations (including 11 for public nuisance violations) in the past 1.5 years. Unfortunately, the regulatory agencies have no fixed timeline for compliance and not ready to push administrative or legal actions. Small fines is chump change to multi-billion waste management companies. Residents' livelihood is compromised in the name of corporate profits.

We hope that you will commit to cleaning up the dire situation in Milpitas from the pollution caused by Republic Services' Newby Island Resource Recovery Park.

Sincerely,

Milpitas REACH (Residents for Environment And Community Harmony)

"Our goal is to encourage residents' dialogue and collaboration to eliminate man-made sources of odor polluting Milpitas. Through our collective efforts, Newby Island expansion permit appeal decision was deferred 8 times pending a new odor study. We need your help to win the battle. Let's reach out and reach up together towards better environment & communities. "



<http://milpitas-odor.info>