Revised Final Environmental Impact Report
Technical Appendix E
(Letter Nos. 001 to 030)

GREGORY CANYON LANDFILL

Volume II

San Diego County
Department of Environmental Health
1255 Imperial Avenue
San Diego, CA 92112

March 2007

State Clearinghouse No. **1995061007**
San Diego County Department of Environmental Health
Environmental Log No. **ER 98-02-025**

E. Response to Comments

Letter Nos. 001 to 030

Appendix E
Response to Comments

In accordance with CEQA Guidelines Section 15088, this section provides responses to comments received by the County of San Diego Department of Environmental Health regarding the Revised Partial Draft EIR for the proposed Gregory Canyon Landfill. The Revised Partial Draft EIR was circulated for public review commencing on July 10, 2006 and ending on August 24, 2006. Comments provided in a public meeting on August 14, 2006 regarding the Revised Partial Draft EIR are also responded to herein.

The matrix on the following pages provides a list of agencies, organizations and persons commenting on the Revised Partial Draft EIR and identifies the issues raised by each commentor. Each comment letter has been assigned a numerical identifier, as indicated in the matrix. Each comment that requires a response within the letters and/or transcript has been assigned a number. For example, the first comment in Letter 1 would be Comment 001-1, and the fourth comment in Letter Number 3 would be Comment 003-4. The responses to each comment are then correspondingly numbered; i.e., Response 001-1 and Response 003-4. Where appropriate, attachments provided as part of the comment letters submitted to the County are also responded to either as part of the main comment letter or separately. Some numbers, such as 36 and 46, were not assigned to letters in the matrix as a result of duplicate copies of letters being received and originally assigned a number or placement of letters being revised during the process.

As indicated above, the public comment period on the Revised Partial Draft EIR closed at 4:00 P.M. on August 24, 2006. A number of letters were received after the close of the comment period. These letters are listed at the end of the matrix. A separate section entitled Response to Comments Late Letters follows the comments and responses received during the public comment period.

Letter No.	Commentors	CEQA	3.0 Project Description	4.1 Land Use	4.5 Traffic and Circulation	4.6 Noise and Vibration	4.9 Biological Resources	4.11 Archeo/Cultrual Resources	4.12 Entho/Native American	4.15 Public Services/Utilities	Other
1 Federal Agencies											
001	Therese O'Rourke United States Department of the Interior, Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road Carlsbad, CA 92011						X			X	X
001.1	Michele Moreno United States Department of the Interior, Fish and Wildlife Service Michelle_Moreno@fws.gov										X
2 State Agencies											
002	Terry Roberts Governor's Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812–3044										**X**
003	Terry Roberts Governor's Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812–3044										**X**
004	Michael J. Mulligan California Department of Fish and Game 4949 Viewridge Avenue San Diego, CA 92123						**X**				

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005	Mario H. Orso California Department of Transportation P.O. Box 85406 San Diego, CA 92186–5406				**X**						**X**
006	Suzanne Hambleton California Integrated Waste Management Board 1001 I Street, P.O. Box 4025 Sacramento, CA 95814–4025		**X**		**X**	**X**	**X**		**X**	**X**	**X**
007	John H. Robertus California Regional Water Quality Board, San Diego Region 9174 Sky Park Court, Suite 100 San Diego, CA 92123–4353		**X**				**X**			**X**	**X**
008	Dave Singleton Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814							**X**			
008.1	Dave Singleton Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814							**X**	**X**		**X**

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3 County, City, and Other Local Agencies											
009	Guss Pennell City of Oceanside, Water Utilities Department 300 N. Coast Highway Oceanside, CA 92054				X				X	X	X
010	Keith Till City of Santee 10601 Magnolia Avenue Santee, CA 92071										X
011	Pam Slater–Price San Diego County Board of Supervisors, Third District 1600 Pacific Coast Highway, Room 335 San Diego, CA 92101–2470		X		X	X	X			X	X
012	Pam Slater–Price San Diego County Board of Supervisors, Third District 1600 Pacific Coast Highway, Room 335 San Diego, CA 92101–2470										X
013	Lani Lutar San Diego County Taxpayers Association 110 West C Street, Suite 714 San Diego, CA 92101										X
014	Don Haines San Diego Gas and Electric				X		X		X		

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015	Ingrid E. Hansen San Diego Local Agency Formation Commission 1600 Pacific Highway, Room 452 San Diego, CA 92101									X	X
016	Scott D. Alevy San Diego Regional Chamber of Commerce 402 West Broadway Suite 1000 San Diego, CA 92101–3585										X
017	Paul Rosenfeld Soil Water Air Protective Enterprise 201 Wilshire Boulevard, 2nd Floor Santa Monica, CA 90401										X
4 Native American Tribes											
018	Michele Fahley California Indian Legal Services 609 Escondido Blvd. Escondido, CA 92025					X			X		X
019	Charles Wood Chemehuevi Indian Tribe P.O. Box 1976 Havasu Lake, CA 92363			X	X					X	X

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020	John D. Beresford Native American Environmental Protection Coalition 42143 Avenida Alvarado, Unit 2A Temecula, CA 92590			X	X					X	X
021	John D. Osuna Pauma Band of Mission Indians P.O. Box 369 Pauma Valley, CA 92061			X	X				X	X	X
022	Theodore J. Griswold Procopio Cory Hargreaves and Savitch LLP 530 B Street, Suite 2100 San Diego, CA 92101		X	X	X	X	X			X	X
023	Bryan Hargrove Rincon Luiseno Band of Indians, Environmental Department P.O. Box 68 Valley Center, CA 92082			X	X					X	X
5 Organizations											
024	Joy Williams Environmental Health Coalition 401 Mile of Cars Way, Suite 310 National City, CA 91950									X	X

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025	Anthony Arand Envirepel 2322 La Miranda Drive Vista, CA 92081				X						X
026	Wallace Tucker Fallbrook Land Conservancy P.O. Box 2701 Illegible, CA		X		X		X			X	X
027	Philip Stone Friends of Wilderness Gardens Preserve P.O. Box 3027 Escondido, CA 92033–3027				X	X					X
028	Everett DeLano Law Offices of Everett L. DeLano III 220 West Grand Avenue Escondido, CA 92025	X			X		X			X	X
029	David M. Peters Peters & Freedman LLP 191 Calle Magdalena, Suite 220 Encinitas, CA 92024										X
030	David M. Peters Peters and Freedman LLP 191 Calle Magdalena, Suite 220 Encinitas, CA 92024				X	X				X	

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031	C.E. Swanson Rainbow Planning Group bud1022@hughes.net				X						X
032	Jim Denton Rancho Bernardo Community Planning Board 15721 Bernardo Heights Parkway, Suite B0230 San Diego, CA 92128				X	X				X	
033	Gabriel Solmer San Diego Coastkeeper 2924 Emerson Street, Suite 220 San Diego, CA 92106				X						X
034	Thomas F. Steinke Seltzer Caplan McMahon Vitek 2100 Symphony Towers, 750 B Street San Diego, CA 92101				X						
035	Cheryl A. Reiff Sierra Club – San Diego Chapter 3820 Ray Street San Diego, CA 92104–3623		X	X	X		X		X	X	X
037	Suzanne M. Michel Southern California Watershed Alliance 9342 Goyette Place Santee, CA 92071						X				X

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038	Rebecca Michael Werz McDade Wallace Moot and Brower APC 945 Fourth Avenue San Diego, CA 92101				X	X				X	X
6 Individuals											
039	Theresa Accerro thacerro@yahoo.com									X	X
040	Evelyn Alemanni alemanni@allea.com										X
041	Carolin Atchison carolinatchison@hotmail.com										X
042	Charlene Ayers char.ayers@worldnet.com										X
043	George Barrante infor@liteinc.com										X
044	Maxim Bazhenov max90034@yahoo.com				X	X					X
045	Burke Belknap shahuna@dslextreme.com										X
047	Louis Bispo louis_bispo@yahoo.com										X

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048	S. Samantha Bowman samantha@bereem.com										X
049	H Brazier hbrazier@aol.com				X		X				
050	Nancy Breining none provided										X
051	Justine Broberg 9215 Fostoria Court San Diego, CA 92127		X	X	X	X				X	X
051.1	Justine Broberg justinebroberg@yahoo.com				X	X				X	X
052	Kathryn Burton kburon@san.rr.com										X
053	Vicki Caldwall cahillbilly@gmail.com										X
054	Kathleen and Joe Camp kathleen@benji.com										X
054.1	Kathleen Camp kathleen@benji.com				X						X
055	Wallace Carlson carlson–bud@sbcglobal.net										X
056	Anthony Carr craresf@cox.net										X

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057	Mr. Lawson Chadwick llcahd@cox.net										X
058	Lucy Chard lucyc@san.rr.com				X	X				X	X
059	John Choisser 17005 Castello Circle San Diego, CA 92127				X						X
060	Tim Clifton tcclifton200@yahoo.com				X						
061	Catherine Colletta catherinecoletta@yahoo.com				X						
062	Roxanne Conolly roxc@cox.net										X
063	George Courser 3142 Courser Avenue San Diego, CA 92117										X
063.1	George Courser gcourser@hotmail.com									X	X
064	Gretchen Cummings 10646 Marbury Avenue San Diego, CA 92126						X				
066	Marcia Dahm mmdahm@yahoo.com					X					

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067	Traci Deck tdeck@san.rr.com				X						X
068	Sarah Dubin–Vaughn 483 Pine Needles Drive Del Mar, CA 92014										X
069	Catherine & Michael Dudley 17257 Silver Gum Way San Diego, CA 92127		X	X	X	X				X	X
070	Anne Fege afege@aol.com92028										X
071	Anne Fege2 Box 722393 San Diego, CA 92172										X
072	Don Freeberg P.O. Box 1069 Pauma Valley, CA 92061				X						X
074	Katty Garriott kgarriott@juno.com				X						X
075	Carole and Patrick Gaynor 2239 Via Oeste Drive Fallbrook, CA 92028				X						X
076	Connie Gentili cgen@cox.net										X

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077	Jeff Greenwald Integra Realty Resrouces – San Diego 990 Highland Drive, Sutie 312 Solana Beach, CA 92075				X	X				X	X
078	Arlene B. Griffin safeprodir@san.rr.com										X
079	David Grubb 2233 Manchester, #1 Cardiff, CA 92007										X
080	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082		X	X	X	X	X	X	X	X	X
081	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082										X
082	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082										X
083	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082				X						
084	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082				X						

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084.1	Ruth Harber 11132 San Antonio Way Valley Center, CA 92082										X
085	Jon Hoxter P.O. Box 60 Pala, CA 92059				X	X	X				X
085.1	Gayle Shockey –Hoxter, MPH, RD 37310 magee Road P.O. Box 60 Pala, CA 92059				X		X				X
086	Ryan Huynh ryan.huynh@4SConnect.com				X						
087	Martin & Nora Jackson 4650 Dublin Road, SP 229 Fallbrook, CA 92098				X						X
088	Ron Jonason 1290 Pala Mesa Heights Drive Fallbrook, CA 92028				X						X
089	Mrs. John Kennedy wflowerdk@aol.com										X
090	Joyce Lain Kennedy jlk@sunfeatures.com										X
091	Gerald Kent jerrykent@cox.net				X	X				X	

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092	Eva Kerckhore 140 Encinitas Boulevard, #17 Encinitas, CA 92021										X
093	Kessler Family 7781 Faldo Place Carlsbad, CA 92009										X
094	Roger Kingston rkingston@adelphia.net										X
095	Jimmy Knott III jhk3@cox.net										X
098	Mimi Koughnett mimi@paradisecommunity.org				X						X
099	Elizabeth P. Kruidenier lizandy@adelphia.net										X
100	Elizabeth P. Kruidenier2 lizandy@adelphia.net										X
101	Fuyun Ling fuyun_ling@hotmail.net				X						X
102	William and Della Link 16869 Acebo Drive San Diego, CA 92128–2644				X						X
103	John C. Ljubenkov P.O. Box 781 Pauma Valley, CA 92061				X		X				X

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104	Julie S. Ljubenkov2 P.O. Box 781 Pauma Valley, CA 92061				X	X	X				X
105	R.E. Lodge RELodgeRanchEnt@aol.com										X
106	Linda Lyerly 825 Munevar Road Cardiff, CA 92007										X
107	Marv Lyons 918 Club View Terrace Chula Vista, CA 91911										X
108	Graham MacHutchin gmach@san.rr.com										X
109	Paul & Sheila Manning 1427 Tecalote Drive Fallbrook, CA 92028				X		X	X			X
110	Wes Marx wmarx@globalcrossing.net				X						X
111	Jack McGee Jmcgee7723@aol.com										X
112	Thomas McGreal tommcg@adelphia.com										X
113	Rod Miller										X

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114	Lael Montgomery laelmontgomery@aol.com										X
115	Lael Montgomery 13678 McNally Road Valley Center, CA 92082										X
116	Susan Moore earthdesign@attwb.net										X
118	Raymond Noelte rnoelte@csc.com										X
119	Janice L. Nordenberg 9430 Pagoda Tree Lane San Diego, CA 92127										X
120	Dianne Nygaard 5020 N. Nighthawk Way Oceanside, CA 92056				X						X
121	Josephine L. Olinski jlskawski@dslextreme.com										X
122	Sharon Opfer 9434 Tea Tree Lane San Diego, CA 92127										X
123	Teri Pavia teripavia@yahoo.com										X
124	Phillips conrick@cox.net									X	

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125	Kelvin Phoon 9281 Fostoria Court San Diego, CA 92127										X
126	Florence Phoon fphoon@san.rr.com										X
127	Linda Pickering lindapickering2@yahoo.com										X
128	D. Poole dpoole@brookfieldhomes.com										X
129	Michelle Quiroz mitchielou@nethere.com										X
130	Matt Rahn San Diego State University Field Station Programs 5500 Campanile Drive San Diego, CA 92182						X				
131	Royce B. Riggan, Jr. 10646 Marbury Avenue San Diego, CA 92126						X				
132	Eleanora I. Robbins Dept. of Geological Services San Diego State Universtiy 5500 Campanile Dr. San Diego, CA 92182–1020										X

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133	Greg Roper 9177 Bernardo Lakes Drive San Diego, CA 92127										X
134	Alan Russell 1570 Old Creek Court Cardiff by the Sea, CA 92007										X
135	John Russell john.russell@calbt.com Bonsall, CA 92003				X						X
136	Charlotte and John Russell 10528 Clasico Court San Diego, CA 92127										X
137	Sally Sanderson vcwillow@aol.com						X				
138	S. Sant shirsmed1@aol.com				X						X
139	Jean M. Sawyer				X						
140	Nadine L. Scott 550 Hoover Street Oceanside, CA 92054				X		X			X	X
141	Andrea V. Seavey 1937 Alexander Drive Escondido, CA 92025										X

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142	Sherri Sharp slsharp@san.rr.com										X
143	Roy J. Shlemon P.O. Box 3066 Newport Beach, CA 92659–0620										X
144	Laurel Schockey P.O. Box 60 37310 Magee Road Pala, CA 92059				X						X
145	Kevin Silke 16713 Santanella Street San Diego, CA 92127				X						
146	James E. Slosson 15500 Erwin Street, Suite 1123 Van Nuys, CA 91411									X	X
147	Andrew Sobek 2025 Bella Vista Drive Vista, CA 92084				X						X
148	Sam Sweet sweet@lifesci.ucsb.edu						X				
149	Mark Swanson mwswanson@cox.net										X

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150	Fann Swift 334 Luiseno Avenue Oceanside, CA 92057				X	X			X		X
151	Laura Lynn Szymanski lszymanski@san.rr.com				X	X					X
152	Paul A. Szymanski 17122 Coyote Bush Drive San Diego, CA 92127				X	X					X
153	Edward Thacher 11181 Pala Loma Drive Valley Center, CA 92082				X	X					X
154	Terry A. Van Koughnett terry@paradisecommunity.org										X
154.1	Mimi Van Koughnett mimi@paradisecommunity.org										X
155	Mel Vernon San Luis Rey Band of Mission Indians 4010 Loma Alta Drive San Diego, CA 92115										X
156	Jon Vick 13678 McNally Road Valley Center, CA 92028										X

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157	Jon Vick 13678 McNally Road Valley Center, CA 92028										X
158	Jonathan C. Vick 13678 McNally Road Valley Center, CA 92082										X
159	Janet Wagner 9665 Chesapeake Drive, #300 San Diego, CA 92123–1364									X	X
160	Eugene F. Walker 269 Barbara Avenue Solana Beach, CA 92075										X
161	Patricia R. Welsh 1825 Zapo Street Del Mar, CA 92014										X
162	Patricia R. Welsh 1825 Zapo Street Del Mar, CA 92014										X
163	Tracy White dhwhi@aol.com										X
164	Karen Winn karenwinn@speedband.com				X						X

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165	Charles Witt 1846 Spyglass Circle Vista, CA 92081				X						
166	Lisa A. Young 4801 Lake Park Place Fallbrook, CA 92028										X
7 Public Hearing											
167	Transcript Public Meeting Auguts 14, 2006				X	X	X	X	X	X	X
8 Late											
168	Albert B. Frowiss P.O. Box 909 Rancho Santa Fe, CA 92067										
	Jonathan & Lilly Berry 31708 Nira Lane Bonsall, CA 92003										
	Ruth Harber Riverwatch P.O. Box 582 Fallbrook, CA 92088										
	Ruth Harber Corktoo@aol.com										
	Ruth Harber none provided										

Letter No.	**Commentors**	CEQA	3.0 Project Description	4.1 Land Use	4.5 Traffic and Circulation	4.6 Noise and Vibration	4.9 Biological Resources	4.11 Archeo/Cultrual Resources	4.12 Entho/Native American	4.15 Public Services/Utilities	Other
	Ruth Harber Corktoo@aol.com										
	Karen None witchywoman@earthlink.net										

Letter 001

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011

In Reply Refer To:
FWS-SDG-2748.4

Mr. Gary Erbeck, Director
Local Enforcement Agency Office
County of San Diego Department of Environmental Health
9325 Hazard Way
San Diego, California 92123-1217

SEP 7 2006

Re: Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill, County of San Diego, California

Dear Mr. Erbeck:

The U.S. Fish and Wildlife Service (Service) has reviewed the Revised Partial Draft Environmental Impact Report (RPDEIR), dated July 10, 2006, for the above-referenced project. The comments provided herein are based on: information provided in the RPDEIR; our knowledge of sensitive and declining vegetation communities in the County; and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). 001-1

The proposed project consists of the construction and operation of a new Class III municipal solid waste landfill that would be located on State Route 76, approximately three miles east of Interstate 15, in the unincorporated area of San Diego County. Although the Director of the Department of Environmental Health certified the 2003 EIR, the certification was rescinded by court order. The court ruled that the 2003 EIR was defective in its failure to consider the Traffic Needs Assessment of Tribal Development Projects in the San Diego Region, water supply, and biological mitigation as it relates to Proposition C. Limited portions of the 2003 EIR have been revised to address the deficiencies noted by the court, to update the project description, and to analyze and evaluate the project based on several new studies that have been completed.

Our review of the draft Habitat Evaluation Maps for the draft North County Multiple Species Conservation Program (NCMSCP) indicates that the habitats on site are of "very high" quality. The project site is located within a draft Pre-approved Mitigation Area (PAMA) for the draft NCMSCP. 001-2

TAKE PRIDE IN AMERICA

In addition to the previous comments and recommendations that were provided in the attached joint letters with the California Department of Fish and Game, dated April 29, 1999, and February 22, 2000, which are incorporated by reference, the Service has the following comments on the RPDEIR: 001-3

Arroyo Toad Comments

1. Page 4.9-5 of the RPDEIR states that "water quality in the San Luis Rey River (River) is a potential long-term issue for the landfill project that could indirectly affect the arroyo toad." The RPDEIR continues by describing the features of the landfill that have been designed to minimize the potential for leachate leakage and impacts to the water quality within the River; however, the RPDEIR never addresses the serious, and potentially catastrophic, effects to the arroyo toad that could result from leachate leakage into the River. In order to fully evaluate the long-term effects of the landfill project on the arroyo toad, the Final EIR should contain a detailed discussion of the potential effects of leakage from the Landfill into the River on not only the arroyo toad population within the project area, but also the populations located within the River downstream of the project. This discussion should include, but not be limited to, the following information: (1) the number of known arroyo toad populations that could be impacted; (2) the potential harmful effects to the arroyo toad that could be anticipated if contamination (i.e., leachate) entered the River; (3) the distance that the contamination could be expected to travel; (4) the time it would take for the contaminant levels within the River to return to normal; and (5) remediation measures that would be taken to minimize impacts to the River and arroyo toad populations once the leak has occurred. 001-4

   In addition to potential water quality impacts that could occur from leachate leakage into the San Luis Rey River, the FEIR should contain a detailed discussion of the potential for adverse impacts to both water quality and arroyo toads resulting from fuel and/or oil spills associated with the increased traffic across the San Luis Rey River as trucks and cars enter and leave the landfill area.

2. Page 4.15-9 of the RPDEIR states that in addition to recycled water, percolating groundwater from existing bedrock wells will be used as source of water for the landfill construction and operations.

   Groundwater depletion, from activities such as groundwater pumping, and stream de-watering, has contributed to the loss and alteration of riparian ecosystems throughout the world, and particularly in arid and semiarid regions such as Southern California (Gremmen et al. 1990, Pringle 2001, Glennon 2002). This is particularly true in arid and semiarid regions, because surface and groundwater are in high demand for human use and also exert strong influence on abundance and composition of riparian vegetation (Perkins 001-5

have been most affected by stream and aquifer dewatering (Stromberg *et al.* 1996, Pringle 2001). Where extraction of groundwater from groundwater pumping exceeds the natural recharge (i.e., seepage) through rainfall, agricultural runoff, or reservoir releases, as described above, the resulting lower water tables may result in decreased summer low-flow rates in rivers and streams, reduced surface ponding, and reduced perennial stream habitat (Jones and Mulholland 2000). Stromberg *et al.* (1996) point out that river baseflows are often directly linked with alluvial aquifer levels. A study done on the relationship of groundwater pumping to surface flows and depth-to-groundwater on the San Luis Rey River, in the City of Oceanside, found that these factors were linked (Welch 1995). Furthermore, it is well established that groundwater pumping can have a negative effect on aquatic amphibian species (U.S. Fish and Wildlife Service 1999, Jackson et al. 2001). 001-5 Cont'd

The arroyo toad requires shallow pools (less than 12 inches) with clear water for breeding (Sweet 1992, 1993). In addition, the reproductive success of the arroyo toad is dependent upon the duration of breeding pools, such that breeding pools must remain long enough to sustain the development of their egg masses, larvae, and metamorphs (U.S. Fish and Wildlife Service 1999). Therefore, arroyo toad survival and reproductive success may be particularly susceptible to the decreased summer low-flow rates, reduced surface ponding, and reduced perennial stream habitat that may result from increased groundwater pumping. For example, Holland *et al.* (2001) noted a significant decline in arroyo toad breeding habitat and recruitment on Marine Corps Base Camp Pendleton as a result of increased groundwater pumping during the breeding season.

The RPDEIR states that the project could pump 43.55 acre feet per year of groundwater. The FEIR should contain a detailed analysis of the potential effects of the proposed level of groundwater pumping on arroyo toads and arroyo toad habitat within the San Luis Rey River.

3. In Section 4.9.3.6 (page 4.9-10) the RPDEIR revises the acreage of arroyo toad upland habitat lost due to project impacts from 306 acres in the 2003 EIR to 17.5 acres; however, this revision is not based on detailed upland habitat use studies within and/or adjacent to the project area or current scientific literature, rather it is based on the limited information that can be obtained from Natural Resource Conservation Service (NRCS) soil maps and arroyo toad protocol (i.e., breeding habitat) surveys completed in 2002 and 2005. 001-6

For example, the RPDEIR relies on protocol survey data gathered from prior biological technical studies on the project site to conclude that "arroyo toads are distributed within 0.5 miles of the San Luis Rey River where appropriate soils are present but not in other areas of the project site." However, these past protocol surveys focused on breeding habitat and cannot be used to determine upland habitat use within the project area. Given the biology of the arroyo toad, it is very difficult to locate individuals within upland habitat even when conducting focused upland habitat studies. Furthermore, upland habitat use by the arroyo toad can vary from year to year depending on variables such as

rainfall and temperature. Therefore, data collected during the presence/absence surveys regarding upland habitat use is only anecdotal and should not be used to determine the extent of arroyo toad upland habitat use on the project site. 001-6 Cont'd

In addition to using inappropriate study methods to determine arroyo toad upland habitat use on the project site, the applicant relies on the coarse-scale NRCS soil maps for the project site to determine areas of "appropriate arroyo toad habitat". Using the NRCS maps, only areas containing fine sands were considered "appropriate" habitat. However, Griffin and Case (2001) found that arroyo toads did not show a significant difference in their preference for burrowing in areas of fine, medium, and coarse sands. Although arroyo toads prefer to burrow in sandy substrates, they have been found in other friable areas including footprints (e.g., cows, dogs, human), rodent burrows, loose substrates next to rodent burrows, and agricultural areas (Griffen and Case 2001). Furthermore, although not used for burrowing, arroyo toads will utilize existing roads and paths as movement routes and for foraging. Therefore, it is likely that additional areas of suitable habitat are present and accessible to arroyo toads throughout the project site that were not included within the URS estimate of "appropriate habitat" and were not calculated as impacts to arroyo toad upland habitat.

Based on the information provided above, and the fact that arroyo toads have been observed moving approximately 1.6 kilometers (1 mile) within a stream reach and as much as 2 kilometers (1.2 miles) away from the stream, into native upland habitats (D.C. Holland *in litt.* 1997, W.E. Haas *et al., in litt.* 1998, Sweet 1992) or agricultural areas (Griffin *et al.* 1999), the RPDEIR does no provide substantial support for the revised arroyo toad upland impact acreage of 17.5 acres. We recommend that the acreage of impacts to arroyo toad habitat be re-evaluated utilizing the available scientific literature, local experts, and detailed on-the-ground studies of the on-site habitat characteristics (e.g., soil analysis).

Mitigation Comments

4. Mitigation Measure (MM) 4.9-1a states that "impacts to 170.8 acres of coastal sage scrub, 1.7 acres of disturbed coastal sage scrub, and 51.5 acres of coastal sage scrub/chaparral shall be mitigated at a minimum ratio of 2:1 through the on-site creation or enhancement of 63.6 acres of coastal sage scrub habitat or coastal sage scrub/chaparral habitat, and the off-site acquisition of 384.4 acres of coastal sage scrub or coastal sage scrub/chaparral habitat." While it may be appropriate to mitigate for impacts to coastal sage scrub/chaparral habitat with coastal sage scrub, it is not appropriate to compensate for coastal sage scrub impacts with coastal sage scrub/chaparral habitat. Therefore, the FEIR should specify that mitigation for impacts to coastal sage scrub will be in kind. 001-7

5. Several of the MMs in the RPDEIR indicate that off-site acquisitions may occur anywhere within the unincorporated portion of San Diego County. As stated previously, 001-8

the proposed project is located within the draft PAMA of the NCMSCP. Therefore, to adequately mitigate impacts to this future preserve system, we recommend that all mitigation for the proposed project occur within areas located in the draft PAMA of the NCMSCP, specifically within the San Luis Rey Watershed. 001-8 Cont'd

6. Mitigation Measures 4.9-1a, b, f, 4.9-2, 4.9-14, and 4.9-18 state that on-site creation or enhancement "shall be in an area dedicated as open space." The RPDEIR does not identify whether these areas will occur within, or in addition to, the 1,313 acres of open space required in Proposition C. The Service is also concerned about the proposed amount of on-site creation and enhancement. All locations proposed for on-site creation and/or enhancement should retain their existing habitat values (e.g., arroyo toad upland habitat should not be converted to vireo habitat or arroyo toad breeding habitat). The Service requests the opportunity to review and approve all on- and off-site mitigation locations. In addition, the following conditions should be applied to all on- and off-site proposed creation/restoration/enhancement plans: 001-9

   a. The applicant shall submit final wetland creation/restoration/enhancement plans to the U.S. Army Corps of Engineers (Corps), California Department of Fish and Game (Department), and Service (collectively referred to as the Agencies) for approval 60 days prior to initiating project impacts. These plans shall be based on the mitigation and monitoring plan and the comments provided by the Agencies. The final plans shall include the following information and conditions:

      i. All final specifications and topographic-based grading, planting and irrigation plans (0.5-foot contours and typical cross-sections) for the creation/restoration/enhancement sites. All wetland mitigation areas shall be graded to the same elevation as adjacent existing Corps jurisdictional wetlands areas, and/or to within 1-ft of the groundwater table, and shall be left in a rough grade state with micro topographic relief (including channels for wetlands) that mimics natural topography, as directed by the Agencies. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) shall be transplanted to, and/or used as a seed/cutting source for, the riparian/wetland creation and enhancement areas to the maximum extent practicable as directed by the Agencies. Planting and irrigation shall not be installed until the Agencies have approved of the mitigation site grading. All plantings shall be installed in a way that mimics natural plant distribution, and not in rows;

      ii. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans shall include native species specifically associated with the habitat type(s). Unless otherwise approved by the Agencies, only locally native species (no cultivars) available from as close to the project area as

possible shall be used. The source and proof of local nativeness of all plant material and seed shall be provided;

001-9 Cont'd

iii. Container plant survival shall be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;

iv. A final implementation schedule that indicates when all riparian/wetland impacts, as well as riparian/wetland creation/restoration/enhancement grading, planting and irrigation shall begin and end. Necessary site preparation and planting shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after receiving the Agencies' approval of grading. Any temporal loss of habitat caused by delays in creation/restoration/enhancement shall be offset through creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project applicant shall be excused by such unforeseeable cause(s);

v. Five years of success criteria for creation/restoration/ enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory, and 85 percent absolute cover for all three layers at the end of five years; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;

vi. A minimum five years of maintenance and monitoring of riparian/wetland creation/restoration/enhancement areas, unless success criteria are met earlier and all artificial water supply has been off for at least two years. Monitoring shall include protocol surveys and nest monitoring for vireo and flycatcher;

vii. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified-random sampling shall be used for all

quantitative monitoring;

viii. Contingency measures in the event of creation/restoration/enhancement failure;

001-9 Cont'd

ix. Annual mitigation maintenance and monitoring reports shall be submitted to the Agencies no later than December 1 of each year;

x. If maintenance of a wetland the creation/restoration/enhancement area potentially occupied by vireos and/or flycatchers is necessary during between March 15 and September 15, a biologist permitted by the Service will survey for vireos and/or flycatchers within the creation/restoration/enhancement area, access paths to it, and other areas susceptible to disturbances by creation/restoration/enhancement site maintenance. Surveys will consist of three visits separated by two weeks starting April 1 of each maintenance/monitoring year. Restoration work will be allowed to continue on the site during the survey period. However, if vireos and/or flycatchers are found during any of the visits, the applicant will notify and coordinate with the Agencies to identify measures to avoid and/or minimize effects to the vireo and/or flycatcher (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work); and

xi. A wetland delineation shall be done to confirm that Corps jurisdictional wetlands have been successfully created/restored prior to final approval of creation/restoration sites.

b. The applicant shall submit final upland habitat creation/restoration/enhancement plans to the Agencies for review and approval at least 60 days prior to initiating project impacts. These plans shall be based on the mitigation and monitoring plan and the comments provided by the Agencies. The final plans shall include the following information and conditions:

i. All final specifications and topographic-based grading, planting and irrigation plans (with 10-foot contours). All upland habitat creation/restoration/enhancement sites shall be prepared for planting by decompacting the top soil in a way that mimics natural upland habitat top soil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the upland habitat areas to be impacted shall be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the Agencies. Planting and irrigation shall not be installed until the Agencies have approved of upland habitat

restoration/creation site grading. All planting shall be installed in a way that mimics natural plant distribution, and not in rows;

001-9 Cont'd

ii. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The upland plant palette proposed in the draft plans shall include native species specifically associated with the habitat type(s). Unless otherwise approved by the Service, only locally native species (no cultivars) available from as close to the project area as possible shall be used. The source and proof of local nativeness of all plant material and seed shall be provided;

iii. Container plant survival shall be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;

iv. A final implementation schedule that indicates when all upland habitat impacts, as well as creation/restoration/enhancement grading, planting and irrigation shall begin and end. Upland habitat creation/restoration/enhancement grading, planting and irrigation shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after finishing grading within the creation/restoration/enhancement area. Any temporal loss of upland habitat caused by delays in creation/restoration/enhancement shall be mitigated through upland habitat preservation/creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, the project applicant shall be excused by such unforeseeable cause(s);

v. Five years of success criteria for upland creation/restoration/enhancement areas including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;

vi. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified-random sampling shall be used for all

quantitative;

vii. Contingency measures in the event of creation/restoration/enhancement failure; and

viii. Annual mitigation maintenance and monitoring reports shall be submitted to the Agencies after the maintenance and monitoring period and no later than December 1 of each year.

ix. If maintenance of a coastal sage scrub creation/restoration/enhancement area is necessary between February 15 and August 31, a biologist permitted by the Service will survey for gnatcatchers within the creation/restoration/enhancement area, access paths to it, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by two weeks starting March 1 of each maintenance/monitoring year. Work will be allowed to continue on the site during the survey period. However, if gnatcatchers are found during any of the visits, the applicant will notify and coordinate with the Agencies to identify measures to avoid and/or minimize effects to the gnatcatcher (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).

001-9 Cont'd

7. Mitigation Measure 4.9-18 states that "beyond the mitigation obligation associated for direct and indirect project impacts to vegetation communities, the project applicant will be required to implement a habitat enhancement program for improvements to the San Luis Rey River watershed." The Service is unclear as to why this requirement is "above and beyond" the project's mitigation obligations as it appears that the areas proposed for the enhancement program overlap with areas proposed for mitigation. The FEIR should clarify this statement and provide figures clearly showing where project mitigation will occur and where the habitat enhancement program will occur. 001-10

8. The project site is located within the San Luis Rey Area of designated critical habitat for the vireo and the San Diego Management Unit of designated critical habitat for the flycatcher. Therefore, impacts to designated flycatcher and vireo critical habitat must be mitigated within the same units of designated flycatcher and vireo critical habitat. 001-11

9. Mitigation Measure 4.9-19b states that "impacts to coastal sage scrub shall be mitigated at a minimum ratio of 2:1 through off-site acquisition of 19.0 acres of coastal sage scrub." Please clarify what impacts this measure is associated with and how it differs from the coastal sage scrub mitigation requirement in MM 4.9-1a. 001-12

10. The FEIR should include the following condition:

> The applicant will implement a perpetual management, maintenance and monitoring plan for all on- or off-site biological conservation easement areas. The applicant shall also establish a non-wasting endowment for an amount approved by the Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Agencies. The applicant shall submit a draft plan including a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment to the Agencies for approval at least 60 days prior to initiating project impacts. The applicant shall submit the final plan to the Agencies, and transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 60 days of receiving approval of the draft plan.

001-13

Vireo and Flycatcher Comments

11. Mitigation Measure 4.9-11c states that " the project applicant shall provide funding for cowbird trapping along the San Luis Rey River on the project site for a period of five years from initial landfill operation." In order to minimize impacts to flycatchers and vireo within and adjacent to the project site, as well as any off-site mitigation areas, we request that the FEIR revise this MM to read as follows:

001-14

> The applicant will conduct a brown-headed cowbird trapping program within the portions of the San Luis Rey River adjacent to the project area, as well as within all proposed riparian mitigation areas. The applicant will submit a cowbird trapping plan to the Service for approval 60 days prior to initiating project impacts. The plan will include the following information and conditions:
>
> a. Trapping will begin concurrent with initiation of project impacts and will continue in perpetuity. A cowbird trapping program may cease after discussion with the Service, if, over time, the biological monitors conducting the cowbird trapping and vireo and flycatcher monitoring find no cowbirds are being captured in the traps, no cowbirds in the area, and no cowbird parasitism is occurring to vireo and flycatcher. However, should the above condition be met and cowbird trapping be ceased, nest monitoring must occur annually to ensure that cowbirds have not reappeared. If cowbird nest parasitism or cowbirds are found within the project area, the program must be reinstated at an appropriate level, as approved by the Service. If a more effective alternative cowbird control method is developed, the trapping program may be terminated or modified as approved by the Service.
>
> b. A map will be provided showing the cowbird trap locations. Trap numbers and

locations will be determined in consultation with the Service.

c. The applicant will provide for a qualified operator to maintain and operate the cowbird management program from April 1 to June 30 each year.

d. Each trap must be checked at least once every 24 hours and all non-target birds shall be recorded and released from traps immediately upon their discovery. Any and all traps should be moved, temporarily shut down or more frequently visited whenever necessary to maximize trapping effort efficiency or to reduce real or potential impacts to non-target species.

001-14 Cont'd

g. Observations of all marked or banded cowbirds will be recorded and reported to the U.S. Geological Survey Bird Banding Lab ([http://www.pwrc.usgs.gov/bbl/] or 1-800-327-BAND) as soon as possible. Once the necessary data (e.g., band number, location and sequence of color bands or other markers) are noted, marked or banded male cowbirds should be released at the point of capture. All marked or banded females and all unbanded cowbirds will be euthanized at the point of capture unless alternative measures were previously authorized by the Service.

h. Harm or death of incidentally captured individual non-target birds will not exceed two percent of total captures of individual non-target birds on an annual basis. All non-target captures (number of individuals by species) must be reported to the Service monthly. All non-target mortality must be reported to the Service immediately with an assessment of the cause of mortality. Such reports will be reviewed by the Service in cooperation with the Corps and cowbird trap operator(s) to determine if cowbird trap(s) should be relocated for the remainder of the season. If a mortality of any rare, listed, or otherwise sensitive species of bird occurs, the continuation of the program will cease until the cause of the mortality is identified and any problems with methodology are rectified. The cowbird trap operator(s) will take measures to ensure that no non-target birds die due to lack of food or water or unclean conditions.

i. The applicant or cowbird trap operator(s) will report to the Service annually by November 1. The report will include at least the following information:

   i. Copies (8.5 x 11 inches) of USGS 7.5" maps depicting the location of traps, including the quandrangle name and County. The map should be at a 1:24,000 scale.
   ii. The number of active days each trap was deployed.
   iii. The number and sex of cowbirds captured in each trap.
   iv. The number of banded cowbirds including USFWS band number, date, and location of capture.
   v. The number and species of non-target birds incidentally captured, harmed,

or killed and the location of each capture. 001-14 cont'd

We appreciate the opportunity to comment on the RPDEIR. If you have any questions or comments pertaining to this letter, please contact Michelle Moreno of my staff at (760) 431-9440. 001-15

Sincerely,

Therese O'Rourke
Assistant Field Supervisor

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ATTACHMENT 1

US Fish & Wildlife Service
Carlsbad Field Office 4949
2730 Loker Avenue West
Carlsbad, CA 92008 (619)
(760) 431-9440/9624 fax

CA Dept. of Fish & Game
Viewridge Avenue
San Diego, CA 92123
467-4201/4235 fax

Ms. Kiersten Rydbeck
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

29 April 1999

Re: Draft Environmental Impact Report for Gregory Canyon Landfill, San Diego County, California (Project No. ER-98-02-025)

Dear Ms. Rydbeck:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to as the Wildlife Agencies, have reviewed the referenced Draft Environmental Impact Report (DEIR). The proposed project consists of the construction and operation of a new Class III municipal solid waste landfill within an unincorporated portion of San Diego County (County). Main project components include a lined landfill, support facilities, borrow/stockpile areas, detention and desiltation basins, recycling facilities, drainage and erosion control, access road and bridge, widening SR 76 at the proposed access road, San Diego Gas and Electric (SDG&E) transmission tower and line relocation, and possibly relocating San Diego Water Authority Pipelines 1 and 2. The project is located on SR 76, approximately 3 miles east of Interstate 15, and two miles southwest of Pala. The site is adjacent to the San Luis Rey River, lies along the western slope of Gregory Mountain, and is surrounded by agricultural land, rural residential, and undeveloped land. The project area is approximately 1,783 acres in size which includes 13 acres that are currently owned by SDG&E. As proposed, the landfill will have an approximate 30 year lifespan.

Eight native vegetation communities occur in the project area, along with two unvegetated habitats, four non-native communities, and developed land. Native vegetation communities include coastal sage scrub (CSS), coastal sage scrub/chaparral, chaparral, native grassland, coast live oak, cottonwood-willow riparian forest, mule fat scrub, and southern willow scrub. Unvegetated habitats include open channel and ponds. Non-native vegetation communities include non-native grassland, disturbed habitat, agricultural land, and agricultural land/developed.

The project will directly impact approximately 308 acres including: 165.6 acres (18 percent) of CSS, 44 acres (60 percent) of CSS/chaparral, 27.9 acres (6 percent) of chaparral, 0.2 acre (50 percent) of native grassland, 25.5 acres (40 percent) of coast live oak woodland, 2.2 acres (6 percent) of cottonwood-willow riparian forest, 0.6 acre (100 percent) of mule fat scrub, 4.7 acres (14 percent) of southern willow scrub, 2 acres (15 percent) of open channel, 3.3 acres (10 percent) of annual grassland, 1.4 acres (4 percent) of disturbed habitat, 27.8 acres (4 percent) of agricultural land, 2.8 acres (3 percent) of agricultural land/developed, and 0.4 acre (6 percent) of developed habitat. An additional 5.2 acres may be impacted due to Highway 76 road alignment. Potential indirect project impacts include, but are not limited to, decreased water and air quality, introduction of exotic plants, increased human activity, attraction of nuisance animal species (e.g., rats, mice, insects, ravens, crows, and gulls), increased roadkill from additional traffic, and excessive noise and dust.

In general, mitigation measures for impacts to sensitive habitats include: dedication of 1,313 acres on-site as permanent open space; preservation of CSS and CSS/chaparral on-site at a minimum 1:1 ratio; preservation of 38.4 acres of coast live oak woodland on-site, and off-site acquisition of 12.6 acres of oak woodland (2:1 mitigation ratio), or creation of coast live oak habitat on-site at a 3:1 ratio; on-site creation of 9.4 acres (2:1 ratio) of southern willow scrub, 1.2 acres (2:1 ratio) of mule fat scrub, and 6.6 acres of cottonwood-willow riparian forest (3:1 ratio); and creation of 0.2 acre (2:1 ratio) of native grassland on-site within disturbed habitat or areas currently supporting non-native grassland.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service is also responsible for administering the Endangered Species Act of 1973 as amended (Act). Section 7 of the Act requires Federal agencies to consult with the Service if their actions may affect a listed threatened or endangered species. Section 9 of the Act prohibits the "take" (e.g., harm, harass, pursue, injure, or kill) of Federally listed wildlife species. "Harm" (i.e., "take") is further defined to include habitat modification or degradation where it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering. "Take" can only be permitted pursuant to the pertinent language and provisions in Section 7 and Section 10(a) or through a special rule under Section 4(d) of the Act.

The Department, pursuant to Section 15386 of the California Environmental Quality Act (CEQA), is a trustee agency and is responsible for reviewing projects and commenting on their impacts, as well as determining whether the mitigation measures or alternatives proposed are feasible and appropriate. Also, Section 1802 of the Fish and Game Code establishes the Department as having a primary responsibility for assuring the conservation, protection and management of fish, wildlife, native plants and their habitats.

The proposed project has the potential to impact at least 38 sensitive animal species including several Federally listed species as indicated in the Biological Technical Report prepared by HELIX Environmental Planning, Inc. (HELIX) dated 15 January 1999. The following Federally

listed species may be impacted by the proposed project: the endangered arroyo southwestern toad (*Bufo microscaphus californicus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and least Bell's vireo (*Vireo bellii pusillus*); and the threatened coastal California gnatcatcher (*Polioptila californica californica*). This reach of the San Luis Rey River is designated as critical habitat for both the least Bell's vireo and the southwestern willow flycatcher. In addition, a golden eagle (*Aquila chrysaetos*) pair is known to nest on Gregory Mountain. Direct impacts to the eagle nest site are not anticipated, although indirect impacts to eagle foraging habitat and from increased human activity are probable.

Three sensitive plant species were detected on-site including: Engelmann oak (*Quercus engelmannii*), Rainbow manzanita (*Arctostaphylos rainbowensis*), and prostrate spineflower (*Chorizanthe procumbens*). Twenty-five mature Engelmann oaks would be directly impacted by the proposed project which would be mitigated through acquisition of land supporting at least 25 mature Engelmann oak trees.

The No Project Alternative and the Alternate North County Locations Alternative would eliminate or reduce impacts to Federally listed species such as the least Bell's vireo, arroyo southwestern toad, southwestern willow flycatcher, and coastal California gnatcatcher as well as most of the other sensitive animals and plants that occur at the Gregory Canyon site. At this time, the Wildlife Agencies recommend that the No Project Alternative or Alternate North County Locations Alternative be adopted. The selection of the No Project Alternative or Alternate North County Locations Alternative is based on the major concerns described below.

San Luis Rey River

The San Luis Rey River contains some of the most extensive remaining riparian woodlands in San Diego County and Southern California (Lettieri-McIntyre and Associates 1995). In addition, the Wildlife Agencies consider the San Luis Rey River a high quality riparian resource area that supports many sensitive species, including several Federally listed species. Although there are some disturbed areas, the San Luis Rey River is considered to be one of the least modified and most easily restorable rivers in urbanized southern California (U.S. Army Corps of Engineers 1981).

The proposed project, in combination with previous and ongoing projects in the vicinity, would result in further degradation or elimination of riparian habitat for the Federally endangered least Bell's vireo and southwestern willow flycatcher. In addition, the project would impact breeding and burrowing habitat for the arroyo southwestern toad, and contribute to the cumulative loss of habitat for many other sensitive riparian species including Cooper's hawk (*Accipiter cooperii*), yellow warbler (*Dendroica petechia*), and yellow-breasted chat (*Icteria virens*) among others.

Wildlife Corridor

As noted in project documents, the San Luis Rey River is regional wildlife corridor that facilitates wildlife movement from coastal to inland areas by acting as water source and supporting riparian vegetation cover for migrating or dispersing species. We concur with the Biological Technical Report that the observed diversity of migrant riparian birds indicates that the San Luis Rey River may be an important migrant stop-over and movement route for migrating avifauna. However, the Wildlife Agencies disagree with project documents indicating that impacts on east-west wildlife movements in the San Luis Rey River will be less than significant.

The functionality of the San Luis Rey River as a regional wildlife corridor will be decreased by: (1) removing 1.6 acres of cottonwood willow riparian forest and 4.3 acres of southern willow scrub for construction of the access road and bridge; (2) placement of riprap around the bridge abutments which will create a narrower river channel and may inhibit development of woody riparian species; (3) excessive noise from construction and landfill activities; (4) increased air pollution from additional traffic; (5) a potential decrease in water quality from landfill activities; (6) an increase in human activity; (7) an increase in exotic weedy species such as giant reed (*Arundo donax*) or cultivars such as palms or Brazilian pepper (*Schinus terebinthifolius*); and (8) an increase in aggressive nuisance species such as gulls, rats, and Argentine ants (*Iridomyrmex humilis*).

Furthermore, the Gregory Canyon watershed is a local wildlife corridor facilitating wildlife movement from upland areas down to the San Luis Rey River. As proposed, Gregory Canyon will be filled, fenced, and native vegetation removed, thus eliminating a local wildlife corridor. The proposed minimum 1,000 foot wide open space area located between the borrow/stockpile areas would offer access from riparian to upland sites for many wildlife species; however, as noted in project documents, movement of arroyo southwestern toads and other amphibians will likely be constrained because of the steep terrain.

Associated Infrastructure

We have been meeting with the California Department of Transportation to discuss the proposed improvements to SR 76 from I-15 to Pala. It is our understanding that they are in the process of completing a preliminary study for the realignment and widening of this section of SR 76. Of particular concern with the proposed improvement to SR 76 is the encroachment into the San Luis Rey flood plain and river as well as the potential for growth inducement. We recommend that the County complete the environmental analysis for the road prior to approving any projects, including the landfill, that require improvement to SR 76. If any Federal funds are to be involved with the road project, we recommend that the Federal Highway Administration complete an Environmental Impact Statement and that the document address full build out of the planned facility.

Regional Planning

The proposed Gregory Canyon landfill site is located within the North County Segment of the Multiple Species Conservation Program. This planning effort is part of a Natural Community Conservation Plan/multiple species Habitat Conservation Plan for San Diego County. This planning effort is in the data gathering stages of planning and is expected to be complete within two years. Preliminary biological data for this portion of the County indicates that the San Luis Rey River and Gregory Canyon are located within a core biological area and are ranked as having high to very high biological value using a habitat evaluation model. The San Luis Rey River provides a primary east/west wildlife corridor and habitat linkage connecting remaining blocks of wildlife habitat in the west to large areas of intact wildlife habitat within public Forest Service lands to the east. Gregory Canyon also provides a secondary north/south linkage from relatively undisturbed land in the south on the Pala Reservation to the San Luis Rey River and large blocks of wildlife habitat in the north. The San Luis Rey River is of regional wildlife value and supports critical populations of several species and is expected to be a primary focal point for any North County Segment/Natural Communities Conservation Plan. The Wildlife Agencies have significant concerns regarding the affect of the proposed landfill on this critical resource area and on the North County Segment planning effort. We strongly recommend that the landfill be sited in an alternate location outside of core biological areas.

Cumulative Impacts

The Wildlife Agencies are concerned that effects of the proposed project will be much greater than the 308 acres of direct project impacts. We are particularly concerned that the indirect effects of fragmenting a large block of relatively undisturbed contiguous native vegetation will constrain wildlife movement and expose sensitive species and habitats to exotic plant encroachment, and increased predation, disease risk, and human disturbance. Furthermore, we are concerned that proposed SR 76 improvements, coupled with on-going or proposed projects in the vicinity, will not only further degrade coast live oak woodland, cottonwood-willow riparian forest, mule fat scrub, and southern willow scrub habitats along the San Luis Rey River, through vegetation removal, increased noise and disturbance, and exotic plant introduction, but also increase the incidence of wildlife road-kill due to increased traffic speed and volume. The proposed project would also contribute to the cumulative loss of raptor foraging habitat that has occurred throughout San Diego County. As proposed, the project would impact approximately 31 acres of important grassland habitat used by foraging raptors, including golden eagles.

Arroyo Southwestern Toad

Four adult arroyo southwestern toads and numerous tadpoles and toadlets were observed on-site in the San Luis Rey River during three survey nights in May 1998. Actual impacts to toads could not be determined because the extent and locations of toad burrowing habitat

could not be defined. However, numerous toad eggs, tadpoles, juveniles, and adult toads could be directly or indirectly impacted by vegetation removal, trampling/crushing from heavy equipment or humans, sedimentation, pollution, or increased traffic on roads within and adjacent to the project area causing increased road-kill. Proposed mitigation for impacts to toads such as relocation and fencing would minimize, but not alleviate direct impacts to toads because some toads located within the construction zone may be overlooked and ultimately killed through construction activities.

Construction of the landfill and access road would impact approximately 10.6 acres of potential toad breeding habitat. The project proposes preservation of 65.1 acres, and passive restoration of 7.9 acres of potential toad breeding habitat. However, the 7.9 acres of toad breeding habitat will be temporarily, possibly permanently, lost depending on whether the riparian vegetation is ultimately restored to a pre-project state. Furthermore, at least 2 acres of open channel which could be used as toad breeding habitat will be permanently lost.

As noted in project documents, landfills typically attract nuisance animal species including crows, ravens, and gulls which may feed on arroyo southwestern toads. In addition, development and human-produced garbage can facilitate the establishment of Argentine ants which are not a direct threat to arroyo toads; however, these ants colonize disturbed areas and build up large colonies thereby eliminating the native ant fauna that is a major food source of the arroyo southwestern toad (U.S. Fish and Wildlife Service 1997).

Least Bell's Vireo and Willow Flycatcher

The San Luis Rey River, from the community of Pala approximately 24 miles downstream to Interstate 5, has been designated as critical habitat for the least Bell's vireo and the southwestern willow flycatcher. Based on the components of least Bell's vireo and southwestern willow flycatcher critical habitat, about 6,000 acres of existing or potential habitat essential to recovery of the vireo and flycatcher exists on the San Luis Rey River. Criteria for down listing the vireo and the flycatcher will only be accomplished when several hundred or more breeding pairs are protected and managed at several drainages in San Diego County, including the San Luis Rey River.

Riparian vegetation is an essential component of least Bell's vireo and southwestern willow flycatcher habitat. Elements of vireo and flycatcher critical habitat that could be affected by direct impacts from the proposed project include approximately 8 acres of riparian habitat which can provide cover and shelter including sites for breeding, reproduction, and rearing of offspring; food, water, and other nutritional or physiological requirements; and habitat that is representative of the historic geographical and ecological distribution of the vireo and flycatcher. Indirect impacts to vireos and flycatchers may include excessive noise, dust, night lighting, increased predation, changes in water quality, and increased human presence.

Four territorial male vireos were detected on-site in 1998 focused surveys. In addition, three southwestern willow flycatchers were detected on-site in 1995; however, none were detected in 1998 focused surveys. The three flycatchers detected in 1995 may have been migrants as no evidence of nesting was observed. However, the San Luis Rey River, upstream and downstream of the project area, provides critical nesting habitat for the southwestern willow flycatcher and suitable habitat occurs within and adjacent to the project area. Nesting was observed immediately downstream of the project site in Couser Canyon.

Despite the creation of approximately 17.2 acres of riparian vegetation as proposed, the project will result in at least a temporary, and possibly permanent loss (depending on the success of riparian habitat creation efforts) of 8 acres of vireo and flycatcher critical habitat. Furthermore, even though lighting will be directed away from the river, the level of ambient light in the area will increase which might make it easier for nocturnal or crepuscular predators to locate vireos and flycatchers. Additionally, landfill activities will likely attract and/or increase the number of potential vireo and flycatcher predators, especially feral cats, gulls, ravens, crows, rats, raccoons, skunks, and also Argentine ants which may prey on vireo or flycatcher nestlings. Furthermore, dust from landfill activities may coat the leaves of the plants and reduce populations of vireo and flycatcher prey species (insects). Applying water to the working landfill surface to control excessive dust caused by landfill activities, as proposed in project documents, may minimize, but not eliminate effects of dust on vireo and flycatcher prey species.

As proposed, sound barriers will be installed during the breeding season to minimize indirect noise impacts on vireos. The proposed 50-foot buffer adjacent to the San Luis Rey River riparian corridor will not sufficiently reduce indirect impacts from noise and human activity, especially since this buffer will only be possible adjacent to the landfill footprint/facilities area; and infeasible where the access road crosses the San Luis Rey River. The Biological Technical Report indicates that approximately 1.2 acres of riparian habitat adjacent to the access road/bridge (50 feet upstream and downstream) will be subject to unbuffered traffic noise impacts which will be a significant impact.

Coastal California Gnatcatcher

The project would directly impact approximately 210 acres of habitat that could support the coastal California gnatcatcher. Coastal California gnatcatcher has been observed on two occasions within the project area, once in 1995 in the proposed open space north of highway 76, and again in 1998 within the project footprint. The gnatcatcher observed within the project footprint could suffer direct mortality as a result of landfill activities. Possible indirect impacts to coastal California gnatcatcher includes increased habitat fragmentation, excessive noise, human disturbance, excessive dust causing diminished plant vigor and reduced prey base, and an increase in potential predators including feral cats, skunks, and raccoons.

Golden Eagle

According to the Biological Technical Report, a golden eagle nesting territory is known from Gregory Mountain at least since the 1930's. In spring 1998, a pair of golden eagles and nestlings was observed at their nest site on Gregory Mountain. The project proposes encompassing the current and historic golden eagle nest sites on Gregory Mountain in open space which will minimize impacts to the eagles. However, impacts to golden eagles would still be considerable because the available foraging area will be reduced. Furthermore, golden eagles would experience an increased level of human activity within their territory which may cause abandonment of the eagle nest site and territory, especially since the northeastern edge of the landfill would be only 600 feet in elevation below, and 1,340 linear feet away from the1998 cliff nest. Additionally, movement of the northernmost SDGE transmission tower would directly impact a perching and copulation site for the Gregory Mountain golden eagle pair.

Water Quality

Given the proximity of the proposed landfill to the San Luis Rey River, the Wildlife Agencies are concerned that despite monitoring wells, a plastic liner, and drainage system, contamination from landfill leachate and runoff will occur and increase as the liner ages and the amount of waste burgeons. Toxins from landfill leachate and runoff will likely have a detrimental effect on Federally listed, and other sensitive species in the San Luis Rey Watershed. Southwestern arroyo toads could be particularly affected by water contaminated from surface runoff and increased erosion and sedimentation in the river as a result of landfill activities.

Exotic Plants

Initial construction, including SR 76 alignment and landfill operation activities, will create disturbed habitats that will likely be vegetated with aggressively invasive exotic species which flourish in disturbed conditions. Earth-moving activities may result in transportation of propagules of exotic plant species within the site, inadvertently propagating exotic plant species at new locations including the San Luis Rey River. Furthermore, illegal dumping adjacent to the landfill, particularly along SR 76 parallel to the river may introduce non-native plant materials into the watershed. Plants such as giant reed and tamarisk (*Tamarisk* spp.), are an increasing threat to the native riparian biota on the San Luis Rey River. Least Bell's vireo, southwestern flycatcher, and arroyo southwestern toad habitat continues to be severely degraded by invasion of these non-native species, which out-competes native vegetation.

The project proposes revegetation with native species, weed control, and inspection for and clean up of all illegal dumping a minimum of five days/week adjacent to the landfill and SR 76 between Interstate 15 and the site. These efforts will minimize, but not prevent exotic

plant establishment because not all illegally dumped plant material may be collected, especially for the two days/week illegal dumping is not cleaned up. Furthermore, project documents do not indicate the time frame or duration of weeding efforts. Establishment of exotic plant species could occur after the proposed control effort is completed.

In addition to the aforementioned major concerns, the Wildlife Agencies request clarification of the following items:

Page 4.1-27 (sixth paragraph) of the DEIR indicates approximately 227 acres of CSS will be lost due to the proposed project. However, page 4.9-31 (Table 4.9-4) indicates 165.6 acres of impact to CSS.

Page 4.9-24 (section 4.9.3.1) of the DEIR indicates that 6 percent of cottonwood-willow riparian forest will be impacted by the proposed project. However, using the figures provided on page 4.9-31 (Table 4.9-4) of the DEIR, 8 percent, rather than 6 percent, of cottonwood-willow riparian forest will be impacted.

Page 4.9-25 (first paragraph) of the DEIR specifies that 0.6 acre (100 percent) of mule fat scrub will be impacted. However, using the figures provided on page 4.9-31 (Table 4.9-4) of the DEIR, 75 percent of mule fat scrub on-site will be impacted.

Page 4.9-53 (MM 4.9-1c) of the DEIR proposes off-site acquisition of 12.6 acres of coast live oak woodland. However, page 43 of the Biological Technical Report specifies acquisition of 13 acres of coast live oak woodland.

Page 4.9-53 (MM 4.9-1c) of the DEIR suggests creation of 18.9 acres of coast live oak woodland on-site to partially mitigate for impacts to coast live oak woodland. However, page 43 (second paragraph) of the Biological Technical Report indicates that 19.5 acres of coast live oak woodland could be created on-site. Neither of the above figures coupled with preservation of 38.4 acres of coast live oak woodland on-site equates to a 3:1 mitigation ratio as suggested in the DEIR (page 4.9-53) and the Biological Technical Report (page 43).

Page 4.9-31 (Table 4.9-4) of the DEIR indicates 63.9 acres of coast live oak woodland on-site; however, Table 2 (page 8) of the Biological Technical Report indicates 64.1 acres of coast live oak woodland on-site.

Page 4.9-53 (MM4.9-1c) of the DEIR stipulates that 9.4 acres of southern willow scrub will be created which contradicts page 42 (MM8-2c) of the Biological Technical Report that indicates creation of 11.6 acres of southern willow scrub.

Table 4 of the Biological Technical Report indicates western screech owl (*Otus kennicottii*) was observed on-site; however, western screech owl is not included in Table 4.9-3 of the DEIR.

Page 4.9-48, bottom of the first paragraph, fugitive dust section, the paragraph seems incomplete.

If the proposed project is determined to be the least damaging practicable alternative, the Wildlife Agencies offer the following comments and recommendations:

1. As noted in the DEIR, the proposed project in concert with past, present, and future projects would contribute to incremental losses of native habitat which could result in cumulatively significant impacts due to the decline of sensitive habitats on a regional level. In fact, the DEIR identifies 13 proposed or on-going projects in the vicinity of the landfill site, most of which will likely impact the San Luis Rey River Watershed. As partial mitigation for cumulative impacts to the San Luis Rey River Watershed, the Wildlife Agencies recommend that a tipping charge, similar to that proposed for the El Sobrante Landfill Expansion project in Riverside County for acquisition and management of Stephens' kangaroo rat (*Dipodomys stephensi*) preserve lands, be assessed for each ton of waste deposited at the landfill and used specifically to acquire and manage key biological resource areas within the San Luis Rey River Watershed. The amount of the tipping charge, number of acres, and location(s) of habitat to be acquired should be determined in consultation with the Wildlife Agencies prior to preparation of the final Environmental Impact Report (EIR).

2. Least Bell's vireo are known to be sensitive to many forms of human disturbance, especially noise. To more effectively insulate vireos and other sensitive riparian animals from noise impacts, the Wildlife Agencies recommend a minimum 100-foot buffer, rather than the proposed 50-foot buffer, from the edge of all vireo and flycatcher critical habitat to any landfill activities.

3. In order to maintain biological values and assure the long-term viability of the habitat to be preserved within the dedicated biological open space, the Wildlife Agencies recommend that a management plan be prepared and implemented as part of the proposed project. The management plan should address restrictions on vehicular and human access, exotic species control, proposed land dedications, monitoring and management programs, control of illegal dumping, and lighting restrictions near all dedicated open space areas. Furthermore, a biologist should be employed to implement the plan and to monitor the welfare of the sensitive species within the dedicated open space

4. To ensure the viability of habitat creation/restoration areas, the Wildlife Agencies recommend that a mitigation plan be submitted to the resource agencies for approval. The mitigation plan should include a description of how proposed mitigation areas connect with or complement the San Luis Rey River Wildlife Corridor or other open space or preserved habitat in the area and include: a planting palette, locations, success standards, monitoring, and a planting maintenance schedule. Once a mitigation site is approved and restoration measures implemented, we request a short report including

photos, be sent to the Wildlife Agencies bi-annually to document the status of the mitigation site.

5. A site closure plan should be incorporated into the EIR. The plan should include a planting palette, planting locations, revegetation success standards, a planting maintenance and monitoring schedule, and remedial measures if success standards are not met within designated time frames.

6. Grassland habitat, both native and non-native, provide foraging habitat for raptors. The Wildlife Agencies recommend that impacts to non-native grassland should be mitigated at a 0.5:1 ratio.

7. Project documents indicate that 1,313 acres are proposed for dedicated open space. Please clarify the types and acreage amounts for each habitat preserved within the proposed dedicated open space.

8. The Biological Technical Report indicates 114 acres would not be dedicated to open space, but would not be impacted by the project. Please describe the type and number of acres for each habitat included in these 114 acres and clarify their intended use.

9. Potential direct impacts to coastal sage scrub, coast live oak woodland, and southern willow scrub are greater in the Biological Technical Report than in the DEIR. These differences seem to be attributable to SR 76 road improvements. Since improvements to SR 76 are anticipated, both at the proposed access road and west of Couser Canyon Road, these impacts should be qualified and quantified in the EIR.

10. The EIR should include a table or section describing the short-term temporary impacts, long-term operational impacts, and permanent habitat conversion impacts associated with the project. Furthermore, the Cumulative Impacts Section should not only include a general description of proposed or approved projects in the vicinity, but also include a detailed analysis qualifying and quantifying the impacts of proposed or approved projects on biological resources within the San Luis Rey River Watershed.

11. Temporary construction fencing (strand wire or split rail) adjacent to oak woodlands erected at a distance 1.5 times the canopy radius of the outer trees may not adequately protect the roots of the trees. Because of their long surface roots, Oak trees (*Quercus* spp.) are particularly vulnerable to root zone disturbance such as compaction due to vehicular activity or changes in soil moisture (San Diego County, Department of Planning and Land Use 1991). According to the *Guidelines for the Implementation of the California Environmental Quality Act* produced by the County of San Diego, Department of Planning and Land Use (1991), oak woodlands that are part of a major drainage feature or well-developed woodland strip may require a 100-foot buffer or more. To better

protect sensitive oak tree roots, the Wildlife Agencies recommend a 100 foot buffer from the edge of the oak canopy to any landfill activities.

12. To avoid accidental clearing or other unintended impacts to sensitive habitats, the Wildlife Agencies recommend that all mitigation areas including dedicated open space and habitat creation/restoration areas should be clearly marked or delineated with signs or fencing (split-rail or strand-wire). Impacts that occur outside of the designated impact areas should be mitigated at a 3:1 ratio.

13. In response to mitigation measure MM8-2c, the Wildlife Agencies recommend off-site acquisition, rather than on-site creation, of coast live oak woodland. However, we recommend that coast live oak woodland should be mitigated at a 3:1 ratio, not a 2:1 ratio as proposed in the DEIR.

14. The Wildlife Agencies request that a plan for the proposed brown-headed cowbird (*Molothrus ater*) trapping program be included in the EIR and that cowbird trapping be implemented for the life of the landfill.

15. Jurisdictional wetlands and riparian areas will be impacted by the proposed project. The Department may require a Streambed Alteration Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or EIR for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq*. And/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A Streambed Alteration Agreement may be obtained by writing to The California Department of Fish and Game Environmental Services Division, 330 Golden Shore Suite 50, Long Beach, California 90802 or calling (562) 590-5880. Furthermore, the Wildlife Agencies recommend contacting the U.S. Army Corps of Engineers (Corps), Regulatory Branch, regarding impacts to jurisdictional wetlands which may require a permit under section 404 of the Clean Water Act. The local Corps Regulatory office can be reached at (619) 674-5387.he Department as a responsible agency under CEQA may consider

In summary, the Wildlife Agencies have numerous concerns regarding the affect of the proposed landfill on a core biological area that supports several listed species including the least Bell's vireo, arroyo southwestern toad, southwestern willow flycatcher, and coastal California

ATTACHMENT 1

gnatcatcher as well as many other sensitive species. We strongly recommend that the No Project Alternative or the Alternate North County Alternative be adopted.

The U.S. Fish and Wildlife Service and The California Department of Fish and Game appreciate the opportunity to comment on the above referenced DEIR. If you have any questions regarding these comments and recommendations, please contact Ms. Kathleen Brubaker (Service) at (760) 431-9440 or William E. Tippets (Department) at (619) 467-4212.

Sincerely,

Nancy Gilbert
for Sheryl L. Barrett
Assistant Field Supervisor
U.S. Fish and Wildlife Service

William E. Tippets
William E. Tippets
Habitat Conservation Supervisor
California Department of Fish and Game

cc: William E. Tippets, California Department of Fish and Game, San Diego
Nancy Gilbert, U. S. Fish and Wildlife Service, Carlsbad Field Office

1-6-96-CO-168

ATTACHMENT 1

Literature Cited

County of San Diego, Department of Planning and Land Use. 1991. Guidelines for the implementation of the California Environmental Quality Act. 234pp.

Lettieri-McIntyre and Associates. 1995. San Luis Rey River resources report, including land use, biology, cultural resources, and hydrology.

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U.S. Fish and Wildlife Service. 1997. Arroyo toad (*Bufo microscaphus californicus*) recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon. viii+64 pp.

US Fish & Wildlife Service
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, CA 92008
(760) 431-9440/9624 fax

CA Dept. of Fish & Game
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201/4235 fax

Ms. Kiersten Giugno
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

22 February 2000

Re: Revised Draft Environmental Impact Report for Gregory Canyon Landfill, San Diego County, California (Project No. ER-98-02-025)

Dear Ms. Giugno:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to as the Wildlife Agencies, have reviewed the referenced Revised Draft Environmental Impact Report (DEIR). The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service is also responsible for administering the Endangered Species Act of 1973 as amended (Act). Section 7 of the Act requires Federal agencies to consult with the Service if their actions may affect a listed threatened or endangered species. Section 9 of the Act prohibits the "take" (e.g., harm, harass, pursue, injure, or kill) of Federally listed wildlife species. "Harm" (i.e., "take") is further defined to include habitat modification or degradation where it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering. "Take" can only be permitted pursuant to the pertinent language and provisions in Section 7 and Section 10(a) or through a special rule under Section 4(d) of the Act.

The Department, pursuant to Section 15386 of the California Environmental Quality Act (CEQA), is a trustee agency and is responsible for reviewing projects and commenting on their impacts, as well as determining whether the mitigation measures or alternatives proposed are feasible and appropriate. Also, Section 1802 of the Fish and Game Code establishes the Department as having a primary responsibility for assuring the conservation, protection and management of fish, wildlife, native plants and their habitats.

We previously commented on the proposed project in a letter dated 29 April 1999, incorporated herein by reference (Attachment 1). The proposed project consists of construction, operation, and closure of a new Class III municipal solid waste landfill. The project is located approximately three miles east of Interstate 15 and two miles southwest of the community of Pala

within an unincorporated portion of San Diego County (County). SR 76 and the San Luis Rey River run east-west through the project site, however, the majority of the project lies to the south of SR 76. The site is surrounded by agricultural land, rural residential, and undeveloped land and lies along the western slope of Gregory Mountain. Three large, regional easements cross the property: SR 76, a San Diego Gas and Electric transmission corridor, and San Diego County Water Authority First Aqueduct.

The landfill would be developed in several phases over approximately 30 years. Project impacts would occur incrementally over the lifespan of the facility as each phase of the project is initiated and completed. As proposed, 309 acres of the 1,770-acre site will be used for landfill activities. Approximately 1,313 acres of the site would be conserved in dedicated open space which would include mitigation areas and undisturbed vegetation communities. A mitigation bank is proposed for that portion of dedicated open space not required for mitigation.

Major project components include the landfill footprint (196 acres), ancillary facilities (13 acres), two borrow/stockpile areas (87 acres), access road, bridge, internal haul road (6 acres), and two desilting basins (5 acres). Other project components include: modifications to SR 76 at the proposed access road, San Diego Gas and Electric (SDG&E) transmission tower and line relocation, and possibly relocating the San Diego County Water Authority First Aqueduct.

Nine vegetation communities occur in the project area including: coastal sage scrub (897.6 acres; CSS), coastal sage scrub/chaparral (73.9 acres), chaparral (430.5 acres), native perennial grassland (0.4 acre), coast live oak (63.9 acres), cottonwood-willow riparian forest (27.0 acres), mule fat scrub (1.4 acres), southern willow scrub (33.7 acres), and annual grassland (34.5 acres). In addition, the site contains disturbed land (34.0 acres), agricultural land (78.7 acres), agricultural land/developed (88.3 acres), developed (6.2 acres), open channel (12.5 acres), and ponds (0.4 acre).

Project implementation would directly impact approximately 309 acres of the 1,770-acre site including: 178.8 acres of CSS, 44.1 acres of CSS/chaparral, 26.4 acres of chaparral, 0.2 acre of native perennial grassland, 27 acres of coast live oak woodland, 0.8 acre of mule fat scrub, 2.1 acres of southern willow scrub, 0.8 acre of open channel, 15.6 acres annual grassland, 1.9 acres of disturbed habitat, 8.8 acres of agricultural land, 2.5 acres of agricultural land/developed, and 0.1 acre of developed habitat.

An additional 7.1 acres may be impacted due to interim highway improvements to SR 76 proposed by Caltrans to improve safety along the hairpin turn west of the project site. The Biological Technical Report, dated December 1999, and prepared by Helix Environmental Planning, Inc. (Helix), indicates that although these improvements are not a component of the landfill project, Caltrans requested impacts associated with implementing the interim SR 76 improvements be included in the Biological Technical Report. The majority of the interim highway improvement area contains non-sensitive vegetation communities, however, several sensitive communities could be impacted including: 0.3 acre of CSS, 0.3 acre of coast live oak woodland, 0.04 acre of southern willow scrub, and 0.03 acre of freshwater marsh.

Potential indirect impacts to biological resources include, but are not limited to, decreased water and air quality, increased sedimentation, introduction of exotic plants, increased human activity, attraction of nuisance animal species (e.g., rats, mice, insects, ravens, crows, and gulls), increased roadkill from additional traffic, impacts to wildlife movement, habitat fragmentation, night lighting, and excessive noise and dust. Additionally, the project would add to the incremental losses of native habitat in the north County area and in the region.

One-hundred fifty-six animal species were observed on the project site between 1990 and 1998. Helix conducted biological surveys in spring 1998 and thirty-nine sensitive animal species, including several federally listed species, were identified within the project area. In addition, 279 plant species have been identified on-site from surveys done by Pacific Southwest Biological Services in 1991 and by Helix in May 1998. No plant species considered threatened or endangered by the Wildlife Agencies were observed. However, three species considered sensitive by the California Native Plant Society were identified within the project area: Engelmann oak (*Quercus engelmannii*), Rainbow manzanita (*Arctostaphylos rainbowensis*), and prostrate spineflower (*Chorizanthe procumbens*). The project would impact 100 percent (25 trees) of the Engelmann oaks that occur on-site.

The following federally and state listed species will be impacted by the proposed project: the federally endangered arroyo southwestern toad (*Bufo microscaphus californicus*; arroyo toad); and the federally and state endangered southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), and least Bell's vireo (*Vireo bellii pusillus*; vireo); and the federally and state threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher). Furthermore, the reach of the San Luis Rey River within the project boundary has been federally designated as critical habitat for both the vireo and the flycatcher. In addition, a golden eagle (*Aquila chrysaetos*) pair is known to nest on the west side of Gregory Mountain.

On-site preservation, off-site acquisition, and on-site creation are proposed for direct impacts to sensitive vegetation communities. Mitigation for loss of 178.8 acres of CSS and 44.1 acres of CSS/chaparral is proposed at a minimum 1:1 ratio in dedicated open space on-site. Mitigation for impacts to 2.1 acres of southern willow scrub and 0.8 acre of mule fat scrub is proposed at a 2:1 ratio through on-site creation. A 2:1 mitigation ratio is proposed for the loss of 27 acres of coast live oak woodland that includes a combination of on-site preservation (30 acres) and off-site acquisition (24 acres). Mitigation for impacts to 0.2 acre of native perennial grassland is proposed at a 1:1 ratio through off-site acquisition perhaps as part of the acquisition for coast live oak woodland. Proposed mitigation for the loss of 25 Engelmann oak trees includes preservation of 25 Engelmann oaks in the same acquisition parcel for coast live oak woodland, if possible. Otherwise, a separate acquisition of 25 Engelmann oak trees is proposed.

Proposed mitigation for direct impacts to the arroyo toad, flycatcher, vireo, and gnatcatcher includes: on-site and off-site habitat preservation, creation, and restoration/enhancement; restrictions on the timing of construction activities, especially vegetation removal; and exclusion fencing for the arroyo toad. Indirect impacts to breeding birds from excessive noise would be

mitigated through noise monitoring, and installation of sound barriers and operational changes, if necessary.

Mitigation measures also include a habitat enhancement/restoration program proposed for the San Luis Rey River watershed on-site to mitigate for cumulative project impacts. The program consists of removal of the existing Verboom dairy operations and most structures and equipment associated with the Verboom and Lucio dairies, excavation of cow manure and fill placed in the San Luis Rey River watershed, and weed control during the first five years of the project to help restore historic flows and facilitate passive regeneration of riparian habitat. Additional mitigation for impacts to the San Luis Rey River watershed may include possible acquisition of biologically important off-site properties within the watershed for conservation.

SPECIFIC COMMENTS AND RECOMMENDATIONS

In addition to the comments and recommendations in our letter dated 29 April 1999 (Attachment 1), the Wildlife Agencies offer the following additional comments and recommendations:

1. The surveys conducted may not be adequate to fully assess the impacts of the proposed project on biological resources. We recommend that updated surveys be conducted for toads, vireos, flycatchers, and the gnatcatcher since most survey data is about two years old. Additionally, we recommend surveys for the Quino checkerspot butterfly (*Euphydryas editha quino*) be conducted. All surveys should adhere to Service protocol.

2. As partial mitigation for cumulative impacts to the San Luis Rey River Watershed, the Wildlife Agencies have recommended to project applicants that a tipping charge be assessed for each ton of waste deposited at the landfill and used specifically to acquire and manage key biological resource areas within the San Luis Rey River Watershed. We recommend continued discussion between the project applicant and the Wildlife Agencies to finalize the amount of tipping charge, number of acres, and location(s) of habitat to be acquired prior to preparation of the final Environmental Impact Report (EIR).

3. The Wildlife Agencies strongly recommend that the project not propose to establish a mitigation bank over that portion of the dedicated open space not intended as mitigation for project impacts. As a general policy, the Wildlife Agencies do not support project development and banking of residual open space, particularly if the project's impacts may affect the function of the residual open space.

4. The Biological Technical Report indicates that straightening the hairpin curve west of the project site and realignment of the existing Rice Canyon Road intersection are not a part of the landfill project. However, please clarify whether these road improvements are necessary for landfill development to proceed.

5. We recommend that impacts to CSS and CSS/chaparral proposed as critical habitat essential to the recovery of the gnatcatcher be mitigated at a minimum 2:1 ratio. Furthermore, in light of the amount of CSS and CSS/chaparral that will be impacted, 223 acres total, and the size and complexity of the project, a habitat loss permit under the 4(d) rule of the ESA is not appropriate.

6. Mitigation for impacts to good quality southern willow scrub and riparian scrub vegetation communities, as indicated by the presence of breeding least Bell's vireos, migrating and possibly breeding southwestern willow flycatchers, and breeding arroyo toads, should be mitigated at a minimum 4:1 ratio instead of a 2:1 ratio. Final mitigation ratios will be determined through the U.S. Army Corps of Engineers' 404 permit process and the Department's 1600 process.

7. Due to the slow growth of oaks and their high wildlife value, oak woodlands should be mitigated at a ratio higher than 2:1 as proposed in the DEIR. Furthermore, because 100 percent (25 trees) of the Engelmann oak trees on-site will be lost through project implementation, the off-site acquisition parcel for Engelmann oaks should contain at least 50 trees of similar size and quality to those impacted by the project.

8. Grasslands, both native and non-native, provide foraging habitat for raptors. Loss of native grassland should be mitigated at a minimum 2:1 ratio and impacts to annual grassland should be mitigated at a 0.5:1 ratio.

9. The Wildlife Agencies concur with the County that a minimum 100-foot buffer is necessary to minimize indirect impacts from landfill activities on vireo habitat.

10. Construction fencing should be placed outside the delineated boundary of the dedicated open space where it interfaces with impact areas.

11. The Biological Technical Report indicates approximately 161 acres on-site would not be impacted by the project, but would not be dedicated to open space. To benefit sensitive species on-site by possibly creating larger blocks of conserved habitat, we recommend incorporating the 161 acres into dedicated open space.

12. The final EIR should include a discussion of how implementation of riparian enhancement might affect downstream and upstream fluvial processes and clarify the size of the area proposed for enhancement. We recommend hydrological studies be conducted to determine the feasibility of passive restoration and the possibility of planting of willow cuttings. Additionally, enhancement efforts should be timed to avoid the breeding season for the toad, flycatcher, and vireo.

In summary, the Wildlife Agencies have numerous concerns regarding the effects of the proposed project on a Core Biological Resource Area that supports several listed species including least Bell's vireo, arroyo southwestern toad, southwestern willow flycatcher, and coastal California gnatcatcher as well as many other sensitive species. We strongly recommend that the project applicant continue to work closely with the Wildlife Agencies to address those concerns.

The U.S. Fish and Wildlife Service and The California Department of Fish and Game appreciate the opportunity to comment on the above referenced DEIR. If you have any questions regarding these comments and recommendations, please contact Ms. Kathleen Brubaker (Service) at (760) 431-9440 or William E. Tippets (Department) at (858) 467-4212.

Sincerely,

Nancy Gilbert

Nancy Gilbert
Assistant Field Supervisor
U.S. Fish and Wildlife Service

William E. Tippets

William E. Tippets
Habitat Conservation Supervisor
California Department of Fish and Game

1-6-96-CO-168

LETTER NO. 001

United States Department of the Interior, Fish and Wildlife Service
Therese O'Rourke, Assistant Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, CA 92011

RESPONSE 001-1

This comment states the agency's area of concern and mandate relative to the project and summarizes the history and content of the Revised Partial Draft EIR. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

RESPONSE 001-2

County DEH staff acknowledges this comment. County DEH staff concurs that the landfill site is within a Pre-Approved Mitigation Area on the North County MSCP draft map. However, at this time the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. Mitigation requirements and mitigation ratios were established in Section 4.9 and Appendix L of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. While not required, the Revised Partial Draft EIR increased the mitigation ratio in a few specified instances, resulting in a greater proportionate level of mitigation.

Prior to final approval of the North County MSCP the project would be required to demonstrate consistency with the Natural Communities Conservation Plan (NCCP) in order to obtain a County Habitat Loss Permit, which is a predicate for obtaining a County grading permit. Conformance with the NCCP was analyzed in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The analysis was slightly revised in the Revised Partial Draft EIR, but only to the extent that the impact acreages on certain vegetative communities were updated. However, both the 2003 Draft EIR and the Revised Partial Draft EIR concluded that the loss of certain habitats due to project activities will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.

RESPONSE 001-3

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment refers to previous comment letters submitted by the US Fish and Wildlife Service (USFWS) on earlier versions of the EIR. Please see Response to Comment Nos. A.001 through A.013 and A.014

through A.054 for responses to the USFWS February 22, 2000 and April 29, 1999 letters, respectively.

RESPONSE 001-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 of the 2003 Draft EIR includes a discussion of potential indirect impacts to arroyo toad from degradation of water quality in the San Luis Rey River. (The Revised Partial Draft EIR also included discussion of potential water quality impacts to the arroyo toad that had appeared in identical form in the 2003 Draft EIR.) The 2003 Draft EIR concluded that potential impacts to arroyo toad caused by changes in water quality in the San Luis Rey River would be less than significant.

Section 4.3, Hydrology, of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concludes that with incorporation of mitigation measures there would be no significant impacts to groundwater. Moreover, the County selected the more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

Section 4.4, Surface Hydrology, of the 2003 Draft EIR contains a discussion indicating that the project would be required to obtain WDR's for the landfill (which would include a Stormwater Monitoring and Reporting Requirements (MPRR) Plan and to comply with a NPDES General Permit to Discharge Stormwater Associated with an Industrial Activity (which would include the MPRR Plan and a Stormwater Pollution Prevention Plan (SWPPP)), and concludes that with incorporation of mitigation measures there would be no significant impacts to surface water quality. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

RESPONSE 001-5

Section 4.3 of the 2003 Draft EIR contains a detailed discussion of impacts from pumping of wells located in the Pala Groundwater Basin, which is generally located underneath the San Luis Rey River, at a rate of up to 193 AFY to meet all needs of the project, and concludes that with incorporation of mitigation measures project impacts would not be significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR discusses pumping of less water, 43.55 AFY to meet some of the needs of the project, from a

fractured bedrock formation which does not overlie the Pala Groundwater Basin or the San Luis Rey River. The conclusion of no significant impact reached in the 2003 Draft EIR would apply equally to the proposed use of groundwater from the fractured bedrock formation. This is because the fractured bedrock fracture flow system is tributary to the Pala Basin. For the purpose of analyzing impacts to water supply, pumping of water from the bedrock fracture flow system is considered the equivalent of pumping from the Pala Basin itself. See Response to Comment No. 007-1 for additional information regarding the project's legal right to use percolating groundwater.

RESPONSE 001-6

As indicated in the Revised Partial Draft EIR and the Biological Technical Report for Gregory Canyon Landfill CEQA Update (Appendix B of the Revised Partial Draft EIR), the analysis of impacts on arroyo toads was the same as that performed for the 2003 EIR. However, the analysis in the Revised Partial Draft EIR relies on the calculation of impact acreage using a verifiable GIS analysis. Several discrepancies were identified between the current GIS analysis and the analysis contained in the 2003 Draft EIR. URS was not able to reproduce some of the acreages identified in the 2003 Draft EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis, which used the same assumptions as the 2003 Draft EIR. The County DEH staff believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the previous calculations because the previous calculations could not be reproduced and the calculations used in the Revised Partial Draft EIR that are GIS based can be reproduced.

The 2003 Draft EIR found impacts on potential arroyo toad upland habitat would be on 306 acres. The current GIS analysis found that impacts on potential arroyo toad upland habitat would total 305.8 acres, which totals 306 acres if rounded to the nearest whole single digit. Therefore, there is no change in the calculation of impacts in the Revised Partial Draft EIR on potential arroyo toad upland habitat as defined in the 2003 Draft EIR.

The 2003 Draft EIR concludes that the project would result in impacts on suitable arroyo toad upland habitat in 32 acres. Based on USFWS publications, the 2003 EIR noted that suitable upland arroyo toad habitat would be up to 0.5 kilometer from the stream and contain substantial areas of fine sand for burrowing (see 2003 Draft EIR, p. 4.9-38). Despite this, the 32-acre area of potential impact was conservatively determined by including all areas within 2.0 kilometer from the San Luis Rey River that contained fine sands. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Consistent with the 2003 Draft EIR, the Revised Partial Draft EIR identified the soil types containing fine sand suitable for burrowing as Tujunga sand [TuB], Visalia sand loams [VaA and VaB] and Fallbrook sandy loam [FaD2].

The GIS analysis used in the Revised Partial Draft EIR attempted to reproduce the 32 acres using the assumptions stated in the 2003 Draft EIR. However, reproducing the results from the

2003 Draft EIR was not possible. The GIS acreage calculation provided in the Revised Partial Draft EIR uses the same assumptions that were used in the 2003 Draft EIR. As indicated in the Revised Partial Draft EIR, using the same methodology that was used previously, the project would result in impacts on 17.5 acres of suitable arroyo toad upland habitat. URS then evaluated all project impact areas on the landfill site in an attempt to determine if the 32 acres of suitable arroyo toad upland habitat identified in the 2003 Draft EIR could be identified elsewhere within the project impact areas, including consideration of the 17.5 acres of habitat that had been identified using the criteria for suitable arroyo toad upland habitat from the 2003 Draft EIR. URS found that suitable arroyo toad upland habitat as defined in the 2003 Draft EIR did not occur elsewhere within the project impact areas, and that only 10.5 acres of the 17.5 acres of suitable arroyo toad upland habitat that had been identified in the GIS analysis appeared to actually be suitable arroyo toad upland habitat based on observed features in the field.

The seven protocol surveys performed by Helix between March and May, 2003[1] provided relevant information regarding the extent of upland arroyo toad habitat on the landfill site, as only immature juvenile or subadult toads were observed, and, based on the lack of vocalization, it appeared that breeding was not occurring during this particular season. Subadult toads would not be drawn to breeding areas and would tend to remain in upland areas. This study therefore provided a representative picture of the use of upland areas on the landfill site by arroyo toad outside of the breeding season. Moreover, the spatial distribution of observed toads was similar to that described in 2000 by Helix and in 2005 by URS, and consistent with the conclusion in the 2003 Draft EIR that suitable upland area would occur within 0.5 kilometer of the stream. A copy of the 2003 Helix survey report is included as Appendix F of the Revised Final EIR. Additional field studies were conducted throughout 2005 and 2006.[2] In 2005, URS conducted nighttime field observations in an attempt to validate prior studies and further evaluate the extent of upland toad habitat.

In forming its opinion regarding impacts and appropriate mitigation, URS noted that while toads may move along roads, the only sightings noted in any of the prior surveys along roads were within 100 meters of suitable upland habitat and/or the river channel. Based on all of the available information, URS concluded that it was unlikely that arroyo toad would occur in significant numbers in impact areas outside of the identified 17.5 acres of suitable habitat. Specific information regarding the distribution of toads within the landfill site was included in both Appendix L of the 2003 Draft EIR and in Exhibit 4.9-5 of the Revised Partial Draft EIR. Although arroyo toad could use roads for foraging or movement to other areas, that has not been observed on this landfill site

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[1] *Field studies or surveys for adult arroyo toads were conducted on seven occasions between March and June 2003 and on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. Therefore, the analysis of impacts on arroyo toad upland habitat in the Revised Partial Draft EIR based on GIS confirmed the 306 acres of potential arroyo toad upland habitat identified in the 2003 Draft EIR, and documented the appropriate change in impacts on suitable arroyo toad upland habitat as based on criteria established in the 2003 Draft EIR.*

[2] *Ibid.*

beyond 100 meters over a period of many years. These on-site observations are also consistent with the comments of Samuel Sweet, Ph.D, who noted in his comments that "finding toads on a dirt road pretty much guarantees that there is upland habitat suitable for them to use, long-term, within 100m or less." Please refer to Comment and Response to Comment No. 148-2.

URS concluded that it was reasonable to base mitigation requirements on suitable upland arroyo toad habitat. While it is possible that individual toads may occasionally be present in other impact areas, the likelihood of occurrence in areas outside of the identified 17.5 acres of suitable habitat is small. URS concluded it was not appropriate to require mitigation where the connection to actual use by toads is tenuous. Moreover, URS provided its opinion that the level of mitigation provided in the Revised Partial Draft EIR fully compensate for impacts on upland arroyo toad habitat. In part, the basis for this opinion was that the 88 acres of upland arroyo toad habitat to be created on-site would support toad populations in excess of the numbers that may occasionally use impact areas on the landfill site outside of the identified 17.5 acres of suitable habitat.

Therefore, the analysis of impacts on arroyo toad upland habitat in the Revised Partial Draft EIR based on GIS confirmed the 306 acres of potential arroyo toad upland habitat identified in the 2003 Draft EIR, and documented the appropriate change in impacts on suitable arroyo toad upland habitat to 17.5 acres as based on criteria established in the 2003 Draft EIR. This analysis was based on a review of both soil type and physical surveys and field observations of arroyo toad.

The USFWS comments regarding potential additional survey methods and other considerations in this comment are acknowledged. Nonetheless, the results from six protocol surveys for arroyo toad in 2000 were provided in Appendix L of the 2003 Draft EIR, and seven protocol surveys for arroyo toad were performed between March and June 2003 and are provided in Appendix F of the Revised Final EIR. Coupled with the additional surveys and field studies performed by URS in 2005 and 2006, County DEH staff believes that sufficient information exists to adequately assess impacts from the project on upland arroyo toad habitat.

County DEH staff has reviewed the study by Griffin, et al (2001), Terrestrial Habitat Preferences of Adult Arroyo Toad, Journal of Wildlife Management 65(4):633-644. A copy of this study is included in Appendix M of the Revised Final EIR. The findings of the radio telemetry study, performed in the Camp Pendleton area, are generally consistent with the discussion and findings related to this project based on on-site observations over many years. The study does not provide information regarding patterns of habitat use in fall and winter that would contradict the information developed with respect to the landfill site. It does note that channel and terrace habitats are critical for arroyo toad both during and after the breeding season. The study also noted that fine, medium and course grained sands were the preferred substrates for burrowing, and that tall and dense vegetation structures were not preferred.

The project has proposed that all mitigation for upland arroyo toad impacts occur through on-site habitat creation or habitat preservation. This would allow for all mitigation to occur within the same eco-region. Moreover, most of the 88-acre mitigation area would take place within currently degraded areas associated with prior dairy operations, having limited habitat value.

However, Mitigation Measure 4.9b of the Revised Final EIR also provides that if a final judgment is entered determining that the creation or enhancement of habitat on the landfill site within the 1,313 acres of dedicated open space provided by Proposition C violates any provision of Proposition C, the mitigation measures requiring the creation or enhancement of habitat on- site would mandate off-site acquisition of this habitat. In that event, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require the project's continued conformance with applicable requirements of the Natural Communities Conservation Plan (NCCP).

RESPONSE 001-7

County DEH staff concurs with this comment. A specific breakdown by habitat type with specific mitigation requirements is provided in Table 4.9-8, Vegetation Impacts and Mitigation Requirements, of the Revised Partial Draft EIR. Mitigation measure MM 4.9-1a has been revised in the Revised Final EIR to add the following sentence to clarify the measure: "The final amounts of mitigation of these habitats shall be a total of 448 acres with at least 345 acres of coastal sage scrub and 103 acres of either coastal sage scrub or coastal sage scrub/chaparral habitat."

RESPONSE 001-8

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory

Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region, which is consistent with the recommendation of the commenter. The County would also require the project's continued conformance with applicable requirements of the Natural Communities Conservation Plan (NCCP). The Mitigation and Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

At this time, the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. Prior to final approval of the North County MSCP the project would be required to demonstrate consistency with the NCCP in order to obtain a County Habitat Loss Permit, which is a predicate for obtaining a County grading permit. Conformance with the NCCP was analyzed in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The analysis was slightly revised in the Revised Partial Draft EIR, but only to the extent that the impact acreages on certain vegetative communities were updated. However, both the 2003 Draft EIR and the Revised Partial Draft EIR concluded that the loss of certain habitats due to project activities will not appreciably reduce the likelihood of the survival and recovery of the listed species in the wild. In reviewing proposed off-site mitigation areas, the County would require the project's continued conformance with applicable requirements of the Natural Communities Conservation Plan (NCCP).

RESPONSE 001-9

Potential on site locations for habitat creation or enhancement are identified in Exhibit 4.9-6, Conceptual Mitigation Areas, of the Revised Partial Draft EIR. Mitigation in these areas would create or enhance existing habitat for species, including arroyo toad riparian and upland habitat, without converting vireo or arroyo toad breeding habitat. Mitigation in these areas would not result in additional significant impacts as described in the Revised Partial Draft EIR because the creation or enhancement would occur within either existing developed land or in areas of low habitat value such as ruderal and nonnative habitats that would be replaced by areas of high biological habitat

value such as native riparian or coastal sage scrub habitats. Additional mitigation areas may occur off-site. If on-site mitigation in the form of creation or enhancement is ruled by the Court as not appropriate, then all mitigation would occur off-site. Off-site mitigation areas would be subject to submittal and approval of a Habitat Resource Management Plan. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation and Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

With regard to the portion of the comment regarding mitigation plan requirements, this is a permitting issue and is beyond the scope of the Revised Partial Draft EIR. The project will comply with all applicable requirements and conditions during the permitting process.

RESPONSE 001-10

County DEH staff notes the USFWS' comment regarding the use of "beyond" and "above and beyond" in reference to MM 4.9-18. The USFWS comment appears to be related to possible confusion from a semantic interpretation of these words. It would be appropriate for the reader to consider these terms to mean "in addition to." No change in the wording is warranted.

RESPONSE 001-11

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Impacts to least Bell's vireo and southwestern willow flycatcher are proposed to be mitigated through riparian habitat creation at a mitigation ratio of 4:1 (see MM 4.9-11b in the 2003 Draft EIR), and on-site creation or off-site acquisition of habitat to replace habitat impacted by traffic noise at a mitigation ratio of 1:1 (see MM 4.9-14a and 4.9-14b in the 2003 Draft EIR). These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The Revised Partial Draft EIR retained the 4:1 mitigation ratio for riparian habitat (see MM 4.9-1d and 4.9-1f) and also retained the 1:1 mitigation ratio for areas impacted by traffic noise (see MM 4.9-14).

Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that

Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region, which is consistent with the recommendation of the commenter.

At the same time, County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment. The County would also require the project's continued conformance with applicable requirements of the NCCP.

RESPONSE 001-12

The mitigation ratio and mitigation acreage did not change from that provided in MM 4.9-19b in the 2003 Draft EIR. The language was revised in MM 4.9-19b of the Revised Partial Draft EIR to provide more specific requirements for acquisition of this mitigation acreage. This mitigation requirement relates to the First San Diego Aqueduct Relocation Option. This is why it is stated separately from the general mitigation requirement for coastal sage scrub.

MM 4.9-19c provides for mitigation for impacts to coast live oak woodland related to the First San Diego Aqueduct Relocation Option. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. However, County DEH staff has noted that the 2:1 mitigation ratio provided in MM 4.9-19c is not consistent with the 3:1 mitigation ratio established for mitigation of impacts to coast live oak woodland in MM 4.9-1b of the Revised Partial Draft EIR. For this reason, MM 4.9-19c has been revised to provide that the mitigation ratio is 3:1 and the mitigation acreage would be 2.4 acres.

RESPONSE 001-13

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Long term management of on-site lands subject to the habitat enhancement plan was addressed in MM 4.9-18 of the 2003 Draft EIR. Also, Condition 17.A.17 of the 2004 Solid Waste

Facility Permit for the project requires that the project and the County enter into a Memorandum of Agreement that addresses, among other things, the timely designation and protection of these lands as open space and cooperation between the agencies to ensure that these mitigation measures are put into place in a timely manner. With respect to off-site acquisitions, the 2003 Draft EIR provided that these be subject to a conservation easement (see e.g. MM 4.9-1e and MM 4.9-14b of the 2003 Draft EIR). These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Off-site mitigation areas would be subject to submittal and approval of a Habitat Resource Management Plan.

At the same time, County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 001-14

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement for funding cowbird trapping along the San Luis Rey River was established in the 2003 Draft EIR (see e.g., MM 4.9-11c in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. At the same time, County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 001-15

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

Letter 001.1

-----Original Message-----
From: Michelle_Moreno@fws.gov [mailto:Michelle_Moreno@fws.gov]
Sent: Thursday, August 10, 2006 1:56 PM
To: LUEG, DEHComments
Subject: Extension Request for Comments on the RPDEIR on the Gregory Canyon Landfill Project

The comment period for the RPDEIR for the Gregory Canyon Landfill Project
opened on July 10, 2006; however, the U.S. Fish and Wildlife Service (Service) did not receive the Notice of Availability (NOA) until July 25,
2006. Due to the delay in receiving the NOA, the Service requests a 15-day
extension to the comment period. We will submit our written comments to DEH via electronic mail and hard copy no later than September 8, 2006. 001.1-1

Sincerely,
Michelle C. Moreno
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440 ext. 356

LETTER NO. 001.1

United States Department of the Interior, Fish and Wildlife Service
Michele Moreno
Michelle_Moreno@fws.gov

RESPONSE 001.1-1

This comment is with regard to receipt of the Notice of Availability and relates to the process. The comment period was extended for U.S. Fish and Wildlife due to a delay in the receipt of the Notice of Availability.

Letter 002

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

August 25, 2006

Received
AUG 29 2006
DEH / LEA

Kerry McNeill
San Diego County
Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Gregory Canyon Landfill EIR
SCH#: 1995061007

Dear Kerry McNeill:

The State Clearinghouse submitted the above named Revised Environmental Impact Rep to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 23, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

002-1

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 1995061007
Project Title Gregory Canyon Landfill EIR
Lead Agency San Diego County

Type RIR Revised Environmental Impact Rep

Description The Gregory Canyon Landfill project includes the construction and operation of a new Class III municipal solid waste landfill. A legal challenge to the certified EIR was filed. The court ruled that the 2003 EIR was defective in three respects: (1) failure to consider the 2003 Traffic Needs Assessment of Tribal Development Projects in the San Diego Region; (2) water supply; and (3) biological mitigations as they related to Proposition C. On January 20, 2006, the court issued a Peremptory Writ of Mandate directing the Director of DEH to rescind his prior action certifying the EIR. Limited portions of the 2003 EIR have been revised to address the deficiencies noted by the court, to update the project description and to analyze and evaluate the project based on several new studies that have been completed.

Lead Agency Contact

Name Kerry McNeill
Agency San Diego County
Phone (858) 694-2629 **Fax**
email
Address Department of Environmental Health
9325 Hazard Way
City San Diego **State** CA **Zip** 92123-1217

Project Location

County San Diego
City Pala, Pauma Valley
Region
Cross Streets Couser Canyon Road
Parcel No. 38 APNS
Township 9S **Range** **Section** 32, 33 **Base** SBM

Proximity to:

Highways SR-76
Airports
Railways
Waterways San Luis Rey River
Schools
Land Use (22)Public/Semi-Public lands with a Solid Waste facilities (SWF) designator.

Project Issues Air Quality; Archaeologic-Historic; Cumulative Effects; Landuse; Noise; Traffic/Circulation; Vegetation; Water Supply; Wetland/Riparian; Wildlife

---

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 11; Department of Toxic Substances Control; State Lands Commission

---

Date Received 07/10/2006 **Start of Review** 07/10/2006 **End of Review** 08/23/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

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July 18, 2006

Ms. Kerry McNeill, Project Manager
San Diego County Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Re: SCH#1995061007; CEQA Revised Partial Draft EIR Gregory Canyon Landfill; 1,770 Acres; Sections 32 & 33; Township 9South, San Bernardino Meridian; near SR 76 & San Luis Rey Waterway; Pala, CA 92059

Dear Ms. McNeill:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Their record search will determine:

- If a part or the entire APE) has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search: USGS 7.5-minute quadrangle citation with name, township, range and section.

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact. *The information you provided indicated that this may be in process. Tribal input and involvement on this project is important as it is near tribal land areas.*

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
P. O. BOX 85406, MS 50
SAN DIEGO, CA 92186-5406
PHONE (619) 688-6954
FAX (619) 688-4299
TTY (619) 688-6670

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August 23, 2006

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PM 19.0
Gregory Canyon Landfill
SCH 1995061007

Ms. Kerry McNeill
Dept. of Environmental Health
County of San Diego
9325 Hazard Way
San Diego, CA 92123-1217

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Dear Ms. McNeill:

The California Department of Transportation (Caltrans) has reviewed the Revised Partial Draft Environmental Impact Report (SCH 1995061007) for the proposed Gregory Canyon Landfill. We have the following comments:

- Caltrans endeavors to maintain a target Level of Service (LOS) at the transition between LOS "C" and LOS "D". If an intersection is currently below LOS C, any increase in delay from project-generated traffic must be analyzed and mitigated.

- In Figure 4 of the traffic study the existing traffic volumes do not add up across the segments. The traffic study needs to be revised to reflect the correct volumes.

- It appears that multiple operators will be hauling trash, consequently indicating a widespread collection area. The traffic study needs to describe the routes the trash trucks will be taking, which will allow for a better understanding of where the proposed landfill traffic impacts will take place.

- Will the water trucks also be restricted access to the land fill once the daily capacity is met? Also, do the water truck trips get curtailed in favor of trash trucks?

- Caltrans disagrees with the proposed Irrevocable Offer of Dedication of 54 feet. As the owner operator of State Route 76 (SR-76) Caltrans request that the property owner provide a total half right of way of 77 feet for SR-76 along the frontage of this property. Caltran's Concept Report for SR-76 shows a future need for a 4-lane conventional highway. Preserving the right of way can be accomplished by obtaining from the County of San Diego an Irrevocable Offer of Dedication (IOD). This width may vary after Caltrans reviews a detail engineering analysis for the frontage improvements in order to accommodate the traffic impact of this development. It should be noted that all proposed development improvements, including landscaping and equestrian trail easements, must be located outside of the right of way IOD.

- If the cost of the proposed improvements (mitigation) within Caltrans right of way is over one million dollars a Project Study Report/Project Report will be required. In addition, a special agreement between the County and/or the developer with Caltrans detailing the roles and responsibilities of each party will also be necessary. Any decisions regarding mitigation is per the discretion of Caltrans and will be finalized during the Encroachment Permit process.

- Improvement plans for construction within the State right of way must include: typical cross sections, adequate structural section, traffic handling plans and signing and striping plans stamped by a professional engineer.

- It is unclear if the County of San Diego will be the lead regarding the processing of the encroachment permit and the environmental clearances for the proposed mitigation to state highway facilities.

- Any work performed within Department's right of way will require an encroachment permit. For those portions of the project within Department's right of way, the permit application must be stated in English units. Information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits.

- If a developer proposes any work or improvements within the Department's right of way, the project's environmental studies must include such work. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

If you have any questions, please contact Al Cox at (619) 688-6003.

Sincerely,

Al Cox

for MARIO H. ORSO, Chief
Development Review Branch

cc: BFigge (MS 240)
ACox (MS 240)
MPowers (MS 230)
BCorbin (MS 230)
Debra Soifer (MS 242)
SMorgan (State Clearinghouse)

LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, P.O. BOX 4025 • SACRAMENTO, CALIFORNIA 95814-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR,
MBROWN@CIWMB.CA.GOV
(916) 341-6051

JEFFREY DANZINGER
JDANZINGER@CIWMB.CA.GOV
(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016

CHERYL PEACE
CPEACE@CIWMB.CA.GOV
(916) 341-6039

GARY PETERSEN
GPETERSEN@CIWMB.CA.GOV
(916) 341-6035

PAT WIGGINS
PWIGGINS@CIWMB.CA.GOV
(916) 341-6010

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August 23, 2006

Kerry McNeill
San Diego County
Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report
State Clearinghouse No. 1995061007, San Diego County, Facility No. 37-AA-0032.

Dear Ms. McNeill;

The California Integrated Waste Management Board has received the Revised Partial Draft Environmental Impact Report (RPEIR) for the Gregory Canyon Landfill project, including the solid waste facilities permit for the Landfill. The California Integrated Waste Management Board (CIWMB or Board) operates in cooperation with local government to assure protection of the public health, safety, and the environment from the potentially detrimental effects of improper solid waste management.

As a state agency, the CIWMB is a Responsible Agency under the California Environmental Quality Act (CEQA) for Solid Waste Facility Permit (SWFP) concurrence, with similar responsibilities, authority, and requirements as local government agencies.

PURPOSE OF THE REVISED PARTIAL DRAFT EIR

It is board staff's understanding that the purpose of this document is for recirculation for public review with the revisions to portions of the previous February 2003 Final Environmental Impact Report (FEIR), and now Draft Environmental Impact Report (2003 Draft EIR) to address deficiencies noted by Judge Anello in a final order and judgment issued on January 20, 2006.

The FEIR for the Gregory Canyon Landfill was certified on February 6, 2003. The adequacy of the FEIR was subsequently challenged in a case filed before the Honorable Michael Anello entitled "Riverwatch v. County of San Diego Department of Environmental Health, et al." On October 3, 2005, the Court issued a final minute order finding most of the FEIR adequate and in compliance with the California Environmental Quality Act but also noting three deficiencies:

- The Court held that the FEIR was required to evaluate new traffic information contained in a 2003 County tribal traffic study known as the 2003 Traffic Needs Assessment Study.

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- The Court also held that the FEIR was required to identify the sources of water necessary to construct and operate the landfill and to analyze the impacts of obtaining that water.
- Finally, the Court required that mitigation measures for biological resources be modified as necessary to comply with Section 5R of Proposition C.

On January 20, 2006, the Court issued a final order and judgment decertifying the FEIR and requiring additional environmental review to comply with the three defects noted by the Court in its October 3, 2005 minute order.

In addition, several sections of the 2003 Draft EIR have been revised to analyze new actions that have been taken since the 2003 Draft EIR was completed. It is board staff's understanding that the FEIR will include responses to all comments previously included in the FEIR and responses to those comments received during the recirculation period for the Revised Partial DEIR that are properly limited to sections or portions of sections that were revised from the 2003 Draft EIR. The FEIR will be considered by the Director of the Department of Environmental Health for certification prior to any decision by the California Integrated Waste Management Board.

SUMMARY OF REVISIONS

Board staff has summarized below the major revisions to the prior FEIR for the project in an effort to clarify staff's understanding of the specific changes that have been made in the project and the 2003 Draft EIR that are reflected in the RPDEIR:

Executive Summary: Table ES-1 contained in the Executive Summary has been modified to reflect revisions to mitigation measures or to disclose potential new impacts described in the RPDEIR.

Section 3.0, Project Description: The project description has been revised to include the double composite liner with an additional drainage layer and an additional HDPE geomembrane rather than the single composite liner originally described in the 2003 Draft EIR. The ancillary facilities section of the Project Description (3.2.4) has been revised to include the facilities necessary to serve recycled water for the project.

Section 4.1, Land Use: The land use section has been revised to include a discussion of the Countywide Siting Element adopted by the California integrated Waste Management Board on September 21, 2005, and project consistency with this new Siting Element.

Section 4.5, Traffic and Circulation: The traffic section of the 2003 Draft EIR has been updated including a new 2006 traffic study that has been completed, and to discuss traffic information contained in the County's 2003 Tribal Traffic Study.

Section 4.6, Noise and Vibration: The noise section of the 2003 Draft EIR has been updated to reflect new traffic and noise studies completed in 2006.

Section 4.9, Biological Resources: This section has been updated to reevaluate impacts of the project to upland habitat for the arroyo southwestern toad, to reanalyze project impacts to vegetation communities, to reanalyze traffic noise impacts on sensitive habitat, to revise mitigation measures for biologic impacts to comply with Section SR of Proposition C, and to reflect mitigation measures recommended in a new 2006 biological technical report.

***Sections 4.11 and 4.12*, Archaeological and Cultural Resources and Ethno History and Native American Interests:** The sections on archaeological and cultural resources (Section 4.11) and ethno history and Native American interests (Section 4.12) have been revised to include a discussion of project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places.

Section 4.15 Public Services and Utilities: The water services and facilities section (4.15.3) has been revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water

Chapter 10, Project Design Features and Mitigation Monitoring and Reporting Program: Chapter 10 has been revised and updated to reflect changes in project design features and mitigation measures.

Chapter 11, Unavoidable Significant Adverse Impacts: Chapter 11 has been revised and updated to address additional significant unmitigable impacts.
The following sections have not been revised: Chapter 2 (Project Need, History, and Objectives), 4.2 (Geology and Soils), 4.3 (Hydrogeology), 4.4 (Surface Hydrology), 4.7 (Air Quality and Air Toxics Health Risk), 4.8 (Agricultural Resources), 4.10 (Paleontological Resources), 4.13 (Aesthetics), 4.14 (Socioeconomics), 4-16 (Human Health and Safety), Chapter 5 (cumulative Impacts), Chapter 6 (Alternatives), Chapter 7 (Significant Irreversible Environmental Impacts), Chapter 8 (Growth Inducing Impacts), Chapter 9 (Effects Not Found to be Significant).

BOARD COMMENTS
The scope of Board staff comments submitted during the public comment period on the Revised Partial Draft EIR will be limited to the above sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). However, staff request that previous CIWMB staff comment letters of July 10 and February 22, 2000 and March 12, 1999 received by the lead agency during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated are incorporated by reference.

1.0 Introduction
Page 1-2 Section 1.1.1 states that LEA approved the liner system. It should be noted that the Regional Water Quality Control Board (RWQCB) is the lead agency for review and approval of liner systems for solid waste landfills. The RWQCB must approve the liner prior to its construction. What is the status of the RWQCB review relative to the change in the liner design to the double composite liner?

3.0 Project Description
Please note that any structures associated with water handling activities will need to be able to monitored for the possible infiltration of landfill gas into the structure per Title 27 CCR Section 20931 - Structure Monitoring (T14: Section 17783.7) which states in part:
(a) To ensure that the requirements of section 20923(a)(1) are met, the monitoring network design shall include provisions for monitoring on site structures, including but not limited to buildings, subsurface vaults, utilities or any other areas where potential gas buildup would be of concern. The proposal shall address on site structures, both adjacent to and on top of the waste deposit area.

Please clarify the statement on page 3-4 that an application to obtain Waste Discharge Requirements (WDR) will be submitted concurrently with the Notice of Intent (NOI) for industrial activities. It is not clear in the document if it has it been determined that the new information contained this PRDEIR would require a new WDR application to the RWQCB. Please clarify if a new WDR application is required.

4.5 Traffic and Circulation
Section 4.5.3.3, Cumulative Analysis, page 4.5-21, indicates that the County Board of Supervisors has approved a General Plan Amendment allowing submittal of a tentative map application for the proposed Warner Ranch development, located to the North of SR 76 by 1 mile east of the landfill project access road. The PRDEIR should include traffic impacts resulting from the Warner Ranch Development in the cumulative traffic analysis.

Section 4.5.5, Mitigation Measures and Project Design Features, page 4.5-37, MM4.5-2. Once 95% of the maximum daily traffic limit is reached, the landfill operator will immediately notify commercial waste haulers to curtail waste deliveries, pursuant to contract arrangements. However, the landfill operator may not refuse acceptance of any waste collection vehicle that was traveling on SR 76 east of I-15 at the time notice was given. How will the operator notify waste haulers to curtail waste deliveries? When the operator notifies the waste hauler to curtail waste deliveries, how will the operator determine the exact location of the waste hauler's trucks to determine that they were indeed on SR 76 when they were noticed?

Section 4.5.5, page 4.5-38, Table 1 shows the daily project traffic hourly restrictions listed in MM4.5-3.

Table 1. Project Traffic Hourly Restrictions

2-3 PM	215 PCE or 72 trucks
3-4 PM	111 PCE or 37 trips
4-5 PM	111 PCE or 37 trips

Once 75% of the peak hourly restriction is reached, the LF operator will immediately notify commercial waste haulers to curtail waste deliveries, pursuant to contract arrangements. However, the landfill operator may not refuse acceptance of any waste collection vehicle that was traveling on SR 76 east of I-15 at the time notice was given. The document should identify what other disposal facilities are in the vicinity. How will the operator notify waste haulers to curtail waste deliveries? When the LF operator notifies commercial waste haulers to curtail waste deliveries, how will the operator know if these facilities have capacity?

In addition, when the operator notifies the waste hauler to curtail waste deliveries, how will the operator determine the exact location of the waste hauler to determine that they were indeed on SR 76 when they were noticed?

4.6 Noise and Vibration

This section states there are no additional impacts/mitigations however Chapter 11, page 11-2 states that a mitigation measure has been provided that requires the applicant contribute a fair share contribution for the construction of a sound wall if Caltrans determines that such a wall is feasible to install in the right-of-way for the future widening of SR 76. This mitigation is not listed in Chapter 10 Project Design Features, Mitigation Monitoring and Reporting Program, and Secondary Impacts, Table 10-1.

Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, page 16 states the applicant communicated with William Pankey, a resident near SR 76, regarding installation of a sound wall to mitigate noise levels. This conversation took place in 2000. At that time, Mr. Pankey objected to the sound wall, therefore the mitigation measure was not considered feasible. What measures, if any, has the applicant taken since 2000, to determine if Mr. Pankey continues to object to the sound wall? Further, it does not seem reasonable that the objection of one person or one property owner could force the elimination of a mitigation measure necessary to reduce the noise impacts of increase traffic on SR 76, and thus lessen the environmental impact of the project.

4.9 Biological Resources

General Comments

It is anticipated that recycled water usage for the project will be about 205,000 gallons per day (GPD) [worst-case scenario, page 4.15-14.] The recycled water will be trucked to the project site from Olivehain's Santa Fe Valley Reservoir and Pump Station site. Section 4.9 should contain an analysis of the impacts on all biological resources arising from the use of recycled water.

The discussion of mitigation acreage is complicated and hard to follow. The inclusion of an Exhibit and accompanying Table that clearly identifies where the 1313 acres dedicated to open space, with an overlay of the mitigation acreage would be helpful. These would help definitively identify the affected acreage and location of the mitigation acreage. At a minimum Exhibit 4.9-6, page 4.9-16, Conceptual Mitigation Areas should include the 1313 acres dedicated to open space, specific onsite mitigation acreage identified for both vegetation and animal species and the landfill footprint.

Note that Table 4.9-8 on page 4.9-15 includes the 0.2 acres of southern willow scrub but does not include the 0.3 acres of disturbed southern willow scrub. This should be corrected.

Section 4.9.3.7, Supplemental Analysis of Impacts to Vegetation Communities, page 4.9-15, Table 4.9-8 lists a total vegetation mitigation acreage requirement of 542.0 acres. The statement on page 4.9-17 indicates that 155.5 acres is available for habitat creation on site. Page 4.9-18 indicates that 134.2 mitigation acres would be created on site and 407.8 acres would be offsite. Table 2, below lists the vegetative acreage, by type, identified for onsite mitigation. The acreage is a summary of MMs 4.9-1a through MM 4.9-1g.

Table 2. Vegetative Onsite Mitigation Acreage

Mitigation Acreage Identified Onsite	Vegetation Type
63.6	Coastal Sage Scrub/Chaparral Disturbed Coastal Sage Scrub
67.8	Coast Live Oak Woodland (includes 3:1 replacement of 25 Engelmann oaks)
2.0	Southern Willow Scrub/Disturbed Southern Willow Scrub
0.8	Cotton Willow Riparian Forrest
134.2	Total

Page 2.2, Appendix B, Biological Technical Report states that the total acreage available on site for creation of vegetation communities is 159.1 acres. The information in the Technical report conflicts with the information in the RPDEIR. Please account for the 88 acres of arroyo toad habitat and the 17.1 acres of vireo and flycatcher habitat.

Pages 4.9-23/24 state that the applicant will create or ehance131.4 acres of upland areas and 81.2 acres of riparian areas within the portion of the San Luis Rey River corridor onsite to improve the San Luis Rey River watershed. How does this acreage related to the 134.2 acres in Table 1 ("Vegetative onsite Mitigation Acreage") above?

Section 4.9.4, Mitigation Measures and Project Design Features, page 4.9.25, MM 4.9-19b (Mitigation is for impacts to coastal sage scrub) is not listed in Chapter 10 Project Design Features, Mitigation Monitoring and Reporting Program, and Secondary Impacts, Table 10-1.

4.12 Ethnohistory and Native American Interests

Section 4.12.3.6, Impacts on Gregory Mountain and Medicine Rock as Historic Resources, page 4.12-3 and MM4.12-2a, 2b, discusses additional water usage. In order to minimize project dust and visual impacts on Medicine Rock and Gregory Mountain, the applicant will 1) apply water on access roads, storage piles, and cleared areas every three hours during high wind periods and 2) install landscaping between the landfill operations and Medicine Rock to create a dust screen. Please clarify if this additional water is included in the estimated water usage of 205,000 GPD provided by Herzog Environmental.

4.15 Public Services and Utilities

Section 4.15.3.6, Sources and Availability of Water Supply for Project, page 4.15-9, states "The principal source of water for the project would be recycled water purchased from the Olivehain Municipal Water District (Olivehain)." This is disinfected tertiary recycled water. The recycled water is generated from Olivehain's own wastewater treatment plant and recycled water system. Gregory Canyon Ltd. entered into a contract with Olivehain to provide the project with up to 230 acre-feet per year (AFY) of recycled water for 60 years.

The introduction to this section indicates that a new analysis of water supply for the project completed by Geologic Associates is Appendix C. Appendix C, page 16, indicates that percolating water will be used for landscape irrigation, however if the percolating water supply is limited some areas of the site may receive recycled water. Is it the applicant's intension to use recycled water to establish new vegetation/ plant species habitat? What studies have been done to show the effect of recycled water on native/sensitive plant vegetation and sensitive plant species that justifies the use of recycled water for the mitigation acreage? Appendix C and the RPEIR should address this question.

4.15.3.4 Project Water Demand. Please explain why water is dedicated to fire protection during the operation phase of the project but there is no indication that water is dedicated to fire protection during the construction phase (page 4.15-7.) There is a need to demonstrate fire protection during the construction phase, in that construction activities would have a number of potential fire ignition sources that could be a fire threat to on site and surrounding vegetated areas.

4.15.3.10 Potential Impacts, page 4.15-15. The document states that approximately four to five 2,300 gallon water trucks would be used to transport recycled water from Olivehain's Pump Station site to the project site. Page 4.15-15 also states that 89 one-way and 187 two-way daily truck trips to the site for recycled water will be needed during peak demand. Please clarify if the four to five trucks identified above will make all water trips.

SUMMARY

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Revised Partial Draft Environmental Impact Report, and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project.

Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to PRC § 21092.5(a). Board staff requests two weeks notice prior to certification of the Final EIR for this project. If you have any questions regarding these comments, please contact me at 916.341.6337 or shamblet@ciwmb.ca.gov.

Sincerely,

Suzanne Hambleton, Supervisor
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

cc: Tadese Gebrewarhariat
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

Raymond Seamans
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

LETTER NO. 002

Governor's Office of Planning and Research
Terry Roberts, Director
P.O. Box 3044
Sacramento, CA 95812-3044

RESPONSE 002-1

This comment indicates that the State Clearinghouse received and distributed the Revised Partial Draft EIR to selected state agencies for review and that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Three attachments to this letter from the Native American Heritage Commission, California Department of Transportation, and California Integrated Waste Management were submitted directly to the County and are addressed separately. Please see Comment Letter Nos. 008, 008.1, 005, 006 and the associated responses.

Letter 003

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

August 25, 2006

Received
AUG 29 2006
DEH / LEA

Kerry McNeill
San Diego County
Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Gregory Canyon Landfill EIR
SCH#: 1995061007

Dear Kerry McNeill:

The enclosed comment (s) on your Revised Environmental Impact Rep was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 23, 2006. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (1995061007) when contacting this office.

003-1

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

State of California - The Resources Agency
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

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RECEIVED
AUG 24 2006
STATE CLEARING HOUSE

August 24, 2006

Mr. Gary Erbeck, Director
Local Enforcement Agency Office
County of San Diego Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill
County of San Diego
State Clearinghouse Number 1995061007

Dear Mr. Erbeck:

The Department of Fish and Game (Department) has reviewed the above-referenced Revised Partial Draft Environmental Impact Report (RPDEIR). The following statements and comments have been prepared pursuant to the Department's authority as a Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386), and pursuant to our authority as a Responsible Agency under CEQA Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 *et seq.*), the Streambed Alteration Program (Fish and Game Code Section 1600 *et seq.*), and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning program.

The proposed project consists of the construction and operation of a new Class III municipal solid waste landfill that would be located on State Route 76, approximately three miles east of Interstate 15, in the unincorporated area of San Diego County. Although the Director of the Department of Environmental Health certified the 2003 EIR, the certification was rescinded by court order. The court ruled that the 2003 EIR was defective in its failure to consider the 2003 Traffic Needs Assessment of Tribal Development Projects in the San Diego Region, water supply, and biological mitigation as it relates to Proposition C. Limited portions of the 2003 EIR have been revised to address the deficiencies noted by the court, to update the project description, and to analyze and evaluate the project based on several new studies that have been completed.

In addition to the previous comments and recommendations that were provided in joint letters with the U. S. Fish and Wildlife Service, dated April 29, 1999, and February 22, 2000, the Department has the following comments on the RPDEIR.

To comply with the court order, the Biological Resources section of the RPDEIR includes revisions to the mitigation measures to provide compliance with Section 5R of Proposition C. The Department's concerns regarding the revised mitigation measures follow.

1) Funding, adequate to implement a management plan in perpetuity at each mitigation site, must be provided to ensure that resource values are conserved over the long term.

2) MM 4.9-1a. This mitigation measure addresses coastal sage scrub, disturbed coastal sage scrub, and coastal sage scrub/chaparral. It provides for on-site creation or enhancement of 63.6 acres, and off-site acquisition of 384.4 acres of coastal sage scrub or coastal sage scrub/chaparral. Although it may be appropriate to mitigate for the loss of coastal sage scrub/chaparral with coastal sage scrub, the reverse will not adequately compensate for lost values. All mitigation for coastal sage scrub should consist of coastal sage scrub only, not a combination of coastal sage scrub and chaparral. Therefore the FEIR should specify separately the mitigation acreages for coastal sage scrub and coastal sage scrub/chaparral, rather than combining them in a single acreage value.

3) MM 4.9-1b. The reference to "state jurisdictional habitat" has been removed from the revised mitigation measure for coast live oak woodland. However, oak woodlands that are associated with a stream may be subject to a Streambed Alteration Agreement (Agreement) with the Department. Additional oak woodland mitigation may be needed as a result of the Agreement.

4) MM 4.9-1a, b, f, & 4.9-2. Each measure indicates that on-site creation or enhancement shall be in a dedicated open space area. However, it is not clear if this will occur within, or in addition to, the 1,313 acres of open space required by Proposition C. The Department is also concerned about the proposed amount of on-site creation and enhancement. Habitat creation and enhancement must not replace or degrade existing habitat values (Section 15126.4(a)(1)(D) of the CEQA Guidelines). All locations proposed for on-site creation and enhancement should be reviewed to ensure that this will not result in additional impacts. Since the locations were not identified in the RPDEIR, the Department requests the opportunity to review and approve all creation and enhancement areas.

5) The RPDEIR should have identified all proposed areas for on-site creation and enhancement, and/or off-site acquisition, to allow review and comment. In addition, all mitigation measures that propose off-site acquisition only, state that this "...may occur anywhere within the unincorporated area of San Diego County..." However, all acquisition sites must be evaluated and selected in the context not only of the local and regional effects of the impact, but each site must also be compatible with regional conservation planning to ensure it provides both adequate mitigation and long-term viability of the conserved habitats. Mitigation ratios are also dependent on an evaluation of the values present on a specific mitigation site and those that were lost as a result of the impact, as well as the type of mitigation proposed (creation, enhancement, preservation, etc.). Therefore the ratios presented in the RPDEIR may need to be adjusted to account for this. Because of the lack of specificity in the RPDEIR about the location and biological conditions of the mitigation areas, the adequacy of each mitigation measure to reduce the impact to a level below significance cannot be evaluated. The Department requests the opportunity to review and approve the location of all on-site and off-site mitigation areas and the final mitigation ratios.

6) MM 4.9-2. The current wording of this measure states that, if Engelmann oak is mitigated through off-site acquisition, "This acreage shall then be subtracted from the coast live oak woodland mitigation requirement..." However, the coast live oak mitigation measure does not indicate that any additional acreage has been added to accommodate Engelmann oak. Areas proposed for any oak woodland creation or enhancement will need to be carefully evaluated to ensure that they can support the target number of trees.

7) MM 4.9-14. Because of the adverse effects on watershed processes that generally result from disturbance and loss of vegetation communities, the off-site acquisition of habitat should be as close as possible to the project site, or at least within the watershed of the San Luis Rey River.

8) MM 4.9-18. The restoration covered by this mitigation measure "...would likely be phased and would not occur all at one time." This measure should provide a commitment to implement the mitigation within a certain time.

In addition to the requirements of the court, the RPDEIR also provides a reevaluation of project impacts to upland habitat for the arroyo southwestern toad, impacts to least Bell's vireo and southwestern willow flycatcher, and impacts to vegetation communities. The Department has the following concern regarding these revisions.

Section 4.9.3.1 of the RPDEIR, under the heading Areas Subject to ACOE and CDFG Jurisdiction, states that "Impacts on...jurisdictional waters of the State that are defined by an OHWM will only occur within the landfill project area as a result of construction of the bridge crossing of the San Luis Rey River..." While OHWM is used by the ACOE in defining areas subject to their regulation, Department jurisdiction pursuant to Section 1600 *et seq.* of California Fish and Game Code, applies to "...the bed, channel, or bank, of any river, stream, or lake..." This is further clarified in Public Resources Code to include "...all rivers, streams and streambeds which may have intermittent flows of water..." Therefore, the Lake or Streambed Alteration Agreement for this project will need to include additional drainages, tributary to the San Luis Rey River, which have the above characteristics and may be impacted by the project. The biological consultant for the project was informed of this during a field meeting with Department staff on November 17, 2005. The extent of Department jurisdiction, and mitigation ratios for all impacted habitats, remain to be resolved.

The Department finds that the project would not be *de minimis* in its effects on fish and wildlife per Section 711.4 of the California Fish and Game Code. We appreciate the opportunity to comment on this project. Questions regarding this letter should be directed to Pam Beare at pbeare@dfg.ca.gov or (858) 467-4229.

Sincerely,

Libby Lucas
for Michael J. Mulligan
Deputy Regional Manager

cc: State Clearinghouse
U.S. Fish and Wildlife Service, Carlsbad Office

PB:pb
GregoryCanyonLandfillRPDEIR.doc

LETTER NO. 003

Governor's Office of Planning and Research
Terry Roberts, Director
P.O. Box 3044
Sacramento, CA 95812-3044

RESPONSE 003-1

The comment indicates that the State Clearinghouse received a letter after the close of the comment period. A letter from the California Department of Fish and Game is attached. Please see Comment Letter No. 004 and the associated responses.

State of California - The Resources Agency
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

Letter 004

August 24, 2006

Mr. Gary Erbeck, Director
Local Enforcement Agency Office
County of San Diego Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill
County of San Diego
State Clearinghouse Number 1995061007

Dear Mr. Erbeck:

The Department of Fish and Game (Department) has reviewed the above-referenced Revised Partial Draft Environmental Impact Report (RPDEIR). The following statements and comments have been prepared pursuant to the Department's authority as a Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386), and pursuant to our authority as a Responsible Agency under CEQA Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 *et seq.*), the Streambed Alteration Program (Fish and Game Code Section 1600 *et seq.*), and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning program. 004-1

The proposed project consists of the construction and operation of a new Class III municipal solid waste landfill that would be located on State Route 76, approximately three miles east of Interstate 15, in the unincorporated area of San Diego County. Although the Director of the Department of Environmental Health certified the 2003 EIR, the certification was rescinded by court order. The court ruled that the 2003 EIR was defective in its failure to consider the 2003 Traffic Needs Assessment of Tribal Development Projects in the San Diego Region, water supply, and biological mitigation as it relates to Proposition C. Limited portions of the 2003 EIR have been revised to address the deficiencies noted by the court, to update the project description, and to analyze and evaluate the project based on several new studies that have been completed.

In addition to the previous comments and recommendations that were provided in joint letters with the U. S. Fish and Wildlife Service, dated April 29, 1999, and February 22, 2000, the Department has the following comments on the RPDEIR.

To comply with the court order, the Biological Resources section of the RPDEIR includes revisions to the mitigation measures to provide compliance with Section 5R of Proposition C. The Department's concerns regarding the revised mitigation measures follow. 004-2

1) Funding, adequate to implement a management plan in perpetuity at each mitigation site, must be provided to ensure that resource values are conserved over the long term.

2) MM 4.9-1a. This mitigation measure addresses coastal sage scrub, disturbed coastal sage scrub, and coastal sage scrub/chaparral. It provides for on-site creation or enhancement of 63.6 acres, and off-site acquisition of 384.4 acres of coastal sage scrub or coastal sage scrub/chaparral. Although it may be appropriate to mitigate for the loss of coastal sage scrub/chaparral with coastal sage scrub, the reverse will not adequately compensate for lost values. All mitigation for coastal sage scrub should consist of coastal sage scrub only, not a combination of coastal sage scrub and chaparral. Therefore the FEIR should specify separately the mitigation acreages for coastal sage scrub and coastal sage scrub/chaparral, rather than combining them in a single acreage value. 004-3

3) MM 4.9-1b. The reference to "state jurisdictional habitat" has been removed from the revised mitigation measure for coast live oak woodland. However, oak woodlands that are associated with a stream may be subject to a Streambed Alteration Agreement (Agreement) with the Department. Additional oak woodland mitigation may be needed as a result of the Agreement. 004-4

4) MM 4.9-1a, b, f, & 4.9-2. Each measure indicates that on-site creation or enhancement shall be in a dedicated open space area. However, it is not clear if this will occur within, or in addition to, the 1,313 acres of open space required by Proposition C. The Department is also concerned about the proposed amount of on-site creation and enhancement. Habitat creation and enhancement must not replace or degrade existing habitat values (Section 15126.4(a)(1)(D) of the CEQA Guidelines). All locations proposed for on-site creation and enhancement should be reviewed to ensure that this will not result in additional impacts. Since the locations were not identified in the RPDEIR, the Department requests the opportunity to review and approve all creation and enhancement areas. 004-5

5) The RPDEIR should have identified all proposed areas for on-site creation and enhancement, and/or off-site acquisition, to allow review and comment. In addition, all mitigation measures that propose off-site acquisition only, state that this "...may occur anywhere within the unincorporated area of San Diego County..." However, all acquisition sites must be evaluated and selected in the context not only of the local and regional effects of the impact, but each site must also be compatible with regional conservation planning to ensure it provides both adequate mitigation and long-term viability of the conserved habitats. Mitigation ratios are also dependent on an evaluation of the values present on a specific mitigation site and those that were lost as a result of the impact, as well as the type of mitigation proposed (creation, enhancement, preservation, etc.). Therefore the ratios presented in the RPDEIR may need to be adjusted to account for this. Because of the lack of specificity in the RPDEIR about the location and biological conditions of the mitigation areas, the adequacy of each mitigation measure to reduce the impact to a level below significance cannot be evaluated. The Department requests the opportunity to review and approve the location of all on-site and off-site mitigation areas and the final mitigation ratios. 004-6

6) MM 4.9-2. The current wording of this measure states that, if Engelmann oak is mitigated through off-site acquisition, "This acreage shall then be subtracted from the coast live oak woodland mitigation requirement..." However, the coast live oak mitigation measure does not indicate that any additional acreage has been added to accommodate Engelmann oak. Areas proposed for any oak woodland creation or enhancement will need to be carefully evaluated to ensure that they can support the target number of trees. 004-7

7) MM 4.9-14. Because of the adverse effects on watershed processes that generally result from disturbance and loss of vegetation communities, the off-site acquisition of habitat should be as close as possible to the project site, or at least within the watershed of the San Luis Rey River. 004-8

8) MM 4.9-18. The restoration covered by this mitigation measure "...would likely be phased and would not occur all at one time." This measure should provide a commitment to implement the mitigation within a certain time. 004-9

In addition to the requirements of the court, the RPDEIR also provides a reevaluation of project impacts to upland habitat for the arroyo southwestern toad, impacts to least Bell's vireo and southwestern willow flycatcher, and impacts to vegetation communities. The Department has the following concern regarding these revisions. 004-10

Section 4.9.3.1 of the RPDEIR, under the heading Areas Subject to ACOE and CDFG Jurisdiction, states that "Impacts on...jurisdictional waters of the State that are defined by an OHWM will only occur within the landfill project area as a result of construction of the bridge crossing of the San Luis Rey River..." While OHWM is used by the ACOE in defining areas subject to their regulation, Department jurisdiction pursuant to Section 1600 *et seq.* of California Fish and Game Code, applies to "...the bed, channel, or bank, of any river, stream, or lake..." This is further clarified in Public Resources Code to include "...all rivers, streams and streambeds which may have intermittent flows of water..." Therefore, the Lake or Streambed Alteration Agreement for this project will need to include additional drainages, tributary to the San Luis Rey River, which have the above characteristics and may be impacted by the project. The biological consultant for the project was informed of this during a field meeting with Department staff on November 17, 2005. The extent of Department jurisdiction, and mitigation ratios for all impacted habitats, remain to be resolved.

The Department finds that the project would not be *de minimis* in its effects on fish and wildlife per Section 711.4 of the California Fish and Game Code. We appreciate the opportunity to comment on this project. Questions regarding this letter should be directed to Pam Beare at pbeare@dfg.ca.gov or (858) 467-4229. 004-11

Sincerely,

Libby Lucas
for Michael J. Mulligan
Deputy Regional Manager

cc: State Clearinghouse
U.S. Fish and Wildlife Service, Carlsbad Office

PB:pb
GregoryCanyonLandfillRPDEIR.doc

LETTER NO. 004

California Department of Fish and Game
Michael J. Mulligan, Deputy Regional Manager
4949 Viewridge Avenue
San Diego, CA 92123

RESPONSE 004-1

This comment identifies the California Department of Fish and Game's (CDFG's) role as a Trustee and Responsible Agency pursuant to CEQA. In addition, the comment provides a summary of the Court order and revisions to the document. The comment refers to previous comment letters submitted by the California Department of Fish and Game on the EIR. Please see Response to Comment Nos. A.001 through A.013 and A.014 through A.054 for responses to the California Department of Fish and Game February 22, 2000 and April 29, 1999 letters, respectively.

RESPONSE 004-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

With respect to funding for management of on-site lands subject to the Habitat Mitigation and Enhancement Plan, the requirements for funding of management activities has not changed from the mitigation requirements in MM 4.9-18 of the 2003 Draft EIR. Also, Condition 17.A.17 of the 2004 Solid Waste Facility Permit for the project requires that the project and the County enter into a Memorandum of Agreement that addresses, among other things, any necessary financial support for management of on-site mitigation lands. With respect to off-site mitigation areas, no funding requirement was contained in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Nonetheless, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan, which would address funding. The Mitigation and Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

In the prior litigation, the issue of funding for biological mitigations was raised by the petitioners and specifically addressed by the Court. The Court rejected the petitioner's claims, stating "[t]he Final EIR is not required to specify Gregory Canyon's funding obligations for the

project. These measures are enforceable conditions of the Solid Waste Facilities Permit." The Court also noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources."

RESPONSE 004-3

County DEH staff concurs with this comment. A specific breakdown by habitat type with mitigation requirements based on mitigation ratios is provided in Table 4.9-8, Vegetation Impacts and Mitigation Requirements, of the Revised Partial Draft EIR. Mitigation measure MM 4.9-1a shall be revised to add the following sentence to clarify the measure: "The final amounts of mitigation of these habitats shall be a total of 448 acres with at least 345 acres of coastal sage scrub and 103 acres of either coastal sage scrub or coastal sage scrub/chaparral habitat."

RESPONSE 004-4

County DEH staff acknowledges this comment. The CDFG will need to address specific measures relevant to its authority under a Streambed Alteration Agreement (SAA) when the agency processes a SAA for the project, which will occur subsequent to certification of the EIR. The applicant will be required to comply with the terms and conditions of the issued SAA. The Revised Partial Draft EIR does not refer to "state jurisdictional habitat". The Revised Partial Draft EIR addresses recent findings by the U.S. Army Corps of Engineers (Corps) that waters of the United States bounded by an ordinary high water mark (OHWM) do not occur onsite within the landfill portion of the project, and that jurisdictional waters of the State defined by such an OHWM also do not occur within project impact areas outside of the access road bridge. The CDFG SAA process is a subsequent process to CEQA compliance, and it will be necessary for the CDFG to determine if certain portions of the landfill, including the landfill footprint, will result in the alteration of a stream as defined at 14 CCR Section 1.72. County DEH staff acknowledges that CDFG may conclude that development within these portions of the landfill site result in the alteration of a stream as defined in 14 CCR Section 1.72, which would in turn require a SAA. The CDFG will need to address specific measures relevant to its authority under a SAA when it processes a SAA for the project.

Oak woodland habitat occurs on the landfill site at several locations and impacts on oak woodland have been addressed in the Revised Partial Draft EIR. Coast live oaks and Engelmann oaks on-site are upland, non-hydrophytic vegetation that are intolerant of anaerobic soil conditions, and they generally occur outside of 50 to 100 year floodplains on-site. Most of the impacts on oak woodland from the project would occur within the landfill footprint. Mitigation ratios for impacts on all oak woodland on-site have been presented in the Revised Partial Draft EIR. These ratios are consistent with mitigation ratios in the 2003 Draft EIR, which were not overturned by the Court or included in its writ, and are consistent with current County standards and agreements with various agencies, including the CDFG. The CDFG will need to determine if additional mitigation is justified pursuant to a SAA; however, the mitigation in the Revised Partial Draft EIR addresses

impacts on oak woodlands and compensates for impacts on oak woodland on the landfill site in its entirety.

RESPONSE 004-5

Potential on-site locations for habitat creation or enhancement are identified in the Revised Partial Draft EIR in Exhibit 4.9-6, Conceptual Mitigation Areas. Mitigation in these areas would not result in additional significant impacts as described in the Revised Partial Draft EIR because the creation or enhancement would occur within either existing developed land or in areas of low habitat value such as ruderal habitats that would be replaced by areas of high biological habitat value such as native riparian or coastal sage scrub habitats. A detailed creation and enhancement plan will be submitted for review and approval to the County and the resource agencies. Additional mitigation areas may occur off-site. If on-site mitigation in the form of creation or enhancement is ruled by the Court as not appropriate, then all mitigation would occur off-site.

Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation-sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region, which is consistent with the recommendation of the commenter. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 004-6

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, as indicated in Response to Comment No. 004-5, Exhibit 4.9-6 of the Revised Partial Draft EIR identifies the proposed on-site locations for mitigation. In addition, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation-sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region, which is consistent with the recommendation of the commenter. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

With the incorporation of mitigation measures, the project would not result in the significant loss of biological resources within the local vicinity. Mitigation to preserve, create, or enhance habitat subject to County approval within San Diego County would fully mitigate the impacts on biological resources from the project.

At the same time, County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 004-7

Both Engelmann oaks and coast live oaks are included within the total 22.6 acres listed for impacts on coast live oak woodland in Table 4.9-8 of the Revised Partial Draft EIR. The mitigation ratio for impacts on coast live oak woodland is 3:1, and mitigation of 67.8 acres shown in Table 4.9-8 includes mitigation acreage for both Engelmann oaks and coast live oaks. Therefore, neither species is omitted from calculation of impacts or mitigation. The discussion in MM 4.9-2 regarding subtraction of potential acreage of Engelmann oak mitigation from the 67.8 acres of mitigation for impacts on coast live oak woodland inclusive of both Engelmann oaks and coast live oaks is correct and does not omit either species from the calculation of mitigation. The requirement that

Englemann Oak mitigation areas could be subtracted from the coast live oak mitigation requirement was included in the 2003 Draft EIR (See MM 4.9-2 of the 2003 Draft EIR). That portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. No change to this provision was made in the Revised Partial Draft EIR.

RESPONSE 004-8

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. County guidelines for the selection of mitigation-sites would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, the County acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 004-9

The County requires that mitigation be implemented prior to incurring impacts on biological resources. As such, mitigation is required to be implemented according to a phasing approach that is proportional to blocks of impacts that would occur at a given time. Mitigation would be implemented in phases prior to impacts occurring. For example, MM 4.9-11a and MM 4.9-11b of the 2003 Draft EIR provided that mitigation would occur "prior to commencement of grading of

riparian habitat." The requirements were established in the 2003 Draft EIR, and this portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The approach to timing of mitigation taken in the Revised Partial Draft EIR was consistent with the approach in the 2003 Draft EIR.

RESPONSE 004-10

County DEH staff concurs with this comment. The Revised Partial Draft EIR addresses recent findings by the U.S. Army Corps of Engineers (Corps) that waters of the United States bound by an ordinary high water mark (OHWM) do not occur within the landfill portion of the project. The CDFG SAA process is a subsequent process to CEQA compliance, and it will be necessary for the CDFG to determine if certain portions of the project, including the landfill, will result in the alteration of a stream as defined at 14 CCR Section 1.72. The CDFG will need to address specific measures relevant to its authority under a SAA when it processes a SAA for the project. The applicant will be required to comply with the terms and conditions of the issued SAA.

RESPONSE 004-11

County DEH staff acknowledges the CDFG's comment regarding Section 711.4 of the Fish and Game Code. The comment will be forwarded to the decisionmaker for review and consideration.

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
P. O. BOX 85406, MS 50
SAN DIEGO, CA 92186-5406
PHONE (619) 688-6954
FAX (619) 688-4299
TTY (619) 688-6670

Letter 005

Flex your power!
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Received
AUG 2 3 2006
DEH / LEA

August 23, 2006

11-SD-76
PM 19.0
Gregory Canyon Landfill
SCH 1995061007

Ms. Kerry McNeill
Dept. of Environmental Health
County of San Diego
9325 Hazard Way
San Diego, CA 92123-1217

Dear Ms. McNeill:

The California Department of Transportation (Caltrans) has reviewed the Revised Partial Draft Environmental Impact Report (SCH 1995061007) for the proposed Gregory Canyon Landfill. We have the following comments: 005-1

- Caltrans endeavors to maintain a target Level of Service (LOS) at the transition between LOS "C" and LOS "D". If an intersection is currently below LOS C, any increase in delay from project-generated traffic must be analyzed and mitigated.

- In Figure 4 of the traffic study the existing traffic volumes do not add up across the segments. The traffic study needs to be revised to reflect the correct volumes. 005-2

- It appears that multiple operators will be hauling trash, consequently indicating a widespread collection area. The traffic study needs to describe the routes the trash trucks will be taking, which will allow for a better understanding of where the proposed landfill traffic impacts will take place. 005-3

- Will the water trucks also be restricted access to the land fill once the daily capacity is met? Also, do the water truck trips get curtailed in favor of trash trucks? 005-4

- Caltrans disagrees with the proposed Irrevocable Offer of Dedication of 54 feet. As the owner operator of State Route 76 (SR-76) Caltrans request that the property owner provide a total half right of way of 77 feet for SR-76 along the frontage of this property. Caltran's Concept Report for SR-76 shows a future need for a 4-lane conventional highway. Preserving the right of way can be accomplished by obtaining from the County of San Diego an Irrevocable Offer of Dedication (IOD). This width may vary after Caltrans reviews a detail engineering analysis for the frontage improvements in order to accommodate the traffic impact of this development. It should be noted that all proposed development improvements, including landscaping and equestrian trail easements, must be located outside of the right of way IOD. 005-5

- If the cost of the proposed improvements (mitigation) within Caltrans right of way is over one million dollars a Project Study Report/Project Report will be required. In addition, a special agreement between the County and/or the developer with Caltrans detailing the roles and responsibilities of each party will also be necessary. Any decisions regarding mitigation is per the discretion of Caltrans and will be finalized during the Encroachment Permit process. 005-6
- Improvement plans for construction within the State right of way must include: typical cross sections, adequate structural section, traffic handling plans and signing and striping plans stamped by a professional engineer. 005-7
- It is unclear if the County of San Diego will be the lead regarding the processing of the encroachment permit and the environmental clearances for the proposed mitigation to state highway facilities. 005-8
- Any work performed within Department's right of way will require an encroachment permit. For those portions of the project within Department's right of way, the permit application must be stated in English units. Information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits. 005-9
- If a developer proposes any work or improvements within the Department's right of way, the project's environmental studies must include such work. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements. 005-10

If you have any questions, please contact Al Cox at (619) 688-6003.

Sincerely,

Al Cox

for MARIO H. ORSO, Chief
Development Review Branch

cc: BFigge (MS 240)
ACox (MS 240)
MPowers (MS 230)
BCorbin (MS 230)
Debra Soifer (MS 242)
SMorgan (State Clearinghouse)

LETTER NO. 005

California Department of Transportation
Mario D. Orso, Chief
P.O. Box 85406
San Diego, CA 92186-5406

RESPONSE 005-1

The language found on page 1 of the Caltrans "A Guide For Traffic Impact Studies" describes Level of Service (LOS) C as desired. There is no language that identifies LOS C as a standard that must be maintained through the construction of off-site road improvements. Subsequent comments received from Caltrans indicate that the agency agrees that LOS C is a goal and not a standard. The standard applied to all development projects by the County of San Diego is LOS D. In addition, SR 76 is part of the Congestion Management Program (CMP), and as such is subject to the LOS D standards set by that law. The standard considered acceptable under the CMP is LOS D. The existing plus project and near term cumulative conditions show that SR 76 would operate at LOS D for peak hour traffic and does not require the widening of SR 76 between Couser Canyon Road and the project entrance.

RESPONSE 005-2

Existing traffic volumes were obtained from a certified third party data collection firm and are correctly reflected on segments and at intersections. Side street traffic affects volumes on the major arterials. In reviewing the intersection data for the northbound and southbound ramps, please note that the peak hours for the southbound ramp in the morning peak hour begins at 7:00 A.M., while the northbound ramp peak hour begins at 7:15 A.M. This is a result of the volume of the minor street (ramp volume) which creates off-set peak times. As such, the ramp volumes may not exactly match up, but they do represent the worst-case volumes at each particular intersection. The worst-case volumes are used in the analysis for this project and reflect a conservative approach to the traffic study methodology in accordance with jurisdictional requirements.

RESPONSE 005-3

The traffic study currently provides distribution percentages which demonstrate the worst-case project traffic would occur west of the landfill site (95 percent) and would continue to the I-15 corridor. At the I-15 corridor, the majority of the traffic (77 percent) would travel south and 10 percent would travel north. Once the project traffic has reached the I-15 corridor, traffic is dispersed throughout the County at interchanges to levels below significance, with a percentage of water trucks utilizing the Camino del Norte interchange, which is addressed in the traffic study. The traffic study, therefore, already describes the traffic impacts along SR-76 and I-15 and demonstrates that the landfill would not have significant impacts where 95 percent of the project traffic is assigned. As the percentage of traffic decreases from interchange to interchange, the influence of project traffic is also decreased.

RESPONSE 005-4

As indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, the project would be limited to a total of 2,085 PCE trips, including 675 truck trips. The maximum truck trips would include all trucks accessing the landfill site, including trash trucks, construction-related trucks, and water trucks. All trucks would be restricted access to the landfill once the daily capacity is met. Mitigation Measure MM 4.5-2 requires that computerized daily records of total truck trips per day and total project traffic from all sources be maintained and available to DEH during operational hours. Once 95 percent of the maximum daily traffic limit is reached, the operator shall immediately notify commercial waste haulers to curtail waste deliveries. The operator would need to ensure that adequate water is available on site to meet the project's daily demand. The operator would need to manage the mix of truck trips depending on the daily need.

RESPONSE 005-5

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

With respect to the proposed Irrevocable Offer of Dedication (IOD), the proposed width has not changed from the mitigation requirements in MM 4.5-6 of the 2003 EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The County has concluded that the 108-foot right of way would be adequate for construction of a four-lane major highway with a bike lane, provided there is no parking. The County has also determined that there should be no parking in this area, so as to minimize the potential for human presence in the habitat conservation areas located immediately adjacent to SR 76 on the landfill site.

With regard to frontage improvements, although not part of the Revised Partial Draft EIR, as indicated in Response to Comment No. 6V.010, proposed frontage improvements are described in Section 3.2.3 and shown in Exhibit 3-6 of the 2003 Draft EIR. The project would obtain all of the necessary permits for improvements along SR 76 that are part of the proposed project. The project has submitted plans to the various regulatory agencies and has been involved in discussions with the appropriate agencies regarding the project. With regard to the width of the IOD, detailed engineering plans would be prepared and provided to Caltrans at the appropriate time.

RESPONSE 005-6

As indicated in the 2003 Draft EIR, the project includes modifications to SR 76 at the access road entrance to improve sight distance and to facilitate truck movements. The comment is noted and all applicable Caltrans requirements will be followed.

RESPONSE 005-7

As indicated in Response to Comment No. 005-6, the project includes modifications to SR 76 at the access road entrance to improve sight distance and to facilitate truck movements. Improvement plans for construction within the State right-of-way will be prepared in accordance with Caltrans requirements.

RESPONSE 005-8

As required in MM 4.5-4, the project applicant would be responsible for the payment of the County's Transportation Impact Fee to fund its fair share improvement for cumulative impacts on SR-76. In addition, as indicated in MM 4.5-5, the applicant shall make a fair-share contribution for the addition of an eastbound left turn lane and westbound through lane on the I-15 overcrossing. The project would not be responsible for processing the encroachment permit and the environmental clearances for the addition of these lanes. However, as indicated in Response to Comment No. 005-5, the project includes frontage improvements to improve the sight distance. The environmental clearance for the frontage improvements is provided in the 2003 Draft EIR. The project would be responsible for obtaining the necessary encroachment permit from Caltrans for the proposed frontage improvements.

RESPONSE 005-9

County DEH staff acknowledges this comment. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The project would obtain all of the necessary permits for improvements along SR 76 that are part of the proposed project.

RESPONSE 005-10

As indicated in Response to Comment No. 005-6, the project includes modifications to SR 76 at the access road entrance to improve sight distance and to facilitate truck movements. The potential impacts were addressed in the 2003 Draft EIR. The Revised Partial Draft EIR does not include any changes to the proposed improvements to SR 76, except for installation of a traffic signal at the intersection with the landfill access road. All applicable Caltrans requirements with regard to improvements on SR 76 will be followed.

Letter 006

LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, P.O. BOX 4025 • SACRAMENTO, CALIFORNIA 95814-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR,
MBROWN@CIWMB.CA.GOV
(916) 341-6051

JEFFREY DANZINGER
JDANZINGER@CIWMB.CA.GOV
(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016

CHERYL PEACE
CPEACE@CIWMB.CA.GOV
(916) 341-6039

GARY PETERSEN
GPETERSEN@CIWMB.CA.GOV
(916) 341-6035

PAT WIGGINS
PWIGGINS@CIWMB.CA.GOV
(916) 341-6010

INTEGRATED WASTE MANAGEMENT BOARD

August 23, 2006

Kerry McNeill
San Diego County
Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report
State Clearinghouse No. 1995061007, San Diego County, Facility No. 37-AA-0032.

Dear Ms. McNeill;

The California Integrated Waste Management Board has received the Revised Partial Draft Environmental Impact Report (RPEIR) for the Gregory Canyon Landfill project, including the solid waste facilities permit for the Landfill. The California Integrated Waste Management Board (CIWMB or Board) operates in cooperation with local government to assure protection of the public health, safety, and the environment from the potentially detrimental effects of improper solid waste management.

As a state agency, the CIWMB is a Responsible Agency under the California Environmental Quality Act (CEQA) for Solid Waste Facility Permit (SWFP) concurrence, with similar responsibilities, authority, and requirements as local government agencies.

PURPOSE OF THE REVISED PARTIAL DRAFT EIR

It is board staff's understanding that the purpose of this document is for recirculation for public review with the revisions to portions of the previous February 2003 Final Environmental Impact Report (FEIR), and now Draft Environmental Impact Report (2003 Draft EIR) to address deficiencies noted by Judge Anello in a final order and judgment issued on January 20, 2006. 006-1

The FEIR for the Gregory Canyon Landfill was certified on February 6, 2003. The adequacy of the FEIR was subsequently challenged in a case filed before the Honorable Michael Anello entitled "Riverwatch v. County of San Diego Department of Environmental Health, et al." On October 3, 2005, the Court issued a final minute order finding most of the FEIR adequate and in compliance with the California Environmental Quality Act but also noting three deficiencies:

- The Court held that the FEIR was required to evaluate new traffic information contained in a 2003 County tribal traffic study known as the 2003 Traffic Needs Assessment Study.

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- The Court also held that the FEIR was required to identify the sources of water necessary to construct and operate the landfill and to analyze the impacts of obtaining that water.
- Finally, the Court required that mitigation measures for biological resources be modified as necessary to comply with Section 5R of Proposition C.

On January 20, 2006, the Court issued a final order and judgment decertifying the FEIR and requiring additional environmental review to comply with the three defects noted by the Court in its October 3, 2005 minute order.

In addition, several sections of the 2003 Draft EIR have been revised to analyze new actions that have been taken since the 2003 Draft EIR was completed. It is board staff's understanding that the FEIR will include responses to all comments previously included in the FEIR and responses to those comments received during the recirculation period for the Revised Partial DEIR that are properly limited to sections or portions of sections that were revised from the 2003 Draft EIR. The FEIR will be considered by the Director of the Department of Environmental Health for certification prior to any decision by the California Integrated Waste Management Board.

SUMMARY OF REVISIONS

Board staff has summarized below the major revisions to the prior FEIR for the project in an effort to clarify staff's understanding of the specific changes that have been made in the project and the 2003 Draft EIR that are reflected in the RPDEIR:

Executive Summary: Table ES-1 contained in the Executive Summary has been modified to reflect revisions to mitigation measures or to disclose potential new impacts described in the RPDEIR.

Section 3.0, Project Description: The project description has been revised to include the double composite liner with an additional drainage layer and an additional HDPE geomembrane rather than the single composite liner originally described in the 2003 Draft EIR. The ancillary facilities section of the Project Description (3.2.4) has been revised to include the facilities necessary to serve recycled water for the project.

006-1 Cont'd

Section 4.1, Land Use: The land use section has been revised to include a discussion of the Countywide Siting Element adopted by the California integrated Waste Management Board on September 21, 2005, and project consistency with this new Siting Element.

Section 4.5, Traffic and Circulation: The traffic section of the 2003 Draft EIR has been updated including a new 2006 traffic study that has been completed, and to discuss traffic information contained in the County's 2003 Tribal Traffic Study.

Section 4.6, Noise and Vibration: The noise section of the 2003 Draft EIR has been updated to reflect new traffic and noise studies completed in 2006.

Section 4.9, Biological Resources: This section has been updated to reevaluate impacts of the project to upland habitat for the arroyo southwestern toad, to reanalyze project impacts to vegetation communities, to reanalyze traffic noise impacts on sensitive habitat, to revise mitigation measures for biologic impacts to comply with Section SR of Proposition C, and to reflect mitigation measures recommended in a new 2006 biological technical report.

Sections 4.11 and 4.12, **Archaeological and Cultural Resources and Ethno History and Native American Interests:** The sections on archaeological and cultural resources (Section 4.11) and ethno history and Native American interests (Section 4.12) have been revised to include a discussion of project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places.

Section 4.15 Public Services and Utilities: The water services and facilities section (4.15.3) has been revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water

Chapter 10, Project Design Features and Mitigation Monitoring and Reporting Program: Chapter 10 has been revised and updated to reflect changes in project design features and mitigation measures.

Chapter 11, Unavoidable Significant Adverse Impacts: Chapter 11 has been revised and updated to address additional significant unmitigable impacts.
The following sections have not been revised: Chapter 2 (Project Need, History, and Objectives), 4.2 (Geology and Soils), 4.3 (Hydrogeology), 4.4 (Surface Hydrology), 4.7 (Air Quality and Air Toxics Health Risk), 4.8 (Agricultural Resources), 4.10 (Paleontological Resources), 4.13 (Aesthetics), 4.14 (Socioeconomics), 4-16 (Human Health and Safety), Chapter 5 (cumulative Impacts), Chapter 6 (Alternatives), Chapter 7 (Significant Irreversible Environmental Impacts), Chapter 8 (Growth Inducing Impacts), Chapter 9 (Effects Not Found to be Significant). 006-1 cont'd

BOARD COMMENTS
The scope of Board staff comments submitted during the public comment period on the Revised Partial Draft EIR will be limited to the above sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). However, staff request that previous CIWMB staff comment letters of July 10 and February 22, 2000 and March 12, 1999 received by the lead agency during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated are incorporated by reference. 006-2

1.0 Introduction
Page 1-2 Section 1.1.1 states that LEA approved the liner system. It should be noted that the Regional Water Quality Control Board (RWQCB) is the lead agency for review and approval of liner systems for solid waste landfills. The RWQCB must approve the liner prior to its construction. What is the status of the RWQCB review relative to the change in the liner design to the double composite liner? 006-3

3.0 Project Description
Please note that any structures associated with water handling activities will need to be able to monitored for the possible infiltration of landfill gas into the structure per Title 27 CCR Section 20931 - Structure Monitoring (T14: Section 17783.7) which states in part:
(a) To ensure that the requirements of section 20923(a)(1) are met, the monitoring network design shall include provisions for monitoring on site structures, including but not limited to buildings, subsurface vaults, utilities or any other areas where potential gas buildup would be of concern. The proposal shall address on site structures, both adjacent to and on top of the waste deposit area. 006-4

Please clarify the statement on page 3-4 that an application to obtain Waste Discharge Requirements (WDR) will be submitted concurrently with the Notice of Intent (NOI) for industrial activities. It is not clear in the document if it has it been determined that the new information contained this PRDEIR would require a new WDR application to the RWQCB. Please clarify if a new WDR application is required. 006-5

4.5 Traffic and Circulation
Section 4.5.3.3, Cumulative Analysis, page 4.5-21, indicates that the County Board of Supervisors has approved a General Plan Amendment allowing submittal of a tentative map application for the proposed Warner Ranch development, located to the North of SR 76 by 1 mile east of the landfill project access road. The PRDEIR should include traffic impacts resulting from the Warner Ranch Development in the cumulative traffic analysis. 006-6

Section 4.5.5, Mitigation Measures and Project Design Features, page 4.5-37, MM4.5-2. Once 95% of the maximum daily traffic limit is reached, the landfill operator will immediately notify commercial waste haulers to curtail waste deliveries, pursuant to contract arrangements. However, the landfill operator may not refuse acceptance of any waste collection vehicle that was traveling on SR 76 east of I-15 at the time notice was given. How will the operator notify waste haulers to curtail waste deliveries? When the operator notifies the waste hauler to curtail waste deliveries, how will the operator determine the exact location of the waste hauler's trucks to determine that they were indeed on SR 76 when they were noticed? 006-7

Section 4.5.5, page 4.5-38, Table 1 shows the daily project traffic hourly restrictions listed in MM4.5-3.

Table 1. Project Traffic Hourly Restrictions

Time	Total Trips
2-3 PM	215 PCE or 72 trucks
3-4 PM	111 PCE or 37 trips
4-5 PM	111 PCE or 37 trips

006-8

Once 75% of the peak hourly restriction is reached, the LF operator will immediately notify commercial waste haulers to curtail waste deliveries, pursuant to contract arrangements. However, the landfill operator may not refuse acceptance of any waste collection vehicle that was traveling on SR 76 east of I-15 at the time notice was given. The document should identify what other disposal facilities are in the vicinity. How will the operator notify waste haulers to curtail waste deliveries? When the LF operator notifies commercial waste haulers to curtail waste deliveries, how will the operator know if these facilities have capacity?

In addition, when the operator notifies the waste hauler to curtail waste deliveries, how will the operator determine the exact location of the waste hauler to determine that they were indeed on SR 76 when they were noticed?

4.6 Noise and Vibration

This section states there are no additional impacts/mitigations however Chapter 11, page 11-2 states that a mitigation measure has been provided that requires the applicant contribute a fair share contribution for the construction of a sound wall if Caltrans determines that such a wall is feasible to install in the right-of-way for the future widening of SR 76. This mitigation is not listed in Chapter 10 Project Design Features, Mitigation Monitoring and Reporting Program, and Secondary Impacts, Table 10-1. 006-9

Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, page 16 states the applicant communicated with William Pankey, a resident near SR 76, regarding installation of a sound wall to mitigate noise levels. This conversation took place in 2000. At that time, Mr. Pankey objected to the sound wall, therefore the mitigation measure was not considered feasible. What measures, if any, has the applicant taken since 2000, to determine if Mr. Pankey continues to object to the sound wall? Further, it does not seem reasonable that the objection of one person or one property owner could force the elimination of a mitigation measure necessary to reduce the noise impacts of increase traffic on SR 76, and thus lessen the environmental impact of the project. 006-10

4.9 Biological Resources

General Comments

It is anticipated that recycled water usage for the project will be about 205,000 gallons per day (GPD) [worst-case scenario, page 4.15-14.] The recycled water will be trucked to the project site from Olivehain's Santa Fe Valley Reservoir and Pump Station site. Section 4.9 should contain an analysis of the impacts on all biological resources arising from the use of recycled water. 006-11

The discussion of mitigation acreage is complicated and hard to follow. The inclusion of an Exhibit and accompanying Table that clearly identifies where the 1313 acres dedicated to open space, with an overlay of the mitigation acreage would be helpful. These would help definitively identify the affected acreage and location of the mitigation acreage. At a minimum Exhibit 4.9-6, page 4.9-16, Conceptual Mitigation Areas should include the 1313 acres dedicated to open space, specific onsite mitigation acreage identified for both vegetation and animal species and the landfill footprint. 006-12

Note that Table 4.9-8 on page 4.9-15 includes the 0.2 acres of southern willow scrub but does not include the 0.3 acres of disturbed southern willow scrub. This should be corrected. 006-13

Section 4.9.3.7, Supplemental Analysis of Impacts to Vegetation Communities, page 4.9-15, Table 4.9-8 lists a total vegetation mitigation acreage requirement of 542.0 acres. The statement on page 4.9-17 indicates that 155.5 acres is available for habitat creation on site. Page 4.9-18 indicates that 134.2 mitigation acres would be created on site and 407.8 acres would be offsite. Table 2, below lists the vegetative acreage, by type, identified for onsite mitigation. The acreage is a summary of MMs 4.9-1a through MM 4.9-1g.

Table 2. Vegetative Onsite Mitigation Acreage

Mitigation Acreage Identified Onsite	**Vegetation Type**
63.6	Coastal Sage Scrub/Chaparral Disturbed Coastal Sage Scrub
67.8	Coast Live Oak Woodland (includes 3:1 replacement of 25 Engelmann oaks)
2.0	Southern Willow Scrub/Disturbed Southern Willow Scrub
0.8	Cotton Willow Riparian Forrest
134.2	Total

006-14

Page 2.2, Appendix B, Biological Technical Report states that the total acreage available on site for creation of vegetation communities is 159.1 acres. The information in the Technical report conflicts with the information in the RPDEIR. Please account for the 88 acres of arroyo toad habitat and the 17.1 acres of vireo and flycatcher habitat.

Pages 4.9-23/24 state that the applicant will create or ehance131.4 acres of upland areas and 81.2 acres of riparian areas within the portion of the San Luis Rey River corridor onsite to improve the San Luis Rey River watershed. How does this acreage related to the 134.2 acres in Table 1 ("Vegetative onsite Mitigation Acreage") above? 006-15

Section 4.9.4, Mitigation Measures and Project Design Features, page 4.9.25, MM 4.9-19b (Mitigation is for impacts to coastal sage scrub) is not listed in Chapter 10 Project Design Features, Mitigation Monitoring and Reporting Program, and Secondary Impacts, Table 10-1. 006-16

4.12 Ethnohistory and Native American Interests

Section 4.12.3.6, Impacts on Gregory Mountain and Medicine Rock as Historic Resources, page 4.12-3 and MM4.12-2a, 2b, discusses additional water usage. In order to minimize project dust and visual impacts on Medicine Rock and Gregory Mountain, the applicant will 1) apply water on access roads, storage piles, and cleared areas every three hours during high wind periods and 2) install landscaping between the landfill operations and Medicine Rock to create a dust screen. Please clarify if this additional water is included in the estimated water usage of 205,000 GPD provided by Herzog Environmental. 006-17

4.15 Public Services and Utilities

Section 4.15.3.6, Sources and Availability of Water Supply for Project, page 4.15-9, states "The principal source of water for the project would be recycled water purchased from the Olivehain Municipal Water District (Olivehain)." This is disinfected tertiary recycled water. The recycled water is generated from Olivehain's own wastewater treatment plant and recycled water system. Gregory Canyon Ltd. entered into a contract with Olivehain to provide the project with up to 230 acre-feet per year (AFY) of recycled water for 60 years. 006-18

The introduction to this section indicates that a new analysis of water supply for the project completed by Geologic Associates is Appendix C. Appendix C, page 16, indicates that percolating water will be used for landscape irrigation, however if the percolating water supply is limited some areas of the site may receive recycled water. Is it the applicant's intension to use recycled water to establish new vegetation/ plant species habitat? What studies have been done to show the effect of recycled water on native/sensitive plant vegetation and sensitive plant species that justifies the use of recycled water for the mitigation acreage? Appendix C and the RPEIR should address this question. 006-18 Cont'd

4.15.3.4 Project Water Demand. Please explain why water is dedicated to fire protection during the operation phase of the project but there is no indication that water is dedicated to fire protection during the construction phase (page 4.15-7.) There is a need to demonstrate fire protection during the construction phase, in that construction activities would have a number of potential fire ignition sources that could be a fire threat to on site and surrounding vegetated areas. 006-19

4.15.3.10 Potential Impacts, page 4.15-15. The document states that approximately four to five 2,300 gallon water trucks would be used to transport recycled water from Olivehain's Pump Station site to the project site. Page 4.15-15 also states that 89 one-way and 187 two-way daily truck trips to the site for recycled water will be needed during peak demand. Please clarify if the four to five trucks identified above will make all water trips. 006-20

SUMMARY

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Revised Partial Draft Environmental Impact Report, and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project. 006-21

Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to PRC § 21092.5(a). Board staff requests two weeks notice prior to certification of the Final EIR for this project. If you have any questions regarding these comments, please contact me at 916.341.6337 or shambleton@ciwmb.ca.gov.

Sincerely,

Suzanne Hambleton, Supervisor
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

cc: Tadese Gebrewarhariat
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

Raymond Seamans
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

LETTER NO. 006

California Integrated Waste Management Board
Suzanne Hambleton, Supervisor
1001 I Street, P.O. Box 4025
Sacramento, CA 95814-4025

RESPONSE 006-1

This comment states the agency's mandate relative to the project and summarizes the history and content of the Revised Partial Draft EIR. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

RESPONSE 006-2

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment refers to previous comment letters submitted by the CIWMB on the EIR. Please see Response to Comment Nos. D.001 through D.046 and 6U.001 through 6U.002 for responses to the CIWMB February 22, 2000 and July 10, 2000 letters, respectively.

RESPONSE 006-3

The comment is acknowledged. The liner system must be approved by the Regional Water Quality Control Board (RWQCB). Table 3-6 of the 2003 Draft EIR provides a summary of permits required for the project. The liner design was reviewed by RWQCB in 2004, and the application for WDR's including the current liner design was deemed complete and correct on March 1, 2005.

RESPONSE 006-4

The comment is acknowledged. The project will be required to comply with all applicable regulations regarding on site monitoring. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

RESPONSE 006-5

The liner design was reviewed by RWQCB in 2004, and the application for WDR's including the current liner design was deemed complete and correct on March 1, 2005. The liner design depicted in Exhibit 3-8b of the Revised Partial Draft EIR is identical to that provided in the application submitted to the RWQCB for Waste Discharge Requirements. County DEH staff does not believe that anything in the Revised Partial Draft EIR will require submittal of a new application to the RWQCB. However, County DEH staff also notes that this decision and any necessary follow up action is ultimately the responsibility of the project.

RESPONSE 006-6

The 2006 Traffic Study, which is summarized in Section 4.5 and provided in Appendix A of the Revised Partial Draft EIR, includes a long-term cumulative analysis using the County's proposed General Plan buildout alternative with proposed land use densities. The Warner Ranch development is included in the County's General Plan buildout. Therefore, the long-term cumulative analysis contained in Section 4.5, of the Revised Partial Draft EIR includes the Warner Ranch development as well as other future land use developments as currently proposed in the County's General Plan alternative.

RESPONSE 006-7

Mitigation Measure MM 4.5-2 is based on County DEH staff experience with its oversight of the Otay Landfill, which at times approaches its available daily disposal capacity. A similar program is in place at Otay Landfill to ensure that the facility does not exceed the daily trip cap. All of the haul trucks have contact with their company either via a 2-way radio or a cell phone. This is standard procedure in order for the truck operators to report accidents, problems with trash collection, road blockage, etc. In terms of implementation of MM 4.5-2, once 95 percent of the maximum daily traffic limit is reached, the landfill operator will immediately notify commercial waste haulers. In addition, waste contracts will contain the restrictions with which the company and its haulers need to comply in accordance with MM 4.5-3. Therefore, contact would be made with the contracted companies who would then in turn contact the drivers. The location of the divers will be disclosed and trucks will be rerouted to other landfills in the area, as appropriate. In terms of knowing the location of the haul truck, given that the distance between the site and I-15 is approximately three miles, and the average travel speed on SR 76 is known to be approximately 37 miles per hour, it will be straightforward to calculate the location of the truck based on its arrival at the site for purposes of determining which trucks were on SR 76 at the time the notice was given.

RESPONSE 006-8

Mitigation Measure MM 4.5-3 provides hourly restrictions that will be imposed until SR 76 is widened to four lanes. As indicated in Response to Comment No. 006-7, waste contracts will contain the restrictions with which the company and its haulers need to comply in accordance with MM 4.5-3. In terms of implementation of MM 4.5-3, once 75 percent of the maximum hourly traffic restriction is reached, the landfill operator will immediately notify commercial waste haulers. Contact would be made with the contracted companies via phone who would in turn contact the drivers. The trucks will be rerouted as appropriate. In terms of alternative facilities, under the waste supply contracts it would be up to the company to determine to what other facility to send their truck. Other facilities in San Diego County include Otay Landfill, Sycamore Canyon, and Miramar Landfill and a number of transfer stations. Waste hauling companies are certainly aware of the existence and location of these other options. The mitigation measure is based on County DEH staff experience with its oversight of the Otay Landfill, which has a similar program in place to ensure that the facility does not exceed the daily trip cap. In terms of knowing the location of the haul

trucks, given that the distance between the site and I-15 is approximately three miles, and the average travel speed on SR 76 is known to be approximately 37 miles per hour, it will be straightforward to calculate the location of the truck based on its arrival at the site for purposes of determining which trucks were on SR 76 at the time the notice was given.

RESPONSE 006-9

As indicated in Section 4.6, Noise and Vibration, of the Revised Partial Draft EIR, the document contains an analysis of potential noise impacts associated with the hauling of recycled water. As indicated in Section 4.6.3.2 and Section 4.6.5, the project would result in project-related and cumulative traffic noise impacts to residences along Camino del Sur, Camino del Norte and I-15, which constitutes a portion of the haul route for recycled water trucks between the Reservoir Site and the landfill site. This information is also provided in Chapter 11. With regard to mitigation measures, the sound wall referred to in Chapter 11 is MM 4.6-4 which is contained in the 2003 Draft EIR. There was no change made to the mitigation measure. As indicated on page 10-5, Table 10-1 contains mitigation measures that have been revised or added as a result of the analyses contained in the Revised Partial Draft EIR. As there was no change to MM 4.6-4, the measure is not included in Table 10-1 of the Revised Partial Draft EIR.

RESPONSE 006-10

As indicated in Section 4.6, Noise and Vibration, of the Revised Partial Draft EIR, the conclusions regarding project traffic noise impacts are consistent with conclusions reached in the 2003 Draft EIR. The property owner was again contacted in February 2007, and again objected to the installation of a sound wall. However, a mitigation measure was included in the 2003 Draft EIR to address the issue regarding the installation of a sound wall. MM 4.6-4 requires that, unless determined infeasible by Caltrans, the project applicant shall provide a fair share contribution for the cost to install a sound wall in the right-of-way along SR 76 to reduce noise levels from cumulative traffic at the existing residences. Such a wall would also serve to reduce project traffic noise impacts.

RESPONSE 006-11

Section 4.15 of the Revised Partial Draft EIR identifies sources capable of meeting all water supply needs for the entire life of the project, analyzes the environmental impacts from using those sources, and includes mitigation measures or project design features to mitigate any potential impacts to less than significant. County DEH staff also concludes, based on the analysis contained in the 2003 Draft EIR, the Revised Partial Draft EIR, comments on the Revised Partial Draft EIR, and the responses to those comments, that the likelihood that the project will be able to utilize the identified sources is substantial. This is because the project has a valid and binding agreement with the Olivenhain Municipal Water District (OMWD) for delivery of sufficient recycled water to meet all project water requirements for 60 years. Use of OMWD recycled water would require a waiver,

followed by an amendment to OMWD's Master Reclamation Permit from the Regional Water Quality Control Board, which can only occur after certification of the EIR.

Section 4.15 of the Revised Partial Draft EIR includes an assessment of the potential impacts from the use of recycled water. No significant environmental impacts, including consideration of water quality and biological resources among others, were determined to result from use of recycled water at the landfill site. Recycled water is routinely used for purposes of irrigation and dust control in San Diego County, other portions of Southern California, and elsewhere in the United States. The San Diego County Water Authority lists currently approved uses of OMWD recycled water as landscape, environmental, and pasture irrigation. Table 4.15-4 of the Revised Partial Draft EIR shows that water quality from OMWD recycled water is very similar to the RWQCB's Pala Basin water quality objectives. TDS and percent sodium are slightly higher that the corresponding WQO, but in general the quality of OMWD recycled water is higher than the WQO, especially with respect to certain key constituents (such as 214.75 mg/L for sulfates in the recycled water as compared to 500 mg/L for sulfates in the Pala Basin WQO). Use of recycled water from OMWD also comply with its Rules and Regulations Governing the Use of Recycled Water effective June 9, 2003, which will further ensure that adverse impacts on the environment will not occur. The recycled water must also comply with applicable standards in Title 22 of the California Code of Regulations.

County DEH staff has analyzed the criteria and standards developed by the Regional Water Quality Board in approving the use of recycled water. In general, water quality standards for recycled water are based on the WQO for the area receiving the recycled water. For instance, in tentative Waste Discharge Requirements (WDR's) prepared for the Fallbrook Public Utilities District (FPUD) in 2006, the 12-month average effluent concentration was established at some percentage less than the WQO's for the Mission and Bonsall Basins, and the daily maximum effluent concentration was established at some percentage greater than the WQO. This assures that the use of recycled water would not adversely impact groundwater and beneficial uses of the groundwater, including irrigation. These tentative WDR's are available on the RWQCB website.

Because 12-month average TDS concentrations in OMWD recycled water slightly exceed the WQO for TDS in the Pala Basin, the County conducted an analysis using the same criteria used for the FPUD tentative WDR's to anticipate the TDS standard that would be included in the OMWD Master Reclamation Permit, and the ability of the project to meet that standard. In the tentative WDR's for FPUD, the TDS standards were 95 percent of the applicable WQO's for the 12-month average effluent concentration and 108 percent of the WQO's for the daily maximum effluent concentration. Using the same criteria and applying them to the Pala Basin WQO for TDS (900 mg/L), the 12-month average effluent concentration for TDS would be 855 mg/L, and the daily maximum effluent concentration would be 972 mg/L.

OMWD tertiary treatment plant effluent may be blended with imported water prior to delivery to the project, which would reduce contaminant concentrations. In addition, as described in Chapter 3 of the 2003 Draft EIR, the project includes installation of a reverse osmosis (RO) water treatment plant with a capacity of 50 gpm. The RO water treatment plant could treat up to 72,000 gallons of recycled water each day. Based on technical literature, the removal efficiency of a RO treatment plant for compounds such as TDS and other inorganic compounds would be approximately 98 percent. That means that the RO treatment plant is capable of producing up to 72,000 gallons per day of RO-treated recycled water with TDS concentrations of approximately 18 mg/L.

This provides substantially more than enough RO-treated recycled water to blend with the up to 205,000 gallons of recycled water received from OMWD, prior to application on the landfill site, to meet anticipated standards. The County believes that the project is readily capable, considering both potential blending at OMWD and the use of the already planned RO water treatment facility, of meeting anticipated water quality standards that may be included in the revised OMWD Master Reclamation Permit. County DEH staff also notes that the percent sodium in OMWD recycled water slightly exceeds the Pala Basin WQO, but the above analysis is equally applicable to this constituent as it would be removed by the RO water treatment plant. For additional information related to the anticipated standards and the RO water treatment plant, please refer to the technical memorandum prepared by GeoLogic Associates, which is included as Appendix C of the Revised Final EIR.

In addition, the Revised Partial Draft EIR provides a project design feature that use of on-site percolating groundwater will be prioritized and used first for, among other things, biological mitigation. This means that the large majority if not all of the recycled water will be used on the landfill footprint, where the recycled water would be completely contained by the liner system and subdrain, and there would be no impact on biological resources.

In the end, the project would be using either percolating groundwater currently existing in the fractured bedrock formation underneath the landfill site or recycled water meeting standards mandated by RWQCB. As a result no degradation of surface water or ground water is anticipated, and no significant impacts to biological resources are anticipated.

The use of recycled water would not result in the addition of truck trips beyond the 675 per day analyzed in the 2003 Draft EIR. As a result, there would be no change in impacts to biological resources on the landfill site from those analyzed in the 2003 Draft EIR. Indirect noise impacts to biological resources along SR 76 between I-15 and the landfill access road were reanalyzed to reflect information in the 2006 Traffic Study, contained in Appendix A of the Revised Partial Draft EIR. The updated traffic noise analysis resulted in an increase in mitigation acreage for least Bell's vireo and southwestern willow flycatcher, based on a change in the 60 dBA Leq noise contour. The only other potential new impact on biological resources would be from construction of the recycled

water loading station at the Reservoir Site, but the construction would at the Reservoir Site occur on already developed land, and any potential noise impacts to biological resources would be mitigated to a level of less than significant (see MM 4.9-20 in the Revised Final EIR).

OMWD prepared a Mitigated Negative Declaration (MND) in connection with the proposed construction of a recycled water pump station and pipelines on November 4, 2004. The recycled water pumping station identified in that MND is in the same general location as the recycled water loading facilities proposed as part of this project. The MND analyzed potential impacts to biological resources, and noted a potential impact from construction noise. However, this potential impact was mitigated to a less than significant level by limiting construction during the coastal California gnatcatcher breeding season, unless noise shielding is provided if gnatcatchers were observed within 500 feet of the site. The mitigation measure for the currently proposed project has been revised to include this previously identified mitigation measure as MM 4.9-20 in the Revised Final EIR. A copy of the MND is included in Appendix K in the Revised Final EIR.

RESPONSE 006-12

The areas of open space and mitigation have been addressed in both the 2003 Draft EIR and the Revised Partial Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The 1,313 areas of open space could not be included in Exhibit 4.9-6 of the Revised Partial Draft EIR, which depicted conceptual mitigation areas, because of the Court's order regarding Section 5.R of Proposition C.

RESPONSE 006-13

Table 4.9-8 on page 4.9-15 of the Revised Partial Draft EIR does include impacts on 0.3 acres of disturbed southern willow scrub. Please see the twelfth line for disturbed southern willow scrub, two lines below southern willow scrub. Based on an additional analysis of vegetation impacts, the impact to disturbed southern willow scrub has been increased to 0.4 acres in Table 4.9-8 of the Revised Final EIR.

RESPONSE 006-14

County DEH staff does not concur with the comment. The Revised Partial Draft EIR states: "…could be accomplished through mitigation of 134.2 acres on site and 407.8 acres off site…". This comment changes the meaning of the Revised Partial Draft EIR by replacing "could" with "would." When the Revised Partial Draft EIR is properly read in sequence and in context, there are no discrepancies. All potential on-site mitigation areas are accounted for in the 2003 Draft EIR and the Revised Partial Draft EIR as stated therein. Based on an additional analysis of vegetation impacts, the amount of on-site mitigation has been increased to 135.4 acres in the Revised Final EIR.

RESPONSE 006-15

The 131.4 acres of upland area available for creation of habitat is contained within the 134.5 acres shown on Exhibit 4.9-6 as available for creation of coast live oak woodland and coastal sage scrub and/or riparian/upland transition after excluding the area within the existing aqueduct pipelines easement plus potential future Pipeline 6. The 81.2 acres of riparian areas include 50 acres within the San Luis Rey River floodway riparian zone, 7.1 acres of enhancement within existing mixed southern willow scrub/mulefat scrub communities, and 24.1 acres of habitat creation areas for southern willow scrub, mule fat scrub, or riparian forest after excluding areas within the pipeline easement (see Exhibit 4.9-6 and Appendix B of the Revised Partial Draft EIR).

RESPONSE 006-16

Mitigation Measure 4.9-19b relates to the First San Diego Aqueduct Relocation Option. The potential relocation of the aqueduct was analyzed as an option since a determination has not been made as to whether or not the relocation would occur as part of the project. Table 10-1 provides a summary of the revised mitigation measures for the project. Therefore, since the project does not necessarily include the relocation option, MM 4.9-19b is not included in Table 10-1. However, Table 10-2 provides a summary of the mitigation measures associated with the First San Diego Aqueduct Relocation Option. MM 4.9-19b is correctly included in Table 10-2.

RESPONSE 006-17

The use of water to reduce dust during high wind periods is included in the projected water demand for the project. The statement included in the Revised Partial Draft EIR, which refers to mitigation measures contained in the 2003 Draft EIR, does not result in a change in the projected water demand for the project.

RESPONSE 006-18

The Revised Partial Draft EIR provides a project design feature that indicates the use of on-site percolating groundwater will be prioritized and used first for, among other things, biological mitigation. The use of recycled water for purposes of habitat creation and habitat enhancement is expected to be limited. Please see Response to Comment No. 006-11 for a discussion regarding water quality impacts on biological resources. Based upon the analysis presented in Response to Comment No. 006-11 and Appendix C of the Revised Final EIR, it is anticipated that any recycled water that might be used in implementing the Habitat Enhancement Plan would be of similar quality to the existing groundwater underlying those areas. As a result, use of recycled water would not have a significant impact on the viability of the Habitat Enhancement Plan.

RESPONSE 006-19

Water is needed for fire protection during both construction and operation of the project. Section 4.15.3.4 provides a discussion of the water demand for the project during project

construction and operation. As the comment indicates, fire could occur during construction. Water would be available for fire protection during initial construction, operation, and operation and periodic construction. Water demand on the site would be greatest when landfill operation occurs simultaneously with periodic construction.

RESPONSE 006-20

As indicated in Section 4.15, it is estimated that four to five 2,300 gallon water trucks would be used to transport the recycled water from the Reservoir Site to the landfill site. Based on the peak daily project water demand of 205,000 gallons, 89 one-way trips or 178 two-way truck trips would result. The four to five trucks reflects the estimate of the number of actual trucks that would be used to carry the water between the two locations. If additional trucks were necessary, they would be added. However, the total number of truck trips would not change. The traffic analysis is based on the worst case scenario of 89 one-way trips or 178 two-way truck trips. Using the PCE factor of 1.5, this would result in 267 daily PCE trips.

RESPONSE 006-21

County DEH staff acknowledges the comment. In accordance with CEQA Guidelines Section 15088(b), DEH as the lead agency will provide written proposed responses to all public agencies on comments made by each agency at least 10 days prior to certifying the EIR. DEH will provide prior notification of the anticipated date of the decision by the Director of DEH as requested in this comment.

Linda S. Adams
Secretary for Environmental Protection

California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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(858) 467-2952 • Fax (858) 571-6972
http:// www.waterboards.ca.gov/sandiego

Letter 007

August 23, 2006

In reply refer to:
LDU:File 06-0024:ctamaki

Ms. Kerry McNeill, Supervisor
Solid Waste Local Enforcement Agency
County of San Diego, Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Dear Ms. McNeill:

SUBJECT: REGIONAL BOARD COMMENTS ON REVISED PARTIAL DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PROPOSED GREGORY CANYON LANDFILL

This letter transmits comments from the California Regional Water Quality Control Board San Diego Region (Regional Board) on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the Proposed Gregory Canyon Landfill.

GENERAL COMMENTS

007-1

1. Water Rights. On July 14, 2006, the State Water Resources Control Board (SWRCB) issued an Order cancelling an application (Application 30038 filed on November 11, 1991) for water rights to divert 0.19 cubic feet per second with an annual limit of 137.5 acre-feet, for industrial purposes from the San Luis Rey River Subterranean Stream. From the information presented in the FPDEIR:

   a. It is not clear that the applicant (Gregory Canyon Limited or "GCL") has acquired the necessary rights to produce groundwater from the proposed area(s) of the site, and

   b. What restrictions may exist on the transfer/use of water produced, from various parcels of the project area, associated with water rights.

   It is the understanding of the Regional Board that that the applicant did not respond to previous attempts by the SWRCB to clarify issues associated with their water right application for diversion of water from the San Luis Rey Subterranean Stream, and the applicant has not submitted a statement of water diversion and use to the SWRCB in order to renew the permit to divert water from the San Luis Rey subterranean stream.

On August 14, 2006, the Regional Board received a hard-copy of their petition to the SWRCB for reconsideration of the Order cancelling Water Rights Application 30038. The Regional Board encourages the applicant to obtain a determination from the SWRCB on the water rights that may be necessary for proposed pumping of groundwater from wells GLA-3, GMW-1, GLA-10 for the proposed project. 007-1 Cont'd

COMMENTS ON GROUNDWATER ISSUES/IMPACTS

1. Section 3.2.4

Comment: On page 3-1 in paragraph 2, the siting description for the proposed project should also indicate that the current configuration shall be excavated no deeper than five feet above the highest anticipated groundwater elevation as indicated in the text of the Water Supply Report (APPENDIX C, page 10, paragraph 1). This is consistent with the information provided to the Regional Board in the Joint Technical Document (available on the Regional Board web page at http://www.waterboards.ca.gov/sandiego/units/ldu/Canyon%20Project/gregory_canyon_landfill.html) for the proposed Gregory Canyon Landfill. 007-2

2. Section 3.2.4.

On page 3-4 in paragraph 1, the added text states that *"A 50 million gallon per minute (gpm) reverse osmosis (RO) system will be installed in the southwestern portion of the ancillary facilities area as stipulated in an agreement with the San Luis Rey Municipal Water District and the applicant (Appendix C)."* 007-3

Comment: This statement should be checked and revised as necessary. Based upon the information provided to the Regional Board in the Joint Technical Document (JTD available on web site referenced above), our impression is that the proposed RO system will have a capacity of 50 gpm.

3. Section 4.15.3.3.

On page 4.15-7, paragraph 2, the text states that there are *"... 11 bedrock monitoring wells located on the north side of the landfill including wells GLA-2, GLA-3, GLA-12, GLA-13, GLA-A through GLA-G, and GMW-1."* 007-4

Comment: The Joint Technical Document (see JTD Appendix C, Attachment 1 –Boring Logs and Well Construction logs) provided to the Regional Board contains information about the lithologic units penetrated by the wells cited in the text. The information on the JTD can be obtained from the Regional Board's web page at

http://www.waterboards.ca.gov/sandiego/units/ldu/Canyon%20Project/gregory_canyon_landfill.html.
The cross-section (JTD Appendix C-1, Plate 2) indicates that there are significant thickness of sedimentary layers (labeled as Q_{UN} and Q_A that includes surficial deposits, colluvium, residual soils, and alluvium) at locations depicted for wells GLA-3, GMW-1, GLA-10, GLA-C, GLA-B, and GLA-G. 007-4 Cont'd

Wells GLA-3, GMW-1, GLA-10, as identified above and illustrated on Appendix C-1, Plate 2, appear to be located in proximity to well screens located below an alluvium unit that may be contiguous with the alluvial aquifer of the San Luis River floodplain (labeled as Q_A on JTD Appendix C-1, Plate 2). The cross-section (Plate 2) indicates that the top of the *"producing zones"* may occur between 10 and 28 feet directly below the base of the alluvial unit (labeled as Q_A on JTD Appendix C-1, Plate 2). It is not clear if water produced/pumped from those wells (*i.e.,* GLA-3, GMW-1, GLA-10) is derived from the underflow (water from Q_A) of the San Luis Rey, which may be classified as a subterranean stream flow by the SWRCB. The applicant should obtain a determination from the SWRCB on whether pumping water from wells GLA-3, GMW-1, GLA-10 requires that the applicant comply submit a Statement of Water Diversion and Use (in compliance with Water Code §5100 *et seq.*) for water diversion and use from the San Luis Rey River. The applicant should provide the County and the Regional Board with a hard-copy of the SWRCB's determination on this issue. Also see General Comment No. 1 above.

The RPDEIR does not explain how the wells specified in the text [**GLA-3** - proposed water level measuring well, **GMW-1**, **GLA-10** - proposed water level measuring well, **GLA-C**, **GLA-B**, and **GLA-G**] will simultaneously serve functions as both water supply wells and groundwater monitoring wells (as proposed in the Monitoring and Reporting Plan: Appendix G, page 20 and the discussion in the Joint Technical Document: http://www.waterboards.ca.gov/sandiego/units/ldu/Canyon%20Project/gregory_canyon_landfill.html) for the proposed Unit. The RPDEIR should be revised to explain how this will be effectively accomplished. 007-5

4. Section 4.15.3.10.

On page 4.15-22 in paragraph 4, the text indicates that the safe yield evaluation (43.55 acre feet per year) assumes that the *"... base and area surrounding Gregory Canyon is approximately 415 acres..."* and an average rainfall of 25 inches per year. 007-6

Comments: The text should be revised to clarify what area/features are included in the "base and area" used in the subsequent analysis.

The average rainfall cited in the text seems to be an optimistic. Using the data provided by the San Diego County Water Authority (for Lake Henshaw at

http://www.sdcwa.org/manage/rainfall-henshaw.phtml) the Regional Board calculated the following statistics on average rainfall: average calculated as 27 inches per year, with a standard deviation of 12 inches (range would be from15 to 40 inches), and a median value of 23 inches of rain per year. From our review of that data, it appears that the expected local rainfall may actually be well below the average 25 inches stated in the text. 007-6 Cont'd

Given the Pala Basin is a groundwater dependent community. It is not clear from the discussion in the RPDEIR how or if the analysis of *"safe yield"* took into account for other existing and future domestic water supply demands on the bedrock aquifer. The analysis should be enhanced to include this information. 007-7

There seems to be a discrepancy in the assumed/estimated annual rainfall (see discussion in Regional Board Ground Water Comment No. 5 below). If the anticipated rainfall is much less than assumed in the text, will the anticipated water production for landfill construction and operations adversely affect local water levels, and the water supplies required by other local water users/wells located in proximity to the proposed landfill? 007-8

5. Section 4.15.3.10.

On page 4.15-29 in paragraph 4, the text asserts that: *"Statistical data maintained by the County of San Diego indicates that approximately 45 inches of surficial water evaporates in San Diego County. This evaporation data indicates that 30% of the 193 acre-feet of recycled water used during peak project construction and operation or about 58 AFY would evaporate on the surface. During normal years, 865 acre-feet of rainwater is expected to fall on the project site each year."* This information is repeated again in the text of the RPDEIR Water Supply Report (see APPENDIX C, page 15, paragraph 3). 007-9

Comment: If the "project site" is defined as 1770 acres, then at an estimated rainfall producing 865 acre-ft/year results from a calculated rainfall of 0.49 ft or 5.9 inches (calculated as 865 acre-ft of rainwater / 1770 acres of area). This estimated annual rainfall appears to be substantially lower than the estimated annual rainfall of *"25 inches"* used to develop the estimated safe yield described elsewhere in the RPDEIR [see RPDEIR text page 4.15-22) and Appendix C Water Supply Report (see text discussion on page 2 of Appendix A)]. The RPDEIR does not provide a rationale or reason for this apparent discrepancy.

6. Section 4.3 Hydrogeology. 007-10

The first bullet indicates: "*A double composite liner system with an additional drainage layer and an additional HDPE membrane and a leachate collection system will be installed and monitored as required by the RWQCB.*" 007-10 Cont'd

Comment: The text of the RPDEIR is not clear about the design features of the proposed double composite liner system. The text of the RPDEIR should be expanded to provide the reader with a complete understanding of the proposed double composite liner system and a figure to illustrate all of the components should be added to clarify the text discussion.

The last bullet indicates: "*... Subdrain drainage system water will be reused on-site or may be discharged to the San Luis Rey River only after tests determine that the water is not contaminated in accordance with the NPDES permit.*" 007-11

Comment: The text of the RPDEIR reads as if the applicant has already received an NPDES permit from the Regional Board for discharges of subdrain effluents to the San Luis Rey River. To the knowledge of the Regional Board staff, the applicant has neither applied for nor received an NPDES permit for discharge of the subdrain system effluents into the San Luis Rey River. Please revise the text as necessary to clarify the actual situation.

APPENDIX C: WATER SUPPLY REPORT

7. Well GLA-3 Aquifer Test Data Evaluation Gregory Canyon. 007-12

The Water Supply Report concludes (see text discussion in Appendix A to Water Supply Report) that: *"The basin area surrounding Gregory Canyon is approximately 415 acres. Assuming that infiltration and aquifer recharge are approximately 5% of the approximately 25 inches of rain fall on average each year at the site, the safe yield near GLA-3 is calculated to be about 14.1 million gallons per year, or about 27 gpm."* The text also notes that the terrain in Gregory Canyon may contribute to actual recharge rates being less than the assumed value of 5% of annual precipitation.

Comment: At the annual rainfall estimated from the evaporation data (see Regional Board Regional Board Ground Water Comment No. 5 above); the estimated infiltration would seem to be proportionally reduced to 3.3 million gallons per year (or 10.2 AFY). The results of this calculation seem to be inconsistent with the assumptions used to estimate the safe yield as presented in the text (RPDEIR page 4.15-22) and in Appendix C (see text discussion on page 2 of Appendix A to the Water Supply Report).

The text seems to incorporate significantly different estimated local rainfall in different parts of the RPDEIR, as indicated above in Regional Board Ground Water Comment No. 5 above. The RPDEIR should be revised to reconcile this apparent discrepancy. 007-12 Cont'd

8. Paragraph 4, page 18.

The summary of cumulative impacts includes the following statement: *"Section 2.3 of this report contains a safe yield calculation. The calculation yields a cumulative pumping rate from the bedrock wells that should not exceed 27 gpm (38,880 gpd). Pumping at this level is sustainable, and will not cause any cumulative impacts to water service facilities."* 007-13

Comment: The analysis appears to be inconsistent in its use of estimated/calculated rainfall in different parts of the RPDEIR (see Regional Board Ground Water Comment No. 5 above). It is unclear how this disparity may affect the estimated safe yield and proposed production of groundwater from wells to support the proposed project.

If you have any questions regarding our Ground Water comments, please contact Ms. Carol Tamaki at 858-467-2982 or via email at ctamaki@waterboards.ca.gov.

COMMENTS ON SURFACE WATER IMPACTS

The proposed Gregory Canyon Landfill project includes the construction of a bridge over the San Luis Rey River, access roads, and the waste management unit (landfill). The excavation and grading (construction) activity within landfill footprint will impact (fill) Gregory Canyon Creek. In addition, the ancillary features of the project, including the bridge piers and abutments, will impact the San Luis Rey River and its floodplain. 007-14

9. Section 4.9.3.1 Direct/Indirect Impacts.

On page 4.9-3 the RPDEIR discusses areas that are subject to the jurisdictions of the Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG).

Comment: This section should also discuss Waters of the State that are not regulated by the ACOE – specifically, Gregory Canyon Creek. While performing a jurisdictional delineation, the consultant (URS) did not map Gregory Canyon Creek as jurisdictional waters of the United States (U.S.). Given that condition, and the fact that Regional Board Environmental Scientists (Mr. Jeremy Hass and Mr. Christopher Means) visited the site (see Attachment 1 to this letter: Facility Inspection Form dated November 15, 2005) concluding there is a creek in the center of Gregory Canyon, the Regional Board claims jurisdiction over Gregory Canyon Creek as waters of the State and equivalent, functional, and like mitigation will be required to compensate for the loss of the creek.

"Functional and like mitigation" meaning morphologically recreating the Creek onsite or nearby and recreating the functions that would be lost. Exchanging the length of the creek impact for an area (polygon) of southern willow scrub or cottonwood scrub will not be considered adequate mitigation. 007-14 Cont'd

On page 4.9-5 the RPDEIR states that the proposed bridge pilings would have a significant impact.

Comment: The RPDEIR does not discuss how the pilings, the abutments, and associated riprap will act to confine the floodplain (and flood events) of the San Luis Rey River through hydromodification. The pilings and abutments are hydromodifications to the morphology of the River and as such should be thoroughly analyzed through a study that discusses the cumulative loss of functions, values and beneficial uses to waters of the U.S. and waters of the State caused by all hydromodifications, including the project-proposed hydromodifications to the River. The study should include a discussion of each beneficial use and how those beneficial uses are impacted by existing and planned hydromodifications. The study should examine the biological, geochemical, and hydrologic functions and values of the river and how they have and will (individually and cumulatively) change for each beneficial use. 007-15

10. <u>Section 4.9.3.7 Supplemental Analysis of Impacts to Vegetation Communities</u>.

This section discusses impacts to vegetation communities and mitigation. The RPDEIR describes mitigation as including creation, enhancement and preservation. The RPDEIR does not define these types of mitigation. The RPDEIR does not discuss restoration as a possible type of mitigation. 007-16

Comment: Commonly used definitions of creation, restoration and enhancement of waters of the U.S. and State are: 1) *"creation"* is defined as the creation of vegetated or unvegetated waters of the U.S. where they have never been documented or known to occur (*e.g.*, conversion of nonnative grassland to freshwater marsh); 2) *"restoration"* is defined as the creation of waters of the U.S. where they previously occurred (*e.g.*, removal of fill material to restore a drainage); and 3) *"enhancement"* is defined as modifying existing waters of the U.S. to enhance functions and values (*e.g.*, removal of exotic plant species from jurisdictional areas and replacing with native species). Using these definitions, will proposed project impacts to vegetation communities, waters of the U.S. and State only be creation and enhancement mitigation? Also, why was restoration not discussed as an option?

11. Section 4.9.4 Mitigation Measures and Project Design Features.

007-17

This section discusses specific mitigation measures. The RPDEIR mitigation measures (see MM 4.9-1d and -1f) state that mitigation for impacts to southern willow scrub, disturbed southern willow scrub, and cottonwood willow riparian forest will be mitigated by on-site creation or enhancement.

Comment: If enhancement were selected as the only mitigation measure, a net loss to waters of the State would occur and that would be unacceptable to the Regional Board. A combination of on-site creation and enhancement is acceptable as long as there is a minimum of 1:1 creation mitigation for impacts.

007-18

Mitigation measure MM 4.9-18 indicates that the project applicant will implement a habitat enhancement plan to improve the San Luis Rey River watershed.

Comment: The morphology of the San Luis Rey River and its tributaries should be restored where feasible within the habitat enhancement area. This is requested because modified or disturbed fluvial geomorphology encourages recruitment and invasion of non-native plant and animal species and degrades the water quality that supports the beneficial uses of native species, wildlife and rare or endangered species.

007-19

Language within the last paragraph on page 4.9-25 (mitigation measure MM 4.9-19b) states that if onsite creation or enhancement is in violation with Proposition C, that off-site habitat may be acquired for mitigation anywhere within the unincorporated area of the County of San Diego.

Comment: The Regional Board has a working Executive Officer policy requiring that impacts be mitigated within the same watershed to avoid a net loss to waters of the State within that watershed. Also, any offsite mitigation must be have a minimum of 1:1 creation component to avoid a net loss overall to waters of the State.

12. Section 4.9.5 Level of Significance After Mitigation.

007-20

On page 4.9-26, the RPDEIR indicates,

"With implementation of the mitigation measures for significant impacts to sensitive biological resources including ... southern willow scrub, open channel, coast live oak woodland, Engleman oak, arroyo southwestern toad (habitat), ... the project impacts to sensitive biological resources would be rendered less than significant since all habitat impacted would be mitigated through creation or enhancement of habitats on site or through off-site acquisition at appropriate mitigation ratios, and precautions would be taken to avoid impacts to sensitive habitat and species. With implementation of mitigation measure MM 4.9-18, on-site creation or enhancement, or off-site acquisition,

the project's contribution to cumulative impacts to biologic resources would be less than significant."

Comment: As a Responsible Agency under CEQA, the Regional Board would find the RPDEIR inadequate if this finding, as currently written, were included in the Final EIR given all the prior Regional Board comments regarding proposed mitigation.

If you have any questions regarding our comments on potential Surface Water impacts from the proposed project, please contact Mr. Mike Porter at 858-467-2726 or via email at mporter@waterboards.ca.gov.

007-20 Cont'd

COMMENTS ON PROPOSED USES OF RECLAIMED/RECYCLED WATER

The proposed Gregory Canyon Landfill project includes the proposed use of reclaimed/recycled wastewater for various project related purposes. The Regional Board has the following comments on the assertions made in the text [see discussion in section 4.15.3.8 of the RPDEIR] concerning the use(s) of reclaimed/recycled water in the proposed project:

007-21

13. Master Reclamation Permit for Reclaimed Wastewater.

The Proposed Gregory Canyon Landfill is located in the Pala Hydrologic Sub Area (903.21 Hydrologic Subarea or HSA). This project would not be covered under the Master Reclamation Permit for Olivenhain Municipal Water District 4S Ranch Wastewater Treatment Plant (Order No, R9-2003-0007) or Santa Fe Valley Water Reclamation Plant (Order No. 2002-0013). These permits specify that all discharges from the 4S Ranch Wastewater Treatment Plant and Santa Fe Water Reclamation Plant must be located within the Solana Beach Hydrologic Area (905.10 Hydrologic Area or HA).

There may be other recycle water agencies within the vicinity of the landfill that may be considered as possible sources for recycled water. If another agency is selected, the Regional Board would have to review that agency's requirements to determine whether the proposed landfill falls within the area specified in the requirements and that the recycled water agency has the authority to add and regulate new users. To the knowledge of the Regional Board, the proposed landfill site has not been designated by any recycle water agency for the use of recycled water.

14. Application for Use of Recycled Water in the Proposed Project.

The Regional Board has not approved the use of recycled water for this proposed landfill site. In order to commence the use of recycled water, Waste Discharge Requirements and/or Water Recycling Requirements would need to be obtained for the Gregory Canyon landfill from the Regional Board. A Report of Waste Discharge must be submitted to the Regional Board in order to determine the appropriate requirements needed for use of recycled water at the proposed landfill. 007-22

If the use of recycled water has the potential to adversely impact groundwater quality objectives in the Pala Hydrologic Subarea (903.21 HSA), then additional measures must be taken to avoid such impacts. Please note that the water quality objectives are more stringent in the Pala Hydrologic Subarea (903.21 HAS) than those in the Solana Beach Hydrologic Area (905.10 HA). If it can be demonstrated that there will be no impacts to groundwater and surface water, then water reclamation requirements would still be necessary to ensure protection of public health and to prohibit offsite runoff of recycled water.

If you have any questions regarding our comments on the proposed use(s) of reclaimed/recycled water, please contact Ms. Michelle Mata (858) 467-2981 or via email at mmata@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. 007-23

If you have any questions regarding this letter, please contact the appropriate Regional Board staff members identified in this letter.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:mm:jro:bdk:cc:mv:mgp:cat:

Attachments: California Regional Water Quality Control Board, San Diego Region Watershed Management Program: Facility Inspection Report, dated November 15, 2005.

cc: Mr. Steven Herrera, SWRCB Water Rights Division - Water Rights Permitting Section

Mr. Rich Boylan, SWRCB Land Disposal Program

Mr. John Odermatt, RWQCB Land Disposal Program

ATTACHMENT 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED MANAGEMENT PROGRAM

FACILITY INSPECTION REPORT

INSPECTION DATE: **11/15/05** Time: 0930 WDID/File No. 05C-095

FACILITY: **GREGORY CANYON LANDFILL BRIDGE**

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Bill Magdych and Darrell ? (URS Corp)

Gregory Canyon, LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE — OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER NAME (if different from owner) — FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

SR-76, 2 miles east of I-15, Fallbrook, San Diego County
FACILITY STREET ADDRESS — FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- ☐ **MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766**
- ☐ **GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 – CONSTRUCTION**
- ☐ **GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS**
- ☐ **GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS**
- ☐ **GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS**
- ☒ **SECTION 401 WATER QUALITY CERTIFICATION**
- ☐ **CWC SECTION 13264**

INSPECTION TYPE (Check One)

A1 ____ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)

B1 ____ "B" type compliance--A routine nonsampling inspection. (EPA Type C)

02 ____ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.

03 ____ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.

04 ____ Complaint--Inspection made in response to a complaint.

05 _X_ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.

06 ____ No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.

07 ____ Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (**Type, NOT I or NOT C - circle one**).

08 ____ Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

_N_ Were violations noted during this inspection? (Yes/No/Pending Sample Results)

_N_ Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

- 401 Cert application received 9/29/05
- Status complete

FACILITY: Gregory Canyon Bridge **WDID/File #: 05C-095** **INSPECTION DATE: 11/15/05**

II. FINDINGS (See attached photos)

- Application is to construct bridge over San Luis Rey River to provide access to Gregory Canyon landfill site. Applicant states that no 401/404 is necessary for landfill footprint area within Gregory Canyon.
- San Luis Rey river site has vigorous riparian habitat, water was flowing. Some exotics (esp. tamarisk).
- Gregory Canyon is called non-jurisdictional in application. Area had cut banks and signs of flow. Appears to be an ephemeral channel. It supports oak woodland and some mule fat.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

- Ephemeral channel in Gregory Canyon should be considered a water of the State (if not Federal). Avoidance is infeasible, so on-site mitigation should be proposed and evaluated.
- Good opportunities for enhancement (exotic eradication) and restoration adjacent to San Luis Rey.
- Site needs to identify post-construction BMPs for new bridge and associated road.
- Site needs to identify post-construction BMPs for ancillary operation areas on site. WDR will be issued for landfill, and industrial NPDES may apply for operations, but those requirements will not cover ancillary areas and roads. Therefore, BMPs should be spelled out for 401. The 401 application (EIR) notes a clarifier for one part, but no BMPs for other impervious areas, including ancillary operations, roads, parking, SR-76 widening, etc.

IV. SIGNATURE SECTION

Inspection Report received by :

FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE

JEREMY HAAS STAFF INSPECTOR	SIGNATURE	11/15/05 INSPECTION DATE

VI. (For internal use only)

Reviewed by Supervisor:_____ Date

cc:

Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____

FACILITY: Gregory Canyon Bridge **WDID/File #: 05C-095** **INSPECTION DATE: 11/15/05**

Figure 1. Site location. Landfill canyon is steep canyon SE of "enter here."

Figure 2. Looking south toward San Luis Rey River (riparian) and Gregory Canyon in background.

Figure 3. Pylon denotes bridge crossing location.

Figure 4. SLR at south crossing area.

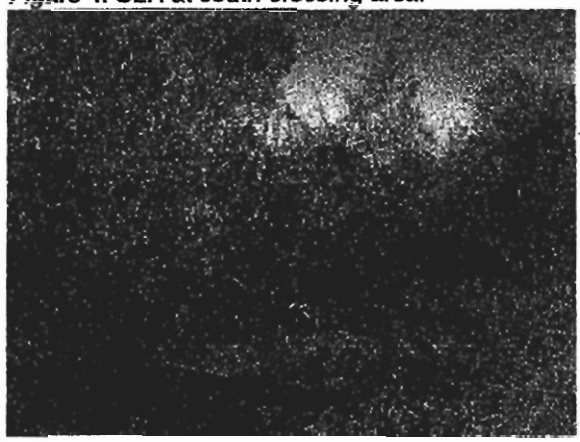


Figure 5. SLR upstream of crossing (left bank). Flow was at right bank during site visit.

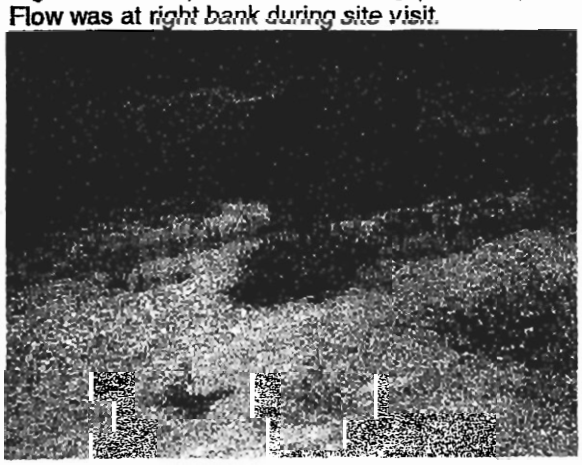
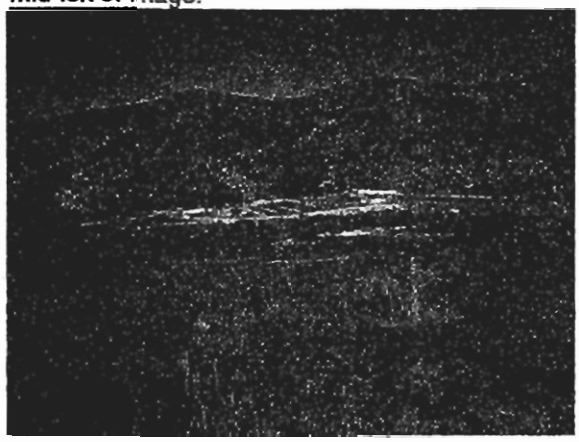


Figure 6. Looking north toward river crossing. Dirt road is aqueduct easement. Proposed bridge in mid-left of image.



FACILITY: Gregory Canyon Bridge **WDID/File #: 05C-095** **INSPECTION DATE: 11/15/05**

Figure 7. Looking NE at Gregory Canyon confluence with San Luis Rey.

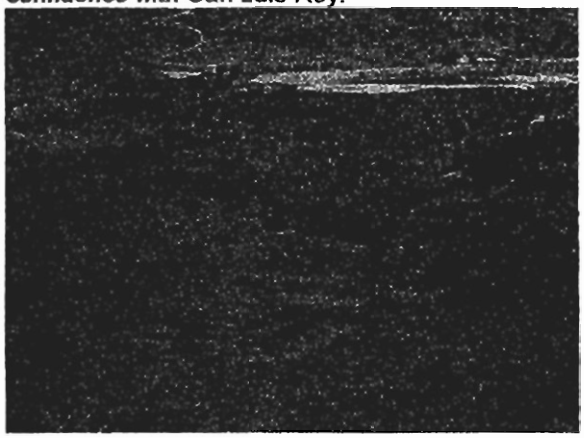


Figure 8. On-site wetland near aqueduct on south side, just west of "knoll".

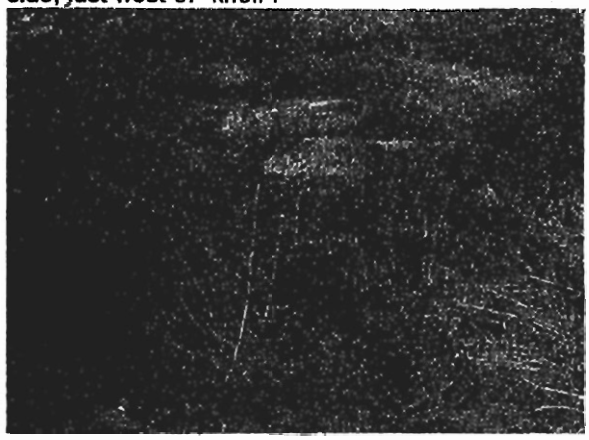


Figure 9. Looking east across Gregory Canyon.

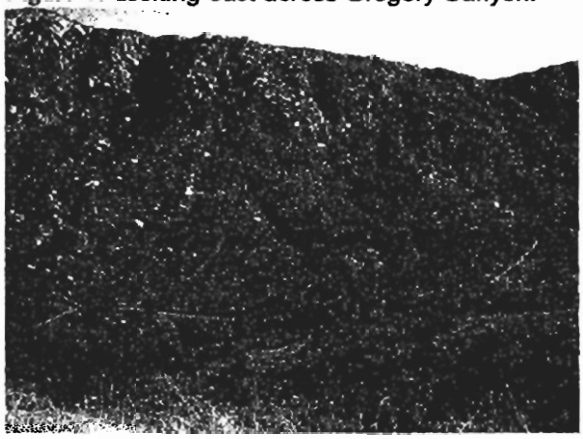
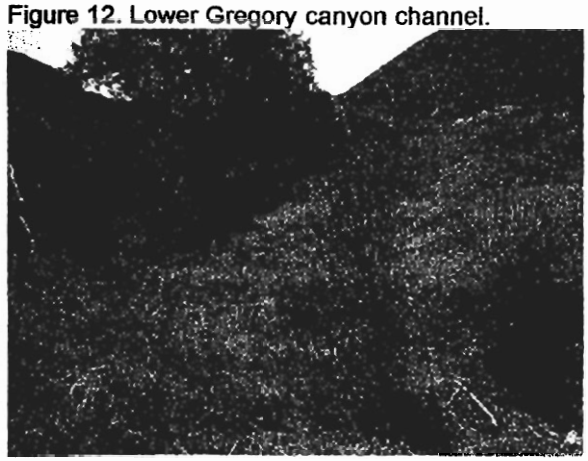


Figure 10. U/S at existing crossing of Gregory Canyon channel.

Figure 11. Lower Gregory canyon channel.

Figure 12. Lower Gregory canyon channel.



FACILITY: Gregory Canyon Bridge WDID/File #: 05C-095 INSPECTION DATE: 11/15/05

Figure 13. Lower Gregory canyon channel. Vicinity of Well "MW5".

Figure 14. Lower Gregory canyon channel. Vicinity of Well "MW5".

Figure 15. Lower Gregory canyon channel. Vicinity of Well "MW5".

LETTER NO. 007

California Regional Water Quality Board, San Diego Region
John H. Robertus, Executive Officer
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

RESPONSE 007-1

County DEH staff concurs that Application 30038 was cancelled by the State Water Resources Control Board on July 14, 2006.

The jurisdiction of the State Water Resources Control Board does not extend to percolating groundwater (Water Code Section 1200; *North Gualala Water Company v. State Water Resources Control Board* (2006) 139 Cal.App.4th 1577, 1582, fn. 4) and no permit is necessary for the use of percolating groundwater. The Revised Partial Draft EIR indicated that no application to utilize underlying percolating groundwater is required. County DEH staff acknowledges the suggestion made in the comment.

RESPONSE 007-2

County DEH staff concurs with the comment. The project was revised so that excavation would be no more than five feet above the highest anticipated groundwater elevation. Section 3.2.4 of the Revised Final EIR has been revised to reflect this change in the project description.

RESPONSE 007-3

As indicated in Section 3.2.4 of the 2003 Draft EIR, the reverse osmosis facility would have a capacity of 50 gpm. Section 3.2.4 of the Revised Final EIR has been revised to correct the capacity of the reverse osmosis facility.

RESPONSE 007-4

County DEH staff does not concur with the need for a determination from the SWRCB. The jurisdiction of the SWRCB does not extend to percolating groundwater (Water Code Section 1200; *North Gualala Water Company v. State Water Resources Control Board* (2006) 139 Cal.App.4th 1577, 1582, fn. 4) and no permit is necessary for the use of percolating groundwater. The Revised Partial Draft EIR indicated that no application to utilize underlying percolating groundwater is required. County DEH staff acknowledges the suggestion made in the comment.

Significant hydrogeologic investigations have been conducted for the Gregory Canyon Landfill project, including installation of bedrock and alluvial wells, and hydrophysical and aquifer tests in individual bedrock wells as presented in the 2003 Draft EIR (GLA, 1997; Appendix G) and the Joint Technical Document (JTD) (GLA, 2003, Appendix C and GLA, 2004, Appendix C-1). The data identify flow within the bedrock fracture flow system and a consistent northerly

groundwater gradient extending from the upper reaches of the canyon to the point of compliance. The consistent groundwater gradient supports the presence of groundwater in the canyon bedrock recharged by rainfall that infiltrates the bedrock fractures within the Gregory Canyon catch basin and provides the primary source of water supply to be pumped at the point of compliance. Review of the boring logs presented in Appendix G of the JTD for well GLA-3 and boring GLA-3S indicated that during drilling, the geologist noted that significant water was not encountered in these borings within the alluvial section (groundwater was recorded at depths of 65 feet and 52 feet below ground surface, respectively). The hydraulic head within the bedrock system produced an increase in the groundwater elevation into the alluvial section. The project will pump the calculated "safe yield" from the bedrock fracture flow system as discussed in Section 4.15 of the Revised Partial Draft EIR. Also note that well GLA-10 is located downgradient from the point of compliance and is not intended to be used as a pumping well, but as a water level measuring station only.

RESPONSE 007-5

As stated above in Response to Comment No. 007-4, well GLA-10 is not intended to be a pumping well, but will remain a water level measuring station only. The proposed pumping wells will include point of compliance wells GMW-1, GLA-3, GLA-B, GLA-C, GLA-G, GLA-12 and GLA-13. The purpose of the pumping system at the point of compliance is to capture groundwater in the fractured bedrock formation underneath the toe of the landfill to prevent or minimize further downgradient transport. By pumping the point of compliance wells, groundwater obtained from the pumping wells will "sample" groundwater representing a much broader area surrounding the well, including water that has recently passed beneath the base of the landfill. This is in contrast to the typical monitoring well that remains static for months before being purged of a few casing volumes of water for quarterly sampling of water in the immediate vicinity of the well. The water quality samples would be collected by reducing the pump flow rate using a variable frequency drive on the pump controller to create the least disturbance of the groundwater in the well. For water level measuring station GLA-3, well aquifer test data indicates that well GLA-3 recovers rapidly (within a few hours). Therefore, to obtain a representative water level in this well, pumping of this well will be shut down the day before sampling is scheduled.

If the RWQCB requires all of the pumping wells to reach static conditions before purging and sampling is conducted, proposed water supply wells GMW-1, GLA-3, GLA-B, GLA-C, GLA-G, GLA-12 and GLA-13 can be shut down at least a day before sampling is scheduled to allow the groundwater to recharge the area surrounding the well prior to purging and sampling, or in the case of well GLA-3 to obtain a static water level.

RESPONSE 007-6

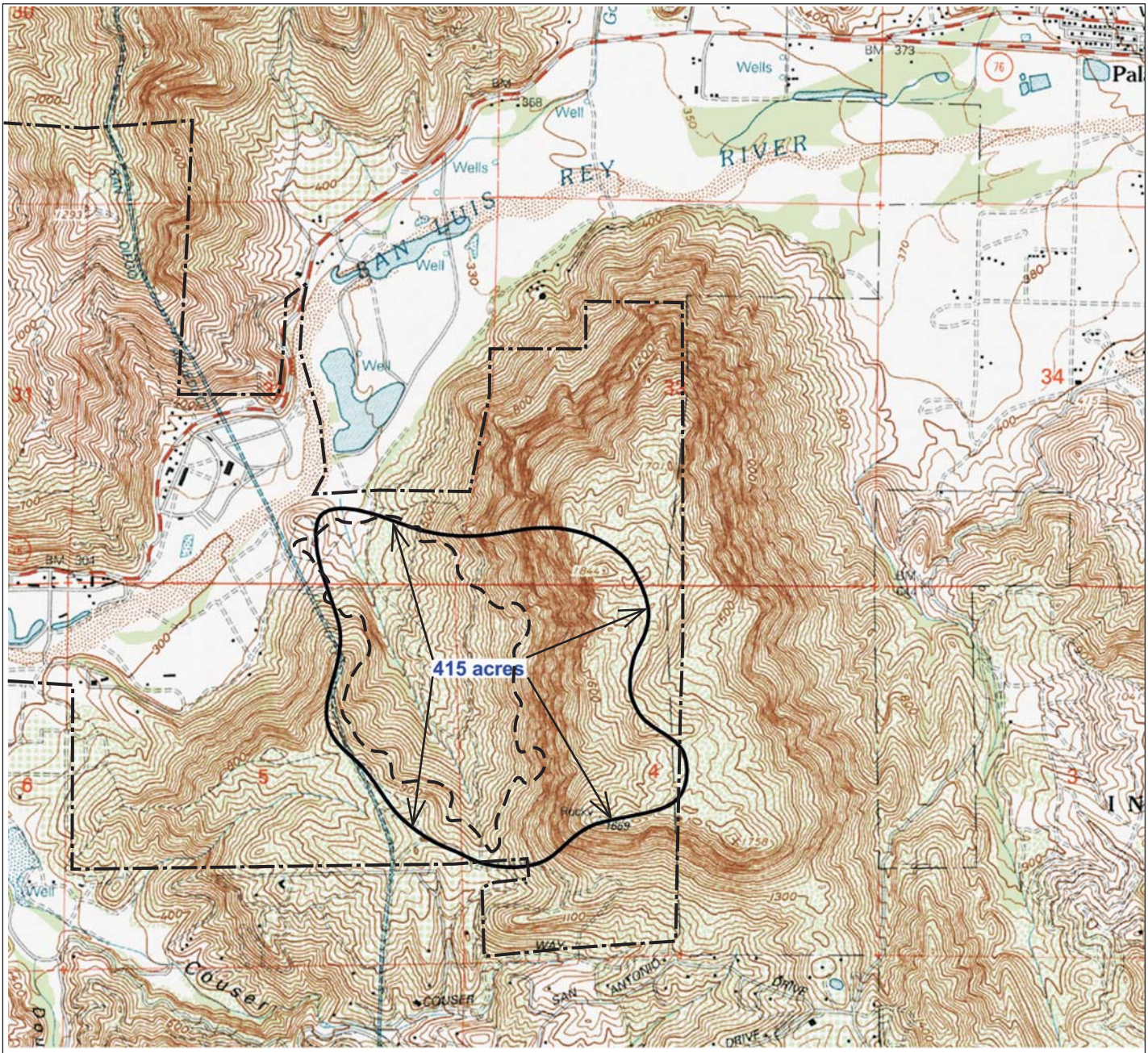
Exhibit 4.4-1 of the 2003 Draft EIR illustrates the 415-acre catch area surrounding Gregory Canyon that was used in the safe yield calculation. County DEH staff notes that the drainage area depicted in Exhibit 4.4-1 is 458 acres, which exceeds the 415-acre catch basin area used for

purposes of the safe yield analysis. Please also refer to Figure 1, *Area Used for Safe Yield Analysis,* on page 007-4, for an illustration of the area included in the safe yield calculations.

There is no long-term precipitation gauging station in the vicinity of the Gregory Canyon Landfill site. Stations located near the site with a sufficient precipitation history include rain gauges in Fallbrook, at Lake Henshaw dam, and in Escondido. As a result, precipitation data used for the project can be extrapolated from any of these locations, taking into account a range of criteria, as appropriate to the intent of the data. For the safe yield evaluation, the San Diego County Water Authority Lake Henshaw gauging station was selected. This data was utilized since the station records are readily available, and records are well documented over the last 42 years. This data set is most appropriate for the safe yield calculation, as its purpose was to evaluate the ability to use groundwater from the fractured bedrock formation over a period of many years. The normal annual rainfall at Lake Henshaw dam is currently reported as 25.27 inches. For the safe yield calculation 25 inches of rainfall and a 5 percent infiltration rate were used. If the Fallbrook station precipitation data is used, the average value of 17.5 inches is recommended, rather than the median precipitation value. The average value is preferred to encompass the range of highest and lowest rainfall events over the 30 year period, as opposed to the statistical median value, which represents the middle value in a population of 30 values. The re-calculated safe yield with the more conservative average precipitation value of 17.5 inches derived from the Fallbrook station and the resulting pumping rate for safe yield within the Gregory Canyon catch basin area is approximately 18.8 gpm (27,072 gpd) or about 30.3 AFY. For the project, water that is not supplied from the site's percolating water can be provided using imported recycled water. The analysis contained in the Revised Partial Draft EIR presents a worst-case scenario and assumes that all water is trucked to the site. Therefore, if it is determined that the safe yield is less than the 43.55 AFY provided in the Revised Partial Draft EIR, the amount of trucked recycled water may increase but would not exceed the assumption of a maximum of 205,000 gallons of water per day that would be trucked to the site. For the project water supply, a totalizer meter will be installed to evaluate the combined groundwater extracted from the bedrock wells so that the calculated safe yield is not exceeded. Since the safe yield calculation is based on an average rainfall value over time the amount of water pumped should represent the average safe yield. Each water supply well will be equipped with dedicated pumping equipment and level controls that will cycle the pump on and off so that only water present within the controlled levels within the producing bedrock zone is extracted (i.e., if there is less infiltration, less water will be available for pumping). In this way, the pumping system will accommodate the site conditions over time.

RESPONSE 007-7

A safe yield was calculated from the bedrock fracture flow system of about 38,880 gallons per day or 43.55 AFY assuming a 415 acre drainage area. Currently, there are no existing domestic water supply demands on this bedrock water within the landfill site. Since the landfill site is designated and zoned for a solid waste facility, domestic water supply uses are not planned. Further, the volume of percolating groundwater within the landfill site is not sufficient to support



Legend

- Area Basin
- Site Boundary
- Proposed Landfill

N

NO SCALE

Source: Geologic Associates, 2006

Figure 1
Area Used for Safe Yield Analysis

any proposed developments within the area. For comparison, the February 2, 2006, San Luis Rey Municipal Water District (SLRMWD) Water and Wastewater Master Plan (which includes the Gregory Canyon Landfill) and SLRMWD Warner Property Supplemental Analysis Technical Memorandum No. 8 dated February 6, 2006, list proposed projects within the San Luis Rey River Valley. The highest water demand for the landfill project is 193 AFY. The rest of the projects are outside of the Gregory Canyon catch basin area. The next two proposed projects with the lowest water demand are Campus Park West (422,000 gpd) and City Home (423,000 gpd), each requiring about 473 AFY for their planned development. The SLRMWD Water and Wastewater Master Plan and the SLRMWD Warner Property Supplemental Analysis Technical Memorandum No. 8 are included in Appendix G of the Revised Final EIR.

RESPONSE 007-8

The safe yield calculation was based on an assumed annual rainfall value of 25 inches, within a 415-acre catch basin area. Since there are no other water users or proposed projects within the catch basin area or in the vicinity that are or might use the percolating bedrock groundwater, withdrawals from the catch basin area assume that the entire 5 percent of the rainfall that infiltrates the 415-acre area will be available for project use. In the Water Supply Report (GLA, 2006), it is recognized that there might be a reduction in the well production, as might occur during a long-term drought condition. In this case, the water supply wells, cycled on and off by designated high and low water level controllers within each well, will operate less frequently and provide less water for project use, thereby necessitating an increase in the volume of recycled water to be used in support of the project.

RESPONSE 007-9

The "project site" on page 4.15-29 of the Revised Partial Draft EIR and in the Water Supply Report was meant to reflect the approximately 415-acre Gregory Canyon catch basin in which the landfill project is located. The Revised Final EIR has been revised to clarify that the rainfall is expected to fall on the approximately 415-acre Gregory Canyon catch basin area. Please also refer to Figure 1 on page 007-4, for an illustration of the area included in the calculations.

RESPONSE 007-10

Section 4.3, Hydrogeology, was not included in the Revised Partial Draft EIR. The comment seems to refer to Chapter 10, Section 4.3, Hydrogeology, which lists the project design features related to hydrogeology. Section 3.2.4 provides a description of the revised liner system. Exhibit 3.8b provides a detailed cross-section of the proposed double composite liner system for the project. County DEH staff acknowledges that a detailed review of the liner design and function will be undertaken as part of the RWQCB permitting process.

RESPONSE 007-11

Section 4.3, Hydrogeology, was not included in the Revised Partial Draft EIR. The comment seems to refer to Chapter 10, which lists the project design features related to hydrogeology. County DEH staff concurs with the comment that a NPDES permit has not been issued. The intent of the bullet is that discharge to the San Luis Rey River would only occur after tests determine the water is not contaminated in accordance with an approved NPDES permit. The bullet has been revised to substitute the phrase "a NPDES permit."

RESPONSE 007-12

As indicated in Response to Comment Nos. 007-6 and 007-9, the "project site" on page 4.15-29 of the Revised Partial Draft EIR and in the Water Supply Report was meant to reflect the approximately 415-acre Gregory Canyon catch basin in which the landfill project is located. The Revised Final EIR has been revised to clarify that the rainfall is expected to fall on the approximately 415-acre Gregory Canyon catch basin area. Please also refer to Figure 1 on page 007-4 for an illustration of the area included in the calculations.

RESPONSE 007-13

Please see Response to Comment Nos. 007-6, 007-9 and 007-12 regarding the area used to calculate safe yield. Please also refer to Figure 1 on page 007-4 for an illustration of the area included in the calculations.

RESPONSE 007-14

The beginning portion of the comment is introductory in nature. Section 4.4, Surface Hydrology, of the 2003 Draft EIR, which is not a part of the Revised Partial Draft EIR, addresses surface water quality impacts on the San Luis Rey River and the floodplain.

County DEH staff acknowledges this comment, but notes that it may not be appropriate to refer to the thalweg of the canyon area as designated surface water. Given the nature of drainage patterns within the watershed of Gregory Canyon, the use of the term "creek" may also not be appropriate in reference to the canyon because the canyon lacks an ordinary high water mark (OHWM) and waters of the U.S. as defined by the U.S. Army Corps of Engineers, and does not experience regular water flow based on field observations and hydrologic and hydraulic modeling performed for the canyon.

County DEH staff acknowledges that the RWQCB will need to address specific measures relevant to its authority under the Porter Cologne Water Quality Act when the agency processes waste discharge requirements for the landfill project and Section 401 Water Quality Certification for the bridge crossing of the San Luis Rey River, which will occur subsequent to certification of the EIR. The project will be required to comply with the terms and conditions of such permits. The

Revised Partial Draft EIR addresses recent findings by the U.S. Army Corps of Engineers (Corps) that waters of the United States bound by an ordinary high water mark (OHWM) do not occur on site within the landfill portion of the project, and that jurisdictional waters of the State defined by such an OHWM also do not occur on site within project impact areas outside of the access road bridge. The RWQCB permit process is a subsequent process to CEQA compliance, and it will be necessary for the RWQCB to determine if certain portions of the project, including the landfill footprint, would result in activities subject to a permit pursuant to the Porter Cologne Water Quality Act. County DEH staff acknowledges that the RWQCB may conclude that development within these portions of the landfill site require a permit pursuant to the Porter Cologne Water Quality Act. In that event, the RWQCB would need to address specific measures relevant to its authority pursuant to the Porter Cologne Water Quality Act when the agency processes such permits for the project, such as potential additional mitigation measures or conditions of approval that may be beyond those identified in the Revised Partial Draft EIR. County DEH staff acknowledges that the concerns expressed in this comment would be addressed as part of the subsequent permitting process.

RESPONSE 007-15

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The alteration to the river and beneficial uses of the river are addressed in Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The issue of hydromodification and beneficial uses were not overturned by the Court or included in its writ. County DEH staff acknowledges that other requirements may be imposed through the permitting process.

Page 4.9-5 of the Revised Partial Draft EIR states that impacts on approximately 0.368 acres of toad riparian breeding habitat would occur from construction of the bridge, that only 0.002 acre of this impact would be permanent impact due to the bridge pilings, and that these impacts on arroyo toads would be significant. With the incorporation of mitigation measures, the project impacts on arroyo toads would be fully mitigated. County DEH staff has found that other potential impacts on the San Luis Rey River would either not be significant, or would be fully mitigated.

RESPONSE 007-16

The Wetland Mitigation and Habitat Enhancement Plan included in Appendix L of the 2003 Draft EIR contains a detailed discussion of the activities that would occur as part of habitat creation

or habitat enhancement. Portions of Appendix L were updated in the Revised Partial Draft EIR as indicated in Section 5 of the Biological Technical Report, which is provided in Appendix B of the Revised Partial Draft EIR.

The comment refers to definitions of creation, restoration, and enhancement. However, a source for the definitions is not provided. The comment, while dealing largely with semantic interpretation, does not substantially affect the analysis in the Revised Partial Draft EIR. The terms creation, restoration, and enhancement are not defined within the Porter Cologne Water Quality Act. The definitions provided in the comment appear to be from the RWQCB's Section 401 Certification application form. Using the definitions cited in the comment by the RWQCB, restoration could also be considered as mitigation for this project. However, the areas of on-site mitigation currently proposed do not appear to fit the particular limits of that definition presented by the RWQCB (although they may well meet other considerations commonly applied when using the term restoration outside of the specific reference provided by the RWQCB). The reference to creation and enhancement in the Revised Partial Draft EIR should be broadly interpreted to include potential restoration as presented in the specific definition by the RWQCB as well as broader definitions for restoration. As indicated, the comment does not appear to affect the findings with regard to biological resources in the Revised Partial Draft EIR.

In addition, all of the definitions cited by the RWQCB apply to vegetated or unvegetated waters of the U.S. However, as indicated in Exhibit 4.9-6 of the Revised Partial Draft EIR, the majority of the on-site habitat creation and habitat enhancement would take place outside of the San Luis Rey River channel, and outside of waters of the U.S. as determined by the Army Corps of Engineers.

RESPONSE 007-17

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Mitigation Measures MM 4.9-1d and -1f provide a minimum ratio of 4:1 for southern willow scrub, disturbed southern will scrub, and cottonwood willow riparian forest. The ratio and method of mitigation were established in the 2003 Draft EIR and were not overturned by the Court or included in its writ. Subsequent to issuance of the Revised Partial Draft EIR, there have been some additional refinements to the vegetative impacts mapping for these specific vegetation communities, based on a review of GIS data. The impact area for southern willow scrub is 0.4 acres rather than 0.2 acres, the impact area for disturbed southern willow scrub is 0.4 acres rather than

0.3 acres, and the impact area for open channel is 0.2 acres rather than 0.1 acre. As a result of these refinements to the impact areas the mitigation acreage for southern willow scrub and disturbed southern willow scrub is now 3.2 acres.

Exhibit 4.9-6 of the Revised Partial Draft EIR identifies areas for creation of these vegetation communities. Also, please refer to Page 2-2 of the Biological Technical Report included as Appendix B to the Revised Partial Draft EIR and Response to Comment No. 006-15, which indicate that 24.1 acres are available for creation of these vegetative communities. This would be sufficient to avoid any net loss of these vegetative communities.

RESPONSE 007-18

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Except for minor amendments to MM 4.9-18 of the 2003 Draft EIR expanding the size of the area subject to the Habitat Enhancement Plan, no revisions were made to MM 4.9-18. Minor modifications were made to Appendix L of the 2003 Draft EIR as indicated in Section 5 of the Biological Technical Report, which is contained in Appendix B of the Revised Partial Draft EIR. The issue regarding MM 4.9-18 relative to the morphology of the San Luis Rey River and its tributaries was not overturned by the Court or included in its writ. County DEH staff acknowledges that other requirements may be imposed through the permitting process. County DEH staff also acknowledges that a submittal and approval of a detailed Habitat Resource Management Plan will be required prior to incorporation (see Response to Comment No. 004-5).

RESPONSE 007-19

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003

Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 007-20

The comment is summary in nature with regard to biological resources and are based on the comments provided in the agency's comment letter. Responses to each comment have been provided above. County DEH staff has determined that the issues raised by the RWQCB in this comment are adequately and fully addressed in the Revised Partial Draft EIR and these responses to comments. As indicated above, some of the comments raise issues that are not the subject of the Revised Partial Draft EIR and issues that were not overturned by the Court or included in its writ. However, other requirements may be imposed by the RWQCB through its subsequent permitting process, if applicable. The applicant will be required to meet the terms and conditions of such permits.

RESPONSE 007-21

County DEH staff acknowledges the comment. Permitting for the use of recycled water from the Olivenhain Municipal Water District wastewater treatment plant will be conducted by OMWD. This same requirement may apply in the event that other recycled water agencies propose to supply recycled water to the project.

RESPONSE 007-22

County DEH staff acknowledges the comment. The majority of the recycled water to be used for the project would be associated with the construction of the clay liner and water

applications over lined sections of the landfill. However, considering that the entire water supply could be provided by recycled water, the project would implement any necessary requirements specified in the Olivenhain Municipal Water District (OMWD) Master Reclamation Permit to ensure protection of the surface and groundwater as well as protection of public health.

Section 4.15 of the Revised Partial Draft EIR identifies sources capable of meeting all water supply needs for the entire life of the project, analyzes the environmental impacts from using those sources, and includes mitigation measures or project design features to mitigate any potential impacts to a less than significant level. County DEH staff also concludes, based on the analysis contained in the 2003 Draft EIR, the Revised Partial Draft EIR, comments on the Revised Partial Draft EIR, and the responses to those comments, that the likelihood that the project will be able to utilize the identified sources is substantial. This is because the project has a valid and binding agreement with the OMWD for delivery of sufficient recycled water to meet all project water requirements for 60 years. Use of OMWD recycled water would require a waiver, followed by amendment to OMWD's Master Reclamation Permit, which can only occur after certification of the EIR.

Section 4.15 of the Revised Partial Draft EIR includes an assessment of the potential impacts from use of recycled water. Table 4.15-4 of the Revised Partial Draft EIR shows that water quality from OMWD recycled water is very similar to the RWQCB's Pala Basin water quality objectives. TDS and percent sodium are slightly higher that the corresponding WQO, but in general the quality of OMWD recycled water is higher than the WQO, especially with respect to certain key constituents (such as 214.75 mg/L for sulfates in the recycled water compared to 500 mg/L for sulfates in the Pala Basin WQO). Use of recycled water from OMWD will also comply with its Rules and Regulations Governing the Use of Recycled Water effective June 9, 2003, which will further ensure that adverse impacts on the environment will not occur. The recycled water must also comply with applicable standards in Title 22 of the California Code of Regulations.

County DEH staff has analyzed the criteria and standards developed by the Regional Water Quality Board in approving the use of recycled water. In general, water quality standards for recycled water are based on the WQO for the area receiving the recycled water. For instance, in tentative Waste Discharge Requirements (WDR) prepared for the Fallbrook Public Utilities District (FPUD) in 2006, the 12-month average effluent concentration was established at some percentage less than the WQO's for the Mission and Bonsall Basins, and the daily maximum effluent concentration was established at some percentage greater than the WQO. This assures that the use of recycled water would not adversely impact groundwater and beneficial uses of the groundwater, including irrigation. These tentative WDR's are available on the RWQCB website.

Because 12-month average TDS concentrations in OMWD recycled water slightly exceed the WQO for TDS in the Pala Basin, the County conducted an analysis using the same criteria used for the FPUD tentative WDR's to anticipate the TDS standard that would be included in the OMWD

Master Reclamation Permit, and the ability of the project to meet that standard. In the tentative WDR's for FPUD, the TDS standards were 95 percent of the applicable WQO's for the 12-month average effluent concentration and 108 percent of the WQO's for the daily maximum effluent concentration. Using the same criteria and applying them to the Pala Basin WQO for TDS (900 mg/L), the 12-month average effluent concentration for TDS would be 855 mg/L, and the daily maximum effluent concentration would be 972 mg/L.

OMWD tertiary treatment plant effluent may be blended with imported water prior to delivery to the project, which would reduce contaminant concentrations. In addition, as described in Chapter 3 of the 2003 Draft EIR, the project includes installation of a reverse osmosis (RO) water treatment plant with a capacity of 50 gpm. The RO water treatment plant could treat up to 72,000 gallons of recycled water each day. Based on technical literature, the removal efficiency of a RO treatment plant for compounds such as TDS and other inorganic compounds would be approximately 98 percent. That means that the RO treatment plant is capable of producing up to 72,000 gallons per day of RO-treated recycled water with TDS concentrations of approximately 18 mg/L.

This provides substantially more than enough RO-treated recycled water to blend with the up to 205,000 gallons of recycled water received from OMWD, prior to application on the landfill site, to meet anticipated standards. County DEH staff believes that the project is readily capable considering both potential blending at OMWD and the use of using the already planned RO water treatment facility, of meeting anticipated water quality standards that may be included in the revised OMWD Master Reclamation Permit. County DEH staff also notes that the percent sodium in OMWD recycled water slightly exceeds the Pala Basin WQO, but that the above analysis is equally applicable to this constituent as it would be almost completely removed by the RO water treatment plant. For additional information related to the anticipated standards and the RO water treatment plant, please refer to the technical memorandum prepared by GeoLogic Associates, which is included as Appendix C of the Revised Final EIR.

In addition, the Revised Partial Draft EIR provides a project design feature that use of on-site percolating groundwater will be prioritized and used first for, among other things, biological mitigation. This means that the large majority if not all of the recycled water will be used on the landfill footprint, where the recycled water would be completely contained by the liner system and subdrain, and there would be no impact on biological resources.

RESPONSE 007-23

The comment refers to the agency file number, which is LDU: File 06-0024:ctamaki. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is necessary.

Letter 008

STATE OF CALIFORNIA

Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

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July 18, 2006

Ms. Kerry McNeill, Project Manager
San Diego County Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Re: SCH#1995061007; CEQA Revised Partial Draft EIR Gregory Canyon Landfill; 1,770 Acres; Sections 32 & 33; Township 9South, San Bernardino Meridian; near SR 76 & San Luis Rey Waterway; Pala, CA 92059

Dear Ms. McNeill:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Their record search will determine:

- If a part or the entire APE) has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

008-1

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search: USGS 7.5-minute quadrangle citation with name, township, range and section.

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact. *The information you provided indicated that this may be in process. Tribal input and involvement on this project is important as it is near tribal land areas.*

008-2

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

008-3

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

008-4

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

008-5

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

LETTER NO. 008

Native American Heritage Commission
Dave Singleton, Program Analyst
915 Capitol Mall, Room 364
Sacramento, CA 95814

RESPONSE 008-1

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

While the Revised Partial Draft EIR contains revisions to Section 4.11, Archaeological and Cultural Resources, and Section 4.12, Ethnohistory and Native American Interests, the revisions are relative to project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places. Section 4.11, Archaeological and Cultural Resources, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on historical and cultural resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 008-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

While the Revised Partial Draft EIR contains revisions to Section 4.11, Archaeological and Cultural Resources, and Section 4.12, Ethnohistory and Native American Interests, the revisions are relative to project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places. Section 4.12, Ethnohistory and Native American Interests, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on Native American resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 008-3

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.11, Archaeological and Cultural Resources, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on historical and cultural resources. The 2003 Draft EIR includes appropriate mitigation measures relative to cultural resources, including the discovery of unknown cultural sites. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 008-4

As indicated in Response to Comment No. 008-3 and as indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.11, Archaeological and Cultural Resources, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on historical and cultural resources. The 2003 Draft EIR includes appropriate mitigation measures relative to cultural resources, including the discovery of unknown cultural sites. This portion of the 2003 Draft EIR was not overturned by the Court or included in this writ.

RESPONSE 008-5

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As indicated previously, Section 4.11, Archaeological and Cultural Resources, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on historical and cultural resources. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 008.1

STATE OF CALIFORNIA — Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

Received
JUL 25 2006
DEH / LEA

July 18, 2006

Ms. Kerry McNeill, Project Manager
San Diego County Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Re: SCH#1995061007; CEQA Revised Partial Draft EIR Gregory Canyon Landfill; 1,770 Acres; Sections 32 & 33; Township 9South, San Bernardino Meridian; near SR 76 & San Luis Rey Waterway; Pala, CA 92059

Dear Ms. McNeill:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Their record search will determine:
- If a part or the entire APE) has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center. 008.1-1

√ Contact the Native American Heritage Commission (NAHC) for:
* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search: USGS 7.5-minute quadrangle citation with name, township, range and section.
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact. *The information you provided indicated that this may be in process. Tribal input and involvement on this project is important as it is near tribal land areas.*

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

Native American Contact
San Diego County
July 18, 2006

Manzanita Band of Mission Indians
Leroy J. Elliott, Chairperson
PO Box 1302
Boulevard , CA 91905
Kumeyaay

(619) 766-4930

(619) 766-4957 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365
Valley Center , CA 92082
Diegueno

(760) 749-3200

(760) 749-3876 Fax

Santa Ysabel Band of Diegueno Indians
Johnny Hernandez, Spokesman
PO Box 130
Santa Ysabel , CA 92070
Diegueno
brandietaylor@yahoo.
(760) 765-0845

(760) 765-0320 Fax

Viejas Band of Mission Indians
Anthony Pico, Chairperson
PO Box 908
Alpine , CA 91903
Diegueno/
daguilar@viejas-nsn.
(619) 445-3810

(619) 445-5337 Fax

Campo Kumeyaay Nation
H. Paul Cuero, Jr., Chairperson
36190 Church Road, Suite 1
Campo , CA 91906
Kumeyaay
chairgoff@aol.com
(619) 478-9046

(619) 478-5818 Fax

Los Coyotes Band of Mission Indians
Katherine Saubel, Spokesperson
P.O. Box 189
Warner Springs , CA 92086
Cahuilla

(760) 782-0711

(760) 782-2701 - FAX

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O Box 270
Santa Ysabel , CA 92070
Diegueno
mesagrandeband@m
(760) 782-3818

(760) 782-9092 Fax

Pala Band of Mission Indians
Robert Smith, Chairperson
PMB 50, 35008 Pala Temecula Road
Pala , CA 92059
Luiseno
Cupeno

(760) 742-3784

(760) 742-1411 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#1995061007; CEQA Revised Partial Draft EIR; Gregory Canyon Landfill; 1770 Acres; Sections 32 & 33; Township 9South, San Be rnardino Meridian; near SR 76 & San Luis Rey Waterway; Pala, California 92059

Native American Contact
San Diego County
July 18, 2006

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477
Temecula , CA 92593 Luiseno

(951) 308-9295
(951) 676-2768
(951) 695-1778 Fax

Rincon Band of Mission Indians
Ruth Calac, Rincon Culture Committee
P.O. Box 68
Valley Center , CA 92082 Luiseno
council@rincontribe.
(760) 749-1051

(760) 749-8901 Fax

Soboba Band of Mission Indians
Robert J. Salgado, Sr., Chairperson
P.O. Box 487
San Jacinto , CA 92581 Luiseno
luiseno@soboba-nsn.
(951) 654-2765

(951) 654-4198 - Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley , CA 91962 Diegueno -

(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
309 S. Maple Street
Escondido , CA 92025 Diegueno
inaja_cosmite@hotma
(760) 737-7628

(760) 747-8568 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road
Lakeside , CA 92040 Diegueno/

(619) 443-6612

(619) 443-0681 FAX

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12064 Old Pomerado Road
Poway , CA 92064 Luiseno

(858) 748-1586

Pauma & Yuima
Bennae Calac, Cultural Resource Coordinator
P.O. Box 369
Pauma Valley , CA 92061 Luiseno
kymberli_peters@yah
(760) 802-1811

(760) 742-3422 Fax

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Native American Contact
San Diego County
July 18, 2006

Pauma & Yuima
ATTN: EPA Coordinator
P.O. Box 369
Pauma Valley , CA 92061 Luiseno
kymberli_peters@yah
(760) 742-1289

(760) 742-3422 Fax

Rincon Band of Mission Indians
Kristie Orosco, Environmental Coordinator
P.O. Box 68
Valley Center , CA 92082 Luiseno
council@rincontribe.
(760) 749-1051

(760) 749-8901 Fax

Santa Ysabel Band of Diegueno Indians
Devon Reed Lomayesva, Esq, Tribal Attorney
PO Box 130
Santa Ysabel , CA 92070 Diegueno

(760) 765-0845

(760) 765-0320 Fax

Ewiiaapaayp Tribal Office
Michael Garcia, Vice-Chairman/EPA Director
PO Box 2250
Alpine , CA 91903-2250 Kumeyaay
michaelg@leaningroc
(619) 445-6315 -
voice
(619) 445-9126 - fax

Los Coyotes Band of Mission Indians
Melody Sees, Environmental Director
P.O. Box 189
Warner Springs , CA 92086 Cahuilla

(760) 782-0712

(760) 782-2730 - FAX

Juaneno Band of Mission Indians
Mike Aguiar, Environmental Coordinator
P.O. Box 25628
Santa Ana , CA 92799 Juaneno
mikeaguilar8@sbcglo
818-347-1732

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Dr.
Vista , CA 92081 Luiseno

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
P.O. Box 1
Pala , CA 92059 Luiseno
Cupeno

(760) 742-4468
(760) 586-4858 (cell)

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Native American Contact
San Diego County
July 18, 2006

Cupa Cultural Center (Pala Band)
Shasta Gaughen, Assistant Director
35008 Pala-Temecula Rd.PMB Box 445
Pala , CA 92059 Luiseno
cupa@palatribe.com
(760) 742-1590

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 2183
Temecula , CA 92593 Luiseno

(951) 676-2768

(951) 695-1778 Fax

La Jolla Band of Mission Indians
ATTN: Rob Roy, Environmental Director
22000 Highway 76
Pauma Valley , CA 92061 Luiseno
lajolla-sherry@aol.
(760) 742-3790

(760) 742-1701 Fax

Clint Linton
P.O. Box 507
Santa Ysabel , CA 92070 Diegueno/

(760) 803-5694

cjlinton73@aol.com

This list is current only as of the date of this document.

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LETTER NO. 008.1

Native American Heritage Commission
Dave Singleton, Program Analyst
915 Capitol Mall, Room 364
Sacramento, CA 95814

RESPONSE 008.1-1

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

While the Revised Partial Draft EIR contains revisions to Section 4.11, Archaeological and Cultural Resources, and Section 4.12, Ethnohistory and Native American Interests, the revisions are relative to project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places. Section 4.11, Archaeological and Cultural Resources, of the 2003 Draft EIR contains a detailed analysis of project-related impacts on historical and cultural resources. Section 4.12, Ethnohistory and Native American Interests, contains a detailed analysis of the potential project-related impacts on ethnobotanical and Native American resources. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 009

CITY OF OCEANSIDE

WATER UTILITIES DEPARTMENT

August 23, 2006

County of San Diego
DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

The City of Oceanside provides the following comments on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. The City is opposed to the proposed landfill because it is located in the drainage basin to the San Luis Rey aquifer, at the base of Gregory Mountain, a mountain considered sacred by Native Americans, including the Luiseno people and adjacent to Medicine Rock, another sacred site.

Landfill will cause irreparable harm in five areas: noise and vibration, traffic congestion, air quality, aesthetics and desecration of holy land. The RPDEIR continues to identify the impacts to these sacred sites as significant and unmitigable, but in the past, the County of San Diego has simply ignored that determination and issued a statement of overriding considerations approving the project. We again urge the County to not ignore the significant impacts caused by the desecration of these sacred sites and to determine that there are no overriding considerations that would allow such actions. 009-1

We object to placing a municipal landfill on the banks of the San Luis Rey River. Although the RPDEIR concludes that the siting of the proposed landfill in this location will not result in any significant impact to water quality, all of this is based on a liner system that will fail sometime now or in the future. 009-2

The City is also very concerned that the project has been changed to allow the use of groundwater monitoring wells as production wells. How can you use wells which are designated as monitoring wells as a water supply for the landfill project? All of these wells (GMW-1, GLA-3, GLA-12, GLA-13, GLA-B, GLA-C and GLA-G) are located north of the landfill between the landfill boundary and the river. This seems like it will complicate the ability to monitor the groundwater quality flowing into the basin aquifer. How will the water for these wells fill the fractured granite below the landfill if the liner is designed to prevent any leakage and all surface flows are diverted around the landfill area? 009-3

300 NORTH COAST HIGHWAY • OCEANSIDE, CA 92054 • TELEPHONE 760-435-5800 • FAX 760-435-5814

The RPDEIR also continues to ignore the significant impacts that will be caused by the numerous large trucks carrying garbage and water and other supplies that will use the narrow and winding State Route 76 to access the proposed landfill. The RPDEIR still fails to properly analyze the safety risk, the traffic impacts, and the impacts to the road itself that will be caused by these heavy trucks. 009-4

Additionally, the air quality impacts caused by more than two trucks per minute during business hours have not been adequately evaluated. The exhaust particle emissions and acute toxic chemicals in the exhaust will be a significant health hazard to other motorist and to the surrounding area of the landfill. 009-5

The City, Riverwatch and Pala Indians have filed suit against the Olivenhain Municipal Water District for failing to satisfy CEQA requirements before entering into a contract to supply water by truck to the landfill site. We believe that the impact of the significant number of truck trips daily to deliver the water through residential areas that have not been informed of this contract will prevent the contact from being approved. What backup water supply does the landfill propose? Instead of having neighbors willing to offer the landfill a water supply, the neighbors have demanded a guarantee that treatment will be provided to them when their groundwater is polluted. 009-6

We also think it is imperative that the County reassess the use of Gregory canyon and the surrounding area for the proposed landfill in light of the significant changes that are planned for the San Luis Rey River Valley. Whereas when the proposed site was identified in the 1990s the area was rural with few houses, there are a number of approved and proposed projects in the valley that will add thousands of residents in the area. These new residents will use the roads, breathe the air, and drink the water. The County cannot ignore the significance of the changes that will occur in its analysis of the impacts of the proposed project. 009-7

We believe that the County not only can not certify the RPDEIR as drafted, but that it must take a hard look at its continued support for this unnecessary and improperly sited project. The benefits of this project simply do not outweigh the significant impacts the County has acknowledged that it will cause to the environment and to the sacred religious sites of Native Americans. There are no overriding considerations that are sufficient to allow this project to go forward. 009-8

I can reached at (760) 435-5804 or by email at gpennell@ci.oceanside.ca.us if you need additional information or have any questions.

Sincerely,

Guss Pennell
City of Oceanside Water Utilities Department
Environmental Regulatory Compliance Officer

LETTER NO. 009

City of Oceanside, Water Utilities Department
Guss Pennell, Environmental Regulatory Compliance Officer
300 N. Coast Highway
Oceanside, CA 92054

RESPONSE 009-1

The comment, which expresses opposition to the project, is acknowledged and will be forwarded to the decisionmaker for review and consideration.

The comment is general in nature. As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

With regard to noise and vibration, air quality, and aesthetics, the 2003 Draft EIR contains a detailed analyses of these issues. See Section 4.6, Noise and Vibration, Section 4.7, Air Quality and Air Toxics Health Risks, and Section 4.13, Aesthetics, of the 2003 Draft EIR for detailed analyses of noise and vibration, air quality and aesthetics, respectively. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Portions of Section 4.6, Noise and Vibration, were updated in the Revised Partial Draft EIR to reflect the updated Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR. Section 4.15 and Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum of the Revised Partial Draft EIR analyzed potential short-term and long-term air quality and noise impacts from the additional project activities to be undertaken at the landfill site described in Chapter 3. The Revised Partial Draft EIR indicated that the impacts from these additional project activities would be less than significant.

With regard to cultural resources, the Revised Partial Draft EIR includes portions of Section 4.11, Archaeological Resources, and 4.12, Ethnohistory and Native American Interests, to address the nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places. The 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its

unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 009-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3, Hydrology, of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concludes that with the incorporation of mitigation measures the project would result in less than significant impacts to groundwater. Section 4.4, Surface Hydrology, of the 2003 Draft EIR contains an analysis of potential impacts to surface water quality and concluded that with the incorporation of mitigation measures the project would result in a less than significant impact to surface water quality. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to the liner, as indicated in Chapter 3 of the Revised Partial Draft EIR, the project would include a double composite liner system with an additional drainage layer and an additional HDPE geomembrane. Exhibit 3.8b of the Revised Partial Draft EIR provides a detailed cross-section of the composite liner system for the project. The revised liner design provides even greater protection to the groundwater than the liner that was previously proposed.

County DEH staff does not concur with the assertion that the liner system at the landfill site would fail sometime now or in the future resulting in significant water quality impacts. Please refer to Response to Comment No. 035-6 for additional information on the performance of modern liner systems.

RESPONSE 009-3

Section 4.15 and Appendix C of the Revised Partial Draft EIR contain a safe yield analysis, which addresses the use of groundwater monitoring wells as production wells and the safe yield of the basin. Because current groundwater elevations will be maintained through metering of the wells pumping water from the fractured bedrock, no significant impact on flow amounts or flow direction

within the fractured bedrock formation is anticipated. As indicated in Response to Comment No. 007-5, the proposed pumping wells will include point of compliance wells GMW-1, GLA-3, GLA-B, GLA-C, GLA-G, GLA-12 and GLA-13. The purpose of the pumping system at the point of compliance is to capture groundwater in the fractured bedrock formation underneath the toe of the landfill to prevent or minimize further downgradient transport. By pumping the point of compliance wells, groundwater obtained from the pumping wells will "sample" groundwater representing a much broader area surrounding the well including water that has recently passed beneath the base of the landfill. This is in contrast to the typical well that remains static for months before being purged of a few casing volumes of water for quarterly sampling of water in the immediate vicinity of the well. The water quality samples would be collected by reducing the pump flow rate using a variable frequency drive on the pump controller so that the flow is as low as possible to create the least disturbance of the groundwater in the well. For water level measuring station GLA-3, well aquifer test data indicates that well GLA-3 recovers rapidly (within a few hours). Therefore, to obtain a representative water level in this well, the well will be shut down the day before sampling is scheduled. Please see Response to Comment No. 007-5 for further discussion.

RESPONSE 009-4

This comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. However, Section 4.5 of the 2003 Draft EIR contains a detailed traffic analysis of the project, including safety and the structural integrity of SR 76. Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of potential traffic impacts based on the 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR. The 2006 Traffic Study also contains an updated analysis of accident data and potential safety impacts from the project on SR 76. With regard to traffic impacts on SR 76, the Revised Partial Draft EIR concludes that the segment of SR 76 west of I-15 currently operates in an unacceptable LOS E condition during the afternoon hours between noon and 5:00 P.M. with and without the project traffic. Although the project does not result in a direct impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of SR 76. The project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to SR 76 west of I-15, the project-related traffic impact is considered significant and unavoidable. The project would also contribute to a cumulative traffic impact on SR 76. With regard to safety on SR 76, the project would not result in potential traffic safety impacts. With regard to structural integrity, Mitigation Measure 4.5-1 requires that the project applicant conduct a structural analysis of SR 76 to assess the structural integrity of the roadway.

RESPONSE 009-5

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft

EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issue regarding air quality and air toxics health risks were thoroughly analyzed in Section 4.7 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Please see Response to Comment No. 017-4 for a discussion regarding diesel particulate emissions.

RESPONSE 009-6

County DEH staff acknowledges the comment and notes that the CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but that the Court has ruled that the contract is not a separate project under CEQA, but rather a part of this landfill project, for which the County is the lead agency under CEQA.

Section 4.15 of the Revised Partial Draft EIR identifies sources capable of meeting all water supply needs for the entire life of the project, analyzes the environmental impacts from using those sources, and includes mitigation measures or project design features to mitigate any potential impacts to a level of less than significant. County DEH staff concludes, based on the analysis contained in the 2003 Draft EIR, the Revised Partial Draft EIR, comments on the Revised Partial Draft EIR, and the responses to those comments, that the likelihood that the project will be able to utilize the identified sources is substantial. This is because the project has a valid and binding agreement with Olivenhain for delivery of sufficient recycled water to meet all project water requirements for 60 years. Use of OMWD recycled water would require a waiver, followed by an amendment to OMWD's Master Reclamation Permit from the Regional Water Quality Control Board, which can only occur after certification of the EIR. Therefore, it is not necessary to identify an alternative water source as County DEH staff does not consider this source of water to be speculative. Please refer to Response to Comment No. 007-22 for additional information related to anticipated water quality standards for use of OMWD recycled water, and the project's ability to comply with those standards.

With regard to traffic from the hauling of water from OMWD Reservoir Site to the landfill site, the 2006 Traffic Study, which is contained in Appendix A of the Revised Partial Draft EIR, contains a detailed analysis of potential traffic impacts that could occur. The haul route is clearly defined in the Revised Partial Draft EIR and recycled water truck drivers would only utilize Maranatha Drive, Camino del Norte/Camino del Sur between Maranatha Drive and I-15, I-15 between Camino del Norte and SR 76 and SR 76 east of I-15 and the landfill access road. As indicated in the Revised Partial Draft EIR, recycled water truck trips would not have a significant impact on Maranatha Drive, Camino del Norte or Camino del Sur. While project traffic does not result in a direct impact to I-15 in the existing or future conditions, since project traffic is less than

2 percent of traffic volumes on I-15, project traffic does incrementally add to the existing and future failing conditions on I-15. This is treated for purposes of the Revised Partial Draft EIR as a significant and unavoidable traffic impact on I-15 based upon both exiting conditions and cumulative conditions. Please refer to Response to Comment No. 030-2 for additional information regarding the impacts of recycled water truck trips on residential areas in the vicinity of the Olivenhain Reservoir Site.

The last portion of the comment apparently refers to the agreement between the project and the San Luis Rey Municipal Water District, which was entered into in 1996, and supplemented in 2004. The County acknowledges those agreements and notes that the 2004 Supplement is included as Appendix H of the Revised Final EIR.

RESPONSE 009-7

Section 5 of the 2003 Draft EIR contains a detailed cumulative analysis of the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. However, as a result of the Court's order regarding the need to consider the County Tribal Traffic Study, an updated Traffic Study was prepared as part of the Revised Partial Draft EIR (see Appendix A for the 2006 Traffic Study). The Traffic Study contains both near-term and 2030 cumulative analyses. Appendix C of the Traffic Study includes a list of related projects that were included in the near-term cumulative analysis. In turn, using the data from the 2006 Traffic Study, traffic noise impacts were updated in the Revised Partial Draft EIR. A discussion of cumulative impacts to noise, air quality and biological resources was also included in the Revised Partial Draft EIR. Please see Appendix B (Biological Technical Report), Appendix D (Air Quality, Health Risk, and Noise Technical Memorandum), Section 4.6, Noise, and Section 4.9, Biological Resources, of the Revised Partial Draft EIR for discussions regarding potential cumulative air, noise, and biological impacts, respectively.

Please see Response to Comment No. 022-3 for a detailed discussion regarding cumulative analysis.

RESPONSE 009-8

The comment expresses an opinion with regard to the project. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 010

CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

Jack

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DEH
DIRECTOR'S OFFICE

August 9, 2006

Gary Erbeck, Director
Department of Environmental Health
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

RE: DEH Hearing of August 14, 2006, RFEIR for Gregory Canyon Landfill

Dear Mr. Erbeck:

The City of Santee offers the following comments for consideration associated with the Gregory Canyon Recirculated Final Environmental Impact Report.

Recall that the proposed Gregory Canyon Landfill was approved twice by San Diego County voters, in 1994 by a 68% approval vote and again in 2004 by a 63 percent margin. There would be a substantial public benefit resulting from the development and operation of the Gregory Canyon Landfill as a secure repository for the wastes generated in northern San Diego County. The City of San Diego and the City of Santee should not become the only communities in San Diego County to be affected by the site of the sole disposal for all the wastes generated within the entire county, specifically Sycamore Landfill. 010-1

The proposed Gregory Canyon Landfill will fill a vital role in protecting the public's health and safety and needs to become operational at the earliest possible date. While a new landfill will undoubtedly have identified environmental impacts, adding the Gregory Canyon Landfill would reduce the transportation of waste across the County and provide a greater incentive for north county residents to enhance their recycling and waste diversion programs and efforts.

Since the closure of the San Marcos Landfill in the late 1990's the north county and its cities have exported their waste to Orange County and to landfills in the City of San Diego.

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The proposed Gregory Canyon Landfill will have the capacity to accept up to approximately 1,000,000 tons per year of north county generated waste and thus reduce the tonnages delivered to the Sycamore Landfill by up to 3,000 tons per day with a corresponding reduction in impacts to the residents of Santee.

O10-1 cont'd

Thank you for your consideration of the City of Santee's support for this project. If you wish to contact the City of Santee regarding this matter, you may call Melanie Kush, City Planner, at (619) 258-4100, extension 167.

Sincerely

Keith Till

Keith Till
City Manager

c. Melanie Kush, City Planner
Robert Epler, HDR

LETTER NO. 010

City of Santee
Keith Till, City Manager
10601 Magnolia Avenue
Santee, CA 92071

RESPONSE 010-1

The comment expresses support for the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 011

PAM SLATER-PRICE
SUPERVISOR, THIRD DISTRICT
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Tierrasanta
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Torrey Pines

August 14, 2006

Mr. Gary Erbeck, Director
Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

RE: Comments on Revised Partial Draft EIR for Gregory Canyon Landfill

Dear Mr. Erbeck:

I have reviewed the Revised Partial Draft EIR (RPDEIR) for Gregory Canyon. Review of the document has raised some important questions for which there is either no answer, a lack of information and/or inconsistent information.

In the traffic section of the RPDEIR, the estimated maximum recycled water usage is 205,000 gallons per day (gpd) or 193 acre-feet per year, which is the number used to calculate the number of trucks to transport the water from the Olivenhain Municipal Water District's Santa Fe Valley Reservoir and Pump Station site located in the 4S Ranch/Rancho Bernardo area.

However, in the Public Services portion of the PRDEIR, the number changes. According to this section, the project will purchase up to 244,000 gpd or 230 acre-feet per year. 011-1

This increase of 39,000 gpd of recycled water would require approximately 17 additional trucks to carry the water (39,000 gpd ÷ 2,300 gallons capacity of trucks = 16.96).

Seventeen additional trucks mean an additional 34 truck trips. When added to the 89 one-way truck trips or 178 two-way truck trips already proposed, that would result in 106 total one-way truck trips and 212 two-way truck trips in a nine-hour period, since water trucks are prohibited from operating at the Olivenhain recycled water facility for two hours of the day (7:30 – 8:30 a.m. and 2:00 – 3:00 p.m.) to mitigate impacts to the Maranatha School.

A quick examination of the truck trip numbers indicates that 178 truck trips in a nine-hour period results in one truck trip every three minutes.

However, with 212 truck trips in the same nine-hour period, there would be one truck

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trip every 2.5 minutes. This will have a significant effect on my constituents in the Rancho Bernardo area. O11-1 cont'd

The RPDEIR indicates that truck traffic will contribute a small increase to noise levels, noise levels that already exceed the County's noise standards. Noise impacts also negatively affects the quality of life of my constituents, and that is not acceptable. O11-2

Another question raised, but not addressed, by the RPDEIR is this: What happens to the trash when the maximum trip numbers on SR-76 are met and trucks are turned away from the landfill? The RPDEIR indicates *[t]otal project traffic from all sources on any day shall not exceed ...675 trips from all sources (pg. 4.5-37).* Where do the fully loaded trash trucks go? If the trash must be kept in the truck overnight so that it can be taken to Gregory Canyon Landfill the following day, how will the trucks be managed so that leaks from the truck are fully contained? O11-3

The project description mentions two 10,000-gallon leachate holding tanks and one 10,000-gallon subdrain water tank. There is no discussion of the contaminated water in these tanks will be managed. What happens when the tanks are full? How will these liquids be disposed? Is there a secondary containment system in place should these tanks leak? O11-4

There are inconsistencies in the recycled water off-load station figure (Exhibit 3-8c) of the RPDEIR. The portion of the figure illustrating the off-load station at a scale of 1" = 20' indicates the overhead storage tank capacity is 10,000 gallons. The portion of the figure at a scale of 1" = 10' indicates the overhead storage tank capacity is 20,000 gallons. What is the correct capacity? O11-5

I personally find the many of the mitigation measures for impacts to biological resources to be less than desirable. The project will permanently remove 224 acres of coastal sage scrub or coastal sage scrub/chaparral habitat. In its place, the mitigation measures require on-site creation or enhancement of 63.6 acres and off-site acquisition of 384.4 acres of coastal sage scrub or coastal sage scrub/chaparral habitat. Gregory Canyon LLC is not required to purchase a single contiguous parcel, but rather will be able to purchase smaller parcels that total the 384.4 acres of coastal sage scrub or coastal sage scrub/chaparral habitat from anywhere within the unincorporated area of San Diego County. O11-6

The RPDEIR indicates that much of the habitat creation and enhancement will occur on disturbed areas that were part of the old dairy operation north of the San Luis Rey River and former cattle grazing areas on the south side of the river. Once habitat is created and enhanced on these lands, will they be dedicated open space? Are these lands included in the 1,313 acres to be preserved as open space? The same question applies to the on-site creation of 67.8 acres of coast live oak woodland, and other on-site creation, enhancement, or restoration mitigation measures. O11-7

The RPDEIR indicates the site is 1,770 acres. With 1,313 acres dedicated as open space and 308 acres for the landfill, there are only 149 acres left unaccounted for. The RPDEIR states that there are 212.6 acres onsite available for mitigation. Is Gregory Canyon LLC "double-dipping" by mitigating impacts on land that is already preserved as open space? O11-8

The RPDEIR describes the additional protection included in the liner for the landfill as a whole. It is my firm belief that it is not wise to place a landfill over a drinking water aquifer. You cannot prevent household hazardous waste or any combinations of wastes from combining and eroding the liner. A hole in the liner to the landfill caused by the combination of bleach and other household cleansers, whether it occurs in 30 years, 60 years, or 100 years, will result in potential contamination of a potable water source for many people. No matter how many layers the landfill liner contains, we cannot guarantee its integrity in perpetuity. 011-9

While most people in San Diego County drink imported water, a number of cities including Oceanside, derive their drinking water from the San Luis Rey River. If the San Luis Rey River aquifer is contaminated and rendered undrinkable, there would be additional strains on the imported water resources from the Metropolitan Water District pipelines. With water resources being taxed by the increases in population and demand as well as changes in weather patterns, we are likely to see water shortages in the future. We need to protect those natural resources so that they will be available long into the future. 011-10

Do we really need Gregory Canyon? The California Integrated Waste Management Board approved a permit for a "mega" landfill in Imperial County. The Mesquite Landfill was designed to take municipal solid waste from communities in Imperial, Los Angeles, Orange, Riverside, San Bernadino, San Diego, and Ventura counties. This landfill will eventually handle 20,000 tons of waste per day and accept as much as 600 million tons of trash before closing approximately 100 years from now. 011-11

Sincerely,

Pam Slater-Price

Supervisor Pam Slater-Price
Third District
PSP/sk

LETTER NO. 011

San Diego County Board of Supervisors, Third District
Pam Slater-Price, Supervisor
1600 Pacific Coast Highway, Room 335
San Diego, CA 92101-2470

RESPONSE 011-1

The comment indicates that based on a review of the Revised Partial Draft EIR, there are some questions that remain and need to be addressed. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Response to Comment Nos. 011-2 through 011-11 for detailed responses to the issues raised in the letter. As indicated in Section 4.15 of the Revised Partial Draft EIR, the contract between Gregory Canyon, Ltd. and OMWD permits peak daily draws of up to 244,000 gallons during its term. However, based on the maximum daily water demand for the project, 205,000 gallons would be needed. The contracted amount is greater simply to ensure that the needed supply of 205,000 gallons per day is available. The maximum demand, which was determined based on a worst-case scenario of landfill operation and periodic construction occurring simultaneously, represents the highest amount that would be transported between the Reservoir Site and the landfill site. Therefore, the analysis of the recycled water trucks in the 2006 Traffic Study is based on the maximum amount of water that would be transported between the Reservoir Site and the landfill site. The maximum number of daily trips for recycled water would be 89 one-way trips or 178 two-way trips.

RESPONSE 011-2

As indicated in the comment, the water trucks would result in a slight increase in traffic noise along the haul route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Section 4.6 of the Revised Partial Draft EIR contains a detailed analysis of potential traffic noise impacts that could occur along the haul route for the recycled water. The analysis determined that existing noise levels along Camino del Sur, Camino del Norte, and I-15, which constitute a portion of the haul route for recycled water trucks between the Reservoir Site and the landfill site, exceed 60 dBA CNEL at existing residences. While the incremental noise increase from recycled water trips would fall below the County's significance threshold, since CNEL noise levels along Camino del Sur, Camino del Norte, and I-15 exceed 60 dBA CNEL at existing residences and the project would increase the noise level, the project would have both project-related and cumulative significant and unavoidable noise impacts to the existing residences along these roadway segments.

With regard to the quality of life in the area, the Reservoir Site is located in the Santa Fe Valley Specific Plan area. The Santa Fe Valley Specific Plan was prepared by the County in December 1995 and amended in April 2003. The Specific Plan provides the long range vision for the area, and the land use pattern and intensity of development are factors in the community character and ultimately the quality of life. Recycled water usage was anticipated in the Specific

Plan and was discussed in the Plan's Public Facilities Element. Nothing in the Specific Plan, or more particularly, the Circulation or Public Facilities Elements, prohibits the use or sale of recycled water by OMWD. The Specific Plan, which identifies OMWD as one of the two potential suppliers of recycled water in the Santa Fe Valley area, discusses the use of recycled water in terms of the golf courses that were anticipated within the Santa Fe Valley area. However, there are no restrictions on the use of recycled water included in the Specific Plan, and golf courses are not identified as the exclusive beneficiary of recycled water.

In addition, the Revised Partial Draft EIR contains traffic, noise, and air quality analyses, which are factors in the quality of life. The traffic analysis concludes that with the implementation of project design features and mitigation measures, the project would result in less than significant traffic impacts on the roadways in the area of the Reservoir Site, Maranatha Drive and Camino del Norte/Camino del Sur. The air quality analysis for the improvements at the Reservoir Site indicates that construction-related emissions of volatile organic compounds (VOC), carbon monoxide (CO), particulate matter (PM_{10}), oxides of nitrogen (NO_X) and oxides of sulfur (SO_X) would be well below their respective SDAPCD significance thresholds. No significant air quality emissions would result from construction activities at Olivenhain's Reservoir Site. However, as noted in the 2006 PCR report, these emissions would contribute to regional emissions assuming the timing of the activities at the Reservoir Site and the landfill site are concurrent, and would therefore contribute to and increase the significant and unavoidable PM10 and NOx impact previously described in the 2003 Draft EIR.

Since the Maranatha School and existing residential uses are in close proximity to the Reservoir Site, an analysis was conducted to determine if diesel particulate matter (DPM) exhaust from the recycled water trucks would result in potential health risk impacts. Using extremely conservative estimates, the cancer risk from water haul truck activity would be well below the significance threshold of 10 in one million as explained in Section 4.15 of the Revised Partial Draft EIR. Therefore, vehicular exhaust from recycled water trips will not result in any significant health risk impacts. Based on the technical analyses and the uses allowed in the Specific Plan, the project would not adversely impact the quality of life in the area of the Reservoir Site. Nevertheless, the comment that noise impacts are not acceptable is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 011-3

The traffic restrictions would be implemented by Mitigation Measures 4.5-2 and 4.5-3 of the Revised Partial Draft EIR. Mitigation Measure MM 4.5-2 is based on County DEH staff experience from its oversight of the Otay Landfill, which at times approaches its available daily disposal capacity. A program similar to the one proposed in MM 4.5-2 is in place at Otay Landfill to ensure that the facility does not exceed the daily trip cap. All of the haul trucks have contact with their company either via a 2-way radio or a cell phone. This is standard procedure in order for the truck operators to report accidents, problems with trash collection, road blockage, etc. In terms of

implementation of MM 4.5-2, once 95 percent of the maximum daily traffic limit is reached, the landfill operator will immediately notify commercial waste haulers. To ensure that the notification program is implemented, waste contracts will contain the restrictions with which the waste haulers need to comply in accordance with MM 4.5-3. Therefore, notice would be provided to the contracted haulers that they may need to make alternative waste disposal arrangements in order to allow for compliance with the peak hour traffic restrictions. Waste collection trucks will be rerouted to other landfills or transfer stations in the area, as appropriate. In addition, as provided in MM 4.5-3, the project is required to maintain hourly traffic records. If feasible, the project is required to provide this information to the LEA on a real-time basis. This type of control program has been demonstrated to be successful. Therefore, trash would not be kept in trucks overnight and no leaks from the trucks would occur. With regard to enforcement, the requirements contained in MM 4.5-2 and MM 4.5-3 will be incorporated as conditions of the Solid Waste Facility Permit for the project, and will be routinely reviewed by the LEA. The penalties for non-compliance with the terms and conditions of the Solid Waste Facility Permit are considered meaningful, and include administrative orders, cease and desist orders and civil penalties (see Public Resources Code Section 45000, et seq.).

RESPONSE 011-4

With regard to the subdrain water, as indicated in Chapter 3, Project Description, of the 2003 Draft EIR, the subdrain water would be conveyed to a storage tank in the ancillary facilities area for testing. The clean water would be used on-site for dust control and other acceptable operational uses. If contamination were detected remediation would be implemented in accordance with state and federal regulations. With regard to leachate, the storage tanks would also be located in the ancillary facilities area and would be monitored routinely in accordance with WDRs. Leachate collected in the storage tanks would be transported off-site for treatment and disposal. The ancillary facilities area would contain secondary containment as required by applicable regulations.

RESPONSE 011-5

The overhead water storage tank will be 20,000 gallons, which is indicated in the first paragraph on page 3-4 of the Revised Partial Draft EIR. Exhibit 3-8c has been revised in the Revised Final EIR to correctly reflect that the tank is 20,000 gallons.

RESPONSE 011-6

The portion of the comment regarding the desirability of the mitigation measures for biological resources is acknowledged and will be forwarded to the decisionmaker for review and consideration. The mitigation measures for biological resources, if implemented off-site, would be done in accordance with the County requirements. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for County review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the

County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require continued conformance with applicable requirements of the Natural Communities Conservation Plan (NCCP). Various agencies would be involved with monitoring the implementation of the mitigation measures. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could also result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 011-7

The habitat that is created on disturbed areas of the site are within the 1,313 acres to be preserved as open space. The use of habitat creation and habitat enhancement on the project site in dedicated open space for purposes of mitigation was established in the 2003 Draft EIR. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Court's ruling on Proposition C was limited to the use of open space preservation as mitigation.

RESPONSE 011-8

The 212.6 acres of on-site habitat creation and habitat enhancement would occur within the 1,313 acre open space area. The use of habitat creation and habitat enhancement on the landfill site in dedicated open space for purposes of mitigation was established in the 2003 Draft EIR. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Court's ruling on Proposition C was limited to the use of open space preservation as mitigation. Habitat creation and habitat enhancement is unique from preservation, as creation and enhancement would involve physical activities undertaken for the goal of establishing specific vegetative communities and habitat for threatened species, in accordance with the strategies, physical activities and monitoring and maintenance requirements set forth in Appendix L of the 2003 Draft EIR. In addition, MM 4.9-18 requires the submittal and approval of a detailed Habitat Resource Management Plan as part of the permitting process. MM 4.9-18 describes some of the physical activities that would be undertaken, such as changing ground elevations, restoring historic river flows, establishing new vegetative communities, and removing invasive plant species.

In any event, Mitigation Measure 4.9b in the Revised Final EIR provides that if a final judgment is entered determining that the creation or enhancement of habitat on the landfill site

within the 1,313 acres of dedicated open space provided by Proposition C violates any provision of Proposition C, the mitigation measures requiring the creation or enhancement of habitat on-site would mandate off-site acquisition of this habitat.

RESPONSE 011-9

As indicated in Chapter 3 of the Revised Partial Draft EIR, the project would include a double composite liner, which would provide even greater protection compared with the original liner design. With regard to household hazardous waste (HHW) in the wastestream, the Solid Waste Facility Permit for the project requires that the project undertake an ongoing load check program to remove hazardous wastes from the landfill prior to placement of the waste. In addition, the County cooperates in a regional HHW program effort, which is a multifaceted program to reduce illegal and harmful disposal of HHW. As indicated in Chapter 5 of the 2005 County Integrated Waste Management Plan, a major portion of collected HHW is reused or recycled and is thus diverted from landfill or other disposal. Source reduction, a form of waste prevention, is promoted through public education on alternatives to toxic products. Components of the regional HHW program efforts include collection, load check, disposal and treatment, recycling, reuse, source reduction, education, and public information. The regional HHW program has nine permanent HHW collection facilities with periodic temporary HHW Collection Facility events, and door-to-door pick ups for elderly and disabled residences. Over 90 percent of the HHW collected in the County is either recycled or reused. In addition, one of the key elements of the HHW programs in the region is ongoing education and public information directed toward increasing public awareness.

With regard to landfill liners, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems.[1] The abstract of the study indicated that it included a review of 187 cells at 54 landfills having a composite liner like the one initially proposed for the project. Based on this comprehensive study, the following conclusions were reached:

- [geomembrane/compacted clay] composite liners can achieve true hydraulic efficiencies of 99% to more than 99.9%.
- [geomembrane/compacted clay] composite liners are capable of substantially preventing leachate migration over the entire period of significant leachate generation.
- HDPE [geomembranes] have an estimated service life of at least hundreds of years.

[1] *The findings of the study can be found in Bonaparte, Daniel and Koerner (2002), Assessment and Recommendations for Improving the Performance of Waste Containment Systems. The study is incorporated by reference into the Revised Final EIR for the project.*

- Identified problems can be prevented using available design approaches, construction materials and procedures.

- Impact to groundwater or surface water was only identified at one facility, where landfill gas migrated beyond the edge of the liner system and to groundwater.

This study demonstrated that in virtually all instances modern liner systems caused no impairment to beneficial uses of water. As this study focused on single composite liners, the findings would be even more true with respect to the double composite liner system proposed for this project and described in Chapter 3 of the Revised Partial Draft EIR.

The 2003 Draft EIR includes a fate and transport analysis of a hypothetical release, and noted that it would take about five years for any such release to reach the boundary of the landfill property, more than ample time to detect any release and to implement a remedial program. That model was based on typical leachate constituents, and County DEH staff believes that it is adequate to predict the movement of any releases and to assess any potential impacts to water quality.

In addition, the project will be required to obtain waste discharge requirements from the Regional Water Quality Control Board. The permit will address, among other things, the containment system, a preliminary plan for remediation of any releases, and financial assurances to fund any remedial plan. Pursuant to a 1996 agreement between Gregory Canyon, Ltd. and the San Luis Rey Municipal Water District, as supplemented in 2004, the project, in the event of a release and a loss of water resources, is required to either remediate or provide an alternative source of 17,694 acre-feet of water and provide a $100,000,000 environmental liability insurance policy. The agreements are included in Appendix C of the 2003 Draft EIR and Appendix H of the Revised Final EIR.

RESPONSE 011-10

Section 4.3, Hydrology, of the 2003 Draft EIR contains a detailed analysis of potential degradation of groundwater arising from releases from the landfill, and concluded that with the incorporation of mitigation measures there would be no significant impacts to groundwater. Section 4.4, Surface Hydrology, of the 2003 Draft EIR contains a detailed analysis of potential impacts to surface water quality, and concluded that with the incorporation of mitigation measures there would be no significant impacts to water quality. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the project would include a double composite liner, which would provide even greater protection compared with the original liner design. The double composite liner that would be provided exceeds the liner requirements required by State law as set forth in 40 CFR Part 258 and implemented in California by State Water Resources Control Board Resolution No. 93-62. (See Title 27, California Code of Regulations, Section 20330.) Provisions to protect water resources are provided in the project through the use of a double composite liner, on-site hazardous waste screening, and the permit requirements. The

project would not result in the impairment of water resources thereby reducing the County's water supply. The project would not affect the demand for water that might increase as a result of population increase, weather patterns, or water shortages that might occur in the future.

RESPONSE 011-11

The comment raises a question with regard for the need for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

As indicated in Section 4.1 of the Revised Partial Draft EIR, the 2005 County Siting Element indicates that the opening of the Gregory Canyon landfill and the planned expansion of the Sycamore Canyon landfill would probably be adequate to meet the 15 years of required capacity with the implementation of several additional diversion strategies discussed in the Siting Element (p. SE-12). Accordingly, the opening of the Gregory Canyon landfill and the further expansion of the Sycamore Canyon landfill are viewed as important components of the County's ability to achieve the 15 years of disposal capacity required by state solid waste law.

The 2003 Draft EIR included an analysis of alternatives in Chapter 6. Long-Term Transport of Waste to Sites Outside San Diego County, which included waste by rail, was analyzed as an alternative but rejected. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. County DEH staff notes that no new waste-by-rail facilities that could potentially serve San Diego County have been permitted or become operational since the 2003 Draft EIR was certified in February 2003.

CEQA Guidelines Sections 15091 through 15093 address findings, approval, and statement of overriding considerations. As stated in CEQA Guidelines Section 15091, "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." Furthermore, Section 15093 of CEQA states that "CEQA requires that the decision making agency balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" In this case, DEH, as the Lead Agency, cannot approve the project unless a statement of overriding considerations showing that benefits of the project outweigh the unavoidable adverse environmental effects is adopted.

Letter 012

PAM SLATER-PRICE
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

August 24, 2006

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Torrey Pines

Mr. Gary Erbeck, Director
Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Via FAX

RE: Additional Comments on Revised Partial Draft EIR for Gregory Canyon Landfill

Dear Mr. Erbeck:

I am making additional comments on the RPDEIR. Further consideration of the information provided in the RPDEIR regarding the advanced liner and First San Diego Aqueduct Relocation Option -has raised additional questions in my mind. As noted in my first letter, I mentioned the concern about the integrity of the liner in a potential earthquake. However, that is not the only potential problem. The RPDEIR does not address the potential problem of what happens to the liner should the CWA aqueduct break in an earthquake. Will the water undermine the landfill liner? Or will a large volume of water from a broken aqueduct rush through the landfill site and carry waste directly into the San Luis Rey River? What extra precautions or measures are being taken to address impacts to the landfill caused by a potential rupture in the aqueduct? 012-1

The RPDEIR does no air quality analysis update for the new impacts in the 4S Ranch/Rancho Bernardo area where the OMWD recycled water facility is located. The proposed project will be adding 178 or 212 diesel truck trips on the roads and no analysis was done as regards the emissions from those vehicles. The document does include an analysis of the noise impacts, but not the air quality impacts. At a minimum, an air quality analysis of the cumulative air quality impacts should have been included. 012-2

Since the trucks will be passing a school where children will spend time outside when trucks are passing, I believe that there should be a mitigation measure requiring particulate traps on all trucks used to carry water from the OMWD facility to Gregory Canyon. Trucks using clean diesel or compressed natural gas (CNG) provide another alternative. 012-3

Sincerely,

Pam Slater-Price

Supervisor Pam Slater-Price
Third District
PSP/sk

County Administration Center • 1600 Pacific Highway, Room 335 - San Diego, CA 92101-2470
(619) 531-5533 • Toll Free (800) 852-7334
Email: pam.slater@sdcounty.ca.gov

Printed on recycled paper

LETTER NO. 012

San Diego County Board of Supervisors, Third District
Pam Slater-Price, Supervisor
1600 Pacific Coast Highway, Room 335
San Diego, CA 92101-2470

RESPONSE 012-1

The comment indicates that this letter presents additional comments to those previously submitted. Please see Comment Letter No. 011 for the previous comments. Also, please see Response to Comment Nos. 011-1 through 011-11 for detailed responses to the comments.

The County selected an even more protective double composite liner for the project, rather than the single composite liner originally proposed. The double composite liner would provide even greater assurance that there would be no leakage from the landfill. Section 4.2 of the 2003 Draft EIR contains a detailed analysis of potential seismic impacts. The 2003 Draft EIR concludes that with the incorporation of project design features and mitigation measures, the potential impact would be less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

As discussed in Section 4.4 of the 2003 Draft EIR, the western perimeter drainage channel is designed to accommodate flows from a worst-case rupture of pipelines 1 and 2 in their current location and pipeline 6 in its approved alignment or the relocation area in combination with a 100 year, 24-hour storm event. In the unlikely event of a rupture of the relocated pipelines, or the future Pipeline No. 6, the piezometric surface could experience a short-term rise in the groundwater levels near the base of the canyon. This temporary rise would be collected by the landfill subdrain system so that no significant impacts would occur. The surface water drainage system for the project is designed so that the perimeter channels will only handle surface water flows (run-off) from the undisturbed areas within the refuse footprint and flows (run-on) from those areas adjacent to the refuse footprint. The perimeter channel outlet structures will consist of energy dissipaters to reduce velocities to meet pre-development conditions. In addition, the desilting basin outlet structure is also designed to accommodate a 100 year, 24-hour storm event flows from disturbed areas within the refuse footprint. The leachate collection and removal system is designed to handle twice the peak flow of liquids which pass through the refuse. With the design of the project as proposed, no significant increase in infiltration of water into the waste prism from groundwater or surface water would occur due to a pipeline rupture.

RESPONSE 012-2

The Revised Partial Draft EIR contains an analysis of potential air quality impacts associated with the recycled water facility. The Air Quality, Health Risk, and Noise Technical Memorandum is contained in Appendix D of the Revised Partial Draft EIR. The air quality analysis considers potential construction impacts from the necessary improvements at the Reservoir Site. In

addition, the potential air quality impacts from the recycled water trucks (operation) are also addressed. The analysis concludes that as indicated in the 2003 Draft EIR, the project would result in significant and unavoidable regional construction air quality impacts.

With regard to health risk, since the Maranatha School and existing residential uses are in close proximity to the Reservoir Site, a health risk assessment was conducted to determine if diesel particulate (DPM) exhaust from the water haul trucks would result in potential health risk impacts. The analysis is contained in Appendix D of the Revised Partial Draft EIR. The maximum cancer risk would occur east of Maranatha Drive, in which the maximum exposed residential use would be approximately 4.2×10^{-6} (one in one million). The conservative estimate of cancer risk from water haul truck activity would be below the significance threshold of 10 in one million. No significant health risk impacts would occur to the residents in the vicinity of the Reservoir Site or to the children attending the Maranatha School.

RESPONSE 012-3

As discussed above in Response to Comment No. 012-2, potential health risk impacts related to the trucks carrying water from the Reservoir Site to the landfill site were evaluated at sensitive receptors in close proximity to the haul road (i.e., school and residences). Section 4.15 of the Revised Final EIR has been revised to include the following project design feature: As part of contracting for recycled water trucks, efforts shall be taken to ensure the use of trucks with particulate traps or trucks that use clean diesel or compressed natural gas, or other options that serve to reduce the emissions of diesel particulates.

Letter 013

San Diego County
Taxpayers
Association

Targeting Waste • Promoting Efficiency

110 West C Street, Suite 714, San Diego, CA 92101 • P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

August 11, 2006

RECEIVED
AUG 18 2006
DEH
DIRECTOR'S OFFICE

Mr. Gary Erbeck
Director of Environmental Health
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

Re: Gregory Canyon Landfill

Dear Mr. Erbeck:

I am writing on behalf of the San Diego County Taxpayers Association (SDCTA), a non-profit, non-partisan organization, dedicated to promoting cost-effective and efficient government and opposing unnecessary new taxes and fees.

Our organization urges you to support the proposed Class III municipal solid waste Gregory Canyon Landfill project. SDCTA supported Prop C in 1994, which created the Gregory Canyon Landfill and Recycling Collection Center Ordinance and later opposed Prop B in 2004, which would have repealed that ordinance.

013-1

In our role as a regional fiscal and government watchdog, the San Diego County Taxpayers Association is uniquely qualified to weigh in on this project. Gregory Canyon, as a privately funded infrastructure development, is also unique due to its overwhelming support from the area's voters. The landfill is designed to serve the citizens of San Diego's North County, as a much needed, state-of-the art and convenient disposal facility.

Completion of this project is vital to our growing communities. The lack of a solution to address North County's waste may add to freeway traffic congestion, increase disposal fees and suspend economic growth opportunities. In the best interest of the voters and our area's economy, please join me in supporting this privately funded, and voter approved development.

Sincerely,

Lani Eutar
President and CEO

LETTER NO. 013

San Diego County Taxpayers Association
Lani Lutar, President
110 West C Street, Suite 714
San Diego, CA 92101

RESPONSE 013-1

This comment, which expresses support for the project, is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 014

SDGE Southern California Gas Company

Sempra Energy utilities

August 24, 2006

Sent via facsimile and U.S. mail

DEH Local Enforcement Office
9325 Hazard Way
San Diego CA 92123-1217

RE: Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report (RPDEIR)

To whom it may concern:

San Diego Gas & Electric (SDG&E) has existing electric transmission lines traversing a portion of the Gregory Canyon Landfill Project (Project) site that are proposed to be relocated as part of the Project. Accordingly, SDG&E has an interest in the San Diego County Department of Health's (DEH) RPDEIR as it relates to SDG&E facilities and activities. SDG&E reviewed the RPDEIR for the Project and submits the following comments to DEH for its consideration in the Revised Partial Final Environmental Impact Report (RPFEIR). 014-1

Section 4.5 Traffic

Mitigation Measure MM 4.5-2 requires the Project to monitor the total project traffic from all sources on any day. When total Project traffic exceeds thresholds established in the RPDEIR, the landfill will be closed and traffic into the Project area will cease. Mitigation Measure 4.5.3 further limits Project trip traffic between the hours of 2:00 P.M. and 5:00 P.M. 014-2

SDG&E is required by the California Public Utilities Commission (CPUC) General Orders to retain unimpeded access, at all times, to the electrical transmission system(s) on the Project site for the purpose of operation and maintenance. Because maintaining electric service for SDG&E customers is mandated by the CPUC, we request that DEH clarify in the RPFEIR that the traffic limits in the RPDEIR do not apply to SDG&E's activities within the Project area.

Section 4.9 Biological Resources 014-3

Several biological Mitigation Measures have been added requiring the Project to perform on-site creation or enhancement of habitat(s). The Mitigation Measures also require the Project to protect the created or enhanced habitat areas by placing them within dedicated open space areas.

Should habitat creation or enhancement be proposed for the Project within any existing or relocated electric transmission rights-of-way (R/W), SDG&E must agree to the terms and conditions of that use of the R/W in a Land Use Agreement. The agreement would need to contain conditions acceptable to SDG&E regarding use of the R/W by another entity as a habitat creation or restoration area. At a minimum, the agreement must protect SDG&E's land rights and ensure its ability to operate, maintain, repair, construct or expand its facilities within the R/W are not physically constrained or economically impacted by the habitat creation or restoration.

014-3 Cont'd

Several biological Mitigation Measures have been added requiring that on-site habitat restoration or creation be placed within dedicated open space areas. We are concerned that open space dedications placed within SDG&E R/W to protect habitat creation or enhancement areas could limit or constrain our ability to operate, maintain, repair, construct or expand electric utility facilities in the R/W. If such open space designations were to occur on the Project site and within SDG&E R/W, then the designations must not negatively affect, delay or otherwise constrain SDG&E's ability to operate, maintain, repair, construct or expand our electric transmission facilities.

Section 4.11 Archaeological and Cultural Resources

The section is revised to include a status of the potential listing of Gregory Mountain and Medicine Rock on the National Register of Historic Places. SDG&E has followed the listing procedure and sent letters to the State Historic Preservation Officer (SHPO), dated November 2, 2005 and the National Park Service (NPS), dated February 13, 2005 regarding our concerns with the potential listing.

014-4

Though NPS is no longer considering the nomination, Section 4.11 notes that the nomination could be re-submitted and the listing could occur in the future. Should that future listing occur, both Gregory Mountain and Medicine Rock would be considered "significant historic and cultural resources" raising the level of concern for those resources to a level of "significant and unmitigable". The area proposed for nomination includes the location of building pads for the proposed SDG&E transmission line relocations as well as existing electric transmission facilities, on and off the Project site that will not be relocated as part of the Project.

Should the listing occur, the impacts and mitigation for the electric transmission line relocation will substantially increase the complexity, duration and cost of the relocation. Any changes in engineering, changes in project schedule or increases in project cost created by the listing and related to archaeological or cultural resource mitigation and/or monitoring would be the responsibility of the Project. SDG&E would coordinate with the Project proponent in light of any changes to the transmission line relocation caused by the listing but would rely upon the Project proponent to comply with and implement the mitigation and monitoring measures and provide any permits, approvals or clearances required for that compliance and implementation. 014-4 cont'd

Section 4.12 Ethnohistory and Native American Interests

Comments regarding this section are similar to the comments for Section 4.11 above. In addition, SDG&E is also concerned about several Mitigation Measures addressing ethnohistoric resources.

Mitigation Measures MM 4.12a through MM 4.12d address the development of access across the Project site to the summit of Gregory Mountain for the benefit of the Pala Band of Mission Indians. These Mitigation Measures include the dedication of open space or granting of open space easements for trail development, establishing trail funding mechanisms and the restoration and improvement of a footpath trail system for access to Gregory Mountain by the Pala Band of Mission Indians. 014-5

Should the footpath trail system propose use of SDG&E R/W, such secondary use of the R/W would require either the Project proponent, or the Pala Band of Mission Indians, to enter into a Trails Indemnification Agreement with SDG&E on terms and conditions acceptable to SDG&E. As a preliminary matter, SDG&E would not agree to fund any improvements for the footpath trail system or its long term maintenance. In addition, SDG&E will not be responsible for repairing any disturbance to the footpath trail within its R/W caused by its otherwise legal utility activities within the R/W or use of its associated access roads.

Please call me at (858) 637-3708 if you have any questions.

Sincerely,

Kenda Collins on behalf of Don Haines

Don Haines
San Diego Gas & Electric Company

LETTER NO. 014

San Diego Gas and Electric
Don Haines

RESPONSE 014-1

This comment indicates that existing SDG&E lines traverse the landfill site. Chapter 3 of the 2003 Draft EIR provides a graphic showing the location of the existing lines and describes the proposed relocation of the lines. The comment sets forth the history of SDG&E's interest in the project. The Revised Partial Draft EIR does not contain any revisions to this component of the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 014-2

County DEH staff concurs that the vehicle restrictions set forth in MM 4.5-2 and 4.5-3 of the Revised Partial Draft EIR are applicable only to vehicle traffic associated with the landfill operation. These restrictions would not apply to traffic generated by SDG&E in the course of its activities.

RESPONSE 014-3

County DEH staff has reviewed and compared the location of the existing and proposed power line right of way depicted in Exhibit 3-3 of the 2003 Draft EIR with the areas proposed for habitat creation or habitat restoration depicted in Exhibit 4.9-6 of the Revised Partial Draft EIR. Based on that review, no habitat creation or habitat restoration activities would take place within the existing or proposed power line right of way. Portions of the existing or proposed power line right of way are within the 1,313 acres designated for open space preservation by Proposition C. However, the project description in the 2003 Draft EIR provides that a 300 foot easement for the existing and future power line right of way would be maintained. This would allow SDG&E access at all times to operate, maintain, repair, construct or expand its electrical transmission facilities. This issue was not overturned by the Court or included in its writ.

RESPONSE 014-4

County DEH staff concurs that the project would be responsible for changes in engineering, changes in project schedule or increases in project cost created by the potential listing of Gregory Mountain and Medicine Rock on the National Register of Historic Places. County DEH staff concurs that all project design features and mitigation measures related to the relocation of the power line right of way would be the responsibility of the project, and would be enforced by DEH through the Solid Waste Facility Permit.

RESPONSE 014-5

The proposed access footpath trail described in MM 4.12-1b and MM 4.12-1c of the 2003 Draft EIR would be from the western boundary of the Pala Reservation up the east face of Gregory Mountain to its summit. The access path would not intersect any portions of the landfill site located to the west of the summit of Gregory Mountain, and in particular, the existing or proposed power line right of way. County DEH staff acknowledges the comment regarding applicable requirements in the unlikely event the power line easement would be used as part of the access trial.

Letter 015

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Michael D. Ott

Counsel

William D. Smith

August 16, 2006

Received
AUG 18 2006
DEH / LEA

TO: Kerry McNeill, Supervisor
Department of Environmental Health

FROM: Chief, Governmental Services
Local Agency Formation Commission

SUBJECT: Revised Partial Draft Environmental Impact Report (EIR) for Gregory Canyon Landfill (LOG. No. 98-02-025)

Thank you for the opportunity to comment again on the above-referenced project. In the past, LAFCO provided comments on both the Draft EIR and a Revised Draft EIR; a copy of each letter is attached. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence activity. To receive public services, this project may require various jurisdictional changes and sphere amendments, which would make LAFCO a responsible agency for environmental review. Therefore, we offer the following comments. 015-1

- Municipal Service Review and Sphere of Influence Update Study

Currently, LAFCO is conducting a Municipal Service Review and Sphere of Influence Update Study (MSR/SOI) encompassing the area where the proposed project site is located. The study will result in determinations that outline alternative methods for the delivery of water, sewer, and recycled water to the region. Since the study has not been completed nor the determinations drafted, it is not yet known which entity should be responsible for providing the subject services to future development. Environmental review has been initiated that identifies specific projects (including the Gregory Canyon Landfill), and proposes that the San Luis Rey Municipal Water District (MWD) be responsible for service provision (please refer to Public Services Section below). 015-2

- Public Services

Water service: A majority of the Gregory Canyon Landfill site already is located in the San Luis Rey MWD. However, the District was formed to protect groundwater resources and does not have the legal authority to provide water service at this time, and has neither permits nor infrastructure to do so. In addition, San Luis Rey MWD is not a member of the San Diego County Water Authority (CWA) or the Metropolitan Water District of Southern California (MET), and thus has no rights or access to imported water. In accordance with State law, the District cannot lawfully provide any service(s) 015-3

until LAFCO authorization to exercise latent powers is obtained. Accordingly, San Luis Rey MWD is precluded from providing water service to the project site unless the District is annexed to CWA and MET, included in those agencies' spheres, and receives authorization of latent powers from LAFCO.

Consequently, the Revised Partial Draft EIR proposes that the project utilize two sources of water: on-site percolating groundwater and recycled water. Groundwater is available from existing bedrock wells located north of the landfill footprint. Appendix C states that the ". . . groundwater sources are insufficient to fully support both construction activities and the landfill operations." Thus, it is proposed that recycled water be used as a substitute for uses other than drinking water. The reclaimed water, which is described as disinfected tertiary recycled water, would be supplied by Olivenhain MWD and trucked to the site. Pursuant to Government Code Section 56133, LAFCO is given the authority to approve or deny requests for service(s) on a contractual basis. However, it should be noted that the statute contains exemption conditions regarding the transfer of non potable water. For that reason, the proposed use of non potable (recycled water) trucked to the project site does not appear to fall under LAFCO purview. O15-3 cont'd

Fire and emergency medical services: Currently, the project site is not in an agency that provides fire and emergency medical services. However, the development is in the North County Fire Protection District's (FPD) sphere of influence. Although the Revised Partial Draft EIR does not specifically address fire protection and emergency medical services, LAFCO previously provided comments related to potential future annexation to North County FPD for these services (refer to attached letters). If the project is modified to include annexation for fire services, LAFCO would become a responsible agency under the provisions of CEQA. O15-4

To summarize, the Revised Partial Draft EIR proposes that water be furnished to the project from two sources – on-site percolating groundwater as well as recycled water supplied and trucked in by Olivenhain MWD for non potable uses. However, trucking water to the site may be suitable only as a temporary method of service provision. Therefore, it is conceivable that LAFCO may become a responsible agency under the provisions of CEQA if the authorization of latent powers for water service provision by San Luis Rey MWD is sought, and/or annexation to North County FPD for fire protection and emergency medical services is pursued. As such, LAFCO needs to be informed of this project's progress, and should continue to receive all notices, information, and documents associated with this project. If you have any questions, or if LAFCO may be of any further assistance, please contact me at (619) 531-5400. O15-5

Ingrid E. Hansen

INGRID E. HANSEN
Chief, Governmental Services

IEH:jb
Attachments
cc: David M^c^Collom, Olivenhain Municipal Water District
Harry Ehrlich, Olivenhain Municipal Water District

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City of San Diego

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South Bay Irrigation District

Guy W. Winton III
Public Member

Executive Officer
Michael D. Ott

Counsel
John J. Sansone

January 10, 2000

TO: Kiersten Giugno (0650)
Department of Planning and Land Use

FROM: Local Governmental Analyst (A216)
Local Agency Formation Commission

SUBJECT: Revised Draft Environmental Impact Report: Gregory Canyon Landfill: Environmental Log Number ER98-02-025

Thank you for the opportunity to comment on the above-referenced project. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. Usually, LAFCO is a responsible agency for environmental review when jurisdictional changes and/or sphere amendments are proposed. Environmental documents should contain a discussion of public facilities, how public services are proposed to be provided to the project area, and the ability of existing agencies to provide that service.

The Revised Draft Environmental Impact Report (EIR) does not specifically identify any changes to local government organization associated with the project. Unless the project requires changes to local government organization and/or spheres of influence, LAFCO will not be a responsible agency for environmental review. However, we offer the following comments:

Water Service

The proposed project is the development of a public landfill. While the entire project site consists of 1,770 acres, 1,313 acres will be dedicated as permanent open space for preservation of sensitive habitat and species, with 308 acres designated for a variety of related landfill activities. Ancillary facilities are planned for construction on a 13-acre site. According to the document, the project area is divided between the San Luis Rey and Rainbow Municipal Water Districts (SLRMWD and RMWD). Generally, it is preferred that a project be within only one agency for service provision to reduce jurisdictional confusion related to administration, liability, and infrastructure planning. However, since water service would be required only for a small segment of the project area (13 acres), the existing jurisdictional split may not present a conflict between the two districts. If, however, all of the project territory should be within

one water district, then a reorganization involving annexation to the SLRMWD, an amendment to the District's sphere of influence, and detachment from the RMWD, must be processed by LAFCO. This matter should be discussed and resolved between the two affected water districts and clarified in the final document.

Fire and Paramedic Services

As previously mentioned, some ancillary structures (a scale house, administration, maintenance, and generator buildings) are planned for construction on a 13-acre site. In addition, the document states that the operation of this landfill will require 21 full-time employees. Of concern is employee safety, since by its nature, a landfill and its operation have the potential for hazardous waste accidents and related emergency medical situations. The Revised Draft EIR indicates that the site is within a State Responsibility Area (SRA) and will be provided fire suppression from the California Department of Forestry and Fire Protection (CDF). CDF personnel primarily respond to wildland fires; therefore, the final report should assess the ability of CDF personnel to provide an adequate level of structural fire protection as well as emergency medical treatment to employees at the landfill. An evaluation of any impacts (i.e., additional equipment and/or staff) associated with CDF providing those services should be contained in the Final EIR.

Furthermore, while not currently within a fire protection district, the entire project site was included within the North County Fire Protection District's (NCFPD) sphere of influence when it was adopted in 1986. This determination identified the District as the logical provider of future fire services to the area. Additionally, the NCFPD has a station located approximately five miles from the proposal landfill site that houses a paramedic engine company and a basic life support ambulance company. Consequently, an alternative to the project as proposed would be annexation of the property into the North County FPD. This alternative should be discussed, evaluated, and incorporated into the final environmental document. Moreover, the NCFPD staff should be notified of this project and their comments included in future reports associated with this proposal. Any change to the District's boundary would be subject to approval by LAFCO and, as a discretionary action, annexation also should be addressed in the final EIR prepared for this project.

The document also contains confusing statements regarding the provision of emergency medical services to the area. Section 4.15.5.1 states that "Ambulance service is provided by the NCFPD." However, it also states that "It is anticipated that paramedic services will be provided to the entire area, including the landfill site, by the Valley Center Fire Protection District within one year." These statements should be clarified and discussed with an explanation for this discrepancy provided.

The Revised Draft EIR contains a section detailing the procedures for handling hazardous waste materials and related processing and disposal. The text describes an entity that is jointly administered by the City of San Diego and the County Department of Environmental Health. If notification has not been provided, it would seem appropriate to notify the County's Department of Disaster Preparedness of this proposed project to obtain comments before the EIR is finalized.

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at 531-5400.

Ingrid E. Hansen

INGRID E. HANSEN
Local Governmental Analyst

IEH:tm

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San Diego Local Agency Formation Commission

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Public Member

Executive Officer
Michael D. Ott

Counsel
John J. Sansone

February 25, 1999

TO: Kiersten Rydbeck (0650)
Department of Planning and Land Use

FROM: Local Governmental Analyst (A216)
Local Agency Formation Commission

SUBJECT: Draft Environmental Impact Report: Gregory Canyon Landfill: Environmental Log Number ER98-02-025

Thank you for the opportunity to comment on the above-referenced project. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. Usually, LAFCO is a responsible agency for environmental review when jurisdictional changes and/or sphere amendments are proposed. Environmental documents should contain a discussion of public facilities, how public services are proposed to be provided to the project area, and the ability of existing agencies to provide that service.

The Draft Environmental Impact Report (EIR) does not specifically identify any changes to local government organization associated with the project. Unless the project requires changes to local government organization and/or spheres of influence, LAFCO will not be a responsible agency for environmental review. However, we offer the following comments.

The proposed project is the development of a public landfill. While the entire project site consists of 1,770 acres, 1,313 acres will be dedicated as permanent open space for preservation of sensitive habitat and species, with 308 acres designated for a variety of related landfill activities. Ancillary facilities are planned for construction on a 13-acre site. According to the document, the project area is divided between the San Luis Rey and Rainbow Municipal Water Districts (SLRMWD and RMWD). Generally, it is preferred that a project be within only one agency for service provision to reduce jurisdictional confusion related to administration, liability, and infrastructure planning. However, since

water service would be required only for a small segment of the project area (13 acres), the existing jurisdictional split may not present a conflict between the two districts. If, however, all of the project territory should be within one water district, then a reorganization involving annexation to the SLRMWD, an amendment to the District's sphere of influence, and detachment from the RMWD, must be processed by LAFCO. This matter should be discussed and resolved between the two affected water districts and clarified in the final document.

In addition, page 4.15-4 states that "Approximately 388 acres of the project site are located within the service area of the SLRMWD . . . A small portion of the project site . . . is located within the service area of RMWD." If the entire project site consists of 1,770 acres and only 400± acres are in the two districts, what is the status of the remaining 1,370± acres? Are the remaining acres not within any water district, or are these figures incorrect? Please address this inconsistency in the Final EIR.

As previously mentioned, some ancillary structures (a scale house, administration, maintenance, and generator buildings) are planned for construction on a 13-acre site. The document states that the operation of this landfill will require 21 full-time employees. Of concern is employee safety, since by its nature, a landfill and its operation have the potential for hazardous waste accidents and related emergency medical situations. The Draft EIR indicates that the site is within a State Responsibility Area (SRA) and will be provided fire suppression from the California Department of Forestry (CDF). CDF personnel primarily respond to wildland fires. Therefore, the final report should assess the ability of CDF personnel to provide an adequate level of structural fire protection as well as emergency medical treatment to employees at the landfill. An evaluation of any impacts (i.e., additional equipment and/or staff) associated with CDF providing those services should be contained in the Final EIR.

Furthermore, the property is within the North County Fire Protection District's (FPD) sphere of influence. The Draft EIR lists the District as the second responder for emergency calls. Accordingly, the North County FPD staff should be notified of this project and their comments solicited and incorporated into the final document.

The Draft EIR contains a section detailing the procedures for handling hazardous waste materials and related processing and disposal. The text describes an entity that is jointly administered by the City of San Diego and the County Department of Environmental Health. If notification has not been provided, it would seem appropriate to notify the County's Department of Disaster Preparedness of this proposed project to obtain comments before the EIR is finalized.

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at 531-5400.

Ingrid E. Hansen

INGRID E. HANSEN
Local Governmental Analyst

IEH:hm

LETTER NO. 015

San Diego Local Agency Formation Commission
Ingrid E. Hansen, Local Governmental Analyst
1600 Pacific Highway, Room 452
San Diego, CA 92101

RESPONSE 015-1

The comment is introductory in nature. Please see the detailed responses to the comments, which follow. With regard to previous comment letters from the agency, the comment letter dated January 10, 2000 is identified as Letter T in the 2003 Draft EIR. Please see Response to Comment Nos. T-1 through T-6 for detailed responses. Comment letters on the January 1999 Draft EIR were not responded to individually pursuant to CEQA Guidelines Section 15088(f)(1), as a new EIR was prepared and was distributed in December 1999. However, the comment letters on the January 1999 Draft EIR are part of the administrative record and were reviewed in a matrix format to ensure that environmental issues have been addressed. The issues raised in the February 25, 1999 letter have been addressed.

RESPONSE 015-2

The comment identifies work that is currently underway by the commenting agency. The comment does not provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 015-3

The comment summarizes the water sources for the project and indicates that the proposed use of recycled water does not fall under LAFCO purview. No further response and no action is necessary.

RESPONSE 015-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The impacts regarding fire protection were thoroughly analyzed in Section 4.15, Utilities, of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The portion of the comment regarding annexation for fire services is

acknowledged. Please also see Response to Comment No. T.4 of the 2003 Draft EIR regarding annexation for fire services.

RESPONSE 015-5

This comment regarding the possibility of LAFCO becoming a responsible agency if the authorization of latent powers for water service provisions by SLRMWD is sought, and/or annexation to the North County Fire Protection District for fire protection and emergency medical services is pursued, is acknowledged and will be forwarded to the decisionmaker for review and consideration. County DEH staff will continue to coordinate with LAFCO regarding the project.

Letter 016

SAN DIEGO ™
REGIONAL
CHAMBER OF
COMMERCE

EMERALD PLAZA
402 West Broadway, Suite 1000
San Diego, California 92101-3585

Tel 619.544.1300
www.sdchamber.org

August 3, 2006

Received
AUG 2 3 2006
DEH / LEA

Gary Erbeck
Director, Dept. of Environmental Health
County of San Diego
1600 Pacific Highway
SD, 92101

Dear Mr. Erbeck:

In 2004, the voters of San Diego County soundly defeated Proposition B, thereby stating their strong support for the Gregory Canyon Landfill Project. The San Diego Regional Chamber of Commerce endorsed the opposing position and continues to support the landfill. We are again urging support of this much needed, state-of-the art, environmentally safe, and convenient disposal facility to serve the residents and businesses of San Diego County.

The Gregory Canyon Landfill Project is a unique utility land use project. After an open and well-publicized campaign and a full airing of all sides of the issue, the voters of San Diego County made it overwhelmingly clear they want this project to go forward. The citizens of the county have been able to weigh the benefits and impacts of the project, and have made a clear and informed judgment. Their electoral will should be your mandate. 016-1

The Chamber feels that the completion of this project is vital for our growing business and residential communities and is the solution to waste issues in North County. Without the Gregory Canyon Landfill, trucks would have to travel longer distances to more distant landfills, increasing freeway and surface street congestion. In addition, a virtual monopoly on county waste disposal would threaten residents and businesses with significant increases in disposal fees without this project.

In the Gregory Canyon Landfill's EIR, environmental concerns were addressed and full protection of the area's water resources was ensured.

We urge you to take the necessary steps to allow the project to move forward. In the best interest of the voters, the environment, and our area's economy please join us in supporting this privately funded, and voter-approved development.

Respectfully,

Scott D. Alevy
Vice President
Public Policy & Communications

LETTER NO. 016

San Diego Regional Chamber of Commerce
Scott D. Alevy, Vice President
402 West Broadway
Suite 1000
San Diego, CA 92101-3585

RESPONSE 016-1

This comment, which expresses support for the project, is acknowledged and will be forwarded to the decisionmaker for review and consideration.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

Letter 017

SOIL WATER AIR PROTECTION ENTERPRISE
201 Wilshire Boulevard,
Second Floor
Santa Monica, California 90401
Attn: Paul Rosenfeld
Tel: (310) 795-2335
Fax: (310) 393-3898
Email: prosenfeld@swape.com

August 24, 2006

DEH Local Enforcement Agency
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Comments on the Revised Partial Draft Environmental Impact Report for Gregory Canyon Landfill

To Whom It May Concern:

Soil Water Air Protection Enterprise would like to submit comments on the Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report on behalf of The City of Oceanside and Riverwatch. The comments focus alternative technologies, diesel particulate matter emissions at both Gregory Canyon Landfill and Maranatha School, toxic air, odor and water issues at Gregory Canyon Landfill, and future development in the vicinity of the proposed landfill. 017-1

If you have any questions regarding the above, please do not hesitate to call at (310) 795-2335.

Sincerely,

Paul Rosenfeld, Ph.D.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

COMMENTS ON THE GREGORY CANYON LANDFILL RPDEIR

PREPARED FOR:

The City of Oceanside
Riverwatch

PREPARED BY:

Soil Water Air Protection Enterprise (SWAPE)
201 Wilshire Blvd, Second Floor
Santa Monica, CA, 90401

August 24, 2006

Soil Water Air Protection Enterprise (SWAPE) analyzed impacts to water, air, soil and health from the proposed Gregory Canyon Landfill (GCLF). The Gregory Canyon Landfill is located on SR 76 in northern San Diego County, two miles southwest of the Pala community. The Revised Partial Draft Environmental Impact Report (RPDEIR) was reviewed and the following deficiencies will be discussed: 017-2

- Alternative technologies were not addressed
- Air toxic issues were improperly evaluated
- Odor issues were improperly evaluated
- Water issues were improperly addressed
- Future development was unaddressed

Alternative Technologies

Alternatives to the GCLF are discussed in the Revised Draft Environmental Impact Report (RDEIR). These alternatives include alternate North County locations, transportation of waste outside the county, and reconfiguration of the landfill footprint. However alternative technologies were not discussed.

Currently various technologies exist which can replace the need for a landfill. 017-3 The main technology is waste-to-energy conversion. Waste-to-energy conversion can provide clean, renewable energy from high temperature gasification of municipal solid waste. Presently there are over 100 waste-to-energy plants in the United States. According to the Energy Information Administration, Japan converts up to 62% of their municipal solid waste while the United States converts only 14% of their waste (EIA 2006). This technology reduces the need for landfills and can create an additional source of energy.

The thermal conversion process is more than 80% energy efficient, generates its own energy to power the system, and reduces trash volume by 90% (IWSA 2004). If one-third of the residential municipal solid waste collected annually in Los Angeles was processed by conversion technologies (which converts waste to energy), about 50 MW of renewable energy could be produced (Predpall 2006). In fact, at a conversion rate of 1083 kWh/t MSW, gasification is shown to provide the best return. Many plants using the gasification process in the US and Canada range in capacity from 100 to 400 tons-per-day; these plants were installed between 1980 and 1992 (Kumar 2000). Most of the waste-to-energy facilities are located on the east coast, where space efficiency poses a great problem. For example, as of 2001, Florida had 13 operating waste-to-energy facilities, one of which was a 1,000 tons-per-day WTE facility located in Tampa (DeGrane 1994). If this process is utilized in North San Diego County, it can eliminate the need for constructing Gregory Canyon. 017-3 Cont'd

Air Toxics Issues

DPM: GCLF

Air emissions from traffic operations at GCLF were analyzed inadequately in the RPDEIR. Particulate matter emissions were evaluated; however, diesel particulate matter (DPM) was not addressed. This analysis was performed for both the proposed GCLF and for the Olivenhain Santa Fe Valley Reservoir and Pump Station (Reservoir) to determine the impacts on the surrounding community. URBEMIS, an air emission model, and SCREEN3, an odor dispersion model were used to determine project impacts. 017-4

Diesel particulate matter-10 microns is of concern from the increased traffic related to the GCLF. The Urban Emissions Model, URBEMIS, was run to determine the impacts from particulate matter during operations at the GCLF. The URBEMIS 2002 Model estimates criteria pollutants from land use projects. The model estimates emissions for various project sources such as construction, area sources, land uses, and operation. For this analysis only the land use and operation portions of the model were used and the model was run twice with two different inputs for the paved and unpaved road percentages.

The GLCF total site is 1,770 acres where the landfill activities are on approximately 308 acres. To run the URBEMIS model, the total site area for the landfill was taken as 308 acres, since landfill activity will only be conducted on this area while the remaining area is open space. The first run assumes the area was 100 percent paved in order to estimate DPM emissions (Appendix A, Run1), while the second run assumes that the roads were ten percent paved and ninety percent unpaved to estimate total particulate matter emissions (Appendix A, Run 2). Particulate matter is a mixture of very small liquid and solid particles floating in the air, where PM10 specifically refers to those particles which are of the size 10 microns or less, while DPM is a mixture of particulates which are a component of diesel exhaust.

017-4 Cont'd

In the URBEMIS model, the land use at the GCLF was assumed to be general light industry with approximately 675 trucks making a round trip daily through the facility. This number was obtained from Table 4.5-7 in the RPDEIR and is summarized in the table below and includes 625 waste trucks and 50 other non-waste related trucks, such as water and construction trucks. It does not include the twenty employees or ten

visitors which are expected to come to the site daily since only diesel particulate matter is being evaluated.

The vehicle fleet emission during site operation was estimated next. The Draft Environmental Impact Report notes a total of 705 vehicles accessing the site daily. These vehicles are summarized in the table below. These percentages were input into the URBEMIS model where the water trucks were assumed to be medium-heavy trucks and the waste trucks were heavy-heavy trucks. This was based on the assumption in the RPDEIR that each waste truck is 24-tons and a water truck can hold 2,300 gallons of water. The target year for this vehicle fleet was assumed to be 2006, which includes vehicles from 1996-2006 and the trip characteristics, temperature data and variable start portions of the model were left at their default levels.

017-4 cont'd

Daily Vehicle Fleet at GCLF

Vehicle Type	Number	Percentage of Fleet
Waste Truck (24-ton)	625	89%
Other truck (water)	50	7%
Employee Vehicles	20	3%
Visitors	10	1%

The results of the operational emissions for both URBEMIS runs are estimated below. The percentage to be paved at the site was obtained from Table 3-1 in the RDEIR under the assumption that the ancillary facilities area, access road and bridge, and the borrow/stockpile area haul road are to be paved which leaves the rest of the landfill area

unpaved. When these areas are added up they total to 19.1 acres of the 307.8 acres of the landfill activities site, which is approximately six percent. Thereby, using ten percent as paved is a conservative estimate. From the table below, it is evident that by having the site mostly unpaved leads to greater PM emissions, which are from dust, wind erosion and travel on unpaved areas.

Operational/Vehicle Emission Estimates (lbs/day)

Road Type Percentages	ROG	NOx	CO	SO_2	PM_{10}
100% Paved 0% Unpaved	35.4	388.4	314.3	5.8	33.7
10% Paved 90% Unpaved	35.4	388.4	314.3	5.8	34,487.5

017-4 cont'd

Under the assumption of the roads being fully paved all of the PM_{10} emissions were assumed to be diesel particulate matter since the only route of emissions is from vehicles. The estimated 33.7 pounds per day of PM is equivalent to 15.3×10^9 μg/day. When the DPM emissions are spread evenly over the GCLF area, approximately 308 acres, the resulting emission rate is 12,261 μg/day-m^2 which is equivalent to 1.42×10^{-7} g/ s-m^2.

This emission rate was then input into SCREEN3 to determine the maximum 1-hour concentration of DPM emissions at the site. The SCREEN3 assumptions include a source release height of 1 meter, a 1116 meter by 1116 meter source area and a receptor height of 1 meter (Appendix A, Run 1). The rural option was chosen, and the maximum 1 hour concentration was determined to be 789 meters from the source with a concentration of 26.20 μg/m^3.

The URBEMIS analysis with the roads 10% paved and 90% unpaved gives an estimated 34,488 pounds per day. This is an extremely high PM_{10} emission value which is a direct result of dust, wind erosion and travel on unpaved areas of the GCLF. The PM_{10} emission estimate is equivalent to an emission rate of 1.0×10^{-4} g/ s-m^2. This emission rate was input into SCREEN3 to obtain the maximum 1-hour maximum concentration which occurs 789 meters from the source at a concentration of 18,450 $\mu g/m^3$ (Appendix A, Run 2).

The 1-hour maximum for PM_{10} is much greater when only 10% of the area is paved rather than 100% of the site due to PM_{10} emissions from dust, wind erosion and travel on unpaved areas. According to the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment, the unit risk factor for diesel exhaust is $3 \times 10^{-4}(\mu g/m^3)^{-1}$. Based on the maximum 1-hour DPM exposure from SCREEN3, the risk of working at this facility can be calculated. Under the assumption of a fully paved facility, which only looks at PM emissions from diesel trucks, the risk is approximately 1×10^{-2} from DPM. This is above the Proposition 65 No Significant Risk Level (NSRL) based on a 1 in a 100,000 or a 10^{-5} risk.

017-4 Cont'd

Diesel Particulate Matter Risk Associated with 100% of Site Paved

Percent Paved	Emission Rate (g/ s-m^2)	1-hour Maximum Concentration ($\mu g/m^3$)	OEHHA Diesel Unit Risk Factor $(\mu g/m^3)^{-1}$	Risk
100%	1.42×10^{-7}	26.20	0.0003	0.01

GCLF: Odor Issues

Along with diesel particulate matter, odor impacts from landfill gas (LFG) are also of concern to the community. To determine the landfill constituents and concentrations, the landfill gas emissions from GCLF were determined. The GCLF has a life of 32 years with the maximum amount of waste peaking during Year 32, the last operational year. Science Applications International Corporation's (SAIC) report titled *Air Emissions Inventory Report Air Quality Permit Application Gregory Canyon Landfill, November 2005* provides information on the quantity of landfill gas LFG which is generated during the operation of the GCLF.

SAIC used the Environmental Protection Agency's LandGEM Model (Version 3.02) to estimate landfill gas generation rates at GCLF. From the estimated emissions, 80% are assumed to be captured, which is based on implementation of Best Available Control Technology while the remaining 20% of the LFG is released to the atmosphere as fugitive emissions (Table 1). The fugitive gas generation emission rate of the last operating year, 16.69 x 10^6 m^3/year was subsequently used to determine the volume of individual landfill gas constituents.

017-5

To obtain an estimation of the volume of landfill gas, EPA AP42 Emission Factors were used in conjunction with the estimated fugitive landfill gas generation rate (EPA 1995). Emission factors relate the quantity of the pollutant released into the atmosphere with a particular activity. The emission factors used in the analysis were obtained from the municipal solid waste landfill section (Table 2). This is not a comprehensive list of all landfill gas constituents but includes constituents which were identified through a literature review. The mass per volume of landfill constituents from

AP42 was multiplied by the volume per year of landfill gas generation rate to obtain a landfill constituent emission rate of mass per time (Table 3). This emission rate was input into the EPA SCREEN3 Model to estimate concentrations of various landfill gas constituents which are carcinogenic or odorous.

SCREEN3 is an EPA dispersion model which uses a Gaussian equation that incorporates source-related and meteorological factors to estimate pollutant concentrations from continuous sources. It is assumed that the pollutant does not undergo any chemical reaction on the plume during its transport from the source.

017-5 cont'd

The SCREEN3 area source algorithm is based on the Gaussian equation for a finite line segment source. The algorithm used by SCREEN3 assumes that the ground-level concentration at a receptor located downwind of the source area is given by a double integral in the upwind (x) and crosswind (y) directions (EPA, 1995a) (Equation 1-1). Input variable descriptions and the interactions of the source-related and meteorological factors are described in Volume II of the Industrial Source Complex 3 (ISC3) user's guide (EPA, 1995b).

Equation 1-1: SCREEN3 Algorithm

$$\chi = \frac{Q_A K}{2 \pi u_s} \int_x \frac{V D}{\sigma_y \sigma_z} \left(\int_y \exp \left[-0.5 \left(\frac{y}{\sigma_y} \right)^2 \right] dy \right) dx$$

χ = ground-level concentration at a receptor located downwind ($\mu g/m^3$)

Q_A = area source emission rate (g/s)

K = scaling coefficient (1×10^6 for Q in g/s and concentration in $\mu g/m^3$)

V = vertical term

D = decay term

σ_y = standard deviation of lateral concentration distribution (m)

σ_z = standard deviation of vertical concentration distribution (m)

u_s = mean wind speed (m/s) at release height

x = downwind distance from source to receptor (m)

y = crosswind distance from source to receptor (m)

SCREEN3 examines a range of stability classes and wind speeds to identify the meteorological conditions, i.e., the combination of wind speed and stability, which results in the maximum ground level concentrations. SCREEN3 can be used to predict the concentration of pollutants at an array of distances from an area source using time weighted 1-hour averages during all meteorological conditions, or combinations of wind speed and stability. 017-5 Cont'd

Stability categories are indicators of atmospheric turbulence. SCREEN3 estimates downwind concentration using 6 stability categories (from highly unstable to moderately stable). The stability category at any given time will depend upon static stability (related to the change in temperature with height), thermal turbulence (cause by heating of the air at ground level), and mechanical turbulence (a function of wind speed and surface roughness) (EPA 1995a).

The resulting emissions from the SCREEN3 Model were assumed to occur over a 1116 meter by 1116 meter area, the area of the GCLF. The maximum 1-hour concentrations were then compared to the landfill gas constituent's odor detection limit

and the EPA Region 9 Preliminary Remediation Goals (PRGs) for Ambient Air, if available. The odor detection limits are from Jon Ruth's review paper which compiled the odor threshold for more than 400 substances while the Ambient Air PRGs are risk based concentrations which assist in evaluating and cleaning up sites. SCREEN3 calculated the maximum 1-hour concentration at GCLF at a distance of 789 meters from the source (Appendix B). The distance at which the constituent concentration is below the odor detection limit or the ambient air PRG along with the 1-hour maximum concentrations are noted below.

Landfill Gas Constituent Concentrations at Gregory Canyon Landfill

Constituent	Maximum 1 hr concentration (ug/m^3)	Odor Detection Limit (ug/m^3)	Exceedance	Distance of Exceedance (m)	Region 9 Ambient Air PRG (ug/m^3)	Exceedance	Distance of Exceedance (m)
1,1,2,2-Tetrachloroethane	0.60	21,000	No		0.033	Yes	>10,000
Dichloromethane	3.90	540,000	No		4.1	No	
Dimethyl Sulfide	1.56	2.5	No		--	--	
Ethyl Mercapatan	0.45	0.032	Yes	>10,000	--	--	
Hydrogen Sulfide	3.88	0.7	Yes	5,000	1	Yes	2,600
Methyl Mercapatan	0.38	0.04	Yes	>10,000	2.1	No	
Perchloroethylene	1.98	31,356	No		0.32	Yes	5,500
Trichloroethylene	1.19	1,134	No		0.96	Yes	900
Vinyl Chloride	1.47	--	--		0.11	Yes	>10,000

017-5 cont'd

Using SCREEN3, it is evident that several landfill gas constituents exceed their respective odor detection limit and EPA Region 9 Ambient Air PRGs. The odor detection limit is exceeded past 6.21 miles for ethyl mercapatan and methyl mercapatan, while the odor limit for hydrogen sulfide is exceeded up to 3.1 miles from the source.

The ambient air PRG is exceeded for five out of the seven compounds which were analyzed for. Two of these compounds exceed the PRG past the greatest distance analyzed, which is 6.21 miles. The compounds which exceed their PRG levels past this distance are 1,1,2,2-tetrachloroethane and vinyl chloride. The ambient air PRGs are also exceeded for hydrogen sulfide, perchloroethylene and trichloroethylene up to 1.61, 3.42, and 0.56 from the source respectively. These distances are relatively large and the impacts of odor will be felt by the residents since the nearest residents are located within half a mile from the proposed landfill site along Couser Way. From Figure 1, it is evident that approximately forty residents are located within 1 mile of the proposed GCLF.

O17-5 Cont'd

Case Studies

Odor is a common issue at landfills. Several case studies have been noted where odor has occurred at nearby residential properties in close proximity to a landfill. An example is the B.K.K. Landfill, a hazardous and solid waste facility in West Covina, California. An odor study was conducted analyzing odor complaints in the area around the landfill from 1979-1980 (CDHS 1994). Approximately 780 complaints were noted during this time period. The analysis further found that odor concentrates in low, cold air spots during the early morning or evening hours. During this time the air is stable and strong ground level inversions occur, resulting in the downslope drainage of cold air. At the B.K.K. Landfill the residents south and south-east of the landfill were impacted the

most and the odor complaint area was identified to be 1 ¼ mile from the landfill property line.

Furthermore, there have been various complaints over landfill odors throughout the country. In Stark County's Pike Township, Ohio, the Countywide Recycling & Disposal Facility affects residents of Bolivar, Wilkshire Hills, and the outlying Lawrence Township. One resident, Dick Harvey, lives 1.5 miles from the landfill and has been confined to his home by the odor on many occasions. There have been many other complaints around communities near landfills such as Hillside Landfill near Chicago, IL, Holley-Navarre and Coyote Landfill in Pensacola, FL, Hardwick Landfill in Hardwick, MA, McCarty Landfill near Houston, TX, Austin Community Landfill and Sunset Farms Landfill in Austin, TX, West Old Town Landfill in Old Town City, ME, Pottstown Landfill in Montgomery County, PA, Conestoga Landfill in New Morgan, PA, Alliance Landfill in Wilkes-Barre, PA, and Warren Hills C&D Landfill in Warren, OH. Landfills release noxious gases, such as hydrogen sulfide, that lead to odors and cause many health problems. 017-5 cont'd

DPM: Maranatha School

In addition to increased traffic in the vicinity of the GCLF, there will also be an increase in traffic near the Olivenhain Santa Fe Valley Reservoir and Pump Station (Reservoir) near Maranatha Way and Artesian Road. A school is proposed to be built on Maranatha Way across Artesian Road which will eventually hold 2,000 children. The DPM emissions in the vicinity of the school need to be re-evaluated using actual vehicle fleet values instead of the passenger car equivalencies. 017-6

The reservoir will provide recycled water to the GCLF. The highest use of water would occur when the landfill is operating and construction of new cells is occurring simultaneously. The estimated maximum water usage during this time would be about 205,000 gallons per day. Assuming that no water is available from the bedrock wells at GCLF, then all the water will be provided by the reservoir. This would result in 89 trucks delivering water from the reservoir to the GCLF.

URBEMIS was run using the 89 water trucks to determine the impacts of PM near the reservoir (Appendix A, Run 3). The area around the reservoir is residential; however the land use at the reservoir was set to warehouse with 89 two-way trips. All trips were assumed to be medium-heavy trucks, which were calculated from the assumption that each truck holds 2300 gallons of water. The vehicle fleet year was set to 2006 and the temperature, variable start and trip characteristics were kept at their defaults. The roads were also assumed to be 100 paved so that the PM emissions can be characterized as DPM. The resulting PM emissions were 3.37 pounds per day.

017-6 Cont'd

The 3.37 pounds per day of PM was converted to grams per second over the area of the site, which was assumed to be 200 acres (SDCWA 2004). When the DPM emissions are spread evenly over the Reservoir area, the resulting emission rate is 2.0 x 10^{-8} g/ s-m^2. This emission rate was then input into SCREEN3 to determine the maximum 1-hour concentration of DPM (Appendix A, Run 3). This occurred at 636 meters from the source at a concentration of 3.41 ug/m^3.

When this concentration is compared to the OEHHA diesel PM unit risk factor of 3 x 10^{-4} (mg/m^3)$^{-1}$, the resulting risk from the DPM emissions of the water trucks

traveling from the reservoir to the GCLF is 1 x 10^{-3}. This risk is much greater than the Proposition 65 No Significant Risk Level of 10^{-5}.

Appendix D in the RPDEIR reviews the risk from DPM at the Maranatha School. They had calculated a risk of 1.3 in a million and say that it is acceptable since the significance threshold is 10 in a million. However, Section 17213 of the California Education Code states that the air quality exposure at proposed school sites should pose no short-term or long-term health risks to the students. If this is the case, the risk at the Maranatha School shows that there is a risk present to students from traffic since the calculated risk is above the California NSRL. Children at the Maranatha School will be subjected to increased risk from DPM due to the truck activity from the transportation of water to GCLF and this should be reanalyzed. 017-6 Cont'd

Water Issues

After review of the RPDEIR several issues relating to water were noted. Neither the EIR nor the RPDEIR provide any information regarding the new monitoring wells identified on Exhibit 4.3-7 of the EIR or on Exhibit 4.15-5 of the RPDEIR, titled "Location of Bedrock Water Supply Wells." The wells added to the groundwater monitoring system must be described, and information regarding the well construction should be provided. 017-7

The RPDEIR further states that no changes were made to the "Hydrogeology" section of the EIR, although significant changes have been made to the groundwater monitoring system, specifically by adding new wells and making a number of the 017-8

groundwater monitoring wells into groundwater production wells. However, no analysis has been completed regarding the impacts of those significant changes.

Given these changes, the RPDEIR should include a map indicating precisely where each groundwater monitoring well is located, where each groundwater production well is located, and identify those wells proposed to be used for both groundwater monitoring and groundwater production. The map should show the location of the wells in relation to the facilities area and the landfill footprint. 017-8 cont'd

The project significantly changed due to the proposed use of certain groundwater monitoring wells to produce water for use in constructing and operating the proposed landfill. The RPDEIR must analyze the potential for subsidence due to the use of the bedrock aquifer system as a water-supply source. In addition, the RPDEIR must analyze how the proposed use of groundwater monitoring wells GLA 2, GLA-10, GLA-12, GLA-13, GLA-A, GLA-C, GLA-G and GMW-1 as water-production wells could affect the use of those wells for monitoring contaminants leaking from the landfill and/or would impact the ability of other wells proposed to be used for groundwater monitoring purposes to properly monitoring leaks from the proposed landfill. 017-9

The groundwater modeling related to a contaminant release from the landfill was based on steady-state conditions within Gregory Canyon and were based on the excavation of the more-transmissive upper layer of the aquifer. This modeling needs to be revised to account for the fact that (a) the landfill no longer will be excavated prior to installation of the liner, and (b) steady-state conditions will no longer exist because of the pumping of groundwater wells for production of water. 017-10

Section 4.15.3.5 of the RPDEIR claims that there will be a reduction in historical water use on the site, even with the use of the bedrock wells. However, the baseline for comparison of water use is the current water use, not "historic" water uses that ceased years ago. Because there is no water being pumped on the site, any pumping of groundwater on the site will be a change from the existing baseline, and the impacts of that change must be evaluated in the RPDEIR. 017-11

Page 4.15-10 of the RPDEIR states that the existing bedrock wells located outside the Pala alluvial aquifer "have been drilled into the bedrock and encased with steel or PVC pipe through any overlying alluvial formations to ensure that water produced from them is derived only from percolating groundwater through fractures in the bedrock." However, Exhibit 4.3-6A of the EIR indicates that wells GLA-A and GLA-B (and by analogy, wells GLA-12, GLA-13, and GLA-14) are screened within the alluvial aquifer overlying the fractured bedrock. The RPDEIR should explain why these wells are not considered to be within the Pala Basin alluvial aquifer. These concerns regarding the bedrock water wells need to be reanalyzed. 017-12

Future Development

The GCLF site is currently in an agricultural area. However, there are residences currently located to the south and west of the site where the closest residences are within ½ a mile. In addition, the Warner Ranch development is proposed to be built 1 mile east of the landfill access road. This development will contain approximately 900 homes. The future development of the area needs to be reviewed before the GCLF is constructed. 017-13

If the landfill is constructed, it will results in odor complaints and increased health risk to the current and future communities in the area. 017-13 cont'd

Conclusion

Several problems were noted with the RPDEIR of the Gregory Canyon Landfill. The issues of concern include a reevaluation of diesel particulate matter at both the Gregory Canyon Landfill and near the Olivenhain Santa Fe Valley Reservoir and Pump Station along with landfill gas emissions at the Gregory Canyon Landfill. In addition, alternative technologies were not discussed in either the RPDEIR or the RDEIR. These need to be evaluated and could eliminate the need for the GCLF. Water is an important area of concern at GCLF, especially the use of the bedrock monitoring wells as production wells. This needs to be reevaluated along with the possibility of future development in close proximity to the GCLF. Overall, the RPDEIR contains deficiencies and needs to be reanalyzed. 017-14

References

CDHA 1994. California Department of Health Services, Environmental Health Investigations Branch. Analysis of a Cluster of Adverse Pregnancy Outcomes in Walnut, California, April 15, 1994.

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Table 1: Fugitive Emissions of Landfill Gas from the Gregory Canyon Landfill Surface

Year of Landfill	Annual Mass of Waste	Total Landfill Gas Generated[1] (10^6 m^3/year)	Fugitive LFG (Uncontrolled)[2] (10^6 m^3/year)	Fugitive LFG (Uncontrolled)[2] (10^6 ft^3/year)
0	Landfill construction- no LFG is generated			
1	600,000	2.16	2.16	76.4
2	1,000,000	5.72	1.14	40.4
3	1,000,000	9.21	1.84	65.1
4	1,000,000	12.64	2.53	89.2
5	1,000,000	15.99	3.20	112.9
6	1,000,000	19.28	3.86	136.1
7	1,000,000	22.50	4.50	158.9
8	1,000,000	25.66	5.13	181.2
9	1,000,000	28.75	5.75	203.1
10	1,000,000	31.79	6.36	224.5
11	1,000,000	34.76	6.95	245.5
12	1,000,000	37.68	7.54	266.1
13	1,000,000	40.53	8.11	286.3
14	1,000,000	43.34	8.67	306.1
15	1,000,000	46.08	9.22	325.5
16	1,000,000	48.77	9.75	344.5
17	1,000,000	51.41	10.28	363.1
18	1,000,000	54.00	10.80	381.4
19	1,000,000	56.53	11.31	399.3
20	1,000,000	59.02	11.80	416.8
21	1,000,000	61.45	12.29	434.0
22	1,000,000	63.84	12.77	450.9
23	1,000,000	66.18	13.24	467.4
24	1,000,000	68.47	13.69	483.6
25	1,000,000	70.72	14.14	499.5
26	1,000,000	72.92	14.58	515.0
27	1,000,000	75.08	15.02	530.3
28	1,000,000	77.20	15.44	545.3
29	1,000,000	79.28	15.86	559.9
30	1,000,000	81.31	16.26	574.3
31	1,000,000	83.30	16.66	588.4
32	500,000	83.46	16.69	589.4

Source: Science Applications International Corporation 2005. Gregory Canyon Landfill Air Quality Permit Application, Volume 1 Air Emissions Inventory Report, Table 3-20, November 2005.

Table 2: Default Concentrations for Landfill Gas Constituents

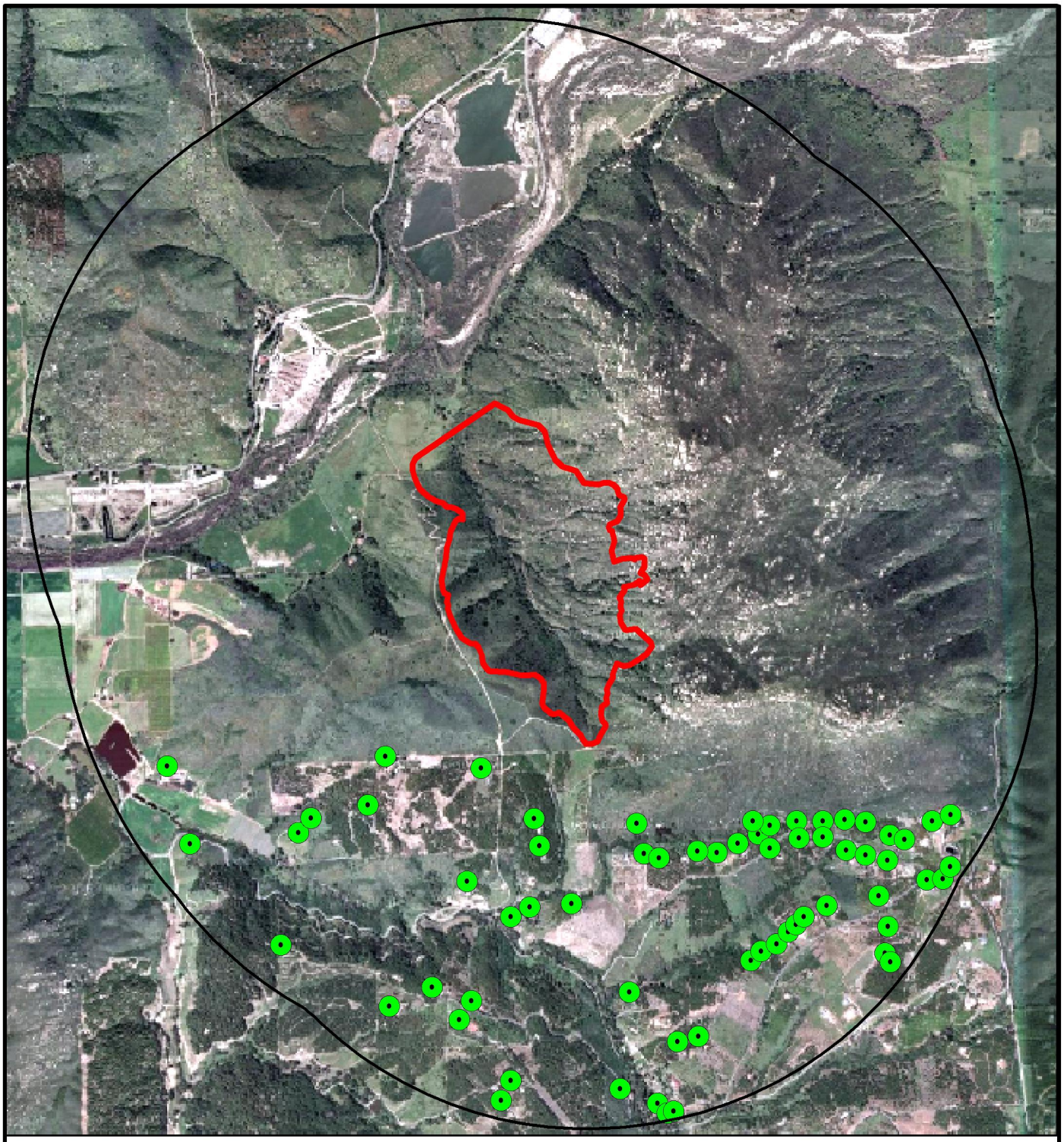
Compound	Molecular Weight	Default Concentration (ppmv)	Emission Factor Rating
1,1,1-Trichloroethane (methyl chloroform)	133.41	0.48	B
1,1,2,2-Tetrachloroethane	167.85	1.11	C
1,1-Dichloroethane (ethylidene dichloride)	98.97	2.35	B
1,1-Dichloroethene (vinylidene chloride)	96.94	0.2	B
1,2-Dichloroethane (ethylene dichloride)	98.96	0.41	B
1,2-Dichloropropane (propylene dichloride)	112.99	0.18	D
2-Propanol (isopropyl alcohol)	60.11	50.1	E
Acetone	58.08	7.01	B
Acrylonitrile	53.06	6.33	D
Bromodichloromethane	163.83	3.13	C
Butane	58.12	5.03	C
Carbon disulfide	76.13	0.58	C
Carbon monoxide	28.01	141	E
Carbon tetrachloride	153.84	0.004	B
Carbonyl sulfide	60.07	0.49	D
Chlorobenzene	112.56	0.25	C
Chlorodifluoromethane	86.47	1.3	C
Chloroethane (ethyl chloride)	64.52	1.25	B
Chloroform	119.39	0.03	B
Chloromethane	50.49	1.21	B
Dichlorobenzene	147	0.21	E
Dichlorodifluoromethane	120.91	15.7	A
Dichlorofluoromethane	102.92	2.62	D
Dichloromethane (methylene chloride)	84.94	14.3	A
Dimethyl sulfide (methyl sulfide)	62.13	7.82	C
Ethane	30.07	889	C
Ethanol	46.08	27.2	E
Ethyl mercapatan (ethanethiol)	62.13	2.28	D
Ethylbenzene	106.16	4.61	B
Ethylene dibromide	187.88	0.001	E
Fluorotrichloromethane	137.38	0.76	B
Hexane	86.18	6.57	B
Hydrogen sulfide	34.08	35.5	B
Mercury (total)	200.61	2.92E-04	E
Methyl ethyl ketone	72.11	7.09	A
Methyl isobutyl ketone	100.16	1.87	B
Methyl mercapatan	48.11	2.49	C
Pentane	72.15	3.29	C
Perchloroethylene (tetrachloroethylene)	165.83	3.73	B
Propane	44.09	11.1	B
t-1,2-dichloroethene	96.94	2.84	B
Trichloroethylene (trichloroethene)	131.4	2.82	B
Vinyl chloride	62.5	7.34	B
Xylenes	106.16	12.1	B

Source: United States EPA, AP 42, Fifth Edition, Volume 1, Chapter 2, Table 2.4-1.

Table 3: Landfill Gas Constituent's Emission Rate

Compound	ug/m3	Fugitive LFG Annual Generation Rate (m^3/year) (Yr-32)	Fugitive LFG Annual Generation Rate (m^3/sec) (Yr-32)	ug/sec	ug/ sec/ 1,245,456 m^2 (1116m X 1116m)	g/sec/m^2
1,1,1-Trichloroethane (methyl chloroform)	2619	16690000	0.529	1.4E+03	1.1E-03	1.113E-09
1,1,2,2-Tetrachloroethane	**7620**	**16690000**	**0.529**	**4.0E+03**	**3.2E-03**	**3.238E-09**
1,1-Dichloroethane (ethylidene dichloride)	9512	16690000	0.529	5.0E+03	4.0E-03	4.042E-09
1,1-Dichloroethene (vinylidene chloride)	793	16690000	0.529	4.2E+02	3.4E-04	3.370E-10
1,2-Dichloroethane (ethylene dichloride)	1659	16690000	0.529	8.8E+02	7.1E-04	7.052E-10
1,2-Dichloropropane (propylene dichloride)	832	16690000	0.529	4.4E+02	3.5E-04	3.535E-10
2-Propanol (isopropyl alcohol)	123170	16690000	0.529	6.5E+04	5.2E-02	5.234E-08
Acetone	16652	16690000	0.529	8.8E+03	7.1E-03	7.076E-09
Acrylonitrile	13737	16690000	0.529	7.3E+03	5.8E-03	5.837E-09
Bromodichloromethane	20973	16690000	0.529	1.1E+04	8.9E-03	8.912E-09
Butane	11957	16690000	0.529	6.3E+03	5.1E-03	5.081E-09
Carbon disulfide	1806	16690000	0.529	9.6E+02	7.7E-04	7.674E-10
Carbon monoxide	161530	16690000	0.529	8.5E+04	6.9E-02	6.864E-08
Carbon tetrachloride	**25**	**16690000**	**0.529**	**1.3E+01**	**1.1E-05**	**1.069E-11**
Carbonyl sulfide	1204	16690000	0.529	6.4E+02	5.1E-04	5.116E-10
Chlorobenzene	1151	16690000	0.529	6.1E+02	4.9E-04	4.891E-10
Chlorodifluoromethane	4598	16690000	0.529	2.4E+03	2.0E-03	1.954E-09
Chloroethane (ethyl chloride)	3299	16690000	0.529	1.7E+03	1.4E-03	1.402E-09
Chloroform	146	16690000	0.529	7.8E+01	6.2E-05	6.225E-11
Chloromethane	**2499**	**16690000**	**0.529**	**1.3E+03**	**1.1E-03**	**1.062E-09**
Dichlorobenzene	1263	16690000	0.529	6.7E+02	5.4E-04	5.365E-10
Dichlorodifluoromethane	77640	16690000	0.529	4.1E+04	3.3E-02	3.299E-08
Dichlorofluoromethane	11029	16690000	0.529	5.8E+03	4.7E-03	4.686E-09

Compound	ug/m3	Fugitive LFG Annual Generation Rate (m^3/year) (Yr-32)	Fugitive LFG Annual Generation Rate (m^3/sec) (Yr-32)	ug/sec	ug/ sec/ 1,245,456 m^2 (1116m X 1116m)	g/sec/m^2
Dichloromethane	**49679**	**16690000**	**0.529**	**2.6E+04**	**2.1E-02**	**2.111E-08**
Dimethyl sulfide (methyl sulfide)	**19871**	**16690000**	**0.529**	**1.1E+04**	**8.4E-03**	**8.444E-09**
Ethane	1093343	16690000	0.529	5.8E+05	4.6E-01	4.646E-07
Ethanol	51263	16690000	0.529	2.7E+04	2.2E-02	2.178E-08
Ethyl mercapatan (ethanethiol)	**5794**	**16690000**	**0.529**	**3.1E+03**	**2.5E-03**	**2.462E-09**
Ethylbenzene	20016	16690000	0.529	1.1E+04	8.5E-03	8.506E-09
Ethylene dibromide	8	16690000	0.529	4.1E+00	3.3E-06	3.265E-12
Fluorotrichloromethane	4270	16690000	0.529	2.3E+03	1.8E-03	1.815E-09
Hexane	23158	16690000	0.529	1.2E+04	9.8E-03	9.840E-09
Hydrogen sulfide	**49482**	**16690000**	**0.529**	**2.6E+04**	**2.1E-02**	**2.103E-08**
Mercury (total)	2	16690000	0.529	1.3E+00	1.0E-06	1.018E-12
Methyl ethyl ketone	20910	16690000	0.529	1.1E+04	8.9E-03	8.886E-09
Methyl isobutyl ketone	7660	16690000	0.529	4.1E+03	3.3E-03	3.255E-09
Methyl mercapatan	**4900**	**16690000**	**0.529**	**2.6E+03**	**2.1E-03**	**2.082E-09**
Pentane	9709	16690000	0.529	5.1E+03	4.1E-03	4.125E-09
Perchloroethylene (tetrachloroethylene)	**25298**	**16690000**	**0.529**	**1.3E+04**	**1.1E-02**	**1.075E-08**
Propane	20016	16690000	0.529	1.1E+04	8.5E-03	8.506E-09
t-1,2-dichloroethene	11260	16690000	0.529	6.0E+03	4.8E-03	4.785E-09
Trichloroethylene (trichloroethene)	**15155**	**16690000**	**0.529**	**8.0E+03**	**6.4E-03**	**6.440E-09**
Vinyl chloride	**18763**	**16690000**	**0.529**	**9.9E+03**	**8.0E-03**	**7.973E-09**
Xylenes	52537	16690000	0.529	2.8E+04	2.2E-02	2.232E-08



Legend:

- Locations of Residental Structures
- Proposed Landfill Refuse Footprint
- One Mile Buffer

Notes:

1. All locations are approximate.

Site: **Gregory Canyon Landfill San Diego County, California**			
Title: **Locations of Residential Structures within One Mile of the Proposed Gregory Canyon Landfill**			
Drawn By: RCH	Date: 8/24/06	Figure No.: **1**	

Page: 1

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Gregory Canyon_100_0.urb
Project Name: Gregory Canyon Landfill
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
(Pounds/Day - Summer)

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	35.41	388.43	314.33	5.80	33.67

Page: 2

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Gregory Canyon_100_0.urb
Project Name: Gregory Canyon Landfill
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Pounds/Day - Summer)

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	SO2	PM10
General light industry	35.41	388.43	314.33	5.80	33.67
TOTAL EMISSIONS (lbs/day)	35.41	388.43	314.33	5.80	33.67

Does not include correction for passby trips.
Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2006 Temperature (F): 85 Season: Summer

EMFAC Version: EMFAC2002 (9/2002)

Summary of Land Uses:

Unit Type	Trip Rate	Size	Total Trips
General light industry	2.00 trips / employees	675.00	1,350.00

Vehicle Assumptions:

Fleet Mix:

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	3.00	2.20	97.30	0.50

Light Truck < 3,750 lbs	1.00	4.00	93.40	2.60
Light Truck 3,751- 5,750	0.00	1.90	96.90	1.20
Med Truck 5,751- 8,500	0.00	1.40	95.70	2.90
Lite-Heavy 8,501-10,000	0.00	0.00	81.80	18.20
Lite-Heavy 10,001-14,000	0.00	0.00	66.70	33.30
Med-Heavy 14,001-33,000	7.00	10.00	20.00	70.00
Heavy-Heavy 33,001-60,000	89.00	0.00	11.10	88.90
Line Haul > 60,000 lbs	0.00	0.00	0.00	100.00
Urban Bus	0.00	0.00	0.00	100.00
Motorcycle	0.00	82.40	17.60	0.00
School Bus	0.00	0.00	0.00	100.00
Motor Home	0.00	0.00	91.70	8.30

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	10.8	7.3	7.3
Rural Trip Length (miles)	15.0	10.0	10.0	15.0	10.0	10.0
Trip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	27.3	21.2	51.5			

% of Trips - Commercial (by land use)

General light industry	50.0	25.0	25.0

Page: 3

Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Operations

The light auto percentage changed from 55.6 to 3.
The light truck < 3750 lbs percentage changed from 15.1 to 1.
The light truck 3751-5750 percentage changed from 15.9 to 0.
The med truck 5751-8500 percentage changed from 7.0 to 0.
The lite-heavy truck 8501-10000 percentage changed from 1.1 to 0.
The lite-heavy truck 10001-14000 percentage changed from 0.3 to 0.
The med-heavy truck 14001-33000 percentage changed from 1.0 to 7.
The heavy-heavy truck 33001-60000 percentage changed from 0.9 to 89.
The urban bus percentage changed from 0.1 to 0.
The motorcycle percentage changed from 1.7 to 0.
The school bus percentage changed from 0.1 to 0.
The motorhome percentage changed from 1.2 to 0.
The operational emission year changed from 2004 to 2006.
The travel mode environment settings changed from both to: none

08/23/06
11:54:59

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

DPM 100 Paved Over Site

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .142000E-06
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	20.39	6	1.0	1.0	10000.0	1.00	45.
100.	21.32	6	1.0	1.0	10000.0	1.00	45.
200.	22.19	6	1.0	1.0	10000.0	1.00	45.
300.	23.01	6	1.0	1.0	10000.0	1.00	45.
400.	23.60	6	1.0	1.0	10000.0	1.00	45.
500.	24.31	6	1.0	1.0	10000.0	1.00	45.
600.	24.99	6	1.0	1.0	10000.0	1.00	45.
700.	25.65	6	1.0	1.0	10000.0	1.00	45.
800.	23.04	6	1.0	1.0	10000.0	1.00	45.
900.	17.60	6	1.0	1.0	10000.0	1.00	45.
1000.	15.05	6	1.0	1.0	10000.0	1.00	45.
1100.	13.40	6	1.0	1.0	10000.0	1.00	45.
1200.	12.21	6	1.0	1.0	10000.0	1.00	45.
1300.	11.30	6	1.0	1.0	10000.0	1.00	45.
1400.	10.57	6	1.0	1.0	10000.0	1.00	45.
1500.	9.976	6	1.0	1.0	10000.0	1.00	45.
1600.	9.473	6	1.0	1.0	10000.0	1.00	45.
1700.	9.038	6	1.0	1.0	10000.0	1.00	45.
1800.	8.657	6	1.0	1.0	10000.0	1.00	45.
1900.	8.317	6	1.0	1.0	10000.0	1.00	45.
2000.	8.013	6	1.0	1.0	10000.0	1.00	45.
2100.	7.737	6	1.0	1.0	10000.0	1.00	45.
2200.	7.486	6	1.0	1.0	10000.0	1.00	45.
2300.	7.258	6	1.0	1.0	10000.0	1.00	45.
2400.	7.048	6	1.0	1.0	10000.0	1.00	45.
2500.	6.857	6	1.0	1.0	10000.0	1.00	45.
2600.	6.681	6	1.0	1.0	10000.0	1.00	45.
2700.	6.519	6	1.0	1.0	10000.0	1.00	45.
2800.	6.370	6	1.0	1.0	10000.0	1.00	45.
2900.	6.231	6	1.0	1.0	10000.0	1.00	45.

3000.	6.100	6	1.0	1.0	10000.0	1.00	45.
3500.	5.548	6	1.0	1.0	10000.0	1.00	45.
4000.	5.124	6	1.0	1.0	10000.0	1.00	45.
4500.	4.772	6	1.0	1.0	10000.0	1.00	45.
5000.	4.471	6	1.0	1.0	10000.0	1.00	45.
5500.	4.209	6	1.0	1.0	10000.0	1.00	45.
6000.	3.977	6	1.0	1.0	10000.0	1.00	45.
6500.	3.771	6	1.0	1.0	10000.0	1.00	45.
7000.	3.589	6	1.0	1.0	10000.0	1.00	45.
7500.	3.427	6	1.0	1.0	10000.0	1.00	45.
8000.	3.283	6	1.0	1.0	10000.0	1.00	45.
8500.	3.149	6	1.0	1.0	10000.0	1.00	45.
9000.	3.025	6	1.0	1.0	10000.0	1.00	44.
9500.	2.910	6	1.0	1.0	10000.0	1.00	45.
10000.	2.801	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	26.20	6	1.0	1.0	10000.0	1.00	45.

```
***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	26.20	789.	0.

```
****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

Page: 1

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Gregory Canyon_10_90.urb
Project Name: Gregory Canyon Landfill
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
(Pounds/Day - Summer)

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	35.41	388.43	314.33	5.80	34,487.52

Page: 2

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Gregory Canyon_10_90.urb
Project Name: Gregory Canyon Landfill
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Pounds/Day - Summer)

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	SO2	PM10
General light industry	35.41	388.43	314.33	5.80	34,487.52
TOTAL EMISSIONS (lbs/day)	35.41	388.43	314.33	5.80	34,487.52

Does not include correction for passby trips.
Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2006 Temperature (F): 85 Season: Summer

EMFAC Version: EMFAC2002 (9/2002)

Summary of Land Uses:

Unit Type	Trip Rate	Size	Total Trips
General light industry	2.00 trips / employees	675.00	1,350.00

Vehicle Assumptions:

Fleet Mix:

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	3.00	2.20	97.30	0.50

Light Truck < 3,750 lbs	1.00	4.00	93.40	2.60
Light Truck 3,751- 5,750	0.00	1.90	96.90	1.20
Med Truck 5,751- 8,500	0.00	1.40	95.70	2.90
Lite-Heavy 8,501-10,000	0.00	0.00	81.80	18.20
Lite-Heavy 10,001-14,000	0.00	0.00	66.70	33.30
Med-Heavy 14,001-33,000	7.00	10.00	20.00	70.00
Heavy-Heavy 33,001-60,000	89.00	0.00	11.10	88.90
Line Haul > 60,000 lbs	0.00	0.00	0.00	100.00
Urban Bus	0.00	0.00	0.00	100.00
Motorcycle	0.00	82.40	17.60	0.00
School Bus	0.00	0.00	0.00	100.00
Motor Home	0.00	0.00	91.70	8.30

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	10.8	7.3	7.3
Rural Trip Length (miles)	15.0	10.0	10.0	15.0	10.0	10.0
Trip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	27.3	21.2	51.5			

% of Trips - Commercial (by land use)

General light industry	50.0	25.0	25.0

Page: 3

Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Operations

The light auto percentage changed from 55.6 to 3.
The light truck < 3750 lbs percentage changed from 15.1 to 1.
The light truck 3751-5750 percentage changed from 15.9 to 0.
The med truck 5751-8500 percentage changed from 7.0 to 0.
The lite-heavy truck 8501-10000 percentage changed from 1.1 to 0.
The lite-heavy truck 10001-14000 percentage changed from 0.3 to 0.
The med-heavy truck 14001-33000 percentage changed from 1.0 to 7.
The heavy-heavy truck 33001-60000 percentage changed from 0.9 to 89.
The urban bus percentage changed from 0.1 to 0.
The motorcycle percentage changed from 1.7 to 0.
The school bus percentage changed from 0.1 to 0.
The motorhome percentage changed from 1.2 to 0.
The operational emission year changed from 2004 to 2006.
The paved road percentage changed from 100 to 10.
The unpaved road percentage changed from 0 to 90.
The travel mode environment settings changed from both to: none

08/24/06
12:40:08

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

PM GCLF 10% Paved 90% Unpaved

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .100000E-03
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	.1436E+05	6	1.0	1.0	10000.0	1.00	45.
100.	.1501E+05	6	1.0	1.0	10000.0	1.00	45.
200.	.1563E+05	6	1.0	1.0	10000.0	1.00	45.
300.	.1621E+05	6	1.0	1.0	10000.0	1.00	45.
400.	.1662E+05	6	1.0	1.0	10000.0	1.00	45.
500.	.1712E+05	6	1.0	1.0	10000.0	1.00	45.
600.	.1760E+05	6	1.0	1.0	10000.0	1.00	45.
700.	.1806E+05	6	1.0	1.0	10000.0	1.00	45.
800.	.1623E+05	6	1.0	1.0	10000.0	1.00	45.
900.	.1239E+05	6	1.0	1.0	10000.0	1.00	45.
1000.	.1060E+05	6	1.0	1.0	10000.0	1.00	45.
1100.	9438.	6	1.0	1.0	10000.0	1.00	45.
1200.	8598.	6	1.0	1.0	10000.0	1.00	45.
1300.	7956.	6	1.0	1.0	10000.0	1.00	45.
1400.	7444.	6	1.0	1.0	10000.0	1.00	45.
1500.	7025.	6	1.0	1.0	10000.0	1.00	45.
1600.	6671.	6	1.0	1.0	10000.0	1.00	45.
1700.	6365.	6	1.0	1.0	10000.0	1.00	45.
1800.	6097.	6	1.0	1.0	10000.0	1.00	45.
1900.	5857.	6	1.0	1.0	10000.0	1.00	45.
2000.	5643.	6	1.0	1.0	10000.0	1.00	45.
2100.	5449.	6	1.0	1.0	10000.0	1.00	45.
2200.	5272.	6	1.0	1.0	10000.0	1.00	45.
2300.	5111.	6	1.0	1.0	10000.0	1.00	45.
2400.	4963.	6	1.0	1.0	10000.0	1.00	45.
2500.	4829.	6	1.0	1.0	10000.0	1.00	45.
2600.	4705.	6	1.0	1.0	10000.0	1.00	45.
2700.	4591.	6	1.0	1.0	10000.0	1.00	45.
2800.	4486.	6	1.0	1.0	10000.0	1.00	45.
2900.	4388.	6	1.0	1.0	10000.0	1.00	45.

3000.	4295.	6	1.0	1.0	10000.0	1.00	45.
3500.	3907.	6	1.0	1.0	10000.0	1.00	45.
4000.	3609.	6	1.0	1.0	10000.0	1.00	45.
4500.	3361.	6	1.0	1.0	10000.0	1.00	45.
5000.	3148.	6	1.0	1.0	10000.0	1.00	45.
5500.	2964.	6	1.0	1.0	10000.0	1.00	45.
6000.	2801.	6	1.0	1.0	10000.0	1.00	45.
6500.	2656.	6	1.0	1.0	10000.0	1.00	45.
7000.	2527.	6	1.0	1.0	10000.0	1.00	45.
7500.	2414.	6	1.0	1.0	10000.0	1.00	45.
8000.	2312.	6	1.0	1.0	10000.0	1.00	45.
8500.	2218.	6	1.0	1.0	10000.0	1.00	45.
9000.	2130.	6	1.0	1.0	10000.0	1.00	44.
9500.	2049.	6	1.0	1.0	10000.0	1.00	45.
10000.	1973.	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	.1845E+05	6	1.0	1.0	10000.0	1.00	45.

```
***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	.1845E+05	789.	0.

```
****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

Page: 1

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Olivenhain Reservoir.urb
Project Name: Olivenhain Reservoir
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
(Pounds/Day - Summer)

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	3.91	25.71	58.08	0.37	3.37

Page: 2

URBEMIS 2002 For Windows 7.5.0

File Name: C:\Documents and Settings\naujla\Desktop\Navi's\134 Gregory Canyon\Urbemis\Olivenhain Reservoir.urb
Project Name: Olivenhain Reservoir
Project Location: San Diego County
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Pounds/Day - Summer)

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	SO2	PM10
Warehouse	3.91	25.71	58.08	0.37	3.37
TOTAL EMISSIONS (lbs/day)	3.91	25.71	58.08	0.37	3.37

Does not include correction for passby trips.
Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2006 Temperature (F): 85 Season: Summer

EMFAC Version: EMFAC2002 (9/2002)

Summary of Land Uses:

Unit Type	Trip Rate	Size	Total Trips
Warehouse	2.00 trips / 1000 sq. ft.	89.00	178.00

Vehicle Assumptions:

Fleet Mix:

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	0.00	2.20	97.30	0.50

Light Truck < 3,750 lbs	0.00	4.00	93.40	2.60
Light Truck 3,751- 5,750	0.00	1.90	96.90	1.20
Med Truck 5,751- 8,500	0.00	1.40	95.70	2.90
Lite-Heavy 8,501-10,000	0.00	0.00	81.80	18.20
Lite-Heavy 10,001-14,000	0.00	0.00	66.70	33.30
Med-Heavy 14,001-33,000	100.00	10.00	20.00	70.00
Heavy-Heavy 33,001-60,000	0.00	0.00	11.10	88.90
Line Haul > 60,000 lbs	0.00	0.00	0.00	100.00
Urban Bus	0.00	0.00	0.00	100.00
Motorcycle	0.00	82.40	17.60	0.00
School Bus	0.00	0.00	0.00	100.00
Motor Home	0.00	0.00	91.70	8.30

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	10.8	7.3	7.3
Rural Trip Length (miles)	15.0	10.0	10.0	15.0	10.0	10.0
Trip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	27.3	21.2	51.5			

% of Trips - Commercial (by land use)

Warehouse	2.0	1.0	97.0

Page: 3

Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Operations

The light auto percentage changed from 55.6 to 0.
The light truck < 3750 lbs percentage changed from 15.1 to 0.
The light truck 3751-5750 percentage changed from 15.9 to 0.
The med truck 5751-8500 percentage changed from 7.0 to 0.
The lite-heavy truck 8501-10000 percentage changed from 1.1 to 0.
The lite-heavy truck 10001-14000 percentage changed from 0.3 to 0.
The med-heavy truck 14001-33000 percentage changed from 1.0 to 100.
The heavy-heavy truck 33001-60000 percentage changed from 0.9 to 0.
The urban bus percentage changed from 0.1 to 0.
The motorcycle percentage changed from 1.7 to 0.
The school bus percentage changed from 0.1 to 0.
The motorhome percentage changed from 1.2 to 0.
The operational emission year changed from 2004 to 2006.

08/24/06
12:55:57

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

DPM Maranatha School

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .200000E-07
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =     899.6500
   LENGTH OF SMALLER SIDE (M) =     899.6500
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	2.648	6	1.0	1.0	10000.0	1.00	45.
100.	2.797	6	1.0	1.0	10000.0	1.00	45.
200.	2.934	6	1.0	1.0	10000.0	1.00	45.
300.	3.062	6	1.0	1.0	10000.0	1.00	45.
400.	3.181	6	1.0	1.0	10000.0	1.00	45.
500.	3.269	6	1.0	1.0	10000.0	1.00	45.
600.	3.372	6	1.0	1.0	10000.0	1.00	45.
700.	2.469	6	1.0	1.0	10000.0	1.00	45.
800.	2.007	6	1.0	1.0	10000.0	1.00	45.
900.	1.736	6	1.0	1.0	10000.0	1.00	45.
1000.	1.553	6	1.0	1.0	10000.0	1.00	45.
1100.	1.416	6	1.0	1.0	10000.0	1.00	45.
1200.	1.309	6	1.0	1.0	10000.0	1.00	45.
1300.	1.224	6	1.0	1.0	10000.0	1.00	45.
1400.	1.153	6	1.0	1.0	10000.0	1.00	45.
1500.	1.093	6	1.0	1.0	10000.0	1.00	45.
1600.	1.041	6	1.0	1.0	10000.0	1.00	45.
1700.	.9949	6	1.0	1.0	10000.0	1.00	45.
1800.	.9540	6	1.0	1.0	10000.0	1.00	45.
1900.	.9173	6	1.0	1.0	10000.0	1.00	45.
2000.	.8841	6	1.0	1.0	10000.0	1.00	45.
2100.	.8540	6	1.0	1.0	10000.0	1.00	45.
2200.	.8266	6	1.0	1.0	10000.0	1.00	45.
2300.	.8014	6	1.0	1.0	10000.0	1.00	45.
2400.	.7784	6	1.0	1.0	10000.0	1.00	45.
2500.	.7573	6	1.0	1.0	10000.0	1.00	45.
2600.	.7379	6	1.0	1.0	10000.0	1.00	45.
2700.	.7198	6	1.0	1.0	10000.0	1.00	45.
2800.	.7030	6	1.0	1.0	10000.0	1.00	45.
2900.	.6872	6	1.0	1.0	10000.0	1.00	45.

3000.	.6724	6	1.0	1.0	10000.0	1.00	45.
3500.	.6101	6	1.0	1.0	10000.0	1.00	45.
4000.	.5616	6	1.0	1.0	10000.0	1.00	45.
4500.	.5209	6	1.0	1.0	10000.0	1.00	45.
5000.	.4859	6	1.0	1.0	10000.0	1.00	45.
5500.	.4554	6	1.0	1.0	10000.0	1.00	45.
6000.	.4284	6	1.0	1.0	10000.0	1.00	45.
6500.	.4043	6	1.0	1.0	10000.0	1.00	45.
7000.	.3828	6	1.0	1.0	10000.0	1.00	45.
7500.	.3639	6	1.0	1.0	10000.0	1.00	45.
8000.	.3468	6	1.0	1.0	10000.0	1.00	45.
8500.	.3310	6	1.0	1.0	10000.0	1.00	45.
9000.	.3164	6	1.0	1.0	10000.0	1.00	45.
9500.	.3028	6	1.0	1.0	10000.0	1.00	45.
10000.	.2902	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

636.	3.408	6	1.0	1.0	10000.0	1.00	45.

```
***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	3.408	636.	0.

```
****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

08/23/06
14:04:23

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

1122 Tetrachloroethane

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .323800E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	.4650	6	1.0	1.0	10000.0	1.00	45.
100.	.4862	6	1.0	1.0	10000.0	1.00	45.
200.	.5061	6	1.0	1.0	10000.0	1.00	45.
300.	.5248	6	1.0	1.0	10000.0	1.00	45.
400.	.5382	6	1.0	1.0	10000.0	1.00	45.
500.	.5544	6	1.0	1.0	10000.0	1.00	45.
600.	.5699	6	1.0	1.0	10000.0	1.00	45.
700.	.5848	6	1.0	1.0	10000.0	1.00	45.
800.	.5255	6	1.0	1.0	10000.0	1.00	45.
900.	.4013	6	1.0	1.0	10000.0	1.00	45.
1000.	.3431	6	1.0	1.0	10000.0	1.00	45.
1100.	.3056	6	1.0	1.0	10000.0	1.00	45.
1200.	.2784	6	1.0	1.0	10000.0	1.00	45.
1300.	.2576	6	1.0	1.0	10000.0	1.00	45.
1400.	.2411	6	1.0	1.0	10000.0	1.00	45.
1500.	.2275	6	1.0	1.0	10000.0	1.00	45.
1600.	.2160	6	1.0	1.0	10000.0	1.00	45.
1700.	.2061	6	1.0	1.0	10000.0	1.00	45.
1800.	.1974	6	1.0	1.0	10000.0	1.00	45.
1900.	.1897	6	1.0	1.0	10000.0	1.00	45.
2000.	.1827	6	1.0	1.0	10000.0	1.00	45.
2100.	.1764	6	1.0	1.0	10000.0	1.00	45.
2200.	.1707	6	1.0	1.0	10000.0	1.00	45.
2300.	.1655	6	1.0	1.0	10000.0	1.00	45.
2400.	.1607	6	1.0	1.0	10000.0	1.00	45.
2500.	.1564	6	1.0	1.0	10000.0	1.00	45.
2600.	.1524	6	1.0	1.0	10000.0	1.00	45.
2700.	.1487	6	1.0	1.0	10000.0	1.00	45.
2800.	.1453	6	1.0	1.0	10000.0	1.00	45.
2900.	.1421	6	1.0	1.0	10000.0	1.00	45.

```
  3000.   .1391        6     1.0    1.0 10000.0    1.00     45.
  3500.   .1265        6     1.0    1.0 10000.0    1.00     45.
  4000.   .1168        6     1.0    1.0 10000.0    1.00     45.
  4500.   .1088        6     1.0    1.0 10000.0    1.00     45.
  5000.   .1019        6     1.0    1.0 10000.0    1.00     45.
  5500.   .9597E-01    6     1.0    1.0 10000.0    1.00     45.
  6000.   .9069E-01    6     1.0    1.0 10000.0    1.00     45.
  6500.   .8599E-01    6     1.0    1.0 10000.0    1.00     45.
  7000.   .8183E-01    6     1.0    1.0 10000.0    1.00     45.
  7500.   .7815E-01    6     1.0    1.0 10000.0    1.00     45.
  8000.   .7486E-01    6     1.0    1.0 10000.0    1.00     45.
  8500.   .7182E-01    6     1.0    1.0 10000.0    1.00     45.
  9000.   .6898E-01    6     1.0    1.0 10000.0    1.00     44.
  9500.   .6635E-01    6     1.0    1.0 10000.0    1.00     45.
 10000.   .6388E-01    6     1.0    1.0 10000.0    1.00     45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND     1. M:
   789.   .5975        6     1.0    1.0 10000.0    1.00     45.

     ***************************************
     *** SUMMARY OF SCREEN MODEL RESULTS ***
     ***************************************

 CALCULATION        MAX CONC    DIST TO   TERRAIN
  PROCEDURE        (UG/M**3)    MAX (M)    HT (M)
--------------    -----------   -------   -------
SIMPLE TERRAIN      .5975          789.        0.

****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

08/23/06
14:59:28

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Dichloromethane

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .211100E-07
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	3.032	6	1.0	1.0	10000.0	1.00	45.
100.	3.169	6	1.0	1.0	10000.0	1.00	45.
200.	3.299	6	1.0	1.0	10000.0	1.00	45.
300.	3.421	6	1.0	1.0	10000.0	1.00	45.
400.	3.509	6	1.0	1.0	10000.0	1.00	45.
500.	3.615	6	1.0	1.0	10000.0	1.00	45.
600.	3.716	6	1.0	1.0	10000.0	1.00	45.
700.	3.813	6	1.0	1.0	10000.0	1.00	45.
800.	3.426	6	1.0	1.0	10000.0	1.00	45.
900.	2.616	6	1.0	1.0	10000.0	1.00	45.
1000.	2.237	6	1.0	1.0	10000.0	1.00	45.
1100.	1.992	6	1.0	1.0	10000.0	1.00	45.
1200.	1.815	6	1.0	1.0	10000.0	1.00	45.
1300.	1.680	6	1.0	1.0	10000.0	1.00	45.
1400.	1.572	6	1.0	1.0	10000.0	1.00	45.
1500.	1.483	6	1.0	1.0	10000.0	1.00	45.
1600.	1.408	6	1.0	1.0	10000.0	1.00	45.
1700.	1.344	6	1.0	1.0	10000.0	1.00	45.
1800.	1.287	6	1.0	1.0	10000.0	1.00	45.
1900.	1.236	6	1.0	1.0	10000.0	1.00	45.
2000.	1.191	6	1.0	1.0	10000.0	1.00	45.
2100.	1.150	6	1.0	1.0	10000.0	1.00	45.
2200.	1.113	6	1.0	1.0	10000.0	1.00	45.
2300.	1.079	6	1.0	1.0	10000.0	1.00	45.
2400.	1.048	6	1.0	1.0	10000.0	1.00	45.
2500.	1.019	6	1.0	1.0	10000.0	1.00	45.
2600.	.9932	6	1.0	1.0	10000.0	1.00	45.
2700.	.9692	6	1.0	1.0	10000.0	1.00	45.
2800.	.9470	6	1.0	1.0	10000.0	1.00	45.
2900.	.9263	6	1.0	1.0	10000.0	1.00	45.

3000.	.9068	6	1.0	1.0	10000.0	1.00	45.
3500.	.8248	6	1.0	1.0	10000.0	1.00	45.
4000.	.7618	6	1.0	1.0	10000.0	1.00	45.
4500.	.7094	6	1.0	1.0	10000.0	1.00	45.
5000.	.6646	6	1.0	1.0	10000.0	1.00	45.
5500.	.6257	6	1.0	1.0	10000.0	1.00	45.
6000.	.5913	6	1.0	1.0	10000.0	1.00	45.
6500.	.5606	6	1.0	1.0	10000.0	1.00	45.
7000.	.5335	6	1.0	1.0	10000.0	1.00	45.
7500.	.5095	6	1.0	1.0	10000.0	1.00	45.
8000.	.4880	6	1.0	1.0	10000.0	1.00	45.
8500.	.4682	6	1.0	1.0	10000.0	1.00	45.
9000.	.4497	6	1.0	1.0	10000.0	1.00	44.
9500.	.4326	6	1.0	1.0	10000.0	1.00	45.
10000.	.4165	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	3.896	6	1.0	1.0	10000.0	1.00	45.

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***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	3.896	789.	0.

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****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

08/23/06
15:02:50

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Dimethyl Sulfide

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .844400E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	1.213	6	1.0	1.0	10000.0	1.00	45.
100.	1.268	6	1.0	1.0	10000.0	1.00	45.
200.	1.320	6	1.0	1.0	10000.0	1.00	45.
300.	1.369	6	1.0	1.0	10000.0	1.00	45.
400.	1.403	6	1.0	1.0	10000.0	1.00	45.
500.	1.446	6	1.0	1.0	10000.0	1.00	45.
600.	1.486	6	1.0	1.0	10000.0	1.00	45.
700.	1.525	6	1.0	1.0	10000.0	1.00	45.
800.	1.370	6	1.0	1.0	10000.0	1.00	45.
900.	1.046	6	1.0	1.0	10000.0	1.00	45.
1000.	.8948	6	1.0	1.0	10000.0	1.00	45.
1100.	.7970	6	1.0	1.0	10000.0	1.00	45.
1200.	.7260	6	1.0	1.0	10000.0	1.00	45.
1300.	.6718	6	1.0	1.0	10000.0	1.00	45.
1400.	.6286	6	1.0	1.0	10000.0	1.00	45.
1500.	.5932	6	1.0	1.0	10000.0	1.00	45.
1600.	.5633	6	1.0	1.0	10000.0	1.00	45.
1700.	.5374	6	1.0	1.0	10000.0	1.00	45.
1800.	.5148	6	1.0	1.0	10000.0	1.00	45.
1900.	.4946	6	1.0	1.0	10000.0	1.00	45.
2000.	.4765	6	1.0	1.0	10000.0	1.00	45.
2100.	.4601	6	1.0	1.0	10000.0	1.00	45.
2200.	.4451	6	1.0	1.0	10000.0	1.00	45.
2300.	.4316	6	1.0	1.0	10000.0	1.00	45.
2400.	.4191	6	1.0	1.0	10000.0	1.00	45.
2500.	.4077	6	1.0	1.0	10000.0	1.00	45.
2600.	.3973	6	1.0	1.0	10000.0	1.00	45.
2700.	.3877	6	1.0	1.0	10000.0	1.00	45.
2800.	.3788	6	1.0	1.0	10000.0	1.00	45.
2900.	.3705	6	1.0	1.0	10000.0	1.00	45.

3000.	.3627	6	1.0	1.0	10000.0	1.00	45.
3500.	.3299	6	1.0	1.0	10000.0	1.00	45.
4000.	.3047	6	1.0	1.0	10000.0	1.00	45.
4500.	.2838	6	1.0	1.0	10000.0	1.00	45.
5000.	.2658	6	1.0	1.0	10000.0	1.00	45.
5500.	.2503	6	1.0	1.0	10000.0	1.00	45.
6000.	.2365	6	1.0	1.0	10000.0	1.00	45.
6500.	.2243	6	1.0	1.0	10000.0	1.00	45.
7000.	.2134	6	1.0	1.0	10000.0	1.00	45.
7500.	.2038	6	1.0	1.0	10000.0	1.00	45.
8000.	.1952	6	1.0	1.0	10000.0	1.00	45.
8500.	.1873	6	1.0	1.0	10000.0	1.00	45.
9000.	.1799	6	1.0	1.0	10000.0	1.00	44.
9500.	.1730	6	1.0	1.0	10000.0	1.00	45.
10000.	.1666	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	1.558	6	1.0	1.0	10000.0	1.00	45.

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***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	1.558	789.	0.

```
****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
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08/23/06
15:05:06

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Ethyl Mercapatan

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .246200E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	.3536	6	1.0	1.0	10000.0	1.00	45.
100.	.3696	6	1.0	1.0	10000.0	1.00	45.
200.	.3848	6	1.0	1.0	10000.0	1.00	45.
300.	.3990	6	1.0	1.0	10000.0	1.00	45.
400.	.4092	6	1.0	1.0	10000.0	1.00	45.
500.	.4216	6	1.0	1.0	10000.0	1.00	45.
600.	.4334	6	1.0	1.0	10000.0	1.00	45.
700.	.4447	6	1.0	1.0	10000.0	1.00	45.
800.	.3995	6	1.0	1.0	10000.0	1.00	45.
900.	.3051	6	1.0	1.0	10000.0	1.00	45.
1000.	.2609	6	1.0	1.0	10000.0	1.00	45.
1100.	.2324	6	1.0	1.0	10000.0	1.00	45.
1200.	.2117	6	1.0	1.0	10000.0	1.00	45.
1300.	.1959	6	1.0	1.0	10000.0	1.00	45.
1400.	.1833	6	1.0	1.0	10000.0	1.00	45.
1500.	.1730	6	1.0	1.0	10000.0	1.00	45.
1600.	.1642	6	1.0	1.0	10000.0	1.00	45.
1700.	.1567	6	1.0	1.0	10000.0	1.00	45.
1800.	.1501	6	1.0	1.0	10000.0	1.00	45.
1900.	.1442	6	1.0	1.0	10000.0	1.00	45.
2000.	.1389	6	1.0	1.0	10000.0	1.00	45.
2100.	.1341	6	1.0	1.0	10000.0	1.00	45.
2200.	.1298	6	1.0	1.0	10000.0	1.00	45.
2300.	.1258	6	1.0	1.0	10000.0	1.00	45.
2400.	.1222	6	1.0	1.0	10000.0	1.00	45.
2500.	.1189	6	1.0	1.0	10000.0	1.00	45.
2600.	.1158	6	1.0	1.0	10000.0	1.00	45.
2700.	.1130	6	1.0	1.0	10000.0	1.00	45.
2800.	.1105	6	1.0	1.0	10000.0	1.00	45.
2900.	.1080	6	1.0	1.0	10000.0	1.00	45.

```
  3000.   .1058        6     1.0    1.0 10000.0    1.00     45.
  3500.   .9620E-01    6     1.0    1.0 10000.0    1.00     45.
  4000.   .8884E-01    6     1.0    1.0 10000.0    1.00     45.
  4500.   .8274E-01    6     1.0    1.0 10000.0    1.00     45.
  5000.   .7751E-01    6     1.0    1.0 10000.0    1.00     45.
  5500.   .7297E-01    6     1.0    1.0 10000.0    1.00     45.
  6000.   .6896E-01    6     1.0    1.0 10000.0    1.00     45.
  6500.   .6539E-01    6     1.0    1.0 10000.0    1.00     45.
  7000.   .6222E-01    6     1.0    1.0 10000.0    1.00     45.
  7500.   .5942E-01    6     1.0    1.0 10000.0    1.00     45.
  8000.   .5692E-01    6     1.0    1.0 10000.0    1.00     45.
  8500.   .5461E-01    6     1.0    1.0 10000.0    1.00     45.
  9000.   .5245E-01    6     1.0    1.0 10000.0    1.00     44.
  9500.   .5045E-01    6     1.0    1.0 10000.0    1.00     45.
 10000.   .4857E-01    6     1.0    1.0 10000.0    1.00     45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND     1. M:
   789.   .4543        6     1.0    1.0 10000.0    1.00     45.

     ***************************************
     *** SUMMARY OF SCREEN MODEL RESULTS ***
     ***************************************

 CALCULATION        MAX CONC    DIST TO   TERRAIN
  PROCEDURE        (UG/M**3)    MAX (M)    HT (M)
--------------    -----------   -------   -------
SIMPLE TERRAIN      .4543          789.        0.

****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
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08/23/06
15:13:35

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Hydrogen Sulfide

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .210000E-07
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	3.016	6	1.0	1.0	10000.0	1.00	45.
100.	3.153	6	1.0	1.0	10000.0	1.00	45.
200.	3.282	6	1.0	1.0	10000.0	1.00	45.
300.	3.403	6	1.0	1.0	10000.0	1.00	45.
400.	3.490	6	1.0	1.0	10000.0	1.00	45.
500.	3.596	6	1.0	1.0	10000.0	1.00	45.
600.	3.696	6	1.0	1.0	10000.0	1.00	45.
700.	3.793	6	1.0	1.0	10000.0	1.00	45.
800.	3.408	6	1.0	1.0	10000.0	1.00	45.
900.	2.602	6	1.0	1.0	10000.0	1.00	45.
1000.	2.225	6	1.0	1.0	10000.0	1.00	45.
1100.	1.982	6	1.0	1.0	10000.0	1.00	45.
1200.	1.806	6	1.0	1.0	10000.0	1.00	45.
1300.	1.671	6	1.0	1.0	10000.0	1.00	45.
1400.	1.563	6	1.0	1.0	10000.0	1.00	45.
1500.	1.475	6	1.0	1.0	10000.0	1.00	45.
1600.	1.401	6	1.0	1.0	10000.0	1.00	45.
1700.	1.337	6	1.0	1.0	10000.0	1.00	45.
1800.	1.280	6	1.0	1.0	10000.0	1.00	45.
1900.	1.230	6	1.0	1.0	10000.0	1.00	45.
2000.	1.185	6	1.0	1.0	10000.0	1.00	45.
2100.	1.144	6	1.0	1.0	10000.0	1.00	45.
2200.	1.107	6	1.0	1.0	10000.0	1.00	45.
2300.	1.073	6	1.0	1.0	10000.0	1.00	45.
2400.	1.042	6	1.0	1.0	10000.0	1.00	45.
2500.	1.014	6	1.0	1.0	10000.0	1.00	45.
2600.	.9881	6	1.0	1.0	10000.0	1.00	45.
2700.	.9641	6	1.0	1.0	10000.0	1.00	45.
2800.	.9421	6	1.0	1.0	10000.0	1.00	45.
2900.	.9214	6	1.0	1.0	10000.0	1.00	45.

3000.	.9020	6	1.0	1.0	10000.0	1.00	45.
3500.	.8205	6	1.0	1.0	10000.0	1.00	45.
4000.	.7578	6	1.0	1.0	10000.0	1.00	45.
4500.	.7057	6	1.0	1.0	10000.0	1.00	45.
5000.	.6612	6	1.0	1.0	10000.0	1.00	45.
5500.	.6224	6	1.0	1.0	10000.0	1.00	45.
6000.	.5882	6	1.0	1.0	10000.0	1.00	45.
6500.	.5577	6	1.0	1.0	10000.0	1.00	45.
7000.	.5307	6	1.0	1.0	10000.0	1.00	45.
7500.	.5069	6	1.0	1.0	10000.0	1.00	45.
8000.	.4855	6	1.0	1.0	10000.0	1.00	45.
8500.	.4658	6	1.0	1.0	10000.0	1.00	45.
9000.	.4474	6	1.0	1.0	10000.0	1.00	44.
9500.	.4303	6	1.0	1.0	10000.0	1.00	45.
10000.	.4143	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	3.875	6	1.0	1.0	10000.0	1.00	45.

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***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	3.875	789.	0.

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****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
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08/23/06
15:20:38

```
 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Methyl mercapatan

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .208200E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	.2990	6	1.0	1.0	10000.0	1.00	45.
100.	.3126	6	1.0	1.0	10000.0	1.00	45.
200.	.3254	6	1.0	1.0	10000.0	1.00	45.
300.	.3374	6	1.0	1.0	10000.0	1.00	45.
400.	.3461	6	1.0	1.0	10000.0	1.00	45.
500.	.3565	6	1.0	1.0	10000.0	1.00	45.
600.	.3665	6	1.0	1.0	10000.0	1.00	45.
700.	.3760	6	1.0	1.0	10000.0	1.00	45.
800.	.3379	6	1.0	1.0	10000.0	1.00	45.
900.	.2580	6	1.0	1.0	10000.0	1.00	45.
1000.	.2206	6	1.0	1.0	10000.0	1.00	45.
1100.	.1965	6	1.0	1.0	10000.0	1.00	45.
1200.	.1790	6	1.0	1.0	10000.0	1.00	45.
1300.	.1656	6	1.0	1.0	10000.0	1.00	45.
1400.	.1550	6	1.0	1.0	10000.0	1.00	45.
1500.	.1463	6	1.0	1.0	10000.0	1.00	45.
1600.	.1389	6	1.0	1.0	10000.0	1.00	45.
1700.	.1325	6	1.0	1.0	10000.0	1.00	45.
1800.	.1269	6	1.0	1.0	10000.0	1.00	45.
1900.	.1219	6	1.0	1.0	10000.0	1.00	45.
2000.	.1175	6	1.0	1.0	10000.0	1.00	45.
2100.	.1134	6	1.0	1.0	10000.0	1.00	45.
2200.	.1098	6	1.0	1.0	10000.0	1.00	45.
2300.	.1064	6	1.0	1.0	10000.0	1.00	45.
2400.	.1033	6	1.0	1.0	10000.0	1.00	45.
2500.	.1005	6	1.0	1.0	10000.0	1.00	45.
2600.	.9796E-01	6	1.0	1.0	10000.0	1.00	45.
2700.	.9559E-01	6	1.0	1.0	10000.0	1.00	45.
2800.	.9340E-01	6	1.0	1.0	10000.0	1.00	45.
2900.	.9135E-01	6	1.0	1.0	10000.0	1.00	45.

```
  3000.   .8943E-01    6     1.0    1.0 10000.0    1.00     45.
  3500.   .8135E-01    6     1.0    1.0 10000.0    1.00     45.
  4000.   .7513E-01    6     1.0    1.0 10000.0    1.00     45.
  4500.   .6997E-01    6     1.0    1.0 10000.0    1.00     45.
  5000.   .6555E-01    6     1.0    1.0 10000.0    1.00     45.
  5500.   .6171E-01    6     1.0    1.0 10000.0    1.00     45.
  6000.   .5832E-01    6     1.0    1.0 10000.0    1.00     45.
  6500.   .5529E-01    6     1.0    1.0 10000.0    1.00     45.
  7000.   .5262E-01    6     1.0    1.0 10000.0    1.00     45.
  7500.   .5025E-01    6     1.0    1.0 10000.0    1.00     45.
  8000.   .4813E-01    6     1.0    1.0 10000.0    1.00     45.
  8500.   .4618E-01    6     1.0    1.0 10000.0    1.00     45.
  9000.   .4435E-01    6     1.0    1.0 10000.0    1.00     44.
  9500.   .4267E-01    6     1.0    1.0 10000.0    1.00     45.
 10000.   .4107E-01    6     1.0    1.0 10000.0    1.00     45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND     1. M:
   789.   .3842        6     1.0    1.0 10000.0    1.00     45.

     ***************************************
     *** SUMMARY OF SCREEN MODEL RESULTS ***
     ***************************************

 CALCULATION        MAX CONC    DIST TO   TERRAIN
  PROCEDURE        (UG/M**3)    MAX (M)    HT (M)
--------------    -----------   -------   -------
SIMPLE TERRAIN      .3842          789.        0.

****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
```

08/23/06
15:23:12

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 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Perchloroethylene

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .107500E-07
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	1.544	6	1.0	1.0	10000.0	1.00	45.
100.	1.614	6	1.0	1.0	10000.0	1.00	45.
200.	1.680	6	1.0	1.0	10000.0	1.00	45.
300.	1.742	6	1.0	1.0	10000.0	1.00	45.
400.	1.787	6	1.0	1.0	10000.0	1.00	45.
500.	1.841	6	1.0	1.0	10000.0	1.00	45.
600.	1.892	6	1.0	1.0	10000.0	1.00	45.
700.	1.942	6	1.0	1.0	10000.0	1.00	45.
800.	1.744	6	1.0	1.0	10000.0	1.00	45.
900.	1.332	6	1.0	1.0	10000.0	1.00	45.
1000.	1.139	6	1.0	1.0	10000.0	1.00	45.
1100.	1.015	6	1.0	1.0	10000.0	1.00	45.
1200.	.9243	6	1.0	1.0	10000.0	1.00	45.
1300.	.8553	6	1.0	1.0	10000.0	1.00	45.
1400.	.8003	6	1.0	1.0	10000.0	1.00	45.
1500.	.7552	6	1.0	1.0	10000.0	1.00	45.
1600.	.7172	6	1.0	1.0	10000.0	1.00	45.
1700.	.6842	6	1.0	1.0	10000.0	1.00	45.
1800.	.6554	6	1.0	1.0	10000.0	1.00	45.
1900.	.6296	6	1.0	1.0	10000.0	1.00	45.
2000.	.6066	6	1.0	1.0	10000.0	1.00	45.
2100.	.5857	6	1.0	1.0	10000.0	1.00	45.
2200.	.5667	6	1.0	1.0	10000.0	1.00	45.
2300.	.5494	6	1.0	1.0	10000.0	1.00	45.
2400.	.5336	6	1.0	1.0	10000.0	1.00	45.
2500.	.5191	6	1.0	1.0	10000.0	1.00	45.
2600.	.5058	6	1.0	1.0	10000.0	1.00	45.
2700.	.4935	6	1.0	1.0	10000.0	1.00	45.
2800.	.4823	6	1.0	1.0	10000.0	1.00	45.
2900.	.4717	6	1.0	1.0	10000.0	1.00	45.

3000.	.4618	6	1.0	1.0	10000.0	1.00	45.
3500.	.4200	6	1.0	1.0	10000.0	1.00	45.
4000.	.3879	6	1.0	1.0	10000.0	1.00	45.
4500.	.3613	6	1.0	1.0	10000.0	1.00	45.
5000.	.3384	6	1.0	1.0	10000.0	1.00	45.
5500.	.3186	6	1.0	1.0	10000.0	1.00	45.
6000.	.3011	6	1.0	1.0	10000.0	1.00	45.
6500.	.2855	6	1.0	1.0	10000.0	1.00	45.
7000.	.2717	6	1.0	1.0	10000.0	1.00	45.
7500.	.2595	6	1.0	1.0	10000.0	1.00	45.
8000.	.2485	6	1.0	1.0	10000.0	1.00	45.
8500.	.2384	6	1.0	1.0	10000.0	1.00	45.
9000.	.2290	6	1.0	1.0	10000.0	1.00	44.
9500.	.2203	6	1.0	1.0	10000.0	1.00	45.
10000.	.2121	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	1.984	6	1.0	1.0	10000.0	1.00	45.

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***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
```

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	1.984	789.	0.

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****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
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08/23/06
15:24:49

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 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Trichloroethylene

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .644000E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	.9249	6	1.0	1.0	10000.0	1.00	45.
100.	.9669	6	1.0	1.0	10000.0	1.00	45.
200.	1.006	6	1.0	1.0	10000.0	1.00	45.
300.	1.044	6	1.0	1.0	10000.0	1.00	45.
400.	1.070	6	1.0	1.0	10000.0	1.00	45.
500.	1.103	6	1.0	1.0	10000.0	1.00	45.
600.	1.134	6	1.0	1.0	10000.0	1.00	45.
700.	1.163	6	1.0	1.0	10000.0	1.00	45.
800.	1.045	6	1.0	1.0	10000.0	1.00	45.
900.	.7981	6	1.0	1.0	10000.0	1.00	45.
1000.	.6824	6	1.0	1.0	10000.0	1.00	45.
1100.	.6078	6	1.0	1.0	10000.0	1.00	45.
1200.	.5537	6	1.0	1.0	10000.0	1.00	45.
1300.	.5124	6	1.0	1.0	10000.0	1.00	45.
1400.	.4794	6	1.0	1.0	10000.0	1.00	45.
1500.	.4524	6	1.0	1.0	10000.0	1.00	45.
1600.	.4296	6	1.0	1.0	10000.0	1.00	45.
1700.	.4099	6	1.0	1.0	10000.0	1.00	45.
1800.	.3926	6	1.0	1.0	10000.0	1.00	45.
1900.	.3772	6	1.0	1.0	10000.0	1.00	45.
2000.	.3634	6	1.0	1.0	10000.0	1.00	45.
2100.	.3509	6	1.0	1.0	10000.0	1.00	45.
2200.	.3395	6	1.0	1.0	10000.0	1.00	45.
2300.	.3292	6	1.0	1.0	10000.0	1.00	45.
2400.	.3196	6	1.0	1.0	10000.0	1.00	45.
2500.	.3110	6	1.0	1.0	10000.0	1.00	45.
2600.	.3030	6	1.0	1.0	10000.0	1.00	45.
2700.	.2957	6	1.0	1.0	10000.0	1.00	45.
2800.	.2889	6	1.0	1.0	10000.0	1.00	45.
2900.	.2826	6	1.0	1.0	10000.0	1.00	45.

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  3000.   .2766        6     1.0    1.0 10000.0    1.00     45.
  3500.   .2516        6     1.0    1.0 10000.0    1.00     45.
  4000.   .2324        6     1.0    1.0 10000.0    1.00     45.
  4500.   .2164        6     1.0    1.0 10000.0    1.00     45.
  5000.   .2028        6     1.0    1.0 10000.0    1.00     45.
  5500.   .1909        6     1.0    1.0 10000.0    1.00     45.
  6000.   .1804        6     1.0    1.0 10000.0    1.00     45.
  6500.   .1710        6     1.0    1.0 10000.0    1.00     45.
  7000.   .1628        6     1.0    1.0 10000.0    1.00     45.
  7500.   .1554        6     1.0    1.0 10000.0    1.00     45.
  8000.   .1489        6     1.0    1.0 10000.0    1.00     45.
  8500.   .1428        6     1.0    1.0 10000.0    1.00     45.
  9000.   .1372        6     1.0    1.0 10000.0    1.00     44.
  9500.   .1320        6     1.0    1.0 10000.0    1.00     45.
 10000.   .1270        6     1.0    1.0 10000.0    1.00     45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND     1. M:
   789.   1.188        6     1.0    1.0 10000.0    1.00     45.

     ***************************************
     *** SUMMARY OF SCREEN MODEL RESULTS ***
     ***************************************

 CALCULATION         MAX CONC    DIST TO   TERRAIN
  PROCEDURE         (UG/M**3)    MAX (M)    HT (M)
--------------     -----------   -------   -------
SIMPLE TERRAIN       1.188          789.        0.

****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****************************************************
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08/23/06
15:26:07

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 ***  SCREEN3 MODEL RUN  ***
 *** VERSION DATED 96043 ***

Vinyl chloride

SIMPLE TERRAIN INPUTS:
   SOURCE TYPE                =         AREA
   EMISSION RATE (G/(S-M**2)) =      .797300E-08
   SOURCE HEIGHT (M)          =       1.0000
   LENGTH OF LARGER SIDE (M)  =    1116.0000
   LENGTH OF SMALLER SIDE (M) =    1116.0000
   RECEPTOR HEIGHT (M)        =       1.0000
   URBAN/RURAL OPTION         =        RURAL
THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

   MODEL ESTIMATES DIRECTION TO MAX CONCENTRATION


BUOY. FLUX =     .000 M**4/S**3;  MOM. FLUX =     .000 M**4/S**2.

*** FULL METEOROLOGY ***

**********************************
*** SCREEN AUTOMATED DISTANCES ***
**********************************

*** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***
```

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	MAX DIR (DEG)
1.	1.145	6	1.0	1.0	10000.0	1.00	45.
100.	1.197	6	1.0	1.0	10000.0	1.00	45.
200.	1.246	6	1.0	1.0	10000.0	1.00	45.
300.	1.292	6	1.0	1.0	10000.0	1.00	45.
400.	1.325	6	1.0	1.0	10000.0	1.00	45.
500.	1.365	6	1.0	1.0	10000.0	1.00	45.
600.	1.403	6	1.0	1.0	10000.0	1.00	45.
700.	1.440	6	1.0	1.0	10000.0	1.00	45.
800.	1.294	6	1.0	1.0	10000.0	1.00	45.
900.	.9880	6	1.0	1.0	10000.0	1.00	45.
1000.	.8449	6	1.0	1.0	10000.0	1.00	45.
1100.	.7525	6	1.0	1.0	10000.0	1.00	45.
1200.	.6855	6	1.0	1.0	10000.0	1.00	45.
1300.	.6343	6	1.0	1.0	10000.0	1.00	45.
1400.	.5935	6	1.0	1.0	10000.0	1.00	45.
1500.	.5601	6	1.0	1.0	10000.0	1.00	45.
1600.	.5319	6	1.0	1.0	10000.0	1.00	45.
1700.	.5075	6	1.0	1.0	10000.0	1.00	45.
1800.	.4861	6	1.0	1.0	10000.0	1.00	45.
1900.	.4670	6	1.0	1.0	10000.0	1.00	45.
2000.	.4499	6	1.0	1.0	10000.0	1.00	45.
2100.	.4344	6	1.0	1.0	10000.0	1.00	45.
2200.	.4203	6	1.0	1.0	10000.0	1.00	45.
2300.	.4075	6	1.0	1.0	10000.0	1.00	45.
2400.	.3957	6	1.0	1.0	10000.0	1.00	45.
2500.	.3850	6	1.0	1.0	10000.0	1.00	45.
2600.	.3751	6	1.0	1.0	10000.0	1.00	45.
2700.	.3661	6	1.0	1.0	10000.0	1.00	45.
2800.	.3577	6	1.0	1.0	10000.0	1.00	45.
2900.	.3498	6	1.0	1.0	10000.0	1.00	45.

3000.	.3425	6	1.0	1.0	10000.0	1.00	45.
3500.	.3115	6	1.0	1.0	10000.0	1.00	45.
4000.	.2877	6	1.0	1.0	10000.0	1.00	45.
4500.	.2679	6	1.0	1.0	10000.0	1.00	45.
5000.	.2510	6	1.0	1.0	10000.0	1.00	45.
5500.	.2363	6	1.0	1.0	10000.0	1.00	45.
6000.	.2233	6	1.0	1.0	10000.0	1.00	45.
6500.	.2117	6	1.0	1.0	10000.0	1.00	45.
7000.	.2015	6	1.0	1.0	10000.0	1.00	45.
7500.	.1924	6	1.0	1.0	10000.0	1.00	45.
8000.	.1843	6	1.0	1.0	10000.0	1.00	45.
8500.	.1768	6	1.0	1.0	10000.0	1.00	45.
9000.	.1699	6	1.0	1.0	10000.0	1.00	44.
9500.	.1634	6	1.0	1.0	10000.0	1.00	45.
10000.	.1573	6	1.0	1.0	10000.0	1.00	45.

MAXIMUM 1-HR CONCENTRATION AT OR BEYOND 1. M:

789.	1.471	6	1.0	1.0	10000.0	1.00	45.

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***************************************
*** SUMMARY OF SCREEN MODEL RESULTS ***
***************************************
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CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	1.471	789.	0.

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****************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
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LETTER NO. 017

Soil Water Air Protective Enterprise
Paul Rosenfeld, PhD
201 Wilshire Boulevard, 2nd Floor
Santa Monica, CA 90401

RESPONSE 017-1

This comment indicates that the letter is written on behalf of the City of Oceanside and RiverWatch. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 017-2

The comment is introductory in nature and indicates that comments will focus on alternative technologies, air toxics, odors, water, and future development in the project vicinity. This comment does not introduce new environmental information. Detailed responses are provided to each of the comments contained in the letter. Please see Response to Comment Nos. 017-3 through 017-13 for responses to the comments provided.

RESPONSE 017-3

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Alternatives is not a subject in the Revised Partial Draft EIR as it was not overturned by the Court or included in its writ. However, Chapter 6 of the 2003 Draft EIR contains a detailed analysis of alternatives. Waste-to Energy was considered as an alternative but was rejected as it is not considered feasible. As indicated in the 2003 Draft EIR, even with waste-to-energy there is residual waste and as such, the process cannot be considered a replacement to the landfilling of solid waste. County DEH staff is not aware of any recent approvals or pending applications for waste to energy facilities. Please refer to Response to Comment Nos. 025-6 and 028-20 for additional information regarding this potential alternative.

RESPONSE 017-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding air quality, odor, and air toxics were thoroughly analyzed for the landfill site in Section 4.7 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ, and therefore, no further response regarding DPM and the landfill is necessary.

With regard to the number of truck trips, as indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, the number of trucks previously analyzed in the 2003 Draft EIR has not changed. Thus, the health risk impacts identified in the 2003 Draft EIR have also not changed. Table 4.5-7 of the Revised Partial Draft EIR provides the trip generation for the project.

With regard to water haul trucks, the Revised Partial Draft EIR provides a thorough analysis of DPM associated with water haul trucks at the Reservoir Site. The Health Risk Assessment (HRA) prepared for the Revised Partial Draft EIR, which is contained in Appendix D of the Revised Partial Draft EIR, was conducted in accordance with the technical procedures specified in the SDAPCD document entitled, "Guidelines for Preparing Health Risk Assessments in Accordance with the Requirements of Assembly Bill 2588" (SDAPCD 1997), and the CAPCOA Risk Assessment Guidelines (CAPCOA, 1992). The State of California has established a threshold of ten in a million as a level posing no significant risk for exposures to carcinogens regulated under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65) and this threshold was therefore, used in the HRA prepared for the project. Please note that this threshold is consistent with the cancer risk threshold provided in this comment. Potential health risk impacts related to the trucks carrying water from the Reservoir Site to the landfill site were evaluated at sensitive receptors in close proximity to the haul road (i.e., school and residences) and impacts were determined to be less than significant. Please refer to the Air Quality, Health Risk, and Noise Technical Memo which can be found in Appendix D of the Revised Partial Draft EIR.

Contrary to what is stated in the comment, DPM emissions were calculated based on the number of trucks required for hauling water and not based on passenger care equivalencies (PCE). The analysis provided in the comment utilized an outdated URBEMIS model and an incorrect protocol. The analysis contained in the comment inappropriately used URBEMIS to calculate DPM emissions from the water haul trucks. URBEMIS is used to calculate regional emissions associated with an entire truck trip length. Thus, it is not correct to associate emissions from an entire haul trip to be assumed to occur entirely at the Olivenhain Reservoir Site. It is also not correct to use SCREEN 3 for a linear source (e.g., roadway). Therefore, the conclusion contained in the Revised Final EIR, that the calculated risk would be 4.2 in a million, is correct. As indicated in the analysis

contained in the Revised Final EIR, the project would result in less than significant air toxic impacts.

RESPONSE 017-5

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

County DEH staff acknowledges concerns with regard to odor. However, potential odor impacts were thoroughly analyzed in Section 4.7, Air Quality, of the 2003 Draft EIR. The SAIC study that is referred to in the comment is a draft study that was conducted for permitting of the project and was not conducted for the Revised Partial Draft EIR. The odor analysis of the 2003 Draft EIR was not overturned by the Court or included in its writ, and therefore, no further response is necessary.

Section 4.15 and Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR analyzed potential short-term and long-term impacts from the additional project activities to be undertaken at the landfill site described in Chapter 3. None of the additional activities at the landfill site described in Chapter 3 of the Revised Partial Draft EIR have the potential to create significant odor impacts.

RESPONSE 017-6

The Health Risk Assessment prepared for the Revised Partial Draft EIR was conducted in accordance with the technical procedures specified in the SDAPCD document entitled, "Guidelines for Preparing Health Risk Assessments in Accordance with the Requirements of Assembly Bill 2588" (SDAPCD 1997), and the CAPCOA Risk Assessment Guidelines (CAPCOA, 1992). The analysis provided in the comment utilized an outdated URBEMIS model and the wrong protocol. Therefore, the conclusion contained in the Revised Final EIR, that the calculated risk is 4.2 in a million is correct, resulting in less than significant air toxic impacts.

In accordance with Proposition 65, a risk of less than 10 in a million would not constitute a significant long-term health risk to students and staff. Therefore, a calculated risk of 4.2 in a million would result in a less than significant impact at the Maranatha School. Please note that this risk level is substantially overstated as students would attend the school for a short duration in comparison to the SDAPCD recommended risk exposure duration of 70 years (7 years/70 years x

risk of 4.2 in one million = 0.4 in one million). This conservative estimate also assumes that the sensitive receptors would be outside for the entire duration, which is not the case with a school.

RESPONSE 017-7

The groundwater monitoring wells added to the monitoring system were constructed during the permitting process at the direction of the RWQCB. The drilling program for these wells is described in GLA's Supplemental Hydrogeologic Report dated October 2004 and is included in Appendix C-1 of the Gregory Canyon Landfill JTD. The boring logs and well construction logs are included as Attachment A to the Supplemental Hydrogeologic Report. The report and the entire JTD are available for review on the San Diego RWQCB website at (see http://www.waterboards.ca.gov/sandiego/units/ldu/Canyonpercent20Project/gregory_canyon_landfill.html.)

RESPONSE 017-8

As indicated in Response to Comment No. 017-7, the additional wells were drilled at the request of the RWQCB, with approved well permits from DEH. The Water Supply Report (GLA, 2006), which is provided in Appendix C of the Revised Partial Draft EIR, provides a description of the proposed well pumping program, a calculated safe yield from these wells and a location map. See Figure 3 of the Water Supply Report and Exhibit 4.15-5 of the Revised Partial Draft EIR for the location map. The location map shows the well locations in relation to the landfill footprint. Exhibit 4.15-7 of the Revised Partial Draft EIR shows the well locations in relation to the landfill footprint and the facilities area. Figure 3 of the Water Supply Study has been revised in Appendix C of the Revised Final EIR to present the well locations and types of wells in relation to the landfill footprint and facilities area. See Response to Comment No. 007-5 for a discussion of the use of groundwater pumping wells as sampling points.

RESPONSE 017-9

As stated on page 4.15-10 of the Revised Partial Draft EIR, it is proposed that groundwater will be pumped from the point of compliance bedrock wells including wells GLA-3, GLA-12, GLA-13, GLA-B, GLA-C, GLA-G, and GMW-1. As described in Response to Comment No. 007-5, the purpose of the pumping system at the point of compliance is to capture groundwater in the fractured bedrock formation underneath the toe of the landfill to prevent or minimize further downgradient transport. Since the water is withdrawn from a competent bedrock fracture flow system, there is no potential for subsidence expected in the bedrock. Note that pumping induced subsidence is typically observed in extreme groundwater extraction conditions. The aquifer is typically loosely packed sedimentary rock with additional loading on top of it, that subsides as a result of a loss of volume when significant water is pumped from it, producing the associated settlement. This situation is not expected to occur at the landfill site, since the material underlying the liner system is fractured bedrock. See Response to Comment Nos. 007-5 and 022-134 for a discussion of the use of groundwater pumping wells as sampling points and potential subsidence.

RESPONSE 017-10

The landfill construction will involve the removal of alluvial sediments beneath the landfill footprint to create a competent base for landfill construction. The steady-state conditions used in the contaminant release model identify the flow path that groundwater will follow when no pumping occurs. With the use of pumping wells at the toe of the landfill to intercept the groundwater from beneath the landfill to prevent or minimize downgradient transport, the theoretically modeled "worst-case" release scenario would exhibit a slower migration of contaminants from the landfill. Therefore, the steady-state conditions used in the current model is an acceptable "worst-case" release scenario.

RESPONSE 017-11

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.15, Public Services and Utilities, of the 2003 Draft EIR includes a discussion of the baseline for analysis of impacts to water supply, which discussed both historic usage as of 1996 and a more recent analysis based on usage following the closure of the Lucio Dairy. The project water demand is based on the water demand for the various stages of the project. The water demand is not provided as a net. The historic water use was used in the 2003 Draft EIR for comparison purposes. These portions of the EIR were not overturned by the Court or included in its writ. Section 4.3 of the 2003 Draft EIR considered the entire Pala Hydrologic Subarea for purposes of its analysis, which includes the fractured flow bedrock formation. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Please refer to Response to Comment No. 022-137 for additional information regarding the baseline for analysis of water supply impacts.

RESPONSE 017-12

Exhibit 4.3-6A of the 2003 Draft EIR is a schematic drawing modified from GLA's Geologic, Hydrogeologic and Geotechnical Report (2002) Figure 2-8 (see 2004 JTD Appendix C), and shows the flowlines created by pumping from wells drilled into the upper, more weathered bedrock and wells drilled into the deeper less fractured bedrock within the bedrock fracture flow system. The exhibit incorrectly identifies these wells as alluvial aquifer wells when in fact they are proposed bedrock wells. However, the exhibit pre-dates the drilling of proposed wells GLA-A and GLA-B, and subsequent wells GLA-C through GLA-G. Figure 2 on page 017-6 correctly

LEGEND

- Q_A — ALLUVIUM
- Q_{UN} — UNDIFFERENTIATED SURFICIAL DEPOSITS INCLUDING RESIDUAL SOILS, COLLUVIUM AND LOCAL ALLUVIUM

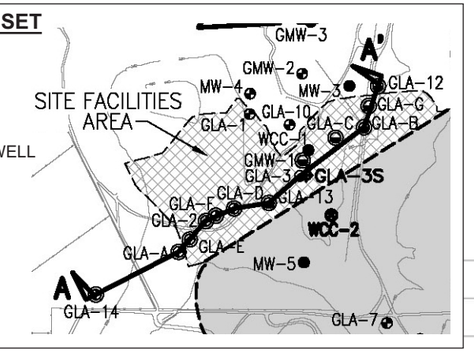
BEDROCK (WEATHERED AND UNWEATHERED

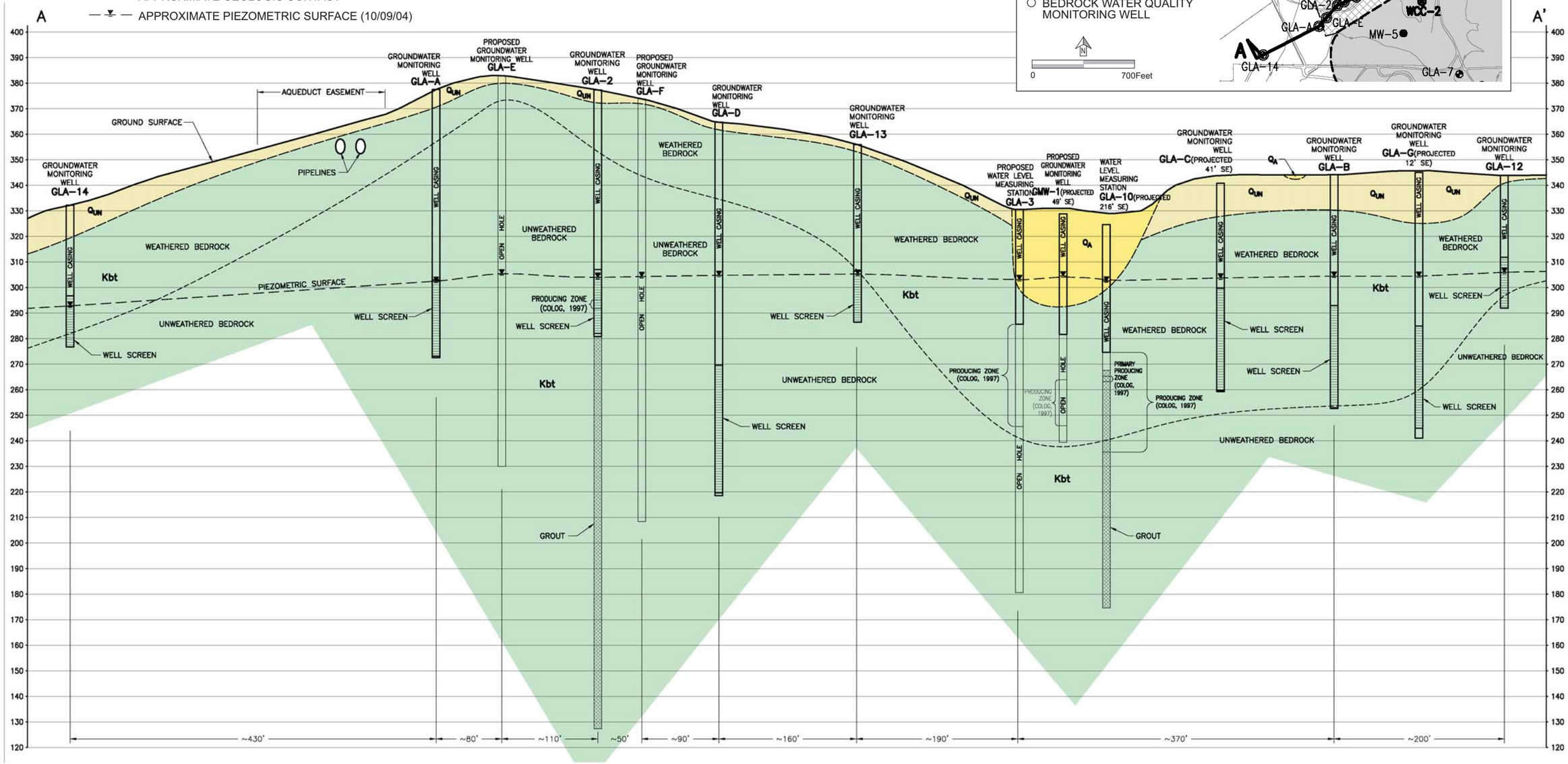
- Kbt — BONSALL TONALITE WITH MINOR DIKES AND VIENS OF GREGORY MOUNTAIN LEUCOGRANDIORITE AND PIGMATITE
- APPROXIMATE GEOLOGIC CONTACT
- APPROXIMATE PIEZOMETRIC SURFACE (10/09/04)

LANDFILL FOOTPRINT INSET

- ALLUVIAL/COLLUVIAL WELL
- BEDROCK WELL
- BEDROCK/WATER SUPPLY WELL
- WELL SCREENED ACROSS ALLUVIUM AND BEDROCK
- BEDROCK WATER QUALITY MONITORING WELL

0 700Feet





HORIZONTAL SCALE 0 120 Feet

VERTICAL SCALE 0 40 Feet

Source: GeoLogic Associates, 2006.

PCR

Figure 2
Detection Monitoring Program
Point-of-Compliance Wells Cross-Section

illustrates that wells GLA-A and GLA-B are bedrock wells. Results of the drilling program, including all of the wells drilled in 2004 at the direction of the RWQCB, are depicted on Figure 2 (page 017-6) and on Plate 2 – Point-of-Compliance Cross-Section of the Supplemental Hydrogeologic Report, which is included as Appendix C of the JTD.

RESPONSE 017-13

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The issues of odor, health risk and cumulative analyses of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Chapter 5 of the 2003 Draft EIR contains a discussion of cumulative impacts from the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation, petitioners did not raise the adequacy or conclusions of the cumulative impacts analyses in their briefing to the Court.

As a result of the Court's order regarding the failure to consider the County 2003 Tribal Impacts Study, an updated traffic study was prepared as part of the Revised Partial Draft EIR by Darnell & Associates. The 2006 Traffic Study was included as Appendix A and summarized in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR. The 2006 Traffic Study evaluated both project-related and cumulative traffic impacts based on updated information.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 3, Project Description, was revised to reflect the fact that the project will include a double composite liner with an additional drainage layer and an additional HDPE geomembrane and to describe recycled water facilities that will be included in the facilities area. In addition, Section 4.15, Public Services and Facilities, was revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water. Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR provided a supplemental analysis of cumulative air quality and noise impacts from the additional construction activities. Appendix A, Traffic Study, analyzed cumulative impacts on traffic segments used for the delivery of recycled water to the landfill site.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 4.9, Biological Resources, was updated in certain ways to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise

to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. Appendix B, Biological Technical Report, includes a supplemental analysis of cumulative impacts to biological resources in light of its reevaluation.

Section 4.1 of the 2003 Draft EIR contains a detailed analysis of land use compatibility of the project with the mixed uses in the area. The issues of odor and health risk were addressed in Section 4.7 of the 2003 Draft EIR. Changes in the related projects list would not alter the conclusions reached in the 2003 Draft EIR with regard to odor and health risk. The odor and health risk analyses contained in Section 4.7 of the 2003 Draft EIR concluded that the project would result in less than significant odor and health risk impacts. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The project would not contribute to cumulative odor and health risk impacts regardless of the changes that would occur with regard to future development in the project vicinity.

RESPONSE 017-14

The comment is conclusionary in nature. Please see Response to Comment Nos. 017-3 through 017-13 for detailed responses to each of the comments.

CALIFORNIA INDIAN LEGAL SERVICES

Escondido Office

609 South Escondido Boulevard, Escondido, CA 92025 ✦ Phone 760/746-8941 ✦ Fax 760/746-1815
www.calindian.org ✦ contactCILS@calindian.org

BISHOP
EUREKA
ESCONDIDO
OAKLAND
SANTA ROSA
WASHINGTON, D.C.

August 24, 2006

VIA ELECTRONIC MAIL

Letter 018

San Diego Dept. of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123

Re: Comments on Revised Partial Draft Environmental Impact Report for Gregory Canyon Landfill, ER-98-02-025

To Whom it May Concern:

These comments are submitted by California Indian Legal Services on behalf of the San Luis Rey Band of Luiseño Mission Indians ("Band" or "Tribe"), regarding the Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report ("RPDEIR"). The San Luis Rey Band is a San Diego County Tribe whose traditional territory includes the land being considered for the proposed Landfill Project. As the traditional inhabitants of the area, all Luiseño tribes have a direct interest in the proposed Landfill project.

As the RPDEIR and the 2003 DEIR acknowledge, the Landfill project will involve significant and unmitigable impacts to the very important cultural resources located within and adjacent to the proposed Project. [See RPDEIR at 4.12.3.6.] In fact, the RPDEIR concludes that there "may be a significant impact to historical, cultural and ethnohistorical resources (Gregory Mountain and Medicine Rock) remaining after mitigation." [RPDEIR 4.12.5.] As noted in the RPDEIR, Luiseño representatives have consistently expressed that *any* impact to these significant cultural and sacred areas is significant and adverse. [Id.] "Their belief of significant impact is based on their intangible use and relationship to Gregory Mountain and Medicine Rock..." [RPDEIR, 11.0, 11-3.] 018-1

It is the position of the Band that the Landfill project will impact the cultural resources located in and near the Project area in an adverse and significant manner. As such, there are no reasonable mitigation measures that will protect these important sites and reduce the impact on the use of this area by contemporary Luiseño people.

The RPDEIR recognizes that these important sites will be impacted by dust, PM10 and construction noise during the relocation of the SDG&E Towers (perhaps 10 years after the 018-2

commencement of the Landfill). [RPDEIR 11.0, 11-3.] The RPDEIR concludes that with appropriate mitigation measures, these effects will be reduced to a level of less than significant. [11.0, 11-3.] However, given the traditional nature and use of this area, any impact will adversely effect use of the area by Luiseño people. Even with the proposed mitigation measures, these impacts will effect the use of this area irreparably and unavoidably. 018-2 continued

The RPDEIR minimizes the potential impacts on the cultural use sites by construction noise. The RPDEIR states that initial construction of the Landfill Project include:

> [C]onstruction of the access road and bridge; construction of modifications to SR 76 at the access road entrance; construction of the ancillary and recycled water facilities; the initial blasting and excavation for the first phase of the landfill footprint; and the first stage of the waste containment system. Initial construction of the project is expected to take about 9 to 12 months, with the first phase of blasting for the landfill footprint taking place over approximately 6 months (controlled blasts occurring roughly every 3 weeks during that time.

On-going and long-term construction would include further construction of the landfill imprint and the time period between each phase may be from 1 to 5 years. [RPDEIR 4.6.3.1, 4.6-5.] Therefore, the construction noise could continue for some time. Despite these intrusive and significant impacts, the RPDEIR fails to discuss how the construction noise of the landfill itself will effect the use of these sacred areas. The RPDEIR only mentions that noise from relocation of the SDG&E towers will impact the cultural areas at issue. The final EIR should address how all construction noise will interfere with and impose upon the use of these sacred, cultural and historical areas by Luiseño people. 018-3

While one of the recommended mitigation measures is to dedicate a portion of the cultural sites as permanent open space [MM 4.12-1a], a measure supported by the Band, the mitigation measure cannot adequately protect these important resources from indirect impacts that will most certainly effect the area. Dust and noise cannot be mitigated through the dedication of open space. Therefore, while it is the Band's position that the only way to reduce the impacts on these important sites is to avoid the Landfill project, the Band requests that the County continue discussion with **all** Luiseño Bands on appropriate mitigation measures to reduce potential indirect impacts should the Project continue forward. 018-4

Additional Proposed Mitigation Measures

While the Band is adamantly opposed to the Landfill project, should the project go forward, the Band requests that additional mitigation measures be added to the DEIR in order to provide additional protection for known and unknown cultural resources. In addition, the County should continue discussing mitigation options with all Luiseño Bands. 018-5

Given the locations of the known sites described in the 2003 DEIR, the cultural richness

O18-5 continued

of the area, and the sacred nature of nearby sites, additional protections are needed to ensure that the CEQA is followed. The San Luis Rey Band therefore formally requests that several elements be added to the Final EIR and the conditions of approval for this Project, to ensure that this Project is handled in a manner consistent with the requirements of the law. The following measures should be thus included in both the mitigation plans and the conditions of approval for the Project.

1. Native American Monitors

The San Luis Rey Band requests that a Native American Monitor be present during all ground-disturbing activities. Currently, the mitigation measures for the 2003 DEIR only require a Native American monitor "if appropriate." [2003 DEIR Mitigation Monitoring and Reporting Program for Project Impacts, 4.11, 10-34 - 10-36.] The San Luis Rey Band requests, therefore, that the mitigation measures and conditions of approval specifically **require** a Native American monitor to be present during all ground-breaking activities for this project, to be compensated by the County.

The San Luis Rey Band suggests that the details of this issue be addressed in a pre-excavation agreement, as described below. The pre-excavation agreement will address the scope of work to be monitored, as well as the duties and powers of the monitors.

2. Further Studies to Determine the Status of the Sites Within and Near the Project Area

Because sites were previously documented in the project area and numerous sites are located in the area immediately adjacent to the project, it remains a distinct possibility that additional cultural resources or Native American human remains may be uncovered during the ground-disturbing activities of the Project. The San Luis Rey Band requests that further studies be conducted before allowing such ground-disturbing activities to proceed.

3. *Pre-Excavation Agreement*

To guarantee complete compliance with the requirements of the CEQA, the County should be required to enter into a pre-excavation agreement with the Band or another Luiseño Band. The Band requests that the pre-excavation agreement be required before any grading permit may be issued. This agreement should contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the project.

The pre-excavation agreement should be entered into prior to any ground-disturbing activities for this project. The agreement should outline the roles and powers of the Native American monitors and the archaeologist. Such an agreement is necessary to guarantee the proper treatment of cultural resources or Native American human remains displaced during the

project development.

The pre-excavation agreement should also indicate the proper treatment of cultural and ceremonial items that may be found.

O18-5 Continued

4. Ongoing Participation of the San Luis Rey Band and other Luiseño Bands

Finally, the San Luis Rey Band requests that the County of San Diego continue to work with the Band as a partner, on a government-to-government basis, for the length of the project, as well as with other Luiseño Bands. The San Luis Rey Band believes that maintaining a relationship with the County is the most effective way to guarantee the protection of their invaluable cultural resources and County's compliance with the law.

The San Luis Rey Band appreciates this opportunity to provide comments on the Gregory Canyon RPDEIR. In addition, the Band requests that the County consider the comments attached to this comment letter as Exhibits A and B, and incorporated herein by reference, which address the potential geological issues regarding the Project and how those issues may impact the important sacred, cultural and historical sites within and near the proposed Project site.

O18-6

Thank you for taking the time to review the Band's position on the proposed Landfill Project. We look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this project and that San Diego's important and irreplaceable environmental resources are adequately protected. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources. Please contact me at (760) 746-8941, ext. 121, or in writing, if you have any questions.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

Michele Fahley

Michele Fahley
Staff Attorney
Attorneys for the San Luis Rey Band of Mission Indians

SLOSSON AND ASSOCIATES
CONSULTING GEOLOGISTS
15500 Erwin Street, Suite 1123
Van Nuys, California 91411
(818) 376-6540 • (818) 785-0835
FAX (818) 376-6543

Gregory Canyon Landfill

Geologic, hydrologic (both surface and groundwater), and great storms occurring during the historical past, have caused extensive erosion, and raise serious questions which have not been previously addressed.

Specifically:

1. Basic geology of Gregory Canyon is structurally controlled by splays associated with the seismically-active Elsinore Fault Zone. Gregory Canyon is now easily recognized as a fault-controlled branch of the Elsinore fault zone from recent NASA space photography.

2. The surface and groundwater movement within Gregory Canyon has not been adequately addressed.

3. Geomorphic evidence of the Elsinore Fault Zone through Gregory Canyon has not been properly investigated and published. Structural lineaments controlling the development of Gregory Canyon are now recognizable on aerial photography.

4. Extraordinary weather events have affected this site in the past. Great storms occurring in 1862, 1884, 1889, 1891, 1916, 1927, and 1938 devastated the regional infrastructure of Southern California. New canyons were created, old canyons were scoured and excavated, roads, railroads, bridges, farm lands, and Indian burial grounds were impacted and destroyed. Similar weather events could happen again, and <u>must</u> be addressed regarding the proposed Gregory Canyon Landfill.

018-7

James E. Slosson

James E. Slosson, Ph.D.
Chief Engineering Geologist
Registered Geologist #46
Registered Engineering Geologist #22
Registered Geophysicist #829
Registered Environmental Assessor #01849
Professional Hydrologist #933

JES:njs
egzip.

EXHIBIT "A"

VIA FAX - 1 PAGE ONLY

August 24, 2006

Dear Ms. Fahley:

As requested, I have reviewed Dr. Slosson's comments. And, indeed, he his quite correct! Certainly these geological issues must be addressed at a minimum. If not adequately documented in the existing EIR (which I have not seen), then a standard-of-practice geologic investigation is appropriate. This normally entails critique of pertinent literature, aerial-photographic (lineament) analysis, site-specific geologic mapping, technical characterization of possible faults and joints, trenching and logging (appropriate documentation) of possible faults, and evaluation of groundwater flow (pathways and rates) through rock joints and fractures. Such investigations, even for standard housing projects, typically entail peer review by an agency or other qualified geological professionals. So such review is imperative for the proposed Gregory Canyon landfill. 018-8

Sincerely,

Roy J. Shlemon, Ph.D.

PG: 2867
CPG: 1766
CPESC: 2167

P.O. Box 3066
Newport Beach, CA 92659-0620

Tel: 949-675-2696
Fax: 949-675-5088
E-Mail: rshlemon@ips.net

EXHIBIT "B"

LETTER NO. 018

California Indian Legal Services
Michele Fahley, Attorney
609 Escondido Blvd.
Escondido, CA 92025

RESPONSE 018-1

The comment indicates that the letter is written on behalf of the San Luis Rey Band of Luiseno Mission Indians (Tribe). The letter requests that the Tribe be included in the process if the project is to go forward. County DEH staff acknowledges the request for ongoing discussion with all Luiseno Bands regarding appropriate mitigation measures to reduce potential indirect impacts from the project. County DEH staff is willing to continue discussions regarding the project with the Tribe.

The comment states the findings in the 2003 Draft EIR with regard to Ethnohistory and Native American resources. The 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The 2003 Draft EIR includes mitigation measures but indicates that while the measures could serve to reduce the impacts, the suggested mitigation measures would not reduce the impacts to a level of less than significant. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would also result in a significant and unavoidable impact to cultural and historic resources.

RESPONSE 018-2

The comment acknowledges the analyses provided in Section 4.12 of the 2003 Draft EIR. With the incorporation of mitigation measures the technical, quantifiable impacts, including air quality, noise and aesthetics, can be reduced to a less than significant level. However, as indicated in Response to Comment No. 018-1 and in the 2003 Draft EIR, even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Native American resources.

RESPONSE 018-3

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding construction-related noise impacts relative to cultural resources were thoroughly analyzed in Section 4.12 of the 2003 Draft EIR. The noise analysis contained in Section 4.12 considered potential noise impacts at Medicine Rock and Gregory Mountain during initial construction, operation, and simultaneous operation and periodic construction. As indicated in Section 4.12, the rock crusher and tire shredder, which are movable operations, would be located and used so as to reduce impacts to the Native American resources. In addition, as indicated in Section 4.12, the applicant is willing to vary the days or hours of operation if there is a specific day reserved for Tribal ceremonies. The analysis concludes that with the incorporation of project design features and mitigation measures, the noise levels would be below the significance threshold. However, as previously indicated, Section 4.12 of the 2003 Draft EIR concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Native American resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 018-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding construction-related air quality impacts and construction-related noise impacts relative to the Native American resources were thoroughly analyzed in Section 4.12 of the 2003 Draft EIR. Mitigation Measures 4.12-2a and 4.12-2b address potential dust impacts and Mitigation Measure 4.12-3 addresses potential construction noise impacts. As indicated in the 2003 Draft EIR, with the incorporation of these mitigation measures, the technical, quantifiable issues of dust and construction noise would be reduced to a less than significant level. The measures include watering, the installation of landscaping, and either the use of sound barriers or a modification to equipment usage. The measures do not rely on the dedication of open space to reduce air quality and construction noise impacts. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

County DEH staff acknowledges the request for ongoing discussion with all Luiseno Bands regarding appropriate measures to address their interests. County DEH staff appreciates the request, and is willing to continue discussions regarding the project with the Tribes.

RESPONSE 018-5

County DEH staff acknowledges the request for ongoing discussion with all Luiseno Bands regarding appropriate measures to address their interests. County DEH staff appreciates that request, and is willing to continue discussions regarding the project with the Tribes.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

With regard to previously unknown cultural resources, Impact 4.11-2 in the 2003 Draft EIR acknowledges that the project could disturb or destroy previously unknown significant cultural sites that may be exposed during earth-moving activities. Mitigation Measure 4.11-2 in the 2003 Draft EIR addresses the potential discovery of unknown cultural sites and establishes protocols that would be followed in the event such a discovery were to be made. The mitigation measure includes monitoring and, if appropriate, requires the services of a Native American monitor. The measure also addresses the potential discovery of human remains. The measure requires that if Native American burial sites are discovered, the project shall comply with Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e). Section 4.11 and the associated mitigation measures were not overturned by the Court or included in its writ. The County will continue to coordinate with the San Luis Rey Band and other Luiseno Bands on a government-to-government basis regarding the project.

RESPONSE 018-6

The comment is conclusionary in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Response to Comments Nos. 018-7 and 018-8 for responses to the attached Exhibits A and B.

RESPONSE 018-7

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding geologic impacts were thoroughly analyzed in Section 4.2 of the 2003 Draft EIR. Also see Appendix F of the 2003 Draft EIR for a site specific lineament analysis. Section 4.3 of the 2003 Draft EIR contains a detailed analysis of groundwater resources. Section 4.4 of the 2003 Draft EIR contains a detailed analysis of surface water, including flooding. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 018-8

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding geologic impacts are not included in the Revised Partial Draft EIR as they were thoroughly analyzed in Section 4.2 of the 2003 Draft EIR. Also see Appendix F of the 2003 Draft EIR for a site specific lineament analysis. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 019

Chemehuevi Indian Tribe

P. O. Box 1976 • Havasu Lake, CA 92363 • (760) 858-4219 • Fax: (760) 858-5400

Received
AUG 2 4 2006
DEH / LEA

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom It May Concern: August 18, 2006

The Chemehuevi Indian Tribe provides the following comments on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. The Chemehuevi Tribe wishes to express its continued opposition to the proposed landfill to be located at the base of Gregory Mountain, a mountain considered sacred by Native Americans, including the Luiseno people and adjacent to Medicine Rock, another sacred site.

The RPDEIR continues to identify the impacts to these sacred sites as <u>significant and un-mitigable</u>. In the past, the County of San Diego has simply ignored that determination and issued a statement of overriding considerations approving the project. We again urge the County to not ignore the significant impacts caused by the desecration of these sacred sites and to determine that there are no overriding considerations that would allow such actions. 019-1

We also object to placing a municipal landfill on the banks of the San Luis Rey River. Although the RPDEIR concludes that siting the proposed landfill in this location will not result in any significant impact to water quality, we are very concerned that the project has been changed to allow the use of groundwater monitoring wells as production wells. In effect, the very system put in place to ensure that contaminants do not leak from the landfill into important drinking water source will now be used not to monitor such leakage but to withdraw potentially contaminated water for reuse. That is not acceptable. 019-2

The RPDEIR continues to ignore the <u>significant impacts</u> that will be caused by the numerous large trucks carrying garbage, water and other supplies that will use the narrow and winding State Route 76 to access the proposed landfill. The RPDEIR still fails to properly analyze the safety risk, the traffic impacts, and the impacts to the road itself that will be caused by these heavy trucks. 019-3

We believe it is imperative that the County reassess the use of Gregory canyon and the surrounding area for the proposed landfill in light of the significant changes that are planned for the San Luis Rey River Valley. When the proposed site was identified in the 1990s the area was rural with few houses. Currently, there are a number of approved and proposed projects in the valley that will add thousands of residents in the area. These new residents will use the roads, breathe the air, and drink the water. The County cannot ignore the significance of the changes that will occur in its analysis of the impacts of the proposed project. 019-4

We believe that the County not only can not certify the RPDEIR as drafted, but that it must take a hard look at its continued support for this unnecessary and improperly sited project. The benefits of this project do not outweigh the significant impacts the County has acknowledged that it will cause to the environment and to the sacred religious sites of Native Americans. There are no overriding considerations that are sufficient to allow this project to go forward.

The negative impact of this environmental injustice will affect future generations. Chemehuevi believes that the proposed Gregory Canyon Landfill will cause severe and irreversible environmental damage to the water, land, and people on, near, and outside the proposed landfill area.

O19-5

Respectfully,

Charles Wood
Chairman, Chemehuevi Indian Tribe

LETTER NO. 019

Chemehuevi Indian Tribe
Charles Wood, Chairman
P.O. Box 1976
Havasu Lake, CA 92363

RESPONSE 019-1

The comment expresses opposition to the project. The comment is acknowledged and is forwarded to the decisionmaker for review and consideration.

With regard to cultural resources, the 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 019-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3, Hydrology, of the 2003 Draft EIR contained a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concluded that with the incorporation of mitigation measures the project would result in a less than significant impact to groundwater. In addition, as described in Chapter 3 of the Revised Partial Draft EIR, the project contains a double composite liner, which would provide even greater protection than the original design. County DEH staff does not concur that the proposed landfill would be located on the banks

of the San Luis Rey River. The 2003 Draft EIR notes that the landfill and borrow/stockpile areas would be located outside of the 100-year floodplain of the river.

With regard to the use of wells for monitoring and production, please refer to Response to Comment No. 007-5 for a discussion regarding the feasibility of using groundwater monitoring wells for production wells. As indicated in Response to Comment No. 007-5, the purpose of the pumping system at the point of compliance is to capture groundwater in the fractured bedrock formation underneath the toe of the landfill to prevent or minimize further downgradient transport. By pumping the point of compliance wells, groundwater obtained from the pumping wells will "sample" groundwater representing a much broader area surrounding the well including water that has recently passed beneath the base of the landfill.

RESPONSE 019-3

Section 4.5 of the 2003 Draft EIR contains a detailed traffic analysis of the project, including safety and the structural integrity of SR 76. Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of potential traffic impacts. The 2006 Traffic Study is provided in Appendix A of the Revised Partial Draft EIR. The 2006 Traffic Study also contains an updated analysis of accident data and potential safety impacts from the project on SR 76. With regard to traffic impacts on SR 76, the Revised Partial Draft EIR concludes that the segment of SR 76 west of I-15 currently operates in an unacceptable LOS E condition during the afternoon hours between noon and 5:00 P.M. with and without the project traffic. Although the project does not result in a direct impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of SR 76. The project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to SR 76 west of I-15, the project-related traffic impact is considered significant and unavoidable. The project would also contribute to a cumulative traffic impact on SR 76. With regard to safety on SR 76, the project would not result in potential traffic safety impacts. With regard to structural integrity, Mitigation Measure 4.5-1 requires that the project applicant conduct a structural analysis of SR 76 to determine the structural integrity of the roadway.

RESPONSE 019-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding land use were thoroughly analyzed in Section 4.1 of the 2003 Draft EIR. The site is designated Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. The site is zoned Solid Waste Facility. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25). The Land Use section of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Please refer to Response to Comment No. 028-19 for a detailed discussion regarding cumulative impacts from the project.

RESPONSE 019-5

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The 2003 Draft EIR contained analyses of environmental justice, water and land. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to a statement of overriding considerations, please see Response to Comment No. 019-1.

Letter 020

Native American Environmental Protection Coalition

42143 Avenida Alvarado, Unit 2A
Temecula, CA 92590
Phone: (951) 296-5595, Fax: (951) 296-5109
tribalenvironmental@yahoo.com or naepc@naepc.com

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Virginia Duenaz
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(Soboba)

August 14, 2006

Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego CA 92123-1217

RE: Letter of support for opposition on the proposed Gregory Canyon Landfill

To Whom It May Concern:

The Native American Environmental Protection Coalition (NAEPC) submits this letter to support the opposition on the proposed Gregory Canyon Landfill. One goal of the Native American Environmental Protection Coalition is to advocate for environmental justice in an effort to avoid the desecration of the land and those who inhabit it.

The location for this proposed landfill is in a sacred place, Gregory Mountain. This mountain holds cultural and historical importance for the Luiseño People and placing a landfill in Gregory Canyon shows disrespect for this sacred site and for their beliefs. The fact that the County has simply ignored these impacts by issuing findings or a Statement of Overriding Considerations only increases the insult. 020-1

Although the revised liner design includes a double composite liner system with an additional layer and an additional HDPE membrane (Liner Design, Revised Partial Draft (RPD) EIR, July 2006, pg. 3-1), there is concern that even with these additional layers, there is no guarantee that groundwater will be protected from high ground water levels after post-closure of the landfill. After post-closure there will be no pumping of groundwater away from the liner level and the trash within the landfill will have the opportunity to set below the ground water table level within the liner system. The Revised Liner Design (RLD) does not demonstrate how the liner system will work if the liner system is soaked from the bottom which will happen after post-closure and high water tables infiltrate into the liner system. Can the integrity of the system be compromised when groundwater levels rise above and fall below the liner level? There is no evidence in the RPD EIR to guarantee that this design is effective when landfills are built where ground water levels can seep into the liner level and soak the low-permeability soil. This watershed is a drinking water source and to consider placing a landfill on the river is thoughtless. This will only create a situation that will require future remediation of a once drinkable aquifer, costing taxpayers millions of dollars. We already see the costs that can be incurred to remove contaminates such as Perchlorate from drinking water aquifers – what will be the cost to remove multiple contaminates from the Pala Basin Aquifer? 020-2

The number of trucks coming to and from the landfill site will increase traffic on an already traffic burdened road. The Gregory Canyon RPD EIR does not include the Warner Ranch project or the Pauma Casino project in its list of potential projects for which cumulative impacts on traffic and noise should be evaluated. 020-3 Additionally, the affects on the number of idling diesel trucks and their affects on the air quality have not been analyzed. 020-4

In the revised partial draft of the environmental impact report, it is said that monitoring wells will be used as production wells. Using the wells this way compromises any data gathered from the monitoring wells, therefore making it invalid. 020-5

Moreover, circumstances have changed and technologies have improved so that there is no need for another landfill. The landfill "crisis" touted by the proponents of this project in 1994 has not arrived, and will not, given expansions at existing landfills, the siting of new mega-landfills in California, and technological changes which will allow waste-to-energy projects and other recycling options that will limit the amount of waste that needs to be buried. 020-6

Furthermore, the proposed Gregory Canyon landfill is entirely out of place because it is proposed to be located not only in the middle of a pre-approved mitigation area for biological resources, but in an area which County plans show will be developed into hundreds of houses along State Route 76. 020-7

Therefore, the negative impact of this environmental injustice will affect future generations. The proposed Gregory Canyon Landfill will cause severe and irreversible environmental damage to the water, land, and people on, near, and outside the proposed landfill area. 020-8

This letter signifies our opposition to the proposed Gregory Canyon Landfill and our willingness to cooperate in any needed assistance as appropriate.

Respectfully,

John D. Beresford,
Board of Directors President

JDB:nmh

LETTER NO. 020

Native American Environmental Protection Coalition
John D. Beresford, Board of Directors President
42143 Avenida Alvarado, Unit 2A
Temecula, CA 92590

RESPONSE 020-1

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The issue regarding environmental justice was not overturned by the Court or included in its writ.

With regard to cultural resources, the 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 020-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3, Hydrogeology, of the 2003 Draft EIR contains a detailed analysis of the potential impacts of the project on groundwater resources. The analysis concludes that with the incorporation of mitigation measures and project design features, the project would result in less than significant impacts to the groundwater. The double composite liner system, which is described in Chapter 3 of the Revised Partial Draft EIR, would provide even greater protection than the original design. In addition, the waste containment layer would be located five feet above the highest anticipated groundwater level. With the double composite liner and the proposed separation from the groundwater level, it is not expected that the groundwater would infiltrate the waste prism. Moreover, the liner design includes a subdrain that would prevent groundwater from encroaching into the liner system.

The comment expresses an opinion regarding the location of a landfill in proximity to a water source. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 020-3

The Revised Partial Draft EIR contains an updated traffic analysis. The 2006 Traffic Study is provided in Appendix A of the Revised Partial Draft EIR. The 2006 Traffic Study (revised 2007) contains an updated cumulative analysis. Appendix C of the 2006 Traffic Study contains a list of the related projects that were considered in the near term cumulative analysis. The cumulative analysis assumes 500 new daily trips for the Pauma Casino expansion. Please refer to Response to Comment No. 028-33 for additional discussion regarding the consideration of the Pauma Casino in the near term cumulative analysis. With regard to Warner Ranch, as indicated in the discussion on page 4.5-21 of the Revised Partial Draft EIR, at the time of publication of the Revised Partial Draft EIR, a tentative map application for Warner Ranch had not been filed. Therefore, Warner Ranch is not included in the list of known future project and is not specifically included in the near term cumulative analysis. The Revised Partial Draft EIR acknowledges that if Warner Ranch were to apply for approvals and begin to be developed, the additional traffic from Warner Ranch "…would incrementally add to near term cumulative traffic on SR 76, which is already predicted to operate at LOS E (see Table 4.5-12c), and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76 (see Section 4.5.6)." Nonetheless, the traffic study contained in the Revised Partial Draft EIR includes a long-term cumulative analysis using the County's proposed General Plan Alternative. The County's General Plan Alternative includes proposed land use densities for buildout that ultimately include Warner Ranch and Pauma Casino. Therefore, the long-term cumulative analysis provided in the EIR includes Warner Ranch as well as other land use designations currently proposed in the County's General Plan alternative.

RESPONSE 020-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. Section 4.7 of the 2003 Draft EIR contains a detailed air quality and air toxics analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

With regard to the number of truck trips, as indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, the number of trucks previously analyzed in the 2003 Draft EIR has not changed. Thus, the health risk impacts identified in the 2003 Draft EIR have also not changed. Table 4.5-7 of the Revised Partial Draft EIR provides the trip generation for the project.

RESPONSE 020-5

Please refer to Response to Comment No. 007-5 for information regarding the feasibility of using groundwater monitoring wells for production wells to access water from the fractured bedrock formation for use by the project. County DEH staff does not concur that the proposed use of these wells for production purposes will compromise the data gathered from the monitoring wells.

RESPONSE 020-6

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issue of project need and alternatives was not overturned by the Court and not included in its writ. With regard to project need, Section 4.1 of the Revised Partial Draft EIR includes a review and discussion of the 2005 Countywide Siting Element. Based on an analysis of the Siting Element, the Revised Partial Draft EIR concluded that the project was an important component of the County's ability to achieve the 15 years of disposal capacity required by state solid waste law.

With regard to improved technologies, the comment does not provide specifics. Chapter 6 of the 2003 Draft EIR considered other technologies, such as waste-to-energy. County DEH staff notes that no applications for development of a waste-to-energy facility in San Diego County are

currently pending. Please refer to Response to Comment Nos. 025-6 and 028-20 for additional information regarding the potential waste-to-energy alternative.

RESPONSE 020-7

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding land use were thoroughly analyzed in Section 4.1 of the 2003 Draft EIR. The site is designated Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. The site is zoned Solid Waste Facility. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25). The Land Use section of the 2003 Draft EIR was not overturned by the Court or included in its writ.

County DEH staff concurs that the landfill site is within a Pre-Approved Mitigation Area on the North County MSCP draft map. However, at this time, the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This amendment occurred prior to initiation of the North County MSCP process.

RESPONSE 020-8

The comment expresses opposition to the project. The comment is acknowledged and is forwarded to the decisionmaker for review and consideration.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The 2003 Draft EIR contained analyses of environmental justice, water and land. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Pauma Band of Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

Letter 021

County of San Diego
DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom it May Concern:

Pauma Band of Mission Indians provides the following comments on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. The Pauma Band of Mission Indians wishes to express its continued opposition to the proposed landfill because it is proposed to be located at the base of Gregory Mountain, a mountain considered sacred by Native Americans, including the Luiseno people and adjacent to Medicine Rock, another sacred site. The RPDEIR continues to identify the impacts to these sacred sites as significant and unmitigable, but in the past, the County of San Diego has simply ignored that determination and issued a statement of overriding considerations approving the project. We again urge the County to not ignore the significant impacts caused by the desecration of these sacred sites and to determine that there are no overriding considerations that would allow such actions. 021-1

We also object to placing a municipal landfill on the banks of the San Luis Rey River. Although the RPDEIR concludes that the siting the proposed landfill in this location will not result in any significant impact to water quality, we are very concerned that the project has been changed to allow the use of groundwater monitoring wells as production wells. In effect, the very system put in place to ensure that contaminants do not leak from the landfill into important drinking water supplies will now be used not to monitor such leakage but to withdraw potentially contaminated water for reuse. That is not acceptable. 021-2

The RPDEIR also continues to ignore the significant impacts that will be caused by the numerous large trucks carrying garbage and water and other supplies that will use the narrow and winding State Route 76 to access the proposed landfill. The RPDEIR still fails to properly analyze the safety risk, the traffic impacts, and the impacts to the road itself that will be caused by these heavy trucks. 021-3

We also think it is imperative that the County reassess the use of Gregory canyon and the surrounding area for the proposed landfill in light of the significant changes that are planned for the San Luis Rey River Valley. Whereas when the proposed site was identified in the 1990s the area was rural with few houses, there are a number of approved and proposed projects in the valley that will add thousands of residents in the area. These new residents will use the roads, 021-4

breathe the air, and drink the water. The County cannot ignore the significance of the changes that will occur in its analysis of the impacts of the proposed project. 021-4 continued

We believe that the County not only can not certify the RPDEIR as drafted, but that it must take a hard look at its continued support for this unnecessary and improperly sited project. The benefits of this project simply do not outweigh the significant impacts the County has acknowledged that it will cause to the environment and to the sacred religious sites of Native Americans. There are no overriding considerations that are sufficient to allow this project to go forward. 021-5

Sincerely,

John D. Osuna, Vice Tribal Chairman

109247.000002/627466.01

I will limit my comments to the following important points for which there is either no answer available in the Revised Partial Draft EIR prepared by the proponents of Gregory Canyon, or there is inconsistent information that results in faulty conclusions: 021-6

1. Traffic:

The traffic section of the EIR estimates that the maximum recycled water usage will be 205,000 gallons per day. The proponents used this number to calculate the number of truck trips per day to and from the Olivenhain Municipal Water District, and the landfill site.

However, the Public Services section of the EIR states that the amount of water used will actually be up to 244,000 gallons per day.

This higher number - an increase of 39,000 gallons per day - results in an additional 17 trucks carrying water. Seventeen additional trucks mean an additional 34 truck trips per day. 021-7

This greatly changes the results of the traffic analysis from 178 two-way truck trips, to 212 two-way truck trips, an increase of 34 trips.

This discrepancy means faulty traffic information has been produced.

And for the residents of Rancho Bernardo it means every day, for nine hours a day, water trucks will drive to and from Gregory Canyon every 2.5 minutes.

2. My second issue is Biology:

This project permanently destroys 224 acres of contiguous pristine coastal sage scrub and chaparral habitat.

To replace it, mitigation measures require the on-site creation of 63.6 acres of coastal sage scrub and chaparral, and the off-site acquisition of 384.4 acres. 021-8

However, Gregory Canyon is not required to provide one contiguous parcel, to match the contiguous parcel they destroyed. Instead, the developers are permitted to piecemeal mitigation land by buying smaller parcels adding up to 384.4 acres.

Yet any biologist will tell you that a contiguous parcel is preferable. Therefore, although the acreage is higher, this is not quality for quality. A contiguous parcel is easier to protect and maintain, and the quality of the habitat is typically better.

Additionally, under Proposition C, Gregory Canyon is required to set aside 1,313 acres to be preserved as open space. That was presented to the voters by the

proponents as over and above the required mitigation land, an added benefit and amenity for the public. It was also used to help sway voters in their favor.

Yet the EIR does not state that this land is in addition to the mitigation land required by law. This leads one to believe that the proponents are counting the on-site mitigation acreage under both columns, which would be counter to the ballot initiative language, therefore illegal.

021-8 continued

This must be clarified.

3. Lastly, I am gravely concerned about the possible contamination of our drinking water.

Gregory Canyon will be lined. But all studies say that liners eventually leak. To date there has been no liner that has not failed.

Since the landfill sits on an aquifer - meaning our drinking water - we are putting the health and safety of our citizens at risk, a situation that I cannot live with.

As we all know, if this water source is contaminated, water must come from other sources. This will put a strain on our already scarce imported water sources.

021-9

This landfill was placed on the ballot in 1996, after the proponents failed to receive approval at least 11 times from the County of San Diego. The same out-of-state corporate interests that nearly bankrupted the County with the failed trash burning plant in San Marcos have put up millions of dollars to persuade voters that there is a "crises" in landfill capacity.

Nothing could be farther from the truth!

This is a disaster in the making, not needed, and should not be approved.

In conclusion, the California Integrated Management Board has approved a permit for a mega-landfill in Imperial County.

The Mesquite Landfill will take waste from Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties.

As a result Gregory Canyon is no longer needed. The proponents seem to be counting more on providing lower-priced competition for the Mesquite Landfill, than providing a landfill solution for San Diego County, while our communities will be saddled with tons of imported trash.

021-10

- the proposed landfill would be on the banks of the San Luis Rey River and at the base of Gregory Mountain, a mountain considered sacred by the Pala Band of Mission Indians and other Luiseno Tribes. 021-11

- The revised liner design includes a double composite liner system with an additional layer and an additional HDPE membrane. (Liner Design, RPD EIR, July 2006, pg. 3-1) There is concern that even with these additional layers, there is no guarantee that groundwater will be protected from high ground water levels after post-closure of the landfill.
- After post-closure there will be no pumping of groundwater away from the liner level and the trash within the landfill will have the opportunity to set below the ground water table level within the liner system. The Revised Liner Design does not demonstrate how the liner system will work if the liner system is soaked from the bottom which will happen after post-closure and high water tables infiltrate into the liner system. Can the integrity of the system be compromised when groundwater levels rise above and fall below the liner level? There is no evidence in the RPD EIR to guarantee that this design is effective when landfills are built where ground water levels can seep into the liner level and soak the low-permeability soil. 021-12

- Placing a landfill in Gregory Canyon shows disrespect for this sacred site and for the beliefs of the Luiseno people. The fact that the County has simply ignored these impacts by issuing findings or a Statement of Overriding Considerations only increases the insult. 021-13

- The Gregory Canyon draft EIR does not include the Warner Ranch project or the Pauma casino project in its list of potential projects for which cumulative impacts on traffic and noise should be evaluated. 021-14

- Circumstances have changed, and technologies have improved so that there is no need for another landfill. The landfill "crisis" touted by the proponents of this project in 1994 has not arrived, and will not given expansions at existing landfills, the siting of new mega-landfills in California, and technological changes which will allow waste-to-energy projects and other recycling options that will limit the amount of waste that needs to be buried. 021-15

- the proposed Gregory Canyon landfill is entirely out of place because it is proposed to be located not only in the middle of a pre-approved mitigation area for biological resources, but in an area which County plans show will be developed into hundreds of houses along State Route 76. In addition, 021-16
- The proposed Gregory Canyon landfill is an unnecessary project in the wrong location 021-17

LETTER NO. 021

Pauma Band of Mission Indians
John D. Osuna, Vice Tribal Chairman
P.O. Box 369
Pauma Valley, CA 92061

RESPONSE 021-1

The comment expresses opposition to the project. The comment is acknowledged and is forwarded to the decisionmaker for review and consideration.

With regard to cultural resources, the 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 021-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

County DEH staff does not concur that the proposed landfill will be located on the banks of the San Luis Rey River. The 2003 Draft EIR notes that the landfill and borrow/stockpile areas are located outside of the 100-year floodplain of the river.

Section 4.3, Hydrology, of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concluded that with the incorporation of mitigation measures the project would result in a less than significant impact to

groundwater. In addition, as described in Chapter 3 of the Revised Partial Draft EIR, the project contains a double composite liner, which would provide even greater protection than the original design. With regard to the use of wells for monitoring and production, please refer to Response to Comment No. 007-5 for a discussion regarding the feasibility of using groundwater monitoring wells as production wells. As indicated in Response to Comment No. 007-5, the purpose of the pumping system at the point of compliance is to capture groundwater in the fractured bedrock formation underneath the toe of the landfill to prevent further downgradient transport. By pumping the point of compliance wells, groundwater obtained from the pumping wells will "sample" groundwater representing a much broader area surrounding the well including water that has recently passed beneath the base of the landfill.

RESPONSE 021-3

Section 4.5 of the 2003 Draft EIR contains a detailed traffic analysis of the project, including safety and the structural integrity of SR 76. Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of potential traffic impacts. The 2006 Traffic Study is provided in Appendix A of the Revised Partial Draft EIR. The 2006 Traffic Study also contains an updated analysis of accident data and potential safety impacts from the project on SR 76. With regard to traffic impacts on SR 76, hourly traffic restrictions have been included as MM 4.5-3 of the Revised Partial Draft EIR to mitigate project-related traffic impacts on SR 76 between I-15 and the landfill site to a level of less than significant. However, the Revised Partial Draft EIR concludes that the segment of SR 76 west of I-15 currently operates in an unacceptable LOS E condition during the afternoon hours between noon and 5:00 P.M. with and without the project traffic. Although the project does not result in a direct impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of SR 76. The project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to SR 76 west of I-15, the project-related traffic impact is considered significant and unavoidable. The project would also contribute to a cumulative traffic impact on SR 76. With regard to safety on SR 76, the 2006 Traffic Study contained an updated analysis of accident data. The most recent accident data continues to document that the principal causes of accidents on SR 76 are alcohol related or caused by illegal driver violations and not by truck traffic on SR 76. With regard to structural integrity, Mitigation Measure 4.5-1 of the 2003 Draft EIR requires that the project conduct a structural analysis of SR 76 to determine whether the structural integrity of the roadway is adequate.

RESPONSE 021-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding land use were thoroughly analyzed in Section 4.1 of the 2003 Draft EIR. The landfill site is designated Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. The landfill site is zoned Solid Waste Facility. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25). The Land Use section of the 2003 Draft EIR was not overturned by the Court or included in its writ.

In addition, the 2003 Draft EIR contains detailed analyses of air quality and water quality. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. With regard to traffic, the Revised Partial Draft EIR contains an updated Traffic Study. In addition, the cumulative analysis was also updated to account for proposed projects in the area. The project would contribute to a significant cumulative traffic impact on SR 76.

Please refer to Response to Comment No. 028-19 for additional discussion regarding cumulative impacts from the project.

RESPONSE 021-5

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration. With regard to a statement of overriding considerations, please see Response to Comment No. 021-1.

RESPONSE 021-6

This comment is introductory in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is necessary.

RESPONSE 021-7

As indicated in Section 4.15 of the Revised Partial Draft EIR, the contract between Gregory Canyon, Ltd. and OMWD permits peak daily draws of up to 244,000 gallons during its term. However, based on the maximum daily water demand for the project, 205,000 gallons would be needed. The contracted amount is greater simply to ensure that the needed supply of 205,000 gallons per day is available. The maximum demand, which was determined based on a worst-case scenario of landfill operation and periodic construction occurring simultaneously, represents the highest amount would be hauled between the Reservoir Site and the landfill site. Nevertheless, even if the maximum contracted amount was taken, and if it is assumed that an additional 34 truck trips would pass by the school, noise levels would increase during the off-peak hour by 0.8 dBA and the cumulative noise level would increase to 57.9 dBA. Based on the County's standard, no significant

traffic noise impacts would occur to the school and no mitigation measures for operational noise would be required along Maranatha Drive.

RESPONSE 021-8

Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff does not concur that habitat creation or habitat enhancement within the 1,313 acres to be preserved as open space would be "double dipping" or counter to Proposition C. The use of habitat creation and habitat enhancement on the landfill site in dedicated open space for purposes of mitigation was clearly established in the 2003 Draft EIR. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Court's ruling on Proposition C was limited to the use of open space preservation as mitigation. Please refer to Response to Comment No. 022-93 for a detailed discussion of the legal authority to mitigate project impacts through the use of on-site habitat creation or habitat enhancement within the designated open space areas.

In any event, Mitigation Measure 4.9b in the Revised Final EIR provides that if a final judgment is entered determining that the creation or enhancement of habitat on the landfill site within the 1,313 acres of dedicated open space provided by Proposition C violates any provision of Proposition C, the mitigation measures requiring the creation or enhancement of habitat on-site would mandate off-site acquisition of this habitat. County DEH staff also notes that the Habitat Enhancement Plan would be implemented by the project in accordance with Mitigation Measure 4.9-18, irrespective of the Court's ruling on that issue.

RESPONSE 021-9

As described in Chapter 3, Project Description, of the Revised Partial Draft EIR, the project would include a double composite liner. Please see Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems. Also, please see Response to Comment No. 2J.078 of the 2003 Draft EIR regarding landfill liners. Sections 4.3, Hydrogeology, and 4.4, Surface Water, of the 2003 Draft EIR contain detailed analyses of water quality. The

analyses conclude that with the incorporation of mitigation measures and project design features, the project would not result in significant impacts to the groundwater or surface water. These portions of the EIR were not overturned by the Court or included in its writ.

RESPONSE 021-10

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The portion of the 2003 Draft EIR related to project need and alternatives was not overturned by the Court or included in its writ. With regard to need, Section 4.1 of the Revised Partial Draft EIR includes a review and discussion of the 2005 Countywide Siting Element. Based on an analysis of the Siting Element, the Revised Partial Draft EIR concluded that the project was an important component of the County's ability to achieve the 15 years of disposal capacity required by state solid waste law.

RESPONSE 021-11

County DEH staff does not concur that the proposed landfill will be located on the banks of the San Luis Rey River. The 2003 Draft EIR notes that the landfill and borrow/stockpile areas are located outside of the 100-year floodplain of the river. With regard to Gregory Mountain and its importance to the Pala Band of Mission Indians and other Luiseno Tribes, the 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources.

RESPONSE 021-12

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3, Hydrogeology, of the 2003 Draft EIR contains a detailed analysis of the potential impacts of the project on groundwater resources. The analysis concludes that with the incorporation of mitigation measures and project design features, the project would result in less than significant impacts to groundwater. This portion of the 2003 Draft EIR was challenged in the prior litigation, but was not overturned by the Court or included in its writ.

The double composite liner system, which is described in Chapter 3 of the Revised Partial Draft EIR, would provide even greater protection than the original design. In addition, the waste containment layer would be located five feet above the highest anticipated groundwater level. With the double composite liner and the proposed separation from the groundwater level, it is not expected that the groundwater would infiltrate the waste prism. Moreover, the liner design includes a subdrain that would prevent groundwater from encroaching into the liner system.

RESPONSE 021-13

The 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 021-14

The 2006 Traffic Study (revised 2007) contains a detailed list of projects considered in the near-term cumulative analysis. The cumulative traffic analysis includes all cumulative projects, as well as ambient growth (2 percent per year for three years). Please see Appendix C of the Traffic Study for the list of cumulative projects. With regard to Pauma Casino, as shown in Appendix C of the 2006 Traffic Study, the Pauma Casino expansion was included. The Pauma Casino estimated 500 new daily trips. Please refer to Response to Comment No. 028-33 for additional information regarding the consideration of the Pauma Casino in the near term cumulative traffic analysis.

With regard to Warner Ranch, as indicated in Section 4.5 of the Revised Partial Draft EIR, the County Board of Supervisors has approved a General Plan Amendment allowing submittal of a

tentative map application for the proposed Warner Ranch development, located to the north of SR 76 approximately 1 mile east of the landfill access road. However, no application has been filed to date. For that reason, traffic from the Warner Ranch project has not been included in the list of cumulative projects or analyzed in the 2006 Traffic Study. Nevertheless, Warner Ranch traffic would incrementally add to near term cumulative traffic on SR 76, which is already predicted to operate at LOS E (see Table 4.5-12c), and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76.

RESPONSE 021-16

County DEH staff concurs that the landfill site is located within a Pre-Approved Mitigation Area on the North County MSCP draft map. However, at this time the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process.

With regard to future development in the project vicinity, the 2006 Traffic Study (revised 2007) includes an updated cumulative analysis. The near-term cumulative analysis includes over 150 projects in the vicinity of the landfill site. Please see Appendix C of the 2006 Traffic Study for the related projects used in the cumulative analysis. In addition, the 2006 Traffic Study includes a 2030 analysis. The comment does not provide any specific reference to a particular future project that allegedly was overlooked.

RESPONSE 021-17

The comment expresses an opinion relative to the project. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 022

Procopio Cory Hargreaves & Savitch LLP
Founded 1946

530 B Street • Suite 2100 • San Diego, California 92101-4469
Telephone 619-238-1900 • Fax 619-235-0398
www.procopio.com

Received
AUG 24 2006
DEH / LEA

Theodore J. Griswold
Direct Dial: (619) 515-3277
E-mail: tjg@procopio.com

August 24, 2006

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom It May Concern:

These comments on the Revised Partial Draft Environmental Impact Report ("RPDEIR") for the proposed Gregory Canyon Landfill ("Project") are provided by the Pala Band of Mission Indians ("Pala"). The Pala Band of Mission Indians is a federally recognized Indian tribe whose reservation boundaries are adjacent to the boundaries of the site for the proposed Project and has a vested interest in the protection and presentation. 022-1

Pala believes it is important to note that the last time public comments were allowed on the environmental review for the proposed Project occurred in 2001. Nearly two years later, on February 6, 2003, the final Environmental Impact Report ("FEIR") for the proposed Project was certified by the San Diego Department of Environmental Health ("DEH") acting as the local enforcement agency ("LEA") (referred to as the "County"). It is now five years since the last public comments were made on the proposed Project, and three and one-half years since the FEIR was certified by the County. During that period significant events have occurred that are critical to the comments below and to the County's decision regarding whether the RPDEIR is adequate.

As the County is aware, one critical event that has occurred since the time the FEIR was certified is the ruling by Superior Court Judge Michael Anello that the FEIR was inadequate on a number of important issues and violated both the California Environmental Quality Act ("CEQA") and Proposition C. Judge Anello's Minute Order was issued on October 3, 2005, and is attached to these comments as Exhibit A. Judge Anello subsequently issued a Peremptory Writ of Mandate and a Judgment Granting Peremptory Writ of Mandate and Declaratory Relief on January 20, 2006, which are attached as Exhibit B to these comments. The Court ordered the County to set aside its certification of the FEIR, as well as its Findings, Statements of Overriding Considerations, and its decisions approving the solid waste facility permit for the proposed landfill, and the Mitigation Monitoring and Reporting Program for the proposed Project, and to take specific actions necessary to comply with CEQA and Proposition C. For the reasons 022-2

North County Office: 1917 Palomar Oaks Way • Suite 300 • Carlsbad, California 92008-6511 • Telephone 760-931-9700 • Fax 760-931-1155

explained below, the RPDEIR does not adequately comply with CEQA, with Proposition C or with Judge Anello's Minute Order, Writ of Mandate or Order and Judgment. 022-2 Cont'd

The RPDEIR also does not appropriately evaluate the changes to the project caused by the proposal to truck water to the site and to use groundwater monitoring wells as groundwater production wells. The RPDEIR presents proposals for dust control mitigation that are premature and speculative including reliance on unapproved methods for water purchase for the site. The RPDEIR fails to consider how circumstances in the San Luis Rey River Valley have changed since public comment was last allowed by the County in 2001 and since the County certified the FEIR in early 2003 and will change in the foreseeable future. As described below, the proposed changes in the Project and in the environmental setting of the proposed Project demand a more-detailed analysis of areas not specifically addressed in Judge Anello's Minute Order. We note that the County did choose to reanalyze impacts, vegetation and to the endangered arroyo toad, which was not required by the Judge's Minute Order. The County did so as a way to avoid the Judge's order requiring additional mitigation for impacts identified in the decertified FEIR in a manner consistent with Proposition C. The RPDEIR does not explain why a new analysis was completed, while other areas where changed circumstances require additional evaluation were ignored. However, we concur that in order to appropriately consider mitigation alternatives for a species or habitat, impacts arising from the project is an important element of that consideration. As a result, updated surveys of all of the species affected by the Project (and mitigation) should be conducted and reviewed. 022-3

The comments below are provided to expressly address the issues analyzed in the RPDEIR, and to point out those areas where changed circumstances demand additional review and analysis.

I. Project Description

1. To make the Project description understandable, those sections of the decertified FEIR that are no longer applicable should be removed and replaced by relevant information. For example, the RPDEIR revises Section 3.2.4 to discuss the liner design, but the discussion regarding the excavation of the landfill footprint (to below the piezometric surface) and the initially-proposed composite liner system remains in Section 3.2.1, even though these elements are no longer part of the proposed Project. Merely referring in section 3.2.4 of the RPDEIR to the fact that the new liner design replaces the composite liner described in Section 3.2.1 of the decertified FEIR is not sufficient. That section should be revised to accurately and clearly describe the current design of the liner and the scope of the planned excavation. At the least, language that is no longer relevant to the project description should be deleted from the document. 022-4

2. The Project description also lacks much of the information required to properly define the project. As noted below, references to reports or information without correct citation

or inclusion does not allow for full disclosure of the changes in the Project. This information should be included in a revised draft that is circulated for public review. 022-4 cont'd

II. Specific Comments

1. Section 3.5.2.1 of the decertified FEIR describes the subdrain system and states that it will collect "about 2,000 gallons per day" of seeping water. Will the proposed pumping of groundwater for the proposed Project using groundwater monitoring wells reduce the expected amount of water in the subdrain system? There is no discussion of this conflict in the RPDEIR. 022-5

2. Section 3.5.2.3 of the decertified FEIR discusses the groundwater monitoring system. No changes to this section are provided in the RPDEIR although revised Project analyzed in the RPDEIR, now proposes the use of some of these groundwater monitoring wells as water-production wells. This section needs to be revised to properly describe the changes to the proposed Project.

3. Section 3.8.3 of the decertified FEIR discusses why the chosen liner design should not be required. This section should be revised to reflect the currently-proposed liner design and excavation. Please update this section. 022-6

4. Section 3.8.3 of the decertified FEIR also argues that the design proposed in the RPDEIR should not be required because it would result in economic harm "based upon the current tipping fees of $39 per ton." Please indicate if that is still the expected tipping fee or state the expected tipping fee and its ramifications to the economics of the Project.

5. RPDEIR Section 3.2.4 fails to indicate that the double composite liner system described in the text of the RPDEIR is different than the alternative liner designs described in the decertified FEIR. The RPDEIR should describe how the proposed liner design differs from the composite liner originally described in Section 3.2.1 of the decertified FEIR and from the alternative liner designs described in the "Alternatives" section of the decertified FEIR (Exhibit 6-8). The RPDEIR should evaluate the impacts of the changed design. 022-7

6. Please describe the seismic studies that have been conducted to assess the stability of the new liner design in a maximum probable earthquake event. For example, what studies have been conducted to show that none of the plastic liners will rupture or slide in such an event? The earlier referenced seismic studies were based on the original design of the Project -- what seismic studies were conducted on the current design (above piezometric elevation) of the Project? These should be provided for public review. 022-8

7. The text of the RPDEIR states that there will be one 20,000-gallon tank on the site that will be supplied "from bedrock wells located on the project site." RPDEIR at pg. 3-4. RPDEIR Exhibit 3-8 shows the location of the tank, but not the bedrock wells or the piping 022-9

needed to connect the proposed bedrock wells with the 20,000-gallon water tank. That information should be included in detail on this Exhibit or on another exhibit. 022-9 cont'd

8. RPDEIR Exhibits 3-8 and 3-8c show the location of the treated wastewater storage tank. Exhibit 3-8c indicates that the water trucks that would deliver the treated wastewater would unload the water at the top of the "stability berm." The project description should identify the purpose for this stability berm, the width of the road on the top of the berm, whether the road is paved or dirt, and how water trucks will access the discharge point and return to the facilities area (will the trucks turn around on the top of the berm?). 022-10

9. The RPDEIR should analyze stability and strength and evaluate the impacts to the berm from its use by up to ninety (90) 2,300-gallon water trucks every day. 022-11

10. The RPDEIR states that "a double containment fill pipe will be extended over the facilities access area road" to a 20,000-gallon "overhead storage tank." RPDEIR pg. 3-4. Is this "facilities access area road" identified as the "12' dirt" on the RPDEIR Exhibit 3-8?

11. The RPDEIR should describe how far above the road the double containment fill pipe will be located and if and how it will be suspended above the road. 022-12

12. The RPDEIR should describe the material from which the "double-containment" fill pipe used to off load the treated wastewater will be constructed and the diameter of the pipe.

13. RPDEIR Exhibit 3-8c contains both a circular drawing that identifies a 10,000-gallon "overhead storage tank" and a rectangular drawing depicting a 20,000-gallon overhead storage tank. These appear to be the same tank. Which size is correct? 022-13

14. The RPDEIR should state the amount of time it will take for each treated wastewater delivery truck to be (a) loaded at the Olivenhain Municipal Water District ("OMWD") site, and (b) off-loaded into the storage tank at the proposed landfill site and the wait time at each facility. 022-14

15. The RPDEIR should state the amount of time it will take to fill the water truck that will be used to distribute water on the proposed Project site. 022-15

16. The decertified FEIR (Table 3-2) states that there will be one 5,000-gallon water truck maintained onsite. Is that correct or will other 5,000-gallon water trucks be brought to the site on a daily basis or stored on site? 022-16

17. Using 2,300-gallon water trucks to deliver treated wastewater from OMWD, it will take only nine trucks to fill the proposed 20,000-gallon treated wastewater storage tank at the proposed Project site, approximately 54 minutes at a rate of 89 trucks in a nine-hour period (one truck every six minutes). Please explain how a single 5,000-gallon water truck will be able 022-17

to fill and deliver enough water from the storage tank to allow each 2,300-gallon truck to off-load when it arrives.

022-17 cont'd

18. On days when 205,000 gallons of water are used, it would take 41 trips by a 5,000-gallon water truck. That is one trip approximately every 15 minutes. Explain how that is possible.

19. RPDEIR Exhibit 3-8c shows secondary containment below the 20,000-gallon overhead storage tank for the treated wastewater. Will there be secondary containment in the area where the 2,300-gallon water trucks will park and off load the treated wastewater on the stability berm?

022-18

20. If there is no secondary containment on the stability berm, what will prevent leaks of treated wastewater from flowing into the San Luis Rey River?

21. The "Project Description" section of the RPDEIR should provide a map specifically identifying the location of the OMWD reservoir site in relation to (a) Interstate 15 and other major roadways in the area, (b) existing, developing, and planned developments in areas near area the OMWD reservoir site, and (c) Maranatha Way and the site for the Maranatha School. The aerial photograph included as Exhibit 4.5-10 appears to be very out-dated, and does not identify these features in sufficient detail.

022-19

22. The RPDEIR should identify what CEQA review was undertaken by OMWD prior to executing the water agreement with Gregory Canyon Ltd. ("GCL"). A lawsuit has been filed challenging the OMWD decision because it failed to provide any environmental review for its decision to sell and allow for the trucking of massive amounts of treated wastewater to Gregory Canyon. This lawsuit will invalidate any authority to sell water to Gregory Canyon. As a result, this source of water is speculative at best.

022-20

23. A copy of the agreement between Gregory Canyon Ltd. and OMWD concerning the use of treated wastewater, and any documents reflecting the action by the OMWD Board on that issue, should be included as part of the RPDEIR and available for public review.

022-21

24. The RPDEIR should identify all approvals required to be obtained from the County of San Diego in order to construct the proposed improvements to the OMWD facility and the environmental impact of those approvals.

022-22

25. The RPDEIR should indicate the zoning in the area of the OMWD facility and along both sides of Maranatha Way.

022-23

26. The RPDEIR should state what public notice was provided to residents near the OMWD site regarding the proposal to truck water from the site for use on the proposed Project.

022-24

27. Please indicate if OMWD has been included as a responsible agency for notice of the RPDEIR. 022-25

28. The RPDEIR should state if the water-filling facilities proposed to be constructed at the OMWD site can or will be used by persons, groups or entities to obtain treated wastewater for uses other than at the proposed landfill.

29. The RPDEIR should state if there are any limitations imposed on the use of the OWMD truck-filling facilities by other parties. 022-26

30. If there are no limitations placed on the use of the OMWD facilities by other parties, the RPDEIR should include those uses in the cumulative impacts analysis of that activity for the proposed Project.

31. Has a Notice of Intent for industrial activities under the NPDES stormwater program been submitted for the proposed landfill? How is this State program complied with? 022-27

32. The RPDEIR should identify where the "storm drain inlet or outflow device from the ancillary facilities area" mentioned on page 3-4 of the RPDEIR will discharge. 022-28

33. The RPDEIR should indicate if water in this drain pipe will be sampled prior to discharge to the San Luis Rey River.

34. The RPDEIR should state how often effluent will be removed from the on-site chemical toilets 022-29

35. The RPDEIR should state how the surface use of treated wastewater within the watershed of a drinking water supply complies with San Diego Regional Water Quality Control Board policies. It should also state whether or not this policy has been waived for other projects and the types of those projects. Without this information, this mitigation measure remains speculative. 022-30

36. The RPDEIR should state alternative disposal methods for OMWD treated wastewater when the Project is not using its full compliment of reserved treated wastewater. 022-31

37. The RPDEIR should discuss the project's source of water during periods of extended drought when groundwater and secondary sources of water may not be available for the Project. 022-32

38. When the maximum truck traffic allowance is reached on any given day, and traffic to the landfill is shutdown, how is dust control going to be controlled? What will be the source of water? What will happen to the water trucks that are enroute to the landfill? Where will this water be disposed of, and how much water is included in this assessment? 022-33

III. Traffic

Judge Anello's Minute Order held that issues concerning the Level of Service ("LOS") on SR 76 should have been restudied after the publication of the 2003 Traffic Needs Assessment Study. That study concluded that tribal development projects on the Pala, Pauma, Rincon, and San Pasqual Reservations "cause SR76 to operate below LOS D between I-15 and Lilac Road." (Exhibit A, Minute Order at page 4.) In addition, because the Traffic Needs Assessment Study found that these roads operate at less than LOS D, the FEIR failed to "to put the public and decision maker on notice of the potential impacts," and thus restudy was necessary to determine "appropriate mitigation." The Court also found that issues concerning passenger car equivalency ("PCE") conversion and traffic redistribution were "moot" in light of the Court's finding that the decertified FEIR had failed to comply with the Congestion Management Plan standards. *Id.* at 8. 022-34

1. The conclusions in the "Traffic and Circulation" section of the RPDEIR are based on the 2006 Traffic Study prepared by Darnell & Associates, Inc. ("Traffic Study"), which is included as Appendix A to the RPDEIR. In describing "Existing Roadway Characteristics," Section 4.5.1.1 of the RPDEIR states that "truck percentage data were collected for a 24-hour period. The combined average for east and west bound traffic for trucks with 3 or more axles is 21% of the combined east bound and west bound traffic for all vehicles. (This percentage is used in all traffic analyses with 2005 traffic counts.)" This statement indicates that the Traffic Study and the analysis of existing conditions is based on a single traffic count taken on February 24, 2005. Is that correct? 022-35

2. Is the 21% figure stated in RPDEIR section 4.5.1.1 based on that single day traffic count? On what basis did the County determine that this was accurate?

3. If there were other traffic counts taken, the RPDEIR should indicate the date on which those were taken and provide the data from those traffic counts.

4. Section 4.5.1.2 of the RPDEIR, which contains all new text, states that "24-hour count data were collected in March 2005." The Traffic Study only includes a February 24, 2005, traffic count. Please clarify why this section refers to a March 2005 traffic count. 022-36

5. Table 4.5-2 of the RPDEIR lists the data collected in the February 24, 2005, traffic counting event provided in Appendix A to the Traffic Study. This table includes a column entitled "east of project." However, Appendix A to the Traffic Study does not include traffic counts for an area "east of project" and the RPDEIR does not identify the eastern end of that reach. Please provide the data for these traffic counts and the location information. 022-37

6. What are the number of accident reports registered for SR76 in 2004? 2005? 2006? What is the rate expected with the reused project and increased frequency of water truck traffic? 022-38

7. RPDEIR Section 4.5.3.2 states that the total daily trips to the Project site "will be limited by the solid waste permit to 2,085 passenger car equivalent ("PCE") trips per day and a total of 675 trips per day from all sources including any recycled water trips. This was the total number of trips previously analyzed in the 2003 draft EIR." That section also states that when either of these totals are exceeded "the project will be required to close down for that day." Table 4.5-7 in the RPDEIR then provides a summary of "project trip generation for the maximum of 5,000 tons per day," and indicates that it "equates to a total of 675 trips from all sources per day for waste disposal, construction, recycled water, and other trips." 022-39

8. Without addressing the issue of PCE, we agree that the number of daily trips should be limited to 675. However, based on 8-ton refuse trucks, disposal of 5,000 tons in a day would require 625 trucks to access the site. That would result in 1,250 trips per day and violate the limit. Please explain.

9. Assuming the maximum amount of treated wastewater on any day is trucked to the site, this would result in 178 trips in addition to the maximum 1,250 trips by garbage trucks on a 5,000-ton day. This total of 1,428 trips is 2,142 PCE trips per day, which exceeds the 2085 PCE limit. The RPDEIR should explain how this exceedance would be prevented. 022-40

10. RPDEIR Table 4.5-7 assumes 40 trips per day by employees, and 20 trips per day by service people, raising the total to 2,202 trips per day. Given these additional trips, the RPDEIR should explain how the 2085 PCE trip limit will not be exceeded. 022-41

11. In addition, Table 4.5-4 in the decertified FEIR allocated 50 one-way trips for other vehicles that would access the site to transport material for the liner and other construction materials and to remove brine and leachate during the operational period. This resulted in 150 additional PCE daily trips, raising the potential total to 2,352 PCE trips per day. This reference, however, has been deleted from the RPDEIR, although that was not required by Judge Anello's Minute Order. Those trips should be included in the traffic calculations. 022-42

12. The total number of trips evaluated in the RPDEIR also does not include access to the site by the public using the recycling facilities or disposing of their individual trash. The RPDEIR should state how many daily trips have been allocated to those uses and state the basis for that assumption. 022-43

13. Given the fact that the proposed facility will routinely exceed the 2085 PCE limit, the daily tonnage limit for waste must be reduced to ensure that the analysis in the RPDEIR correctly evaluates all of the potential impacts from traffic. 022-44

14. Table 4.5-7 of the RPDEIR also allocates truck and service traffic during the day to certain time periods, but there is no discussion in the RPDEIR regarding the rationale used to allocate traffic in the manner indicated. The RPDEIR should explain the basis for determining 022-45

that, for example, there would be 243 trucks between 11:00 and 12:00 a.m., but only 183 during the period 1:00 to 2:00, etc. 022-45 cont'd

15. Page 4.5-12 of the RPDEIR states that "[t]raffic counts determined the typical morning peak hour to occur between 7:00 A.M. and 9:00 A.M. and the typical evening peak hour to occur [sic] 4:00 P.M. and 6:00 P.M." If these conclusions are based on the information contained in Table 4.5-2, those data show that the non-project volumes on SR 76 are heaviest between 2:00 and 5:00 p.m. in the afternoon. Please explain. 022-46

16. Table 4.5-2 of the RPDEIR provides a summary of the traffic counts from February of 2005. What is notable about the data in that Table is the difference in traffic counts between the "I-15/Pankey" column and the columns reflecting sections of SR 76 to the east. For example, during the 11:00 A.M. period, Table 4.5-2 indicates there were 88 more vehicles on the "Pankey/Couser" stretch of SR 76 than there were on the "I-15/Pankey" stretch of SR76. The following hours showed more vehicles on the Pankey/Couser stretch than on the I-15/Pankey stretchy by 78, 124, 101, 101, 150 and 87 respectively. Given the lack of major roads between Pankey Road and Couser Canyon Road, these data makes no sense. The RPDEIR should explain this discrepancy. 022-47

17. The entire traffic analysis in the RPDEIR is based on a single day of traffic counts on SR 76 taken 18 months ago. The conflicts in the data identified above show that using a single day of counting was insufficient. In addition, the data should have been updated after the Court's order was issued. Because of these problems, the entire traffic analysis is inadequate and needs to be redone to identify current and valid traffic conditions along SR 76. 022-48

18. The traffic-count conflict described above shows the inadequacy of the LOS analysis contained in Table 4.5-8 of the RPDEIR. If the traffic counts from the Pankey/Couser column were used in the I-15/Pankey column, the LOS at 2:00, 3:00 and 4:00 p.m. would be degraded to an LOS E level. Because of this problem, a new traffic analysis is required. 022-49

19. We also question the traffic counts for the "Couser/Project" stretch of SR 76 because in the 4:00 P.M. period, there is a reduction of 74 vehicles from the "Pankey/Couser" stretch. Again, it is unlikely that this number of vehicles exited at Couser Canyon or Rice Canyon or other roads. Using the Pankey/Couser data, the Couser/Project stretch also would operate at LOS E during the 2:00 and the 4:00 P.M. hours. 022-50

20. The RPDEIR does not identify potential sources of "North County" waste. Please identify the assumed sources of waste coming to the proposed landfill. 022-51

21. The RPDEIR (pg. 4.5-12) assumes that 8% of the 2,085 PCE trips allowed (or 167 trips) would use SR76 west of I-15. Does this number assume use of the proposed landfill by the Fallbrook Transfer Station? 022-52

22. Based on the discussion in the RPDEIR at pages 4.5-19 and 4.5-20, the County entirely dismisses its previous analysis of the impacts from Tribal activities on traffic on SR76, stating that "the Tribal Traffic study should not be relied upon to accurately assess either existing or future cumulative traffic conditions on SR 76." Please confirm that the County rejects its earlier conclusions regarding the impacts of tribal gaming on SR 76. 022-53

23. The RPDEIR at page 4.5-21 states that the Warner Ranch development "has not been included in the list of cumulative projects or analyzed in the 2006 Darnell traffic study." Yet the County comments on the Notice of Preparation prepared by Pala for its proposed casino expansion states that "The tribe and their consultant should coordinate with the County regarding near-term planned/proposed projects and the proposed long-range land use plan for the North County communities. For example, the Warner Ranch project is a proposed large-scale residential development that would be located near the Pala casino and should be included in the cumulative impact analysis. Other projects that should be included in the cumulative impact analysis are the Gregory Canyon Landfill, Rosemary's Mountain and the recently-announced Pauma Casino expansion project." (The County's letter is attached as Exhibit B). Given the County's position, the RPDEIR must be revised to include the Warner Ranch and the Pauma Casino projects, as well as traffic impacts for the Liberty Quarry Mining project in southern Riverside County and is located to provide granite material to the County of San Diego community. 022-54

24. The County's comments on the Pala NOP also state that the traffic study to be conducted by the Tribe "should discuss potential gaming facility expansion beyond the currently proposed project." Given the County's position, the RPDEIR must be revised to do so as well.

25. The County's comments on the Pala NOP also state that the traffic study to be conducted by the Tribe "should discuss the status of the Caltrans SR-76 East Corridor Study." Given the County's position, the RPDEIR must be revised to do so as well. 022-55

26. The County's comments on the Pala NOP also state that the traffic study to be conducted by the Tribe "should assess geometrics/curves along SR-76 and address the need for improvements to roadway design features." Given the County's position, the RPDEIR must be revised to do so as well. 022-56

27. The RPDEIR lists the projects used in analyzing near-term cumulative impact in Table 4.5-11. While 13 projects are listed in the RPDEIR, the Darnell 2006 Traffic Study (pg. 26), Appendix A to the RPDEIR, states that "[r]esearch into County records identified approximately 60 additional projects to be included in the analysis." The RPDEIR should clarify if the cumulative traffic volumes included on Exhibit 4.5-5 of the RPDEIR were based on the 13 projects listed in the RPDEIR or the 60 projects included in the Traffic Report. 022-57

28. The RPDEIR should state the number of trips per unit of residential housing and per commercial activity used to calculate traffic from those proposed developments. 022-58

29. The cumulative impacts analysis in the RPDEIR does not identify or include the Fritz property or the Pala Rey Ranch developments. These proposed developments should be included in the cumulative impacts analysis section of the RPDEIR. 022-59

30. Although page 4.5-16 of the RPDEIR states that no changes were made to the "Project Access/Internal Circulation" section, the trucking of water will add ninety (90) 2,300-gallon trucks per day to the internal flow. The impacts of that additional traffic should be discussed and analyzed in the RPDEIR. 022-60

31. The entire analysis shown on Table 4.5-9 concerning the "redistribution" of traffic is an accounting trick and not a valid method for analyzing or mitigating traffic impacts. While allocating a number of trips from hours which are at LOS E to other hours of the day that are not eliminates the hours where the level of service has decreased to LOS E, the proposed "early warning" system offered on page 4.5-16 of the RPDEIR as a means of "enforcing" this redistribution is ludicrous and unworkable. This is a new element of the Solid Waste Facility permit that is not adequately described. 022-61

32. First, the proposed "early warning system" is not explained until the section on mitigation measures at page 4.5-38. Proposed RPDEIR Mitigation Measure 4.5-3 states that the number of trips will be limited to 111 (PCE) from 3:00 to 4:00 P.M. and from 4:00 to 5:00 P.M. and to 215 (PCE) from 2:00 to 3:00 P.M. However, even on average waste days (3,200 tons), the traffic would exceed the 111 (PCE) during those time periods. (RPDEIR Table 4.5-7). Consequently, the need to implement this "early warning" system could arise every day. That is unacceptable, and the only way to avoid these traffic impacts is to reduce the maximum amount of waste that can be accepted at the proposed facility each day. 022-62

33. Most importantly, the "early warning system" proposed as RPDEIR Mitigation Measure 4.5-3 is unworkable, and will be ignored. There is no method to ensure that trucks that are near to SR 76 will turn around and not proceed down SR 76 to the facility. More likely, they will continue to the proposed facility and the operator will simply accept the violation or a cost of doing business. Perhaps the way to enforce the limit would be to impose a mandatory fine of $5,000 for each vehicle that enters the facility above the allowed level. The RPDEIR should state meaningful penalties which will be effective deterrents to the Project from considering such exceedence or merely a cost of doing business. 022-63

34. RPDEIR Mitigation Measure 4.5-3 also does not state that the operator will be required to maintain records of the hourly traffic on SR 76 which will be provided to the LEA. Consequently, unless the overall daily vehicle limit is exceeded, there will be no way for the LEA to enforce this limit. Because the mitigation measure is unenforceable, it is invalid.

35. The RPDEIR should analyze the impacts on traffic from the enforcement of both MM 4.5-2 and 4.5-3. The RPDEIR should state where trucks refused admittance will turn around, evaluate the number additional miles that will need to be traveled with full loads, and analyze the increased air quality impacts. The RPDEIR should state where trucks will go if it is too late to find another disposal site and the impacts associated with this planned diversion of waste. 022-64

36. RPDEIR Mitigation Measure 4.5-4 states that the Project will receive a credit against the County's Traffic Impact Fee ("TIF") for "the improvements and realignment" of SR 76. This "credit" violates County policy regarding the TIF. The TIF was assembled and designed to address cumulative impacts from projects as an addition to direct project impacts. Cumulative impacts were being ignored in analysis the at both locations where major impacts occur—in Olivenhain and near the project. County policy requires that TIF fees be used exclusively in each TIF area for the local; facilities in that area (Exhibit C). Why is the County endorsing such a significant change in this requirement for this project? 022-65

37. RPDEIR Mitigation Measure 4.5-4 states that the Project will receive a credit against the County's Traffic Impact Fee ("TIF") for "the improvements and realignment" of SR 76. This "credit" violates Proposition C. The "realignment" referred to is a mitigation measure that is required by Section 5.I of Proposition C. As the County is aware from Judge Anello's Minute Order, Section 5.R of Proposition C requires that any mitigation measures "included as part of any subsequent environmental review of the Project" must be "additional" mitigation measures for the Project. Here the County is allowing the project proponent to reduce the necessary mitigation (the TIF) by using mitigation required by Proposition C, and thus again is violating Proposition C. 022-66

38. RPDEIR section 4.5.1.1 states that Camino del Norte "is currently being upgraded to 6-lane prime arterial standards." The RPDEIR should state how far west Camino del Norte has been upgraded to those standards at this time, and describe the current condition of the sections of this road that would be impacted by the proposed water-trucking activity. A separate TIF requirement should be assessed for impacts to these roads, just as the County requires of other projects in the Camino del Norte area. 022-67

39. RPDEIR section 4.5.1.1 states that Camino del Sur "is currently being upgraded to 4-lane major arterial standards." The RPDEIR should state the stretch of Camino del Sur that currently is up to "4-lane major arterial standards," and describe the current condition of the sections of this road that would be impacted by the proposed water-trucking activity. 022-68

40. The RPDEIR should describe the existing condition of Maranatha Road and Camino del Sur where the trucks are proposed to exit Maranatha Road. 022-69

41. The RPDEIR should state if water trucks would be able to make a left turn to exit Maranatha Road and head east on Camino del Sur. 022-70

42. The RPDEIR states that the conditions of the approval of the school project require that a traffic signal be installed at the intersection of Maranatha Way and Camino del Sur. The RPDEIR should identify when that traffic signal will be installed. 022-71

43. The RPDEIR at page 4.5-32 states that water-truck drivers will be allowed to only use certain roads between Maranatha Way and I-15. The RPDEIR should state how this will be enforced and what will be the penalty for violations. 022-72

44. The RPDEIR should state who will employ the drivers of the water trucks and that Gregory Canyon will be responsible and liable for the actions of any drivers who violate the limits on roads they can use.

45. The RPDEIR relies on a July 6, 2001, traffic study prepared by Katz, Okitsu & Associates for the Marantha School and Church ("Katz Report") to assess the impacts of the proposed trucking of water. The traffic data in that report is more than five years old, and an updated traffic study should have been prepared for the RPDEIR. The RPDEIR should provide documentation from the author of that report whether it is appropriate to use this report in this analyses. 022-73

46. Section 4.5.5 of the RPDEIR states that "non-regulatory signs will be posted on Maranatha Way . . . if not installed by the school." The RPDEIR should indicate what language will be used on those signs and that all signs would need to be reviewed by the County and/or the City of San Diego. 022-74

47. The RPDEIR should identify where the "non-regulatory" signs will be located on Camino del Sur or Maranatha Way and which property owners have approved the placement of those signs on their property.

48. The RPDEIR should identify an alternate mitigation measure in case the "non-regulatory" sign measure cannot be implemented. 022-75

49. Section 4.5.5 states that water trucks will be prohibited from using Maranatha Way during one hour periods before and after school. The RPDEIR should state how that prohibition will be enforced. 022-76

50. Our understanding is that there is an access easement at the end of Maranatha Way. The RPDEIR should identify who owns the property where this easement is located, and who owns the easement. The RPDEIR should confirm that OMWD has the right to allow trucks to access the area for the proposed water transfers. 022-77

51. The RPDEIR at page 4.15-26 states that, based on a "field review" of the Maranatha School site, "student pedestrian traffic is removed from Maranatha Way" and there is "the absence of the need for students, parent [sic], or teachers to cross Maranatha Way." The RPDEIR should indicate when this "field review" was undertaken and how, as the school is not yet operating, the RPDEIR can conclude that there will be no pedestrian traffic based on this field review. This appears to be unsupported speculation which cannot form the basis for the analysis. 022-78

52. The RPDEIR should provide an estimated schedule for when the school will be completed and operating. 022-79

53. The RPDEIR should evaluate the traffic safety impacts of not having a traffic signal installed at the intersection of SR 76 and the proposed landfill access road. Based on the traffic count data, a car will pass this entrance approximately every three seconds between 2:00 and 5:00 in the afternoon. How will 8-ton or 24-ton trash trucks or 2,300-gallon water trucks make a left across eastbound traffic and squeeze into westbound traffic safely? 022-80

IV. Noise

1. Page 4.6-12 of the RPDEIR states that the assumption is that there is a 20 dBA reduction in noise for "typical building construction." The RPDEIR should identify the basis of this assumption. 022-81

2. The RPDEIR's failure to identify all proposed cumulative projects results in an inadequate analysis of traffic on SR 76, which in turn results in an inadequate analysis of noise impacts along SR 76. 022-82

3. Additional noise impact concerns are included in the review of Biological Analysis in the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill (Longcore, Rich, C. and Haas, W. 2006) (Exhibit D). 022-83

V. Biological Resources

1. The County's letter to Pala commenting on Pala's NOP described the San Luis Rey River as "a major regional wildlife corridor in north San Diego County," and stated that the Pala's Tribal Environmental Impact Report "should assess the value of this wildlife corridor and address the potential impacts to the off-Reservation segment of this wildlife corridor. The analysis should address direct and indirect impacts, such as edge effects (i.e. non-native plant invasion, impacts from increased activity, lighting, and noise, etc.), and changes in hydrology and water quality." The RPDEIR should have, but failed to, analyze the same impacts to biological resources. Despite the fact that the landfill project occurs within undisturbed (proposed) Pre-Approved Mitigation Area habitat and is over ten times larger than the Pala 022-84

Project no such analysis occurred. Why did the County require this level of review for the Pala project but not for this one? What was the support for this decision? 022-84 Cont'd

2. The project occurs in a sensitive habitat area—a Biological Resource Core Area under the County's definition—which houses several endangered species including the arroyo toad, least Bell's vireo, southwest willow flycatcher and the gnatcatcher and each of their habitats. The project will create significant impacts to each of these species; however, the analysis of these impacts (and the presence of each species) in the RPDEIR is faulty, conclusory and is not based on the best scientific information available. In fact, in many instances, the RPDEIR ignores data and analysis which was previously a part of the FEIR. It also has made no attempt to adequately survey the use areas for many of these protected species. A more detailed report analyzing in detail the problems with the RPDEIR report's consideration of protected species is included from Dr. Travis Longcore, Catherine Rich and William Haas (Exhibit D). 022-85

3. The RPDEIR Biological Technical Report, conducted buy a new biologist on the project, indicates that the project has voluntarily re-mapped the vegetation of the project area. However, the RPDEIR does not explain any specific shortfallings of previous analysis and maps. What specifically was the basis for re-mapping the site? 022-86

4. There have been several vegetation surveys conducted on the site which were the basis for all previous biological analyses. The County Biological Survey Guidelines specifically state that the goals of all surveys include "To ensure that information collected in past projects can have some utility in evaluating future projects in similar circumstances." This project had previous surveys for the same project that were discarded and not mentioned in the RPDEIR. Why does this revised vegetation analysis toss out all of the prior biological assessments of the property? Is this a new policy for the County? If this is an exception to the guidance, please explain why this project warrants an exception. 022-87

5. The revised vegetation mapping in the RPDEIR conflicts with the FEIR analysis and lessens impacts to certain communities that are historically difficult to mitigate. No regulatory standards were cited in the URS report to support the methods used by URS, so there is no information supporting the basis of the recharacterzation of habitats, only summary statements. Was this "value biology" to reduce mitigation costs? In other projects, the County requires that projects follow their specific Biological Survey Guidelines (Exhibit E). Why were these not followed with the recharacterization? 022-88

6. Given that the RPDEIR chose to recharacterize habitat on the project site, this activity should have been extended to the entirety of the site. Figure 2.1 depicts significant areas on the site as "agriculture" however, agriculture activities have not occurred over much of the site for years. As a result, the appropriate designation of these areas is non-native grasslands or (to the extent recovered) native habitat. When and how were these areas included in the recharacterization? 022-89

7. A number of the RPDEIR Mitigation Measures state that impacts to resources will be mitigated by the "enhancement" or "creation" of various resources. The RPDEIR should specifically identify what is meant by "enhancement" and "creation"and must specifically identify the type of activity proposed and the location where this activity will occur. Without this specificity, the proposed mitigation is vague and speculative. 022-90

8. RPDEIR Mitigation Measure 4.9-18 includes the removal of non-native "exotic" plants in the San Luis Rey River on the proposed Project site. If the removal of exotics is included as mitigation, that removal must continue throughout the life of the proposed landfill because exotics are present upstream on the San Luis Rey River and will simply revegetate in the proposed Project area. How long is the exotic removal project planned for and at what frequency? These and additional details should be part of an exotic removal plan prepared before the RPDEIR and circulated for comment consistent with the County's policy on other projects. 022-91

9. The County has chosen to revisit the proposed Project's impacts on the southwestern arroyo toad but not on other species that the decertified FEIR found would not be significantly impacted. Specifically, page 4.9-45 of the decertified FEIR states that although 223 acres of coastal sage scrub habitat would be destroyed "the impacts to California gnatcatcher from the habitat loss would be less than significant" because of the habitats "low to marginal value for gnatcatchers" and "based on the limited sightings and the absence of nearby core populations." This, the FEIR claims demonstrates the "documented absence of gnatcatchers breeding on site." Yet, the most recent gnatcatcher survey was completed in 2000, six years ago. On any other project, the County would not accept such an out-dated survey, particularly given the large acreage of coastal sage scrub habitat on the site. The fact that the County chose to redo its arroyo toad surveys demonstrates that additional surveys should be conducted for the California gnatcatcher (and other species as well) and that such information should be included in the RPDEIR. Why is the County allowing this project this waiver of current surveys? Is this a new policy for the County? If so, has this been communicated to the resource agencies? Does this jeopardize the North County MSCP negotiations? 022-92

10. Neither creation nor enhancement of areas within open space complies with the additional mitigation requirement of Proposition C. These areas are already considered part of the "project" pursuant to Proposition C and cannot be used for "other mitigation purposes" of this project. 022-93

11. The RPDEIR should require that off-site mitigation lands be identified and secured with open space easements and management plans prior to issuing a permit to construct or operate the proposed landfill. This requirement is consistent with any other County-approved projects. If this is a change in policy, please provide the new policy. If this is an exception to the policy, state the basis for this exception. 022-94

12. The RPDEIR mitigation plan equates the value of habitat creation, enhancement and preservation. The County and state and federal resource agencies have a specific hierarchy of mitigation preferences based on the feasibility of long term success, and the use of this hierarchy is an integral part of the County's MSCP approvals (See MSCP and Biological Mitigation Ordinance and accompanying policies). Is this equivolence a policy that the County has now adopted? If not, what is the basis for the County adopting this policy for this project and not for other projects? Does the adoption of this new policy—or this exception to the County's policy—jeopardize the County's approvals for the MSCP? 022-95

13. The Project is considered a BRCA under the County's definition, and as a result and mitigation ratios should be based on impacts occurring within a BRCA. However, the RPDEIR does not acknowledge this impact or adhere to these mitigation ratios. For example, MM 4.9.-1g proposes a mitigation ratio of 0.5-1 for chapparal and non-native grasslands within a BRCA. The County's Biological Mitigation Ordinance requires a ration of 1.5-1 if the mitigation ratio is within a BRCA and 1:1 if outside a BRCA. Why is the County allowing a waiver of this requirement for this project? Is this intended as a new policy for the County? Do the resource agencies concur with this policy/waiver? 022-96

14. The RPDEIR does not state the location of proposed off site mitigation land (or provide any other details). As a result, there is no way to determine the consistency or propriety of mitigation ratios or guidelines, which according to the County's BMO, rely on the location of the mitigation land. Why is the County allowing a waiver of this requirement for this project? Is this intended as a new policy for the County? Do the resource agencies concur with this policy? 022-97

15. Gregory Canyon is shown in the North County MSCP Pre-Approved Mitigation Area (PAMA) as a PAMA (Exhibit F) The primary north-south wildlife corridor west of Interstate 15 follows a concave pattern, placing the Gregory Canyon development within both the primary east-west and north-south wildlife corridors in this region. This is sufficient to designate the entirety of the project site as a Biological Resource Core Area (BRCA), and the project should be mitigated accordingly. Why is this not part of the analysis? 022-98

16. Given the pattern of development proposed in the San Luis Rey River Valley—up to 11,000 dwelling units (see developments within the SLRMWD annexation, Exhibit G), significant development is planned for the Pala area, creating traffic, air, water and biological cumulative impacts. Why are these projects and their impacts not included in the RPDEIR? 022-99

17. All of the North County GP 2020 proposed alternatives all designate the entire Gregory Canyon properties as "Public-Semi-Public Facilities", indicating that the entire property is projected as a long term project site (presumably pursuant to Proposition C designations) (Exhibit F). The RPDEIR indicates that mitigation is proposed for many of the sites on the Gregory Canyon properties despite this designation. County policy requires that mitigation areas must be considered open space and encumbered by an open space easement in order to be 022-100

considered viable mitigation land. Why are the mitigation sites on the property not designated within the GP 2020 as open space if they are being proposed for "permanent" open space? Is the project or the County planning to develop the property later, perhaps after the closure of the landfill? If so, then the areas are not appropriate for use as mitigation. 022-100 Cont'd

18. The RPDEIR is proposing to use portions of the area designated as open space as part of the Proposition C project as mitigation area, which violates the Court's current court order. In addition, this attempt to "double dip" in order to use this land as mitigation violates County Policy I-117, which prohibits from use as mitigation areas "property previously designated as park use or open space purposes. . . . .[and] property designated for a public purpose which is not consistent with habitat/resource protection." Under both of these scenarios, use of the Gregory Canyon is inappropriate for use as mitigation land. Why does the County seek a waiver of this policy and what is the basis for it? This is not mentioned in the RPDEIR. 022-101

19. The RPDEIR claims that mitigation, including creation and enhancement of resources or purchase of mitigation land or credits, can occur anywhere in the County. This statement ignores the County and the state and federal resource agencies' policy of requiring mitigation to occur as close to a project area as possible. What is the County's rationale for relieving this project of this duty? Does this jeopardize the County's MSCP approvals with the resource agencies? 022-102

20. Though onsite mitigation in this instant is not feasible due to legal constraints (conflicts with Proposition C), the County has proposed in the RPDEIR that mitigation be allowed on site. This statement also conflicts with the County (and resource agency) policy against placement of mitigation lands adjacent to a significant agent of disturbance of many types (landfill). The edge effects from this project should be obvious and would preclude the long term viability of success, against the County's own mitigation guidelines for preserve design and mitigation. What is the County's rationale for relieving this project of this duty? Does this jeopardize the County's MSCP approvals with the resource agencies? 022-103

21. The RPDEIR states that mitigation (including creation or enhancement) can occur concurrent with project impacts. This statement conflicts with the County (and resource agency) policy regarding the timing of mitigation activities, requiring habitat replacement activities to occur prior to the impact, not concurrent. Otherwise significant temporal impacts occur with the project and would require an increase in the mitigation ratios. What is the proposed mitigation for the temporal impacts? What is the County's rationale for relieving this project of this duty? Does this jeopardize the County's MSCP approvals with the resource agencies? 022-104

22. The County has previously emphasized that for projects occurring in already developed areas, indirect impacts may occur to off-site lands. The project site is located in an area of very high habitat value and is close to the San Luis Rey River, a major regional wildlife corridor in north San Diego County. The RPDEIR should assess the value of this wildlife 022-105

corridor and address the potential impacts to the off-site segment of this wildlife corridor. The analysis should address direct and indirect impacts, such as edge effects (i.e., non-native plant invasion, impacts from increased activity, lighting and noise, etc.) and changes in hydrology and water quality within the region. Why has the County determined that these elements are not required for this RPDEIR but are for other, smaller projects? These items are required to determine the feasibility and sufficiency of mitigation. 022-105 Cont'd

23. The County has indicated recently that "a biological resource report should be prepared with updated surveys and biological resource data" for a project with more recent surveys than those relied on by the RPDEIR. (Exhibit E) How does the county justify this different standard for this project? 022-106

24. The RPDEIR should include a complete survey of areas where off-site improvements will be completed. 022-107

25. The RPDEIR should discuss sensitive habitats and species, both those detected and those potentially present. 022-108

26. The RPDEIR should include a discussion of the quantity and quality of the biological resources that will be impacted by the proposed project and whether these impacts are significant. 022-109

27. The RPDEIR should evaluate direct impacts of project development such as fire, clearing and infrastructure required for the project, and indirect impacts such as edge effects from the proposed development. 022-110

28. The RPDEIR should suggest project modifications and mitigation measures to avoid or reduce significant biological resource impacts, and should discuss how the modifications or measures will reduce impacts to a level below significance. No such suggestions were offered. 022-111

29. Based on County records, sensitive species may exist on the project site and are known to exist on adjacent property. Also, the project site contains soils derived from geologic formations which are known to support sensitive species. The RPDEIR should address potentially occurring sensitive species including its sensitivity status (County, State and Federal, as appropriate), its preferred habitat and whether it was detected by direct or indirect evidence. If the species was not detected, the table should address its potential for occurrence (habitat assessment) with facts to support each conclusion. The County holds other projects in the County to this standard, why is this project not held to the same standard? 022-112

30. Any of these sensitive species that are detected or are likely to occur on-site should be addressed in the impact assessment in the body of the RPDEIR with the following: an estimate of the total population size, the regional significance of the population including 022-113

specific information about the species' distribution in the project vicinity, an estimate of the number of individuals that will be impacted (include the area in acres of impact), and a determination whether the impact is significant. The County holds other projects in the County to this standard, why is this project not held to the same standard? 022-113 Cont'd

31. The County routinely states extreme concern about a project's impact on the Multiple Species Conservation Program (MSCP) Subarea Plan when a project is located in a potential preserve area (Exhibit H). The property and surrounding lands are shown as PAMA lands in the North County MSCP, indicating that the County intends to conserve these areas as part of the MSCP Preserve. Development adjacent to preserved areas will result in impacts that may be significant. The direct and indirect impacts to these lands (i.e., native plant invasion impacts from increase activity lighting noise and changes in hydrology and water quality) must be analyzed and presented in the context of damage to the MSCP. 022-114

32. The County has informed other projects that any variation to the current MSCP plan might result in a significant impact on the regional preserve system and potentially threaten federal and state approvals (Exhibit H). How will the proposed mitigation plan affect the planning process for the North County MSCP Subarea? How will it affect negotiations with state and federal agencies for coverage over this region? 022-115

33. The US Fish & Wildlife Service recently provided an example of what it requires in the biological analysis for an environmental document:

To facilitate our evaluation of the proposed project from the standpoint of fish and wildlife protection, we request that the draft EIR/EIS contain the following information:

a. a complete discussion of the need and purpose for the project, including each of the project alternatives;

b. a complete description of the proposed project, including all practicable alternatives that have been considered to reduce project impacts to wetland areas, other sensitive habitat types, and fish and wildlife resources (alternatives should include construction proposals with reduced footprints that would further minimize and avoid impacts to sensitive species and habitat types on site); 022-116

c. a thorough discussion assessing the consistency of this project with regional conservation planning efforts;

d. specific acreage and description of the types of wetland, riparian, coastal sage scrub, and other sensitive habitats (e.g.. waters and wetlands of the United States) that may be affected by the proposed project or project alternatives (maps and tables should be used to summarize such information);

e. a discussion about efforts made to avoid, minimize, and mitigate impacts on the sensitive habitats;

f. descriptions of the biological resources associated with each habitat type (these descriptions should include both qualitative and quantitative assessments of the resources present on the proposed project site, alternative sites, and off-site impact areas);

g. a list of federally proposed listed or candidate species, state listed and candidate species, and locally sensitive species including, but not limited to, narrow endemic species, that are on or near the project site, or within the off-site areas of potential impact;.

h a detailed discussion of these species, including information pertaining to their local status and distribution;

i. an assessment of direct, indirect (noise and light impacts on wildlife), and cumulative project impacts to fish and wildlife species and associated habitats on and off site (e.g., utility infrastructure such as sewer lines; the assessment should include all facets and phases of the project - - staging, clearing, grading, construction, operation; the Service is particularly interested in any potential or real impacts to currently listed, proposed, and narrow endemic species that are found within or adjacent to the project area);

022-116 cont'd

j. an analysis of how project-induced impacts may affect fragmentation and isolation of aquatic and terrestrial wildlife and plants at a local and regional scale;

k. specific mitigation measures to fully offset project-related impacts, including measures to mitigate the cumulative impacts of direct and indirect habitat loss, degradation, or modification;

l. an analysis of the shaft- and long-term project-related effects on the hydrology and morphology of riparian or wetland communities within the sphere of influence of the project (of particular importance is an analysis of the adequacy of proposed means to convey major flood or runoff flows without damaging (e.g., erosion, adding pollutants) on-. and off-site habitats in the short and long term);

m. methods to prevent soil erosion and siltation of habitats on and off site, particularly adjacent to the project site;

n. methods to prevent and mitigate noise and light impacts on wildlife, including avian species, both within any conservation casements proposed on the project site and open space adjacent to the project site;

o. methods to be employed for the disposal of toxic and/or caustic substances, including oil and gasoline, on the project site. during and after construction; and

p. measures to be taken to perpetually protect the biological functions and values of on- and off-site habitats conserved, restored, or created as project-related mitigation (issues that should be addressed include restrictions on vehicle and human access, land dedications, monitoring and management programs, control of illegal dumping, and restrictions on lighting near mitigation areas). (See Exhibit H)

Most of these issues are not addressed in the RPDEIR—Why has the County not addressed these needs, particularly in an area of concern to the USFWS due to the current North County MSCP negotiations?

022-116 cont'd

34. The USFWS requires that an environmental document must discuss methods of preservation, restoration, or revegetation that are proposed to mitigate for the loss of sensitive habitats and how they are consistent with regional conservation planning guidelines, if restoration or revegetation is proposed, the objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat functions and values. (Exhibit H) Why has the County determined that these elements are not required for this RPDEIR ? These items are required to determine the feasibility and sufficiency of mitigation.

35. The USFWS requires that an environmental document should include, restoration and revegetation plaits prepared by persons with specific expertise on southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic Layout depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology to be employed; (t) measures to control exotic vegetation on-site; (g) success criteria; (h) a detailed monitoring program which includes provisions for replanting areas where planted materials have not survived; (i) contingency measures should the success criteria not be met; and j) identification of the entity that will guarantee achieving the success criteria.. (Exhibit H) Why has the County determined that these elements are not required for this RPDEIR ? These items are required to determine the feasibility and sufficiency of mitigation.

022-117

36. The USFWS requires that an environmental document should include a management and monitoring plan (MMP), including a funding commitment, for any proposed conservation. The development and implementation of an MMP is particularly important to ensure that mitigation is performed in perpetuity. The MMP, to be implemented in perpetuity to

022-118

protect or enhance the existing biological functions and values, should outline actions that would be taken to manage biological resources on site. A Property Analysis Record, or similar analysis, should be used to estimate initial start-up costs, and ongoing annual costs, of implementing the MMP. A financial mechanism (e.g., a non-wasting endowment) should be established to ensure that adequate funding is available to implement the MMP. The funding mechanism should be established prior to the initiation of construction, the MMP should be implemented prior to, or concurrent with, the initiation of construction. Why has the County determined that these elements are not required for this RPDEIR ? These items are required to determine the feasibility and sufficiency of mitigation. 022-118 Cont'd

37. The Biological Technical Report relies upon a purported revised wetland jurisdiction determination submitted to the Army Corps of Engineers reducing the area of jurisdictional waters within the project site. This analysis ignores the SD Regional Water Quality Control Board comments to this RPDEIR and our previous objections that the reasoning behind the jurisdictional determination both of which challenge the validity and rationale basis for the determination. Unfortunately, there is no method to challenge this determination until a 404 permit is issued for the project (at which time it certainly will be challenged). As such, it can only be considered an interim decision. Nevertheless, the County is apparently adopting this same approach of delineation through the RPDEIR. In other situations this streambed would be a County-protected RPO resource, according to the County definition; however, the County appears to have adopted URS' methodology for jurisdiction of RPO/wetland resources. None of the supporting documents regarding this theory of delineation (which ignores previous field designations) are provided for public review and comment. The County should recirculate the document for complete public review of this important change in the environmental analysis that was not included in any previous environmental documentation. 022-119

38. The County has not required any backup documentation for the radical new approach to wetland delineation by the project which dramatically reduces the amount of County, State and Federal wetland jurisdictional area within the project area. Why has the County determined that these elements are not required for this RPDEIR? These items are required to determine the sufficiency of RPDEIR.

39. This analysis of wetlands does not address the applicability of this new (undisclosed) analysis to the determination of the existence of state wetlands or County RPO resources. In fact, this analysis is ignored in the Biological Technical Report. Is the County adopting this analysis for the determination of County and State resources as well? If so, on what basis? If not, why is the County allowing the use of this methodology for this project?

40. The County received on July 10, 2006, 13 pages of comments from the Department of Planning and Land Use regarding the Department's concerns over the Biological and Traffic impacts for incorporation into the RPDEIR (Exhibit I). Nearly everyone of these comments was either summarily dismissed, or provided a dismissive, vague reference that the 022-120

item had been "satisfactorily addressed" in the document. However, there is no indication of the precise area addressing the comment or how that comment was addressed. As a result, it is unclear to the public whether these blanket statements by are true and many of them appear unsupported by a review of the text. The County should pinpoint how and where each of these important comments was addressed in the RPDEIR. These items are required to determine the sufficiency of RPDEIR and to provide proper public disclosure. 022-120 Cont'd

VI. Water Supply Issues

1. On page 10 of the "Water Supply Report" prepared by GeoLogic Associates ("GLA"), dated April, 2006, and included as Appendix C to the RPDEIR, GLA states that it "reviewed the bedrock pumping test data in the Gregory Canyon catch basin area to assess a safe yield for pumping within Gregory Canyon (Appendix A)." Appendix A includes pump-test data for well GLA-3 from 2005, and states that pump tests were performed on the same well in 2000 and 2004.

2. The RPDEIR also states that "[p]umping tests completed over a number of years indicate that 7 existing bedrock wells on the project site denominated as wells GMW-1, GLA-3, GLA-12, GLA-13, GLA-B, GLA-A and GLA-G have the ability to produce a safe yield of 27 gallons per minute (gpm) over the life of the project." (RPDEIR pg. 4.5-10). The RPDEIR should identify the date(s) of each pump test for each well referenced in this statement, and indicate where the pump-test data for each well is located in the RPDEIR or the decertified FEIR. 022-121

3. GLA states in Appendix A to its "Water Supply Report" that the GLA-3 pump test indicates that the "long-term sustainable yield in GLA-3 is approximately 12 gpm [gallons per minute] (17,280 gpd [gallons per day])." No information is provided regarding the claimed safe yield for the other wells proposed to be used as water-production wells. The RPDEIR should provide that information for each well proposed to be used as a production well to support the claim in the RPDEIR that the safe yield from all the wells would be 27 gpm or 43.55 AFY. *See, e.g.*, RPDEIR pg. 4.15-23. 022-122

4. The RDPEIR should include an exhibit identifying the areas of where the bedrock aquifer is recharged. 022-123

5. The GLA "Water Supply Report" does not state the assumptions it used to determine the rate of recharge to the bedrock aquifer. but it states in Appendix A that the recharge rate used to determine the safe yield for the well was calculated based on the assumption that the average rainfall at Gregory Canyon is 25 inches per year. However, in estimating the amount of leachate that the proposed landfill would generate, the decertified FEIR states that "[p]recipitation data were adjusted to a conservative 50-year annual average of 18 inches, with a minimum yearly total of 4.40 inches and a maximum yearly total of 24.79 inches" 022-124

and that "the Gregory Canyon site falls between the 15- and 18-inch average annual precipitation contours." (Section 4.3-21). This information remains part of the EIR for the Project. The RPDEIR should have discussed how use of this lower average rainfall amount affects the recharge rate to the bedrock aquifer system and the safe yield for all of the proposed water production wells.

022-124 cont'd

6. Likewise, in a report submitted the United States Army Corps of Engineers ("ACOE"), dated July 19, 2004, URS Corporation, consultants for GCL, provided evidence that the median rainfall for Gregory Canyon is 14.1 inches per year. (The URS Report is attached as Exhibit J to these comments). Based on that information, the RPDEIR should have used a precipitation rate of no greater than 14.1 inches per year to calculate the recharge rate for the bedrock aquifer and the safe yield for the proposed bedrock water production wells. The analysis of the safe yield for all proposed production wells in the RPDEIR must be revised and consistent rainfall data used for all analyses that rely on it.

7. In Appendix A to the "Water Supply Report," GLA states that it assumed that the Gregory Canyon drainage area was 415 acres when it calculated the rate of recharge and safe yield. However, the URS Report filed on behalf of GCL with the ACOE (Exhibit J) states that the drainage area in Gregory Canyon is 363 acres. The RPDEIR should have used the 363-acre figure, and the annual recharge rate to the bedrock system and the safe-yield analysis must be revised accordingly.

022-125

8. The GLA "Water Supply Report" states in Appendix A that its recharge calculation is based on existing conditions and that "as the land surface overlying the aquifer is reduced through time by the placement of refuse in the landfill, the volume of precipitation runoff that percolates into the aquifer may decline thus further reducing the volume of water available on the site." There is no "may" about it: the landfill liner and the cover are intended to limit the amount of water that will recharge the bedrock system. Ignoring that fact means that the analysis of the safe yield is seriously flawed. The RPDEIR must discuss how the installation of the liner and the cover will affect the rate of recharge for the bedrock system and the safe yield for all proposed production wells.

022-126

9. No other landfill is allowed to use monitoring wells for water production for the obvious reason that it would disturb the validity of monitoring results. Why is the County allowing this new use of monitoring wells? In which landfills has the County encountered the successful use of monitoring wells as production wells?

022-127

10. Neither the RPDEIR nor the GLA Report note the affect on recharge that will be caused by the perimeter drainage channels which will be installed to direct runoff away from the landfill footprint. These channels will further limit the area of the canyon that will provide recharge to the bedrock aquifer. The recharge rate and the corresponding safe yield must be calculated in the RPDEIR using (a) a lower and internally consistent average rainfall, (b) a

022-128

smaller drainage area, and (c) must take into account the reduction in recharge caused by the installation of the liner, the cover and the perimeter drainage channels. 022-128 Cont'd

11. Section 4.3.1.3 of the decertified FEIR (page 4.3-11), which has not been changed in the RPDEIR, states that "[b]ased on site-specific aquifer characteristics, it is estimated that the gross groundwater stored within the bedrock aquifer is less than an acre foot of water per acre (less then [sic] 0.3 million gallons per acre)." Given that the footprint of the proposed landfill and the proposed facility area is approximately 200 acres in size, the total supply of groundwater in the bedrock system is about 200 acre feet. At the RPDEIR's proposed withdrawal rate of 43.55 acre feet per year, the supply of groundwater would last less than five years. Given these figures, the RPDEIR must provide in detail the calculations which support the claim that the bedrock system will provide a dependable supply of water for 60 years, encompassing the life of the proposed landfill and the post-closure period. 022-129

12. Page 4.3-27 of the decertified FEIR states that "the proposed monitoring well network will include a total of 16 wells," but Exhibit 4.3-7 of the decertified FEIR identifies only eight existing groundwater monitoring wells (GLA-2, GLA-3, GLA-4, GLA-5, GLA-11, GLA-12, GLA-13, GLA-14) and four proposed groundwater monitoring wells (GLA-A, GLA-B GLA-17, and GLA-18) for a total of 12 groundwater monitoring wells.

13. Conversely, Section 4.5.3.3 of the RPDEIR states on page 4.15-7 that there are "currently 21 bedrock monitoring wells included in the groundwater monitoring program for the site," while Exhibit 4.15-5 of the RPDEIR, titled "Location of Bedrock Water Supply Wells" appears to identify only 15 existing bedrock monitoring wells and one proposed monitoring well (GLA-18) based on the legend provided on the exhibit. The 15 existing monitoring wells identified on that exhibit include nine of the 12 wells described in the EIR (not GLA-3, GLA-17 or GLA-18) and new wells GMW-1, GLA-C, GLA-D, GLA-E, GLA-F and GLA-G. These conflicts show internal inconsistencies in the RPDEIR that must be reconciled with remaining language in the decertified FEIR. This requires revisions to the sections at odds with each other. 022-130

14. In addition, neither the decertified FEIR nor the RPDEIR provide any information on the new monitoring wells identified on Exhibit 4.15-5 of the RPDEIR. The RPDEIR should provide information on these new groundwater monitoring wells, including information on the well construction and the well drillers' logs. 022-131

15. The RPDEIR states that no changes were made to the "Hydrogeology" section of the decertified FEIR, although significant changes have been made to the groundwater monitoring system by adding new wells and making a number of the groundwater monitoring wells into groundwater production wells. The Hydrogeology section needs to be revised as part of the RPDEIR in order to reflect and analyze these changes. 022-132

16. The RPDEIR should include a map indicating precisely where each groundwater monitoring well is located, where each groundwater production well is located, and identify those wells proposed to be used for both groundwater monitoring and groundwater production. The map should show the location of the wells in relation to the facilities area and the landfill footprint. 022-133

17. Because of the significant change in the project due to the proposed use of groundwater monitoring wells as water-production wells, the RPDEIR must analyze the potential for subsidence below the proposed landfill due to the use of the bedrock aquifer system as a water-supply source and the resulting dewatering of the bedrock aquifer. 022-134

18. Because of the significant change in the project due to the proposed use of groundwater monitoring wells as water-production wells, the RPDEIR must analyze how the proposed use of groundwater monitoring wells GLA 2, GLA-10, GLA-12, GLA-13, GLA-A, GLA-C, GLA-G and GMW-1 as water-production wells could affect the use of those wells for monitoring contaminants leaking from the landfill. The RPDEIR also must analyze the impact of using those wells to produce water could have on the ability of other wells proposed to be used for groundwater monitoring purposes. 022-135

19. The groundwater modeling related to a contaminant release from the landfill was based on steady-state conditions within Gregory Canyon. This modeling needs to be revised in the RPDEIR to account for the fact that these steady-state conditions will no longer exist because groundwater monitoring wells will be used for producing water from the bedrock aquifer. 022-136

20. Section 4.15.3.5 of the RPDEIR claims that there will be a reduction in historical water use on the site, even with the use of the bedrock wells. However, the baseline for comparison of water use should be the current water use, not "historic" water uses that ceased in 2002. Because no water has been pumped on the site since that time, any pumping of groundwater on the site will be a change from the existing baseline, and the impacts of that change must be evaluated in the RPDEIR. 022-137

21. In addition, there is no evidence that any water has ever been pumped on the site from the bedrock aquifer. Thus, any pumping of groundwater from that source will be a change from the existing baseline, and the impacts of that change must be evaluated in the RPDEIR.

22. Page 4.15-10 of the RPDEIR states that the existing bedrock wells located outside the Pala alluvial aquifer "have been drilled into the bedrock and encased with steel or PVC pipe through any overlying alluvial formations to ensure that water produced from them is derived only from percolating groundwater through fractures in the bedrock." However, Exhibit 4.3-6A of the decertified FEIR shows that wells GLA-A and GLA-B and, given their depth and well screening, wells GLA-12, GLA-13, and GLA-14, are screened within the alluvial aquifer 022-138

overlying the fractured bedrock. If so, the RPDEIR should explain why those wells are not within the Pala Basin alluvial aquifer. 022-138 cont'd

23. On page 4.15-13 of the RPDEIR, the claim is made that the San Diego Department of Environmental Health ("DEH") and the Regional Water Quality Control Board ("RWQCB") have indicated "that the proposed project application of recycled water is acceptable and additional permitting is not required for its use." The RPDEIR should provide the names of the agency personnel who made these statements and proof that this is an official agency determination. 022-139

24. The Master Reclamation Permit (Order No. R9-2003-0007) ("MRP") issued to OMWD for its 4-S Ranch wastewater Treatment Plant allows the use of the treated wastewater "for landscape irrigation purposes within the 4-S Ranch development and prohibits the discharge of the water to lands not specifically described in OMWD's report of waste discharge or on lands where valid waste discharge requirements are not in force." The RPDEIR should disclose that Gregory Canyon is not covered by this MRP. 022-140

25. The RPDEIR states that "only a waiver must be issued by the RWQCB to the Olivenhain Municipal Water District for the application of this recycled water to the project area in the Pala hydrologic sub area." The RPDEIR should explain the legal basis for this claim.

26. The RPDEIR should explain why OMWD and not Gregory Canyon Ltd. would be subject to the RWQCB's requirements for use of the treated wastewater at the proposed landfill.

27. The County's letter commenting on the Pala's NOP stated that the Tribe cannot adequately address groundwater impacts associated with its proposed casino expansion project unless it conducts a "full Hydrogeological Study (Study) to determine whether project level and cumulative groundwater use from the basin will significantly impact off-Reservation groundwater users." The County states that the Study "should be conducted over the entire groundwater basin where Project pumping wells are or will be located, and it is recommended that a California Certified Hydrogeologist perform the study." That Study, the County states should include a map of the project site and existing development in the watershed tributary to the site and should address the following: 022-141

a. the location and site configuration and site topography and surface drainage patterns;

b. a description of soil types with regard to their hydrological characteristics;

c. the geological setting of the Project site and topographic watershed;

d. existing land uses and the maximum allowable density permitted by the General Plan;

e. an inventory of existing water sources and uses in the relevant watershed including all wells, springs, surface ponds and reservoirs;

f. a listing of all nearby high-demand water consumers should also be noted, including water districts, agricultural operations, etc.;

g. a review of the performance records of all existing wells located within the watershed, including all well failures and causes of those failures;

h. an evaluation of groundwater resources within the watershed evaluating and documenting groundwater storage and recharge for the relevant watershed based on site-specific information and data on the saturated thickness and specific yield of the aquifer; 022-141 Cont'd

i. an evaluation of groundwater recharge for the watershed using the computer program RECHARG2 or similar and acceptable methodology;

j. potential impacts to neighboring wells should be closely examined through pump tests;

k. long-term groundwater availability on-site, as well as in the watershed, including long-term annual yield that can be sustained, must be calculated based on estimates of groundwater in storage, recoverable groundwater losses, existing on-site water withdrawals, and the expected annual recharge rates from natural and artificial sources. The existing, basin wide groundwater withdrawals, water rights within the watershed, and maximum future withdrawals that would be allowed by the maximum density of the County General Plan should also be taken into consideration.

As the County has stated that the Pala environmental analysis should include this information, please identify where in the RPDEIR or the decertified FEIR this information is provided for the proposed Gregory Canyon project.

28. OMWD is a member of the San Diego County Water Authority ("CWA"), but the treated wastewater from OMWD will be used in an area that is not within the boundaries of the CWA. The RPDEIR should acknowledge that fact and indicate why the water can be used on the proposed landfill site without having to be annexed into the service area of the CWA. 022-142

29. The RPDEIR should indicate that the previously claimed source of water for the proposed landfill, an application to appropriate water from the underflow of the San Luis Rey River (Application 30038), is no longer valid because the application has been ordered cancelled by the State Water Resources Control Board. (That order is attached as Exhibit K). 022-143

30. The "Water Quality Control Plan for the San Diego Basin" (the "Basin Plan") prepared by the RWQCB prohibits the discharge of recycled water to tributaries of drinking water sources, such as the drainage in Gregory Canyon and the San Luis Rey River, without an NPDES permit. Given the potential for the treated wastewater to be discharged into these waters, an NPDES permit should be required to use the treated wastewater at the proposed landfill. The RPDEIR should address that issue. 022-144

31. The RPDEIR states that the maximum amount of water that would be used in any day at the proposed landfill is 205,000 gallons, but the agreement with OMWD allows for the sale of 244,000 gallons per day. The RPDEIR should explain why this extra water is or could be necessary. 022-145

32. Because the OMWD failed to conduct any environmental review under CEQA prior to approving and executing the agreement to provide treated wastewater to Gregory Canyon Ltd., that agreement is invalid and cannot be relied upon as a source of water in the RPDEIR. 022-146

We appreciate the ability to comment on these matters on behalf of the Pala Band. We look forward to reviewing additional, more comprehensive environmental review and your explanation of the aforementioned discrepancies. 022-147

Very truly yours,

THEODORE J. GRISWOLD

WER/TJG:nk
Enclosures

The following cc addresses receive only Exhibit List as enclosures):

cc: Robert H. Smith, Chairman, Pala Band of Mission Indians
Ms. Lenore Volturno, Pala EPA Director
Everett L. DeLano, III, Esq.
Ms. Ruth Harber
Mr. Barry Martin
Mrs. Sheila Manning
Mr. John H. Robertus, Executive Officer, RWQCB
Mr. John Minan, RWQCB
Mr. David J. Castanon, U.S. Army Corps of Engineers
Ms. Elizabeth Goldman, U.S. EPA Region IX

Ms. Michelle Moreno, U.S. Fish & Wildlife Service

Received
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DEH / LEA

List of Exhibits

A. Riverwatch v. County of San Diego Department of Environmental Health (GIN038227), Minute Order, October 2, 2005

B. County of San Diego Chief Administrative Office Comments regarding Notice of Preparation of a Tribal Environmental Impact Report for the Pala Casino and Hotel Expansion, July 7, 2006

C. Director of Public Works Staff Report to Board of Supervisors regarding Adoption of Transportation Impact Fees for Fallbrook, Ramona, and Remaining Unincorporated County Areas and Authorization to Join SCIP Financing Program, April 13, 2005

D. Land Protection Partners, Review of Biological Analysis in the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill, Travis Longcore, Catherine Rich, William Haas, August 24, 2006

E. San Diego County Biological Survey Guidelines

F. North County MSCP Pre-Approved Mitigation Area (PAMA) within the vicinity of Gregory Canyon; County of San Diego General Plan 2020 Maps of Pala-Pauma Community Planning Area

G. Notice of Preparation of a Draft Program Environmental Impact Report for the San Luis Rey Municipal Water District Water and Wastewater Master Plan, February 2, 2006; pages from San Luis Rey Municipal Water District Warner Property Supplemental Analysis Technical Memorandum No. 8, February 6, 2006; "Tiny Water District May Get Big Role in Growth," San Diego Union-Tribune, January 20, 2005

H. U.S. Fish & Wildlife Service letter to Jamul Indian Village regarding Notice of Preparation of a Draft Tribal Environmental Impact Statement/Report for the Proposed Jamul Indian Village Casino Project

I. Solid Waste Local Enforcement Agency Summary of Review of and Revision Process for the Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report, July 10, 2006

J. URS Corporation Report to U.S. Army Corps of Engineers regarding Transmittal and Reporting of Hydrology Information for the Gregory Canyon Landfill Project, July 19, 2004

K. State Water Quality Resources Board Order Canceling Application 30038 Regarding Water Rights to San Luis Rey Subterranean Stream, July 14, 2006

Review of Biological Analysis in the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill

1 Introduction

This report reviews the biological analysis in the 2006 Revised Partial Draft Environmental Impact Report ("RPDEIR") for the proposed Gregory Canyon Landfill in San Diego County. The County of San Diego Department of Public Health has circulated the RPDEIR for public comment. Our overall assessment is that the biological analysis in the RPDEIR consists largely of unsubstantiated assertions and is not consistent with the best available published science. This undermines the credibility of the analysis and conclusions in the RPDEIR biological analysis. In this report, we document the many scientific failings of the biological analysis and describe why the proposed landfill would have significant, adverse, unmitigable impacts to sensitive biological resources.

This report draws on the expertise of Travis Longcore, Ph.D., Catherine Rich, J.D., M.A., and William E. Haas, M.S. Ms. Rich and Dr. Longcore are co-editors of the book *Ecological Consequences of Artificial Night Lighting* (Island Press 2006) and regularly provide expert comments on environmental impact analysis documents. Dr. Longcore is Research Assistant Professor of Geography at the University of Southern California Center for Sustainable Cities and Lecturer at UCLA where he teaches, among other courses, Bioresource Management, Environmental Impact Analysis, and Field Ecology. He was graduated *summa cum laude* from the University of Delaware with an Honors B.A. in Geography, and holds an M.A. and a Ph.D. in Geography from UCLA. Ms. Rich holds an A.B. with honors from the University of California at Berkeley, a J.D. from the UCLA School of Law, and an M.A. in Geography from UCLA.

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Mr. Haas has studied the biology of threatened and endangered species in the San Diego area since 1989 with special focus on Least Bell's Vireo since 1991, Arroyo Toad since 1992, and Southwestern Willow Flycatcher since 1993 (all including significant analyses of the San Luis Rey River populations). Following preliminary surveys for Southwestern Willow Flycatcher in 1993 and 1994, in 1995 Mr. Haas began and continues to pursue what has become the second longest intensive study of Southwestern Willow Flycatcher in the country. The study site is located 27.5 (17.1 miles) kilometers east of the Gregory Canyon site and occupies a linear distance of approximately 7.6 kilometers (4.7 miles) along the San Luis Rey River. The Southwestern Willow Flycatcher colony there is the most robust and stable in the State and harbors 15–20% of the State's population of this endangered species. Based on his field research, Mr. Haas has been part of a team that investigated population viability of Southwestern Willow Flycatcher, specifically investigating what factors inhibit or enhance population growth, maintenance, and dispersal. Having worked intensively with the largest and most stable population of Southwestern Willow Flycatcher for more than 12 years, having contributed significantly to the U.S. Fish and Wildlife survey protocol, and acting as field instructor for Southwestern Willow Flycatcher training sessions in California and Arizona, Mr. Haas is considered the leading field authority on Southwestern Willow Flycatcher in San Diego County.

In 1992 Mr. Haas began to study the already extremely limited distribution of the Arroyo Toad in San Diego County. Once he found that Arroyo Toads may be active throughout the year, unlike more northerly populations studied by Dr. Samuel Sweet, his focus shifted to the study and understanding of the species' habitat use and activity cycles. Based on his studies and survey techniques — realizing that Arroyo Toads are active during periods of high humidity, especially during rain events, when temperatures remain at night above 50° F, which are conditions that minimize the potential for desiccation — he has discovered several new Arroyo Toad metapopulations and re-discovered several others for which records were lacking for more than a decade. Based on his expertise and understanding of Arroyo Toad biology, he is frequently called to testify, comment, or lecture as an expert for the U.S. Department of Justice, the U.S. Fish and Wildlife Service, and the County of San Diego.

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We have prepared this report with the intention of meeting the description of "substantial evidence" under CEQA, the appropriate standard for this review:

> Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.[1]

The contents of this report include facts, which are either personal observations and research, contained in the RPDEIR, or found in peer-reviewed scientific articles that are cited herein, assumptions predicated on those facts, and expert opinion supported by those facts and expert observation.

2 Scope of the Revisions

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The comments herein are limited to those topics raised in the RPDEIR. We have assumed that any topic for which mitigation measures have been changed is being reanalyzed in the RPDEIR, as required by CEQA. The preparers must reanalyze all information about a species to conclude that a new mitigation measure adequately offsets impacts. We therefore do not limit our comments to those elements of the analysis that have been revised, because the revision of a mitigation measure triggers a reassessment of the significance of impacts as a whole.

3 Arroyo Toad Impacts

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The RPDEIR includes a complete replacement of the analysis of impacts to Arroyo Toad (*Bufo californicus*) including an additional section entitled "Supplemental Analysis of Project Impacts Upon Upland Arroyo Toad Habitat," which is separated from the other analysis for no discernable reason. These sections purport to analyze the impacts on this endangered species. The outcome (indeed, the purpose) of this analysis seems to be to revise downward the estimate of upland habitat lost from project impacts from 306 acres in the 2003 Final Environmental Impact Report ("FEIR"; p. 4.9-61) to 17.5 acres in the RPDEIR (p. 4.9-22) and to similarly reduce the

1. California Public Resources Code § 21080, subd. (c).

estimated impact on breeding habitat from 2.1 acres to 0.0002 acre. The drastic reduction in estimated upland habitat has the convenient result of reducing the mitigation lands required under the FEIR, but it is based on faulty logic and assumptions. As we describe below, the logic and assumptions necessary for the applicant to reduce this estimate are false, misleading, and coyly ignore the biology of the Arroyo Toad. It is particularly noteworthy that the analysis fails to refer to the single peer-reviewed scientific article published on habitat preferences of adult Arroyo Toads. Such an omission, and the lack of any relevant information to contradict the published literature, draw the validity of the conclusions in these sections into question. 022-150 cont'd

3.1 Survey Effort and Methodology Was Inadequate to Describe Distribution of Arroyo Toads

The RPDEIR relies on Arroyo Toad locale data from the 2003 Draft Environmental Impact Report and Final Biological Technical Report along with data collected in 2005 as described in the Biological Technical Report for Gregory Canyon Landfill CEQA update.[2] However, all of these surveys were conducted during the Arroyo Toad breeding season at which time nearly 100% of all breeding age males would be found at or near potential breeding sites. Thus, virtually all data reported since 1989 represent the results of presence/absence surveys conducted, per U.S. Fish and Wildlife Service ("USFWS") protocol, during the species' breeding season. Nearly all of these observations were breeding age male Arroyo Toads. Their distribution during the survey period in no way represents the overall distribution of the species at the project site. Results of breeding season surveys represent the species' breeding distribution, which is intimately tied to the aquatic habitats male Arroyo Toads need to advertise and mate with female Arroyo Toads and the adjacent sandy terraces they requires as refugia during the day.[3] The results do not indicate Arroyo Toad distribution during the remainder of the year, which varies annually in relation to the amount and temporal distribution of rainfall. The recorded distribution is furthermore only a small representation of the breeding distribution —approximately 50% of the adult population (the adult female population) is never detected during breeding surveys (except occasionally when male and female are found in amplexus), and juvenile and sub-adults are so poorly studied that their locations during the breeding season are still virtually unknown. 022-151

Upland activity, which is defined as movement into and around the habitats that lie beyond the sandy terraces abutting breeding sites, occurs between the end of one breeding season and the start of the next. Surveys that are designed to investigate upland use must therefore be conducted following the breeding season. These surveys cannot be conducted during the hottest, driest months of the San Diego County weather cycle (July–September), but in the fall and winter when Arroyo Toad movements into upland habitats have been stimulated by rainfall. Amount and temporal distribution of rainfall are directly related to movement into and within upland habitats such that the greater the amount of rainfall, the farther from breeding sites Ar-

2. URS. 2006. Biological technical report for Gregory Canyon Landfill CEQA update. URS Project No. 27654025.00010. San Diego, California.
3. Haas, W.E. 2005. Results of 2003 breeding season surveys for the Arroyo Toad (*Bufo californicus*) on Naval Station Seal Beach, Detachment Fallbrook. Report prepared for Conservation Program Manager (code N45WK) Weapons Environmental Support Office Naval Weapons Station Seal Beach, Detachment Fallbrook under Contract No. GSA 9T4SCMIS003.

royo Toads may be found.[4] Upland surveys during extremely dry years find Arroyo Toads (of all age groups) not far from breeding sites; most remain on or move to the extremely friable, sandy terraces that abut breeding sites. During extremely wet years, especially when the rainfall season is protracted, movements into upland habitats are greatest. Therefore, it is not only imperative to conduct upland surveys to determine the post-breeding season habitat use, but such surveys to determine their distribution must be extensive and must also be conducted when conditions are appropriate. Results of these surveys must be interpreted in conjunction with weather conditions. Intensive studies, employing methodologies such as pitfall trapping, mark and recapture, and radio telemetry must be implemented to determine distributions and numbers of Arroyo Toads.[5]

The RPDEIR circumvents a scientific investigation into the distribution by noting that Arroyo Toad (point) locations dating back to 1989 are "strongly associated with" the soil types mentioned in the 2003 DEIR, and which were thus adopted as the only on-site soil types suitable for Arroyo Toads in the current analysis. Because the Arroyo Toad surveys used in support of the RPDEIR were all performed during the breeding season and not during the non-breeding season, it follows that: 022-151 Cont'd

1. Adult males predominate the data;
2. Most individuals have been found in the vicinity of the San Luis Rey River, where Arroyo Toads are known to breed;
3. Their occurrences have been documented primarily in extremely fine, sandy substrates, which dominate the vicinity of the river; thus
4. The records do not provide any insight into the distribution of Arroyo Toads during the remainder of the year.

The RPDEIR analysis of Arroyo Toad habitat suitability was prepared without conducting extensive surveys in upland habitats. Also, no surveys were conducted during the period when Arroyo Toad adults occupy upland habitats, nor were any surveys conducted to locate adult females, juveniles, or sub-adults.

The RPDEIR makes the flawed argument that because Arroyo Toads have been found at the Gregory Canyon site only in areas characterized by the presence of fine sandy soils, these are the only soils that are suitable for Arroyo Toad use. This assumption is false and based solely on circular reasoning. Arroyo Toads are not tied to fine, sandy soils. Rather, Arroyo Toads use and can be found in a variety of habitats in a broad spectrum of soil types that range from sands to sandy loams to loamy sand where the percent composition of sand is in the 70–100% range.[6] 022-152

4. Haas, W.E. 2005. Status of the Arroyo Toad in San Pasqual Valley: results of 2005 breeding season surveys. Report and field studies conducted under contract to the City of San Diego.
5. Ramirez, R.S. 2000. Arroyo Toad (*Bufo californicus*) radio telemetry study, Little Rock Creek, Los Angeles County, California. Interim Report. Prepared for U.S.D.A. Forest Service, Angeles National Forest, Arcadia, California. Ramirez, R.S. 2002. Arroyo Toad radio telemetry habitat usage study at Little Rock Creek, Angeles N. F. Unpublished final report.
6. Haas, W.E. 2005. Status of the Arroyo Toad in San Pasqual Valley: results of 2005 breeding season surveys. Report and field studies conducted under contract to the City of San Diego.

The analysis conducted for the RPDEIR is fatally flawed. What the FEIR and the RPDEIR have used as a definition of suitable Arroyo Toad habitat is based on a soil profile derived from breeding records from the immediate area, a soil profile that has been documented clearly throughout the Arroyo Toad literature as its *breeding* habitat.[7] The RPDEIR never addresses the suitability of other soil types for upland (also referred to as non-breeding or post-breeding) use. The RPDEIR further states in its analysis of project-related impacts to the Arroyo Toad that they "follow guidance from the U.S. Fish and Wildlife Service recovery plan for the arroyo toad (1999)." To wit, the RPDEIR extracts one sentence from a reference (USFWS 1999c), which is not even listed in the Literature Cited section (Section 7): "Suitable upland habitats must contain substantial areas of fine sand for burrowing (USFWS 1999c)." The reference to USFWS guidance is specious at best. Moreover, this one sentence, which, in the context of any document written at that time simply confused the term "upland" with the term "terrace," which describes the sandy flood plains that adjoin breeding sites. These terraces are no longer referred to as uplands and the conceptual (and ecological) difference between uplands and terraces has been clarified and so referenced in the Arroyo Toad literature published thereafter. No other indication of USFWS "guidance" is mentioned by reference or by inference.

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This misinterpretation of Arroyo Toad occurrence data is further exacerbated by the use of outdated soil data from the Natural Resource Conservation Service ("NRCS").[8] These data, now more than 40 years old (the surveys were completed by 1967), were meant to provide general data on a broad scale (e.g., for farming and other forms of agriculture). They were meant to be used as a guideline and not as a substitute for soil testing and analysis for agricultural or any other specific use. From the original NRCS manuscript:

> A map showing soil associations is useful to people who want a general idea of the soils in an area, who want to compare different parts of an area, or who want to know the location of large tracts that are suitable for a certain kind of land use. ... a general soil map is not suitable for planning the management of a farm or field, because the soils in any one association ordinarily differ in slope, depth, stoniness, drainage, and other characteristics that affect management.[9]

The scale at which the NRCS data were presented is not appropriate to predict the occurrence of a 2- to 3-inch vertebrate. Moreover, NRCS definitions of soil types are very generally applied (for example, Soil Symbol LrG, a potentially suitable habitat that occurs within the Gregory

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7. Haas, W.E. 2004. Preliminary investigation into the distribution of the Arroyo Toad (*Bufo californicus*) on Naval Weapons Station Seal Beach Detachment Fallbrook. Report prepared for Conservation Program Manager (code N45WK) Weapons Environmental Support Office Naval Weapons Station Seal Beach, Detachment Fallbrook under Contract No. GSA 9T4SCMIS003. Sweet, S.S. 1992. Ecology and status of the Arroyo Toad (*Bufo microscaphus californicus*) on the Los Padres National Forest of southern California, with management recommendations. Report to United States Department of Agriculture, Forest Service, Los Padres National Forest, Goleta, California. U.S. Fish and Wildlife Service. 1999. Arroyo Southwestern Toad (*Bufo microscaphus californicus*) recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon.
8. Bowman, R.H. 1973. Soil survey of San Diego Area, California. USDA. Soil Conservation Service, Washington, D.C.
9. *Id.* at 7.

Canyon project footprint but which was excluded as a suitable habitat for the Arroyo Toad in the RPDEIR) is defined as: Las Posas stony fine sandy loam, 30 to 65 percent slopes. This definition does not describe soil lenses within the soil type, and the range of slopes is not so exclusive that a soil lens of this designation could not include slopes of less than 30% or more than 60%. The value of an area as upland habitat for the Arroyo Toad can only be determined through detailed mapping based on soil sampling, testing, and analysis. Soil testing (sample collection, determination of depth, friability, etc.) and analysis (% composition) were not used to support the RPDEIR findings; rather, we are told "URS surveys in the southern portion of the project area generally confirm the NRCS soil descriptions, and observed that dense chaparral and coastal sage scrub vegetation dominates the project area."[10] This statement is indicative of the lack of substantive analysis in the RPDEIR. Casual visual confirmation of soil type is not a substitute for extensive soil analyses. Moreover, the superficial agreement with NRCS descriptions is irrelevant if the soil types are excluded because they do not conform to the RPDEIR's erroneous definition of suitable habitat (i.e., fine sand). Furthermore, the mention of vegetation types has no bearing on habitat suitability for Arroyo Toad unless the vegetation type indicates soil characteristics. Arroyo Toads do not appear to be limited by vegetation type.[11]

The RPDEIR fails to disclose the distribution of Arroyo Toads on site in several ways. First, the RPDEIR does not include on its map of toad distribution[12] those localities reported in the previous FEIR (e.g., on Figure 6a of a previous biological report[13]). The distribution map and text also fail to describe the known presence of Arroyo Toads upstream and downstream of the project site, which makes this a significant population for the species. The RPDEIR further states (in the Biological Technical Report) that, "it appears that a majority of the arroyo toads detected in the uplands (i.e., outside the riparian habitat) were observed on roads."[14] This is typically where Arroyo Toads are encountered by humans away from breeding sites during visual surveys, especially in the absence of more intensive surveys. Arroyo Toads are most easily found (away from breeding sites) in areas devoid of vegetation because Arroyo Toads prefer to move along unimpeded pathways and thus when moving often travel along existing open corridors (dirt roads, bike trails, paved roads, etc.); they are also more easily found by human observers on roads because it is natural for humans to also move along such pathways. Moreover, Arroyo Toads are relatively slow and have a limited escape strategy, thus they are easily spotted where no vegetation impedes an observer's view. There is no indication that *any* upland survey for Arroyo Toads was ever conducted in a thorough manner in the vicinity of Gregory Canyon, that is, using an appropriate method (e.g., a systematic visual survey) when conditions and timing were appropriate for their discovery. Nor have there been any intensive studies using methods tailored to best detect their distribution (e.g., pitfall trapping, radio telemetry) in the uplands of the project footprint.

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10. RPDEIR, p. 4.9-10–11.
11. Haas, W.E. 2005. Status of the Arroyo Toad in San Pasqual Valley: results of 2005 breeding season surveys. Report and field studies conducted under contract to the City of San Diego.
12. URS. 2006. Biological technical report for Gregory Canyon Landfill CEQA update. URS Project No. 27654025.00010. San Diego, California, Figure 3-1.
13. Helix Environmental Planning, Inc. 1999. Gregory Canyon Landfill biological technical report.
14. URS. 2006. Biological technical report for Gregory Canyon Landfill CEQA update. URS Project No. 27654025.00010. San Diego, California, p. 3-4.

The difficulty in locating Arroyo Toads on terraces and uplands during the breeding season is also supported by the published literature on habitat use. This study was made possible by small radio transmitters that were attached to toads and which allowed them to be relocated over time.[15] Other studies have also used radio telemetry, so this superior method was available to the preparers of the RPDEIR.[16] The surveys conducted at the Gregory Canyon site suffice only to confirm that the species is present on site, but they cannot be relied upon to describe the extent of upland habitat use, or even the extent of habitat use by the majority of Arroyo Toads during breeding season (e.g., the locations of adult females, juveniles, and sub-adults).

The RPDEIR asserts that "data gathered since 1989 did not report arroyo toads as occurring further than approximately 0.5 miles (0.8 kilometers) from the San Luis Rey River."[17] Since surveys were conducted when maximal distance form breeding sites would be least expected, these data suggest that Arroyo Toads probably travel greater distances into upland habitats, and the existing system of trails and roads facilitates their dispersal. Surveys conducted to date on the project site, because they have all been breeding season surveys, are not sufficient to describe the total extent of Arroyo Toad habitat use at the Gregory Canyon site. In extremely wet years (such as 2005) it would be expected that during fall and winter, Arroyo Toads would be dispersed maximally into upland habitats; data were never gathered for this period despite the presence of optimal conditions for upland surveys. Breeding surveys in March, April, and May of 2005 serve only to reiterate that the Arroyo Toad is present at the Gregory Canyon site.

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Given that no studies have been completed that accurately document the use of habitats onsite by Arroyo Toads, assessment of impacts depends on interpreting the scientific literature. The RPDEIR makes the following claims to conduct this analysis, [18] which are not consistent with the literature:

- **Claim:** Arroyo Toad upland habitat only includes areas where adults can burrow. **Fact:** As acknowledged in the RPDEIR, toads move along highly compacted roads and other areas that would not be suitable for burrowing.[19] Such areas are still considered part of the species' habitat because they are used for foraging and movement between locations. Impacts to such areas are still impacts to the species, even if daily refugia are not provided there.

- **Claim:** Arroyo Toads only burrow in fine sands. **Fact:** Arroyo Toads prefer all sand soil types for burrowing (coarse, medium, and fine), but they are not limited to these sub-

15. Griffin, P.C., and T.J. Case. 2001. Terrestrial habitat preferences of adult Arroyo Southwestern Toads. *Journal of Wildlife Management* 65(4):633–644.
16. Ramirez, R.S. 2000. Arroyo Toad (*Bufo californicus*) radio telemetry study, Little Rock Creek, Los Angeles County, California. Interim report prepared for U.S.D.A. Forest Service, Angeles National Forest, Arcadia, California. Ramirez, R.S. 2002. Arroyo Toad radio telemetry habitat usage study at Little Rock Creek, Angeles N. F. Unpublished final report.
17. RPDEIR, p. 4.9-4.
18. RPDEIR, p. 4.9-10–11.
19. RPDEIR, p. 4.9-13, "the majority of the arroyo toads detected in the uplands (i.e., outside the riparian habitat) were observed on roads." Incidentally, this could be caused in part by ease of locating toads on open roads compared to dense vegetation.

strates and indeed burrow in other soil types.[20] Other soil types therefore cannot be excluded as not being habitat. Some toads will burrow in loose substrate at the entrances of rodent burrows, e.g., California ground squirrels (*Spermophilus beecheyi*) and kangaroo rats (*Dipodomys* spp.), which can occur in other soil types.[21]

- **Claim:** Arroyo Toads do not use non-native grassland or ruderal vegetation as upland habitat. **Fact:** Arroyo Toads do not exhibit strong affinities for specific habitats; it is soil type and accessibility that determines use and suitability of an area.[22]

- **Claim:** Arroyo Toads will be distributed within 0.5 miles (0.8 km) of the San Luis Rey River. **Fact:** Toads have been found over 1 km from water.[23] It would be completely consistent with published literature if the species were to use upland coastal sage scrub and chaparral at Gregory Canyon; Welsh documented Arroyo Toads in Baja California "...far from water, in coastal sage scrub and chaparral."[24]

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Based on these facts, it can be seen that the "supplemental analysis" presented in the RPDEIR that reduces the upland habitat estimate for Arroyo Toad is incorrect, misleading, and false. Based on the existing scientific literature, the previous conclusion by Helix Environmental Planning of 306 acres of impact to upland habitat represented a far better assumption. This previous analysis is consistent with the known information about the distance toads will move away from channels, the 2001 paper by Griffin and Case showing use of rodent spoils for burrowing, other published and unpublished reports, and our expert opinion. The supplemental analysis presented in the RPDEIR should be rejected without hesitation.

The RPDEIR proposes to mitigate loss of Arroyo Toad upland habitat at a ratio of 5:1. For a fair assessment of impacts of 306 acres, this would equal 1,530 acres of upland habitat. With this quantity, it is far from clear that the assertion that ample off-site habitat is available to mitigate for this loss would be correct, as is asserted for the 88 acres of habitat proposed in the RPDEIR.[25] It therefore follows that impacts to upland habitat cannot be mitigated on site, and perhaps not even off-site, and consequently impacts to Arroyo Toad upland habitat cannot be mitigated and will remain an unavoidable adverse impact.

3.2 Water Quality Impacts on Arroyo Toads

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The RPDEIR suggests that the proposed landfill could eventually affect Arroyo Toads through contamination of the San Luis Rey River.[26] The RPDEIR claims that the removal of dairy opera-

20. Griffin, P.C., and T.J. Case. 2001. Terrestrial habitat preferences of adult Arroyo Southwestern Toads. *Journal of Wildlife Management* 65(4):633–644 at 639.
21. *Id.*
22. Haas, W.E. 2005. Status of the Arroyo Toad in San Pasqual Valley: results of 2005 breeding season surveys. Report and field studies conducted under contract to the City of San Diego.
23. Holland, D. Camp Pendleton Amphibian and Reptile Survey. Unpublished report.
24. Welsh, H.H., Jr. 1988. An ecogeographic analysis of the herpetofauna of the Sierra San Pedro Martir region, Baja California: with a contribution to the biogeography of the Baja California herpetofauna. *Proceedings of the California Academy of Sciences* 46:1–72.
25. RPDEIR, p. 4.9-14.
26. RPDEIR, p. 4.9-5.

tions in the river will benefit the toad, which is true, but this benefit must be weighed against the risk posed by the project. The analysis in the biological analysis section of the RPDEIR does not provide the necessary information to weigh this risk.

The biological analysis in the RPDEIR does not provide any assessment of the probability that leachate from the landfill will reach the San Luis Rey River during landfill operation or after landfill closure. Survival of Arroyo Toads depend on water quality being maintained in perpetuity. It is highly likely that the landfill liner will eventually fail. It is our understanding that all landfill liners eventually fail. Given that this is a likely outcome of the project, it is therefore important to understand the potential impacts of leachate on Arroyo Toads. This information is absent from the RPDEIR.

Typical landfill leachate contains toxins that will be mutagenic and/or lethal to Arroyo Toad. For example, leachate contains ammonia at levels typically up to 2,000 mg/L and nitrates up to 45 mg/L. Amphibians, including toads, experience lethal and sublethal effects from nitrates at 2 mg/L.[27] Typical landfill leachate would not be safe for amphibians even when diluted a thousand times over. Indeed, a study in Norman, Oklahoma evaluated toxicity of ground and surface water near a municipal landfill.[28] The groundwater was highly toxic to amphibians. Stream and pond water adjacent to the landfill exhibited developmental toxicity to amphibians. This toxicity was negatively related to rainfall immediately before testing, which indicates dilution. A southern California climate with long periods without rainfall will result in even higher toxicity. It is therefore reasonable to foresee that because all landfill liners eventually fail, and because landfill contaminated groundwater and surface water has been shown to have lethal and sublethal effects on amphibians (i.e., "take"), water contamination from the proposed landfill will have significant adverse impacts on the Arroyo Toad population on the project site and on downstream populations over the life of the project and after closure. 022-153 Cont'd

3.3 Lighting Impacts on Arroyo Toads

The RPDEIR claims that night lighting will not have any adverse impacts on Arroyo Toads because lighting will be limited to the "facilities area" and be "low impact, focused, and shielded." This conclusion is based on two assumptions, that the geographic separation between the facilities area and the river will reduce any impacts from lighting and that the restriction of "low impact, focused, and shielded" lighting will be sufficient to reduce any impacts. Both of these assumptions are false. 022-154

27. Marco, A., C. Quilchano, and A.R. Blaustein. 1999. Sensitivity to nitrate and nitrite in pond-breeding amphibians from the Pacific northwest, USA. *Environmental Toxicology and Chemistry* 18:2836–2839. Watt, P.J., and R.S. Oldham. 1995. The effect of ammonium nitrate on the feeding and development of larvae of the smooth newt, *Triturus vulgaris* (L.), and on the behaviour of its food source, *Daphnia*. *Freshwater Biology* 33:319–324. Rouse, J.D., C.A. Bishop, and J. Struger. 1999. Nitrogen pollution: an assessment of its threat to amphibian survival. *Environmental Health Perspectives* 107:799–803.
28. Bruner, M.A., M. Rao, J.N. Dumont, M. Hull, T. Jones, and J.A. Bantle. 1998. Ground and surface water developmental toxicity at a municipal landfill: description and weather-related variation. *Ecotoxicology and Environmental Safety* 39:215–226.

The separation between the facilities area and the river is not sufficient to reduce impacts from lighting for two reasons. First, the facilities area is well within the area that would be used by Arroyo Toads for upland foraging. The proposed "toad fence" would not be sufficient to keep toads from the project operation area, as discussed in more detail below. Toads are attracted to lights, where they find prey in abundance.[29] They are, however, exposed to increased risk of predation, as are most species under increased illumination.[30] Second, light from the facilities area may increase illumination levels elsewhere on the site, affecting all manner of behaviors. For example, juvenile American toads (*Bufo americanus*) use lighting levels to time movement within ponds.[31] Loss of such cues may inhibit the ability to optimize growth by keeping in the warmest water.[32]

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The description of lights as "low impact, focused, and shielded" is insufficient as a means to mitigate the impacts of lighting. These terms have no operational meaning. What is "low impact" lighting? Light that is "focused" or "shielded" can still have substantial ecological impacts.[33] These terms must be defined and given measurable standards to be meaningful. For example, if any lights are necessary, they might be limited in their total lumens (light output). Preferably, no lighting should be allowed in this area because of the potential impacts to toads and to other wildlife.

3.4 Nuisance Predators Will Prey on Arroyo Toads

The RPDEIR claims that the proposed landfill will not attract nuisance species because of a vector control plan and the placement of daily cover. This assertion is not supported by the existing scientific literature. There are no documented methods of landfill management that reduce nuisance species to an insignificant level, including chemical deterrents and daily cover.[34] The RPDEIR fails to cite a single scientific study that confirms the effectiveness of the proposed methods of nuisance species control. To the contrary, the scientific literature documents that landfills attract large populations of nuisance species[35] — crows, ravens, gulls, raccoons, opossum, and skunks — all of which are documented predators of toads.[36]

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29. Baker, J. 1990. Toad aggregations under street lamps. *British Herpetological Society Bulletin* 31:26–27. Hulse, A.C., C.J. McCoy, and E.J. Censky. 2001. *Amphibians and reptiles of Pennsylvania and the Northeast*. Cornell University Press, Ithaca, New York.
30. Longcore, T., and C. Rich. 2004. Ecological light pollution. *Frontiers in Ecology and the Environment* 2(4):191–198.
31. Beiswenger, R.E. 1977. Diel patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.
32. Buchanan, B.W. 2006. Observed and potential effects of artificial night lighting on anuran amphibians. Pp. 192–220 *in* C. Rich and T. Longcore (eds.), *Ecological consequences of artificial night lighting*. Island Press, Washington, D.C.
33. Longcore, T., and C. Rich. 2004. Ecological light pollution. *Frontiers in Ecology and the Environment* 2(4):191–198.
34. Belant, J.L., P.P. Woronecki, R.A. Dolbeer, and T.W. Seamans. 1998. Ineffectiveness of five commercial deterrents for nesting starlings. *Wildlife Society Bulletin* 26:264–268. Burger, L. 1981. Feeding competition between laughing gulls and herring gulls at a sanitary landfill. *Condor* 83:328–335.
35. Gabrey, S.W. 1997. Bird and small mammal abundance at four types of waste-management facilities in northeast Ohio. *Landscape and Urban Planning* 37:223–233. Belant, J.L., T.W. Seamans, S.W. Gabrey, and R.A.

Most of the studies of nuisance species at landfills are about birds, in response to concern for hazards to aviation posed by the large flocks of birds attracted to landfills near airports. A study of birds at a landfill in Ohio, where refuse was covered by soil at the conclusion of every day (as suggested as a method of minimizing nuisance species in the RPDEIR), reported an average of 730 birds per half-hour observation period. Over 99% of the species observed were ring-billed gulls, herring gulls, unidentified gulls, European starlings, turkey vultures, and American crows.[37] The number of individual birds attracted by landfills is about 350 times that which would be expected under control conditions.[38]

022-155 cont'd

3.5 Argentine Ants Will Adversely Impact Arroyo Toads

The RPDEIR repeats previous assertions that landfill operations would not result in the introduction of Argentine ants (*Linepithema humile*) to the site, and that Argentine ants would not spread to upland habitats. The RPDEIR asserts that because sources of permanently flowing water are not found on site, impacts from Argentine ants would be less than significant. Obviously, the preparers have no experience with the biology of Argentine ants and their patterns of invasion in California, because these claims are wrong. Argentine ants are rightfully a concern for the sensitive species on site. It is therefore astounding that the preparers of the RPDEIR did not conduct simple surveys to establish if the species is present at Gregory Canyon.

022-156

The RPDEIR does not disclose in the biological impacts analysis that a mitigation measure for dust control during landfill operation would be pumping 205,000 gallons per day of groundwater on roads and other landfill areas.[39] Even if Argentine ants are already present in the riparian area in limited numbers, the increased disturbance and water on the landfill site and roads will result in increases in the species' population. Permanently flowing water is not necessary to promote the invasion of Argentine ants. Regular sources of water, such as the road watering, are more than sufficient to aid the expansion of this species. The flows in the San Luis Rey River decrease to zero during the summer,[40] so this site will be made considerably more attractive for Argentine ants by the proposed project and its daily application of water to the soil. It is soil mois-

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Dolbeer. 1995. Abundance of gulls and other birds at landfills in northern Ohio. *American Midland Naturalist* 134:30–40. Patton, S.R. 1988. Abundance of gulls at Tampa Bay landfills. *Wilson Bulletin* 100(3):431–442. Burger, L. 1981. Feeding competition between laughing gulls and herring gulls at a sanitary landfill. *Condor* 83:328–335.

36. Corn, P.S. 1993. Life history notes: Anura: *Bufo boreas*: predation. *Herpetological Review* 24(2):57. Garrett, C.M., and D.M. Boyer. 1993. Life history notes: Anura: *Bufo marinus*: predation. *Herpetological Review* 24(4):148.
37. Belant, J.L., T.W. Seamans, S.W. Gabrey, and R.A. Dolbeer. 1995. Abundance of gulls and other birds at landfills in northern Ohio. *American Midland Naturalist* 134:30–40. Patton, S.R. 1988. Abundance of gulls at Tampa Bay landfills. *Wilson Bulletin* 100(3):431–442..
38. Gabrey, S.W. 1997. Bird and small mammal abundance at four types of waste-management facilities in northeast Ohio. *Landscape and Urban Planning* 37:223–233.
39. County of San Deigo. 1999. Revised Draft Environmental Impact Report for Gregory Canyon Landfill, p. 4.9-36.
40. Data from USGS stream gauge station at Couser Canyon, immediately downstream from Gregory Canyon. The RPDEIR claims that the San Luis Rey River is permanently flowing, but it was an intermittent stream during 1987–1992 when data were collected at Couser Canyon. The stream gauge did not record any flow during August and September during any year and recorded less than 0.05 cfs on average for June, July, and October.

ture, not perennially flowing stream per se, that facilitates invasion of Argentine ants in California and similar climates.[41] Even without any field experience, the preparers of the RPDEIR should have been able to locate this basic ecological information about the species and avoid the spurious, unsubstantiated, and misleading statements they have made on this topic. 022-156 cont'd

3.6 Air Quality Impacts on Arroyo Toads

The analysis in the RPDEIR fails to consider the effects of decreased air quality on Arroyo Toads. According to previous versions of the EIR, the proposed project will emit at its peak 788 pounds of nitrogen oxides (NO_x) per day (287,620 lbs (144 tons)/year, 107,351 kg/year).[42] Spatially explicit mathematical models from Los Angeles show that over half of NO_x emissions settle out as dry deposition.[43] Dry deposition of nitrogen from air pollution has been implicated in the loss of species diversity and invasion of exotic plant species in California.[44] Similarly, nitrogen pollution has been identified as a major cause of the loss of biodiversity globally.[45] Nitrogen deposition has resulted in the eutrophication of grasslands, lakes, and streams. Major effects on sensitive ecosystems (e.g., lakes) are seen with nitrogen deposition of 5–10 kg/hectare-year, and most ecosystems show perturbations at 15–20 kg/hectare-year.[46] Most ecosystems would experience disruption if 0.005–0.02% of the total projected landfill NO_x emissions per year were concentrated on a hectare. On the project site this would manifest itself, among other ways, as algal blooms in the clear, shallow pools that are essential to Arroyo Toad survival. 022-157

A substantial portion of the pollutants that settle as dry deposition close to the proposed dump will be washed through surface drainage into the San Luis Rey River and the habitat of the Ar-

41. Markin, G.P. 1970. The seasonal life cycle of the Argentine ant, *Iridomyrmex humilis*, in southern California. *Annals of the Entomological Society of North America* 63:1238–1242. Tremper, B.S. 1976. Distribution of the Argentine ant, *Iridomyrmex humilis* Mayr, in relation to certain native ants of California: ecological, physiological, and behavioral aspects. Ph.D. Dissertation, University of California, Berkeley. Ward, P.S. 1987. Distribution of the introduced Argentine ant (*Iridomyrmex humilis*) in natural habitats in the lower Sacramento River Valley and its effects on the indigenous ant fauna. *Hilgardia* 55(2):1–16. Gulmahamad, H., and M.J. Martinez. 1999. Extirpation of one exotic ant species by another in southern California. *Pan-Pacific Entomologist* 75:227–229.
42. County of San Diego. 2000. Revised Partial Draft Environmental Impact Report for Gregory Canyon Landfill, p. 4.7-24.
43. Russell, A.G., D.A. Winner, R.A. Harley, K.F. McCue, and G.R. Cass. 1993. Mathematical modeling and control of the dry deposition flux of nitrogen-containing air pollutants. *Environmental Science & Technology* 27:2772–2782.
44. Weiss, S.B. 1999. Cars, cows, and checkerspot butterflies: nitrogen deposition and management of nutrient-poor grasslands for a threatened species. *Conservation Biology* 13:1476–1486. Huenneke, L.F., S.P. Hamburg, R. Koide, H.A. Mooney, and P.M. Vitousek. 1990. Effects of soil resources on plant invasion and community structure in Californian [USA] serpentine grassland. *Ecology* 71:478–491. Koide, R.T., L.F. Huenneke, S.P. Hamburg, and H.A. Mooney. 1988. Effects of applications of fungicide, phosphorus and nitrogen on the structure and productivity of an annual serpentine plant community. *Functional Ecology* 2:335–344. Bytnerowicz, A., and M.E. Fenn. 1996. Nitrogen deposition in California forests: a review. *Environmental Pollution* 92:127–146.
45. Vitousek, P.M., J.D. Aber, R.H. Howarth, G.E. Likens, P.A. Matson, D.W. Schindler, W.H. Schlesinger, and D.G. Tilman. 1997. Human alteration of the global nitrogen cycle: source and consequences. *Ecological Applications* 7:737–750.
46. Bobbink, R., and J.G.M. Roelofs. 1995. Nitrogen critical loads for natural and semi-natural ecosystems: the empirical approach. *Water Air and Soil Pollution* 85:2413–2418.

royo Toad. The stormwater management provisions for the project include precautions to limit flow over landfill areas, but direct most of the surface flows into natural drainages.[47] Dry deposition, combined with surface flows, will increase the load of nitrates and nitrites in the San Luis Rey River.

Nitrates and nitrites from pollution have been implicated in global amphibian declines. The pathways of effect are many. Increased nitrates influence prey distribution and behavior.[48] Rouse *et al.* review laboratory studies that report lethal and sublethal effects of nitrates on amphibians at concentrations equaling 2.5–100 mg/L.[49] Laboratory studies have shown significant larval mortality at 1 mg/L, which meets safe drinking water standards, with all four species studied (including a toad, *Bufo boreas*) showing significant effects at 2 mg/L.[50] Studies (also including toads, *Bufo americanus*) often show larval deformities and altered metamorphosis phenology in response to nitrogen pollution.[51] In another effect pathway, stress, such as that induced by exposure to sublethal nitrogen pollution, is hypothesized to weaken amphibian immune systems, making them vulnerable to infection by pathogens[52] such as bacteria[53] or chytrid fungi.[54]

022-157 Cont'd

Increased nitrogen pollution in the San Luis Rey River will result from the proposed project as described in the RPDEIR, and this pollution will have a negative impact on the Arroyo Toad. No attempt is made to describe this impact or even discuss the impact of air pollution in general on biological resources. Air quality and resulting pollution through deposition does affect wildlife and these impacts should be quantified and discussed in the EIR. Clear thresholds for impacts of nitrogen pollution on larval toads can be established from the published literature; this pathway for impacts must be sufficiently analyzed and disclosed.

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47. County of San Diego. 1999. Revised Draft Environmental Impact Report for Gregory Canyon Landfill, p. 4.9-36.
48. Watt, P.J., and R.S. Oldham. 1995. The effect of ammonium nitrate on the feeding and development of larvae of the smooth newt, *Triturus vulgaris* (L.), and on the behaviour of its food source, *Daphnia*. *Freshwater Biology* 33:319–324. Rouse, J.D., C.A. Bishop, and J. Struger. 1999. Nitrogen pollution: an assessment of its threat to amphibian survival. *Environmental Health Perspectives* 107:799–803.
49. Rouse, J.D., C.A. Bishop, and J. Struger. 1999. Nitrogen pollution: an assessment of its threat to amphibian survival. *Environmental Health Perspectives* 107:799–803.
50. Marco, A., C. Quilchano, and A.R. Blaustein. 1999. Sensitivity to nitrate and nitrite in pond-breeding amphibians from the Pacific northwest, USA. *Environmental Toxicology and Chemistry* 18:2836–2839.
51. Xu, Q., and R.S. Oldham. 1997. Lethal and sublethal effects of nitrogen fertilizer ammonium nitrate on Common Toad (*Bufo bufo*) tadpoles. *Archives of Environmental Contamination and Toxicology* 32:298–303. Jofre, M.B., and W.H. Karasov. 1999. Direct effect of ammonia on three species of North American anuran amphibians. *Environmental Toxicology and Chemistry* 18:1806–1812. Hecnar, S.J. 1995. Acute and chronic toxicity of ammonium nitrate fertilizer to amphibians from southern Ontario. *Environmental Toxicology and Chemistry* 14:2131–2137.
52. Carey, C. 1993. Hypothesis concerning the causes of the disappearance of Boreal Toads from the mountains of Colorado. *Conservation Biology* 7:355–362.
53. *Id.*
54. Berger, L., R. Speare, P. Daszak, D.E. Green, A.A. Cunningham, C.L. Goggin, R. Slocombe, M.A. Ragan, A.D. Hyatt, K.R. McDonald, H.B. Hines, K.R. Lips, G. Marantelli, and H. Parkes. 1998. Chytridiomycosis causes amphibian mortality associated with population declines in the rain forests of Australia and Central America. *Proceedings of the National Academy of Sciences of the United States of America* 95:9031–9036. Lips, K.R. 1999. Mass mortality and population declines of anurans at an upland site in western Panama. *Conservation Biology* 13:117–125.

3.7 Noise Impacts on Southwestern Willow Flycatcher and Least Bell's Vireo

The analysis of the impacts of increased traffic noise on sensitive bird species in the RPDEIR continues to rely on the faulty assumption that these species are not affected by noise levels less than 60 dB(A) Leq. This threshold was established in 1991 by a study conducted for the San Diego Association of Governments in which "it was theoretically estimated that noise levels in excess of 60 dB(A) Leq in vireo habitat would mask the bird's song, subsequently reducing the reproductive success of this species during their breeding season...."[55] This study, on which the RPDEIR apparently based its threshold as well, to our knowledge has never been published or peer-reviewed. Since 1991, scientific understanding of the effects of traffic noise has improved greatly, with studies published on species similar to the Least Bell's Vireo and Southwestern Willow Flycatcher that present heuristic and mathematical models that quantify the pattern of impacts caused by traffic noise.[56] Rather than relying on undocumented research over a decade old, it is incumbent upon the County of San Diego to incorporate the best and most up-to-date scientific evidence of the impact of traffic noise on breeding birds in the environmental analysis of the proposed project. With this goal in mind, we will review the mechanisms by which increased traffic affects bird species, which is directly relevant to the revised assessment of these impacts in the RPDEIR, and present data from a study of Southwestern Willow Flycatchers that show that the 60 dB(A) threshold is far too high.

022-158

In the late 1990s, a group of Dutch ecologists investigated the effects of traffic noise on breeding bird density. Of 45 bird species investigated in woodlands in The Netherlands, 33 showed significantly depressed breeding density near roads. All species in the small passerine families Sylviidae, Fringillidae, and Emberizidae were affected by noise.[57] This research also showed that noise effects followed a threshold model.[58] This means that up to a certain noise level, no decrease in density is observed. When noise increases beyond that threshold level, bird density decreases dramatically in the area between the location at which that threshold is met and the road (Figure 1). The decreased density over the area with noise greater than the threshold level ranges from 30% to 100% and is known as the "decrease factor."[59]

55. County of San Diego. 2000. Revised Partial Draft Environmental Impact Report for Gregory Canyon Landfill, p. 4.6-3.
56. *See* Reijnen, R., R. Foppen, and G. Veenbaas. 1997. Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. *Biodiversity and Conservation* 6:567–581. Forman, R.T.T., and R.D. Deblinger. 2000. The ecological road-effect zone of a Massachusetts (U.S.A.) suburban highway. *Conservation Biology* 14:36–46.
57. Reijnen, R., R. Foppen, and G. Veenbaas. 1997. Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. *Biodiversity and Conservation* 6:567–581 at 569.
58. Reijnen, R., R. Foppen, C. ter Braak, and J. Thissen. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32:187–202.
59. *Id.* at 192.

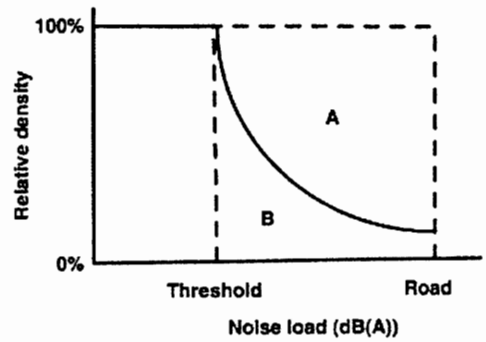

Figure 1. Threshold model for relative breeding density of birds plotted against traffic noise, where T is the threshold value and R the value at the roadside. The decrease factor of the density = area of A/(area of A + B). (Caption and figure reproduced from Reijnen *et al.* 1995.)

These two variables, the threshold and the decrease factor, describe the impact of direct road noise on breeding birds. Empirical measurement of the threshold value in woodlands shows that for all bird species combined the threshold value is 42–52 dB(A), with individual species exhibiting thresholds as low as 36 dB(A) and as high as 58 dB(A).[60] Furthermore, years with overall low population densities showed lower threshold levels.

022-158 Cont'd

The Least Bell's Vireo and Southwestern Willow Flycatcher are small songbirds that rely on hearing songs to attract mates and defend territories. The studies of road noise from Europe include similar small songbirds that use acoustical communication. The threshold levels for two European warbler species (*Phylloscopus sibilatrix* and *Phylloscopus trochilus*) are 26 dB(A) and 39 dB(A), with decrease factors pf 0.61 and 0.38, meaning breeding density was diminished to ~40–60% of undisturbed levels..[61] From the published literature, therefore, a conservative threshold based on similar species for Least Bell's Vireo and Southwestern Willow Flycatcher would be 40 dB(A) or below.

We offer additional evidence of a lower threshold for Southwestern Willow Flycatcher from a population within the same watershed as Gregory Canyon. In 1999, Haas recorded sound levels (one hour A-weighted Leq) at 87 locations in the vicinity of the Southwestern Willow Flycatcher colony along the San Luis Rey River in the vicinity of the Lake Henshaw Dam, which is located 27.5 kilometers (17.1 miles) east of the Gregory Canyon site. The study site harbors the most robust and stable Southwestern Willow Flycatcher colony in California. Sampling locations were established along the river; 100 meters (the approximate average length of a willow fly-

60. Reijnen, R., R. Foppen, C. ter Braak, and J. Thissen. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32:187–202. Reijnen, R., and R. Foppen. 1995. The effects of car traffic on breeding bird populations in woodland. IV. Influence of population size on the reduction of density close to a highway. *Journal of Applied Ecology* 32:481–491. Reijnen, R., R. Foppen, and H. Meeuwsen. 1996. The effects of traffic on the density of breeding birds in Dutch agricultural grasslands. *Biological Conservation* 75:255–260.

61. Reijnen, R., R. Foppen, C. ter Braak, and J. Thissen. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32:187–202 at 194.

catcher territory within the colony) separated each location. The territories were nearly identical in all habitat characteristics except sound level. Of these territories, 44 were occupied by either a pair of flycatchers (n=42) with a nest, a solitary male (n=1), or a solitary female (n=1).

The territories with single birds were combined with unoccupied territories to indicate unproductive territories. Although sound levels throughout territories were measured, we used for the analysis the highest sound levels in each territory. This provides the most conservative interpretation of the data, which will, if anything yield an underestimation of the impacts of sound. Using sound as the independent variable, and occupancy as the response variable, we completed a logistic regression. The results were highly significant ($p<0.0001$, $r^2=0.49$), indicating with certainty that territory occupancy is reduced by sound levels in the 50–60 dB(A) range. Utilizing the model for inverse prediction ($p<0.05$) indicates that 90% of territories are occupied by pairs at 49 dB(A), 75% are occupied at 51 dB(A), 50% are occupied at 53 dB(A), 25% are occupied at 55 dB(A), and no territories are occupied at 60 dB(A).

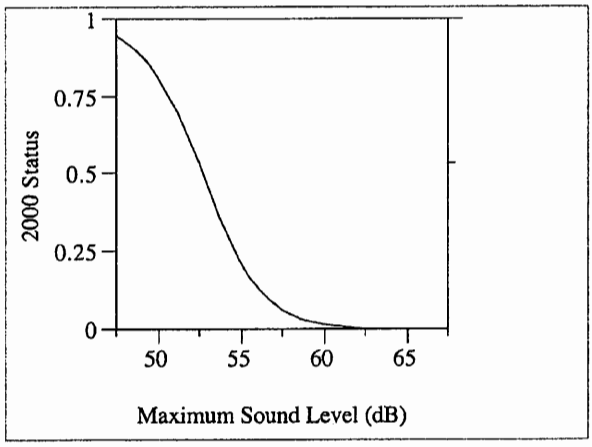

Figure 2. Logistic regression analysis of sound levels in Southwestern Willow Flycatcher territories. The line indicates the probability of occupancy at each sound level ($p<0.0001$, $r^2=0.49$).

Given that this analysis errs on the side of underestimating sound impacts, a conclusion that sound impacts on Southwestern Willow Flycatcher start below 50 dB(A) is robust. The 60 dB(A) threshold currently used by the RPDEIR will be ineffective at eliminating sound impacts, and in fact could deter breeding activity all together. These data indicate that Southwestern Willow Flycatcher habitat must be 53 dB(A) or below to support even *half* of the potential density of occupied territories, and even then adequate nonimpacted territories must be nearby. Given the noise contemplated by the project, impacts to the San Luis Rey population would be significant, possibly to the point of population extirpation.

It is important to note that Haas observed that the birds did not spend much of their time in the area of the maximum sound levels, and only two nests were found at sites with greater than 50 dB(A) sound levels. For the species to achieve maximum density, average sound levels should therefore be below 50 dB(A) at the highest.

022-158 Cont'd

Scientifically credible analysis of the Gregory Canyon Landfill must include consideration of the impacts to Southwestern Willow Flycatcher habitat at sound levels down to at least 50 dB(A). The habitat on site at Gregory Canyon is currently exposed to 53–60 dB(A) according to the RPDEIR. At the low end of these sound levels the density of potential occupancy is halved. With the addition of sound from the project, the site will no longer have the habitat characteristics (e.g. low sound levels) necessary to support a Southwestern Willow Flycatcher population, meaning that the project will preclude recovery of the species in this area of critical habitat.

In considering the cumulative effects of project noise both on and off site, these data indicate that Southwestern Willow Flycatcher will be permanently eliminated from the areas at 60 dB(A) and higher, and reduced by 75% at 55 dB(A). These impacts will occur both on site and off site in downstream habitat areas along the San Luis Rey River and would be considered significant.

Mitigation of noise effects is extremely difficult to implement. Reijnen *et al.* note that creation of new habitat within a zone disturbed by noise (e.g., all of the habitat enhancement on site for the proposed project) "will not be of great value since the reduction in the density of many species is very marked."[62] The mitigation measures for noise impacts proposed by the project proponents (habitat creation and acquisition) are therefore inadequate to offset the impacts of the project given the current noise disturbance on and near the project site. 022-158 Cont'd

The RPDEIR fails to assess the impacts of noise on non-riparian vegetation that may be used by Least Bell's Vireos. Other habitats, "primarily areas of coastal sage scrub and chaparral vegetation,"[63] are documented for the species and should be evaluated by the RPDEIR because they, too, will be adversely impacted by increased noise from the project.

The effect of noise from the project are especially of concern for Least Bell's Vireo and Southwestern Willow Flycatcher because of evidence that habitat areas affected by noise are population sinks.[64] This means that marginal habitat affected by noise not only supports fewer birds but the lower productivity of those areas is also a drag on the overall population. Individuals of the species are attracted to the habitat for its structural characteristics, but their reproductive success is below replacement level, making the habitat a drain on the species.

3.8 Adequacy of Surveys

The assessment of noise impacts on species depends on knowledge of their distribution. The field surveys for Southwestern Willow Flycatcher used by the RPDEIR are unreliable. In com- 022-159

62. Reijnen, R., R. Foppen, and G. Veenbaas. 1997. Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. *Biodiversity and Conservation* 6:567–581.
63. Kus, B.E., and K.L. Miner. 1989. Use of non-riparian habitats by Least Bell's Vireos. Pp. 299–303 in *Proceedings of the California riparian systems conference: protection, management, and restoration for the 1990's.* U.S. Forest Service, Pacific Southwest Forest & Range Experimental Station General Technical Report PSW-100.
64. Reijnen, R., and R. Foppen. 1995. The effects of car traffic on breeding bird populations in woodland. IV. Influence of population size on the reduction of density close to a highway. *Journal of Applied Ecology* 32:481–491 at 490. Foppen, R., and R. Reijnen. 1994. The effects of car traffic on breeding bird populations in woodland. II. Breeding dispersal of male willow warblers (*Phylloscopus trochilus*) in relation to the proximity of a highway. *Journal of Applied Ecology* 31:95–101.

ments on the DEIR, two biologists confirmed the presence of breeding flycatchers in areas that had been surveyed by the project's biological consultants. The RPDEIR shows no evidence of subsequent surveys on the project site to determine the presence of this species.

The RPDEIR should disclose that Southwestern Willow Flycatcher has been found in additional locations downstream from the project site in recent years, indicating that the habitat is beginning to "fill in." Any impact to habitat at this time could jeopardize the existing on-site population and the establishment of a more robust colony in the project area. 022-159 cont'd

4 Level of Significance After Mitigation

The RPDEIR concludes that the mitigation measures are sufficient to offset all impacts to sensitive species and habitats and to reduce the project's impacts to a less than significant level. The evidence necessary to reach this conclusion is not found in any version of the EIR because it fails to fully describe the impacts to these species. We review a few examples below. 022-160

4.1 Impacts on Least Bell's Vireo

A number of direct and indirect impacts on Least Bell's Vireos have not been considered in reaching the "less than significant" conclusion. For example, nuisance species will adversely impact Least Bell's Vireos. As discussed above, there are no known mitigation measures to control nuisance species at landfills that would also protect existing sensitive species.[65] Increased predation from nuisance species will have a significant impact on vireo population at the site.

Cowbirds have also been identified as a potential significant impact on the vireo population and indeed this is a significant threat.[66] The removal of dairy operations from the vicinity is assumed to have a significant benefit to vireos because this would decrease cowbird populations locally. This benefit is overstated. Cowbirds may travel up to 7 km (4.3 miles) from their foraging areas to lay eggs in their host's nests.[67] Furthermore, the RPDEIR fails to discuss the increased fragmentation of the habitat on cowbird predation. Moreover, the dairy farms have been abandoned for years and would create an inappropriate baseline from which to measure an impact. Even if the RPDEIR were to suggest a "benefit" from the abandoned dairy operations, the project had ample opportunity to survey vireo populations after the abandonment of the dairy to support this theory of a "benefit" but failed to do so. 022-161

The proposed access road will fragment the contiguous riparian forest on both sides of the river, introducing approximately 1,200 feet (0.36 km) of new edge in areas with recorded vireo nesting sites. Nests near edges are much more susceptible to cowbird parasitism (and predation) than interior sites. This significant negative impact is not discussed in the RPDEIR. The proposed

65. *See* Belant, J.L., P.P. Woronecki, R.A. Dolbeer, and T.W. Seamans. 1998. Ineffectiveness of five commercial deterrents for nesting starlings. *Wildlife Society Bulletin* 26:264–268.
66. Goldwasser, S., D. Gaines, and S.R. Wilbur. 1980. The Least Bell's Vireo in California: a de facto endangered race. *American Birds* 34(5):742–745. This study documents the population on the San Luis Rey River at Gregory Canyon and records five territorial males at the site in 1977–1978.
67. Rothstein, S.L., J. Verner, and E. Stevens. 1984. Radio-tracking confirms a unique diurnal pattern of spatial occurrence in the parasitic Brown-headed Cowbird. *Ecology* 65:77–88.

cowbird control program will not necessarily result in increased reproductive success for the vireo, as results from a number of cowbird trapping programs indicate.[68] The best documented control on cowbird incidence is to reduce fragmentation of native habitats on a landscape scale,[69] a mitigation that has not been proposed and does not appear feasible in this instance.

The RPDEIR fails to assess the use of non-riparian vegetation by Least Bell's Vireos. Use of other habitats by the species, "primarily areas of coastal sage scrub and chaparral vegetation," [70] is documented for the species and should be evaluated by the RPDEIR. These issues are not addressed in the RPDEIR, yet the claim is made that all impacts will be mitigated by the proposed mitigation measures. The conclusion is simply not supported by the analysis and evidence in the RPDEIR.

4.2 Non-Native Plant Species

The proposed mitigation measures (specifically the habitat enhancment/restoration measures) are insufficient to offset the impacts of non-native plant species on sensitive species and habitats. The landfill will serve as a major vector to introduce exotic plant species into this sensitive resource area. There is no mitigation that can completely eliminate, or even significantly reduce, this impact. Once disturbed, natural communities are extremely vulnerable to invasion by exotic species and subject to a transformation that no weed control program can control.[71] To suggest that this impact can be mitigated to a less than significant level is complete folly and reflects ignorance of the dynamics of California natural communities in the face of disturbance. Exotic grasses and forbs invade disturbed native habitats. The natural communities at the site will be fragmented and subjected to the seed rain that always accompanies roads and human activity.

022-161 cont'd

4.3 Impacts of Nuisance Species

The proposed mitigation measures will not offset the significant adverse impacts of nuisance species. The RPDEIR fails to address the extent to which nuisance species will be attracted by the proposed landfill and the local and regional biological impacts of those species.

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68. Braden, G.T., R.K. McKernan, and S.M. Powell. 1997. Effects of nest parasitism by the Brown-headed Cowbird on nesting success of the California Gnatcatcher. *Condor* 99:858–865. Kelly, S.T., and M.E. DeCapita. 1982. Cowbird control and its effect on Kirtland's Warbler reproductive success. *Wilson Bulletin* 94:363–365. Smith, J.N.M., and P. Arcese. 1994. Brown-headed Cowbirds and an island population of Song Sparrows. *Condor* 96:916–934.
69. Coker, D.R., and D.E. Capen. 1995. Landscape-level habitat use by Brown-headed Cowbirds in Vermont. *Journal of Wildlife Management* 59(4):631–637.
70. Kus, B.E., and K.L. Miner. 1989. Use of non-riparian habitats by Least Bell's Vireos. Pp. 299–303 in *Proceedings of the California riparian systems conference: protection, management, and restoration for the 1990's.* U.S. Forest Service, Pacific Southwest Forest & Range Experimental Station General Technical Report PSW-100.
71. Mooney, H.A., S.P. Hamburg, and J.A. Drake. 1986. The invasions of plants and animals into California. Pp. 250–272 *in* H.A. Mooney and J.A. Drake (eds.), *Ecology of biological invasions of North America and Hawaii.* Springer Verlag, New York.

The increased gull populations pose significant risk to human health through the spread of salmonella.[72] Gulls also serve as vectors of *Clostridium botulinim*, both bringing the toxin to landfills, where it finds ideal conditions, and further transporting it across the landscape.[73] Massive die-offs of wildlife from botulism have been recorded across the West, with recent attention paid to the loss of endangered brown pelicans and other avian species at the Salton Sea. Gull feces have been implicated in accelerated nutrient loading of aquatic systems; this impact should be considered with respect to water quality in the San Luis Rey River during summer periods.[74] The RPDEIR discusses none of these potential impacts on wildlife at a local or regional scale, on water quality, or on other sensitive species. Given the proximity of drinking water reservoirs (e.g., Lake Skinner, Lake Mathews), this oversight is concerning. There is no doubt that gull species would find the proposed Gregory Canyon landfill because they have been recorded using vernal pools on the Santa Rosa Mesa directly north of the project.[75] Covering refuse at landfills at the end of the day or even continually during the day has been proved to be ineffective in reducing gull populations.[76] The practice favors smaller gull species over larger gull species, but smaller gull species simply hover and pick up freshly exposed food items as the bulldozers work.[77] Gulls are also nest predators and pose a threat to the sensitive bird species breeding on the site, including Least Bell's Vireo and Golden Eagle.

022-161 cont'd

The RPDEIR fails to evaluate the impact of proposed deterrence measures (playback of distress calls, falcon kites, owl decoys, and dispersal by humans and dogs) on sensitive biological resources, including Golden Eagles and other sensitive bird species. In sum, gulls attracted by the landfill will have a significant impact on native wildlife through predation, disease transmission, and nutrient loading, and cannot be managed in a manner that is not harmful to the sensitive biological resources present at the site.

American Crows and Common Ravens are attracted to landfill sites because they provide a stable, year-round source of food.[78] These species are nest predators that pose a hazard to sensitive bird species near the project site. Other nuisance species attracted to landfills (opossum, coyote,

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72. Butterfield, J, J.C. Coulson, S.U. Kearsey, P. Monaghan, J.H. McCoy, and G.E. Spain. 1983. The Herring Gull *Larus argentus* as a carrier of *Salmonella*. *Journal of Hygiene* 91:429–436. Reilly, W.G., G.I. Forbes, G.M. Patterson, and J.C.M. Sharp. 1981. Human and animal salmonellosis in Scotland associated with environmental contamination, 1973–1979. *The Veterinary Record* 108:553–555.
73. Ortiz, N.E., and G.R. Smith. 1994. Landfill sites, botulism and gulls. *Epidemiology and Infection* 112:385–391. This British study found types B, C, and D *Clostridium botulinum* at 12 of 19 landfill sites and implicated gulls both in bringing the bacterium to the landfill and spreading it from the landfill.
74. Portnoy, J.W. 1990. Gull contributions to phosphorus and nitrogen to a Cape Cod kettle pond. *Hydrobiology* 202:61–69.
75. Baker, W.S., F.E. Hayes, and E.W. Lathrop. 1992. Avian use of vernal pools at the Santa Rosa Plateau Reserve, Santa Ana Mountains, California. *Southwestern Naturalist* 37(4):392–403.
76. Burger, L. 1981. Feeding competition between Laughing Gulls and Herring Gulls at a sanitary landfill. *Condor* 83:328–335.
77. *Id.* at 329.
78. Caccamise, D.F., L.M. Reed, J. Romanowski, and P.C. Stouffer. 1997. Roosting behavior and group territoriality in American Crows. *Auk* 114:628–637. Boarman, W.I., R.J. Camp, M. Hagan, and W. Deal. 1995. Raven abundance at anthropogenic resources in the western Mojave Desert, California. Report to Edwards Air Force Base, CA. National Biological Service, Riverside, California. Kristan, W.B., III, and W.I. Boarman. 2003. Spatial pattern of risk of Common Raven predation on Desert Tortoises. *Ecology* 84(9):2432–2443.

raccoon, and skunk) include documented predators of the sensitive species on site. Research has shown that the only way to minimize the invasion of exotic species, or the increase in native species to pest levels, is through managing at the landscape scale.[79] Site-specific management actions are ineffective unless the underlying features attracting the species are removed.[80] Pyrotechnics have been used successfully to disperse gulls, but the impact of daily explosions on sensitive species would preclude the use of this control measure at Gregory Canyon.

022-161 Cont'd

The RPDEIR fails to properly analyze the introduction and promotion of the non-native Argentine ant, European earwig (*Forficula auricularia*), dooryard sowbug (*Armadillidium vulgare*), and other invertebrates as a significant impact on the ecosystem of the site. There is an extensive literature on the impact of Argentine ants on native fauna, with many studies completed in southern California. This invasive species has been documented to exclude native ant species, depriving native reptiles of major food sources.[81] Argentine ants inevitably accompany human development and may invade hundreds of meters into undisturbed habitat, in which area they significantly reduce native arthropod diversity.[82] These impacts are significant and there is no known mitigation other than avoidance. The RPDEIR selectively refers to this scientific literature but avoids stating that edge impacts from disturbance (e.g., Argentine ants) can reach up to 200 m (650 ft). The RPDEIR also neglects to mention the impacts vis-à-vis exotic arthropods of pumping 205,000 gallons of water per day onto the landfill for dust control.

4.4 Performance Standards for Restoration

Many of the mitigations for animal species rely on the "riparian habitat creation" and "habitat enhancement program" described in mitigation measures 4.9-1b, 4.9-1c, and 4.9-18. However, none of these mitigation measures contain performance standards or specific criteria to direct

022-162

79. *See* conclusions in Smallwood, K.S. 1994. Site invasibility by exotic birds and mammals. *Biological Conservation* 69(1994):251–259.
80. Belant, J.L. 1997. Gulls in urban environments: landscape-level management to reduce conflict. *Landscape and Urban Planning* 38(1997):245–258.
81. Suarez, A.V., J.Q. Richmond, and T.J. Case. 2000. Prey selection in Horned Lizards following the invasion of Argentine ants in southern California. *Ecological Applications* 10(3):711–725.
82. Suarez, A.V., D.T. Bogler, and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities on coastal southern California. *Ecology* 79:2041–2056. Human, K.G., and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, *Linepithema humile*, and native ant species. *Oecologia* 105:405–412. Human, K.G., S. Weiss, A. Weiss, B. Sandler, and D.M. Gordon. 1998. Effects of abiotic factors on the distribution and activity of the invasive Argentine ant (Hymenoptera: Formicidae). *Environmental Entomology* 27:822–833. Holway, D.A. 1995. Distribution of the Argentine ant (*Linepithema humile*) in northern California. *Conservation Biology* 9:1634–1637. Holway, D.A. 1998. Effect of Argentine ant invasions on ground-dwelling arthropods in northern California riparian woodlands. *Oecologia* 116:252–258. Longcore, T. 2003. Terrestrial arthropods as indicators of restoration success in coastal sage scrub (California, U.S.A.). *Restoration Ecology* 11(4):397-409. Holway, D.A. 2005. Edge effects of an invasive species across a natural ecological boundary. *Biological Conservation* 121:561–567. Holway, D.A., and A.V. Suarez. 2006. Homogenization of ant communities in Mediterranean California: the effects of urbanization and invasion. *Biological Conservation* 127:319–326.

their implementation. They rely on future formulation and consultation without establishing performance criteria, thereby failing the test for allowed deferral of mitigation under CEQA.[83]

Little is known about the success of active restoration for Arroyo Toads. Invertebrates are likely to be critical in the success of any restoration project. The overwhelming evidence from assessments of invertebrates at restoration attempts is that natural communities do not develop, especially in sites where exotic invertebrates are present.[84]

Mitigation measures 4.9-3a and 4.9-3b should include performance criteria stated in terms of Arroyo Toad population size as measured by a credible monitoring protocol. As currently stated, the measures would relieve the project from all responsibility for the persistence of the species as long as certain habitat modifications were undertaken. In the very real possibility that the toad is extirpated by project activities, no further mitigation would be required of the project applicant. Because the mitigations are habitat based without population size standards, these measures provide *absolutely no protection* for the species itself.

O22-162 Cont'd

Mitigation measure 4.9-3b is also insufficiently detailed to permit analysis of the potential impacts on the Arroyo Toad. The proposed actions to avoid sedimentation to the river must be disclosed and subject to the public's statutory right to comment as part of the CEQA process. No analysis is provided to evaluate the effects of dredging for bridge construction on the long-term sedimentation regime below the bridge, especially with the installation of rip-rap for the bridge. Furthermore, the restriction on construction period will not avoid direct mortality of the species. Samuel S. Sweet states that, "Toads <u>are</u> going to be present in the project footprint at this time of year."[85]

O22-163

Mitigation measure 4.9-4 is based on an improper set of assumptions about the upland habitat use of Arroyo Toad, as detailed above.

The conclusion of "no significant impact" relies implicitly on mitigation measure 4.9-5, which calls for the construction of a "toad fence" to keep Arroyo Toads out of landfill operation areas. No data are presented that show the effectiveness of the proposed "toad fence". This entire mitigation measure is speculative and contains no performance criteria. There is no practical way to install and maintain a toad fence of this size and magnitude. Zoogeomorphologic forces (i.e., burrowing mammals) will quickly compromise the integrity of the fence. Professor Sweet commented on this issue as follows:

O22-164

83. According to the leading authority on CEQA compliance, "such deferral is permissible where the adopted mitigation measure (i) commits the agency to a realistic performance standard or criterion that will ensure the mitigation of the significant effect, and (ii) disallows the occurrence of physical changes to the environment until the performance standard can be shown to be satisfied." Remy, M.H., T.A. Thomas, J.G. Moose, W.F. Manley. 1996. Guide to the California Environmental Quality Act (CEQA). Solano Press Books, Point Arena, California, at 275–276. The habitat creation and enhancement measures in the RPDEIR do not meet either standard.
84. Longcore, T. 2003. Terrestrial arthropods as indicators of ecological restoration success in coastal sage scrub (California, U.S.A.). *Restoration Ecology* 11:397–409.
85. Sweet, S.S. 1999. Letter to County of San Diego Department of Planning and Land Use. University of California, Santa Barbara, March 28.

> Exclusion fencing has never been documented to be effective in keeping arroyo toads out of a large area; it cannot be installed or maintained in a manner that will exclude toads, especially when the fences are to cross flowing streams. Toads will bypass such a fence by using the stream channel, and the integrity of the fence will be impossible to maintain against runoff events.[86]

022-164 cont'd

4.5 California Gnatcatcher Impacts Are Ignored

The RPDEIR contains no analysis of impacts to the federally threatened California Gnatcatcher. The RPDEIR ignores published documentation of gnatcatcher distribution that shows the landfill site to be in the middle of the largest agglomeration of gnatcatcher localities in northern San Diego County.[87] Even if gnatcatchers are not breeding on the site, the RPDEIR should discuss and evaluate the impacts of the loss of the site as foraging habitat for males, as a dispersal route for males, and as breeding habitat in the event that gnatcatcher populations in northern San Diego County expand.

022-165

The analysis for potential impacts to California Gnatcatcher should consider usage of non-coastal sage scrub habitats by the species. This usage varies seasonally and tends to be concentrated in more mesic habitats, including riparian areas.[88]

4.6 Landfill Operations Will Disturb Sensitive Bird Species

Aside from noise impacts discussed above, the thirty years of landfill operations will have a significant adverse impact on local bird populations (including sensitive species) through the presence of visual disruption. The RPDEIR fails to consider a growing body of literature that documents visual disruption near birds as a mechanism of exclusion around human activity.[89] This disruption occurs independent of noise when a bird (or another animal) perceives a threat. The RPDEIR fails to adequately describe such disturbances and their implications for the listed species at the project site.

022-166

5 Conclusion

The RPDEIR fails to identify the pertinent scientific literature to inform decisionmaking about the proposed Gregory Canyon Landfill on every topic discussed. The RPDEIR lacks adequate documentation to support the series of assertions that take the place of a scientific analysis. The RPDEIR contains severe flaws in the understanding of the ecology and behavior of the listed

022-167

86. *Id.*
87. Weaver, K.L. 1998. Coastal sage scrub variations of San Diego County and their influence on the distribution of the California gnatcatcher. *Western Birds* 29:392–405.
88. Campbell, K.F., R.A. Erickson, W.E. Haas, and M.A. Patten. 1998. California gnatcatcher use of habitats other than coastal sage scrub: conservation and management implications. *Western Birds* 29:421–433.
89. Fernández-Juricic, E., P. Venier, D. Renison, and D.T. Blumstein. 2005. Sensitivity of wildlife to spatial patterns of recreationist behavior: a critical assessment of minimum approaching distances and buffer areas for grassland birds. *Biological Conservation* 125:225–235. Blumstein, D.T., E. Fernández-Juricic, P.A. Zollner, and S.C. Garity. 2005. Interspecific variation in avian responses to human disturbance. *Journal of Applied Ecology* 42:943–953.

species that the project will adversely impact. These flaws include simplistic assumptions such as: Arroyo Toads are limited to sandy soils, noise impacts on riparian birds do not exist below 60 dB(A), and mitigation measures can control nuisance species at a landfill. These are demonstrably incorrect assumptions, yet the conclusions of the RPDEIR depend upon them. Furthermore, the RPDEIR fails to identify, let alone mitigate, many of the impacts to sensitive biological resources that will result from project implementation.

The RPDEIR underestimates the extent of impacts that it does analyze, fails to propose effective mitigation measures, and does not provide substantial evidence to support its conclusions. Significant impacts to biological resources will result from the project even after implementation of the proposed mitigation measures as documented in this report and supported by the best available scientific research.

022-167 Cont'd

LETTER NO. 022

Procopio Cory Hargreaves and Savitch LLP
Theodore J. Griswold, Attorney at Law
530 B Street, Suite 2100
San Diego, CA 92101

RESPONSE 022-1

The comment is introductory in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 022-2

The comment provides history relative to the environmental documentation for the project. The comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 022-3

County DEH staff does not concur with the comment that the Revised Partial Draft EIR failed to properly evaluate impacts from the use of recycled water and groundwater from the fractured bedrock formation underlying the landfill site. Analyses of potential impacts to traffic, air quality, noise, water quantity, and water quality are included in the Revised Partial Draft EIR. Please refer to Response to Comment Nos. 007-22, 022-5 through 022-24, 022-81, and 022-121 through 022-146 for additional information regarding the impacts analysis related to water supply.

County DEH staff does not concur with the comment regarding cumulative impacts and the changes in circumstances in the San Luis Rey River Valley. As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 5 of the 2003 Draft EIR and various technical appendices addressed cumulative impacts to traffic, air, water and biological resources. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. However, as a result of the Court's order regarding the need to consider the County Tribal Traffic Study, an updated Traffic Study was prepared as part of the Revised Partial Draft EIR (see Appendix A of the Revised Partial Draft EIR

for the updated Traffic Study). The Traffic Study (revised 2007) contains both near-term and 2030 cumulative analyses. Appendix C of the Traffic Study includes a list of related projects that were included in the near-term cumulative analysis. In turn, using the data from the 2006 Traffic Study, cumulative noise impacts to biological resources from traffic were updated in the Revised Partial Draft EIR. The potential impacts from traffic noise to biological resources would be fully mitigated. A discussion of cumulative impacts to noise, air quality and biological resources was also included in the Revised Partial Draft EIR. Please see Appendix B (Biological Technical Report), Appendix D (Air Quality, Health Risk, and Noise Technical Memorandum), Section 4.6 (Noise), and Section 4.9 (Biological Resources), of the Revised Partial Draft EIR for discussions regarding potential cumulative air, noise, and biological impacts, respectively.

The commenter has not presented any specific information as to how the changes in the San Luis Rey River Valley have deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect, arising from a new significant environmental impact or that would result in a substantial increase in the severity of an environmental impact. Based on information provided in the Revised Partial Draft EIR, comments to the Revised Partial Draft EIR, and the responses to those comments, County DEH staff concludes that the standard for further recirculation under CEQA Guidelines Section 15088.5 has not been met. County DEH staff notes that both the 2003 Draft EIR and the Revised Partial Draft EIR conclude that there are significant and unavoidable impacts to cumulative traffic, noise and air quality that would occur with or without the project. The changed extent of significant and unavoidable impacts to cumulative traffic and noise were analyzed based on updated information in the 2006 Traffic Study and disclosed in Chapter 11 of the Revised Partial Draft EIR.

County DEH staff disagrees with the comment that additional biological impacts analysis was performed "as a way to avoid the Judge's order." To the contrary, Chapter 1 of the Revised Partial Draft EIR indicated that one of its stated purposes was to "revise mitigation measures for biologic impacts to comply with Section 5R of Proposition C." The Revised Partial Draft EIR adopted the same methodologies for assessing impacts, the same significance thresholds, the same mitigation ratios and the same strategies for mitigation as provided in the 2003 Draft EIR. Those portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please refer to Response to Comment Nos. 022-86, 022-93, 022-94, 022-152 and 022-158 for additional information. Based on a reevaluation of impacts using the same criteria, the level of impact to some vegetation communities and upland arroyo toad habitat was revised and fully mitigated to a level of less than significant. Please refer to Response to Comment Nos. 022-86 and 022-152 for additional information regarding the reevaluation of impacts to vegetative communities and upland arroyo toad habitat.

The project conducted additional field studies or surveys to assess any changed circumstances to sensitive or endangered species. Field studies or surveys were performed in 2005 to reevaluate impacts to vegetation communities and in 2003 and 2005 to reevaluate impacts to

arroyo toad. Also, field studies in 2005 observed golden eagle along the San Luis Rey River corridor upstream of the landfill site, but no active use within the landfill site. Surveys or field studies in 2003 and 2005 observed least Bell's vireo on the landfill site, but did not observe southwestern willow flycatcher, quino checkerspot butterfly, or coastal California gnatcatcher. These subsequent observations confirmed that the discussion of impacts and mitigations for these other species in the 2003 Draft EIR continued to be adequate and appropriate.

RESPONSE 022-4

Section 6.7.2 of the 2003 Draft EIR described in detail the Prescriptive Design with a Double Liner Alternative. The County selected this alternative as the project when the project was approved in 2004. The 2003 Draft EIR contains an analysis of the Prescriptive Design with a Double Liner Alternative and concludes that the alternative would reduce the impacts compared with the project. The alternative, now the project, would result in additional protection to groundwater resources by further minimizing the likelihood of groundwater contamination by leachate. The Court order did not require that Chapter 3, Project Description, of the 2003 Draft EIR be revised and recirculated. The basic components of the project remain the same as described in the 2003 Draft EIR. The liner design that is proposed now has not changed from the design at the time of the Notice of Determination in 2004. The design was reviewed as part of the litigation and was not overturned by the Court. County DEH staff has determined that the level of revisions relative to the Project Description provided in the Revised Partial Draft EIR are appropriate.

RESPONSE 022-5

As indicated in Response to Comment No. 022-4, the County selected the Prescriptive Design with a Double Liner Alternative as the project. Section 4.15 and Appendix C of the Revised Partial Draft EIR contain a safe yield analysis, which addresses the use of groundwater monitoring wells as production wells and the safe yield of the basin. Because current groundwater elevations will be maintained through metering of the wells pumping water from the fractured bedrock, no impact on subdrain flows is anticipated. This comment is focused on the Project Description. Please see Response to Comment Nos. 022-121 through 022-146 for a more detailed discussion regarding the issues.

RESPONSE 022-6

As indicated in Response to Comment No. 022-4, the County selected the Prescriptive Design with a Double Liner Alternative as the project in 2004. The alternative, now the project, is described in detail in the 2003 Draft EIR. The Project Description of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-7

The design of the liner system has not changed since the Notice of Determination for the project was issued in 2004. The Project Description of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-8

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. Geology and soils is not a subject of the Revised Partial Draft EIR. In fact, seismic stability relative to the double liner system was considered by the Court. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-9

The 2003 Draft EIR contained a detailed description of the project. The information requested regarding the piping is a design level issue that will be addressed in the final design of the landfill. The connection and piping for the 20,000 gallon water storage tank is regulated by the RWQCB and the LEA and will be reviewed by the regulatory agencies during the permit process.

RESPONSE 022-10

The recycled water trucks would enter the landfill site on the access road, drive through the scale area and the ancillary facilities area. The trucks would continue along the internal road approximately 600 feet past the ancillary facilities area onto the switchbacks. At the end or top of the switchbacks the trucks would be at the same elevation as the stability berm. The trucks would drive to the location of the discharge, maneuver into position and discharge the water into the storage tank. The trucks would then exit back along the switchbacks on the internal road, through the ancillary facilities area and out on the landfill access road. The configuration, materials and construction details for the stability berm have been described in the Joint Technical Document for the project, which is available on the Regional Water Quality Board website. The final design of the stability berm will be addressed by the RWQCB during the permit process. County DEH staff also notes that in addition to Construction Quality Assurance (CQA) procedures mandated under applicable regulations, the 2004 supplement to the agreement between the project and the San Luis Rey Municipal Water District (SLRMWD) provides for a second independent CQA undertaken by a contractor selected by SLRMWD. A copy of the 2004 Supplement to the SLRMWD agreement is included as Appendix H to the Revised Final EIR.

RESPONSE 022-11

The stability and strength of the area on which water delivery trucks would operate is a design issue that will be reviewed by the RWQCB during the permit process.

RESPONSE 022-12

The design of the double containment fill pipe will be addressed by the County Department of Planning and Land Use and the RWQCB during the permit process, as well as the County Department of Public Works as part of the issuance of a building permit.

RESPONSE 022-13

As indicated in the text, the recycled water tank would be 20,000 gallon capacity. The text in the inset or circular portion of Exhibit 3-8c of the Revised Final EIR has been revised to indicate a 20,000 gallon overhead storage tank would be installed for recycled water.

RESPONSE 022-14

This comment raises a detailed design issue that is generally not required for purposes of environmental review. However, the amount of time that it takes for water to pump into or out of a water truck is a function of the number of valves as well as the pump capacity. For example, if the pump has a 450 gpm capacity, it would take approximately five minutes to fill a 2,300 gallon water truck.

RESPONSE 022-15

As indicated in Response to Comment No. 022-14, the amount of time that it takes to fill a water truck that will be used to distribute water on the site is a function of the number of valves as well as the pump capacity. For example, if the pump has a 450 gpm capacity, it would take approximately five minutes to fill a 2,300 gallon water truck.

RESPONSE 022-16

No change is anticipated relative to the use of one 5,000 gallon water truck that would be maintained on the landfill site. The 5,000 gallon water truck would be used to disperse the water on the landfill site. In order to prevent issues of cross-contamination, this vehicle would be subject to the signage and disinfection project design features described in Section 4.15 of the Revised Partial Draft EIR.

RESPONSE 022-17

The comment is based on the assumption that the project would demand 205,000 gallons of water per day. As indicated in Section 4.15 of the Revised Partial Draft EIR, water demand would range from approximately 40,000 gpd to 205,000 gpd. The demand for 40,000 gpd would occur

during operation of the landfill, which would be the majority of the time. The 205,000 gpd demand would occur when the landfill is operational and periodic construction occurs to open a new cell. With regard to recycled water, it is anticipated that four to five water trucks would run a continuous loop between the Reservoir Site and the landfill site as needed. Recycled water would only be brought to the landfill site as needed. When the recycled water truck arrives, the water would be emptied into the 20,000 gallon storage tank. Water would be removed from the tank by the on-site water truck as needed for dust control or other uses. At a time of periodic construction it is conceivable that the recycled water would be delivered directly to the construction location, such as the pug mill used to hydrate and prepare the clay liner material, rather than stored in the tank.

RESPONSE 022-18

It is anticipated that secondary containment would be required by the regulatory agencies in the area where the recycled water truck would off load the water to the storage tank. The actual design of the area would be determined during the final design for the project. The project would comply with all applicable regulatory requirements regarding secondary containment.

RESPONSE 022-19

Section 4.5 of the Revised Partial Draft EIR adequately describes the location of the OMWD Reservoir Site as well as the route that would be taken to access the Reservoir Site. A graphic showing the location of the landfill site relative to the Reservoir Site as well as an aerial of the Reservoir Site showing the roadway network is provided in Section 4.5 of the Revised Partial Draft EIR. As indicated on Exhibit 4.5-10 the source of the aerial is Google Earth. The actual date is not available. However, the aerials available on Google Earth are taken within 6 to 18 months of the time it is obtained. Aerials are typically flown in winter. The aerial, therefore, could be as recent as 2006 or the aerial could be from early 2005.

RESPONSE 022-20

County DEH staff acknowledges the comment and notes that the CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but that the Court has ruled that the contract is not a separate project under CEQA, but rather a part of this landfill project, for which the County is the lead agency under CEQA. Please refer to Response to Comment Nos. 007-6 and 007-22 for a discussion of the adequacy of the OMWD recycled water source. County DEH staff does not consider this source of water to be speculative. In addition, the Solid Waste Facility Permit for the project requires that an adequate source of water must be available at all times.

RESPONSE 022-21

The agreement between Gregory Canyon, Ltd. and OMWD concerning the purchase of treated wastewater is a public document. As such, the agreement is available for public review. In

addition, the agreement between Gregory Canyon, Ltd. and OMWD is provided as Appendix I of the Revised Final EIR.

RESPONSE 022-22

The improvements to the OMWD Reservoir Site would require the issuance of a building permit from the County of San Diego, which is not considered a discretionary approval. In any event, the building permit would be obtained following completion of environmental review. The potential impacts of the improvements to the Reservoir Site have been evaluated in the Revised Partial Draft EIR. OMWD is responsible for obtaining any necessary permit for construction of the recycled water loading station.

RESPONSE 022-23

As shown in Figure 3 on page 022-8, the location of the Santa Fe Valley Reservoir and Pump Station is zoned S88 (Specific Plan). The area surrounding the Reservoir Site along both sides of Maranatha Drive is zoned S80 (Open Space). S88 (Specific Plan), RS-2 (Single Family Residential) and RV-15 (Variable Family Residential).

RESPONSE 022-24

The County DEH determined that property owners within a 300-foot radius of the Reservoir Site should be mailed a copy of the Notice of Availability. In addition, the availability of the Revised Partial Draft EIR was noticed in the local newspaper as well as on the County DEH website.

RESPONSE 022-25

County DEH staff did provide the Notice of Availability of the Revised Partial Draft EIR to OMWD.

RESPONSE 022-26

At this time there are no other contracts or agreements with other persons, groups or entities for the purchase or obtainment of recycled water from the water-filling facilities that would be used by the landfill project. While there are no limitations placed on the use of the OMWD facilities by other parties, because OMWD has not entered into other recycled water contracts, it would be speculative to invent potential competing uses. Therefore, other uses were not included in the cumulative analysis.

RESPONSE 022-27

The NOI related to the stormwater NPDES permit was submitted to the Regional Water Quality Control Board on April 16, 1999. RWQCB deemed the application package for the landfill complete and correct on March 1, 2005.

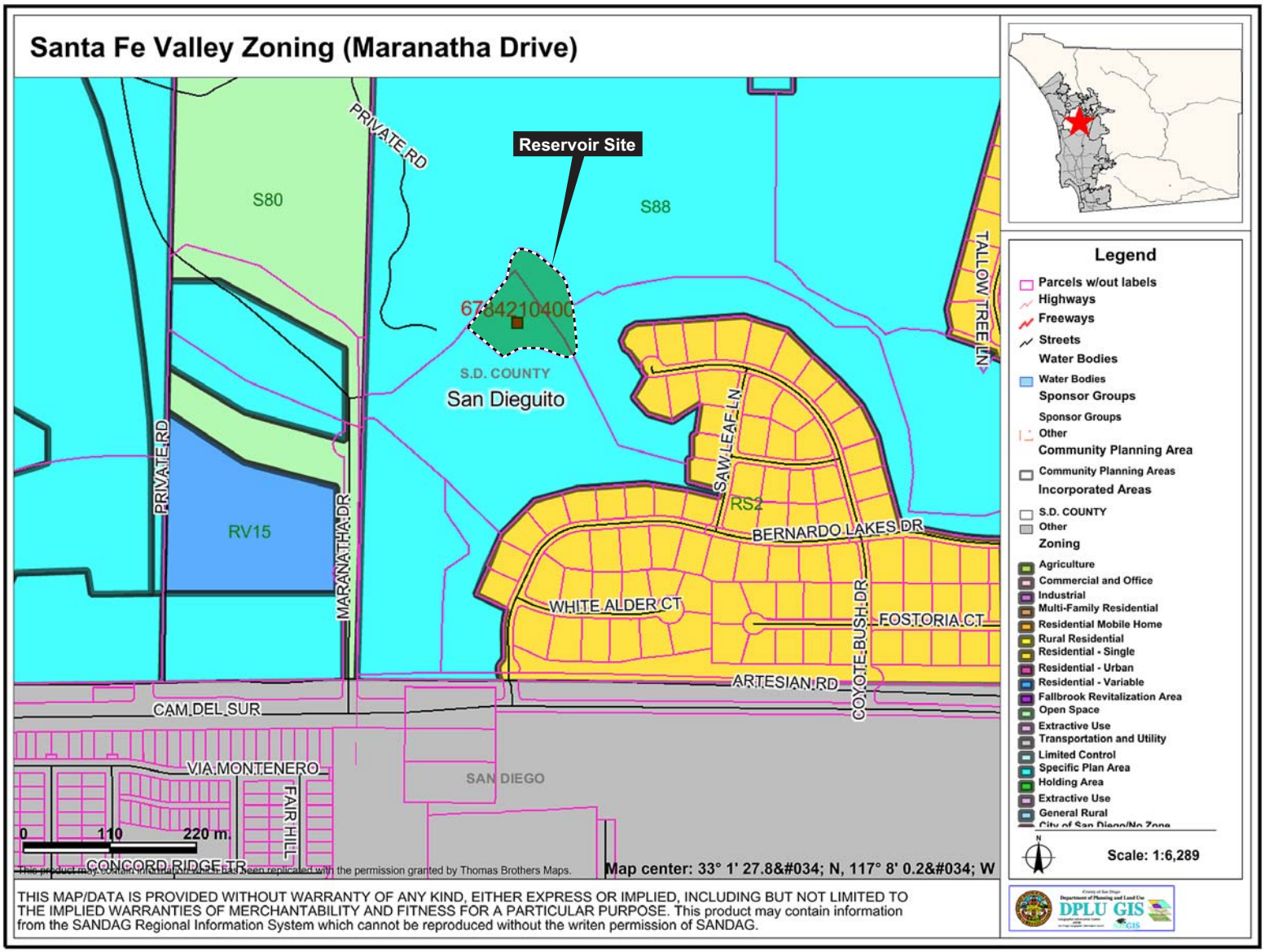

Figure 3
Zoning for Reservoir Site and Surrounding Area

Sources: Department of Planning and Land Use, 2007

RESPONSE 022-28

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. There has been no change in the discharge location of the storm drain inlet or outflow device. Please see Chapter 3 and Section 4.4 of the 2003 Draft EIR for a discussion regarding sampling and the location of discharge.

RESPONSE 022-29

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. There has been no change proposed to the use of a chemical toilet. As indicated in Section 4.15.3.3 of the 2003 Draft EIR the applicant will contract with a sewage disposal service to remove effluent from the chemical toilets for off-site treatment and disposal. The frequency would be based on need.

RESPONSE 022-30

The OMWD Master Reclamation Permit would need to be revised by the Regional Water Quality Control Board because the end use of the recycled water is outside the hydrologic areas identified in the permit. RWQCB policies related to the surface use of treated wastewater within the watershed of a drinking water supply would be applied by RWQCB in making its permit decision. Both the project and OMWD have had preliminary discussions with RWQCB staff regarding the proposed use of OWMD recycled water at the landfill site. As noted in the Revised Partial Draft EIR, there is both a strong state policy encouraging the use of recycled water and a substantial oversupply of recycled water in San Diego County. RWQCB staff noted that the primary criterion was the appropriateness of recycled water at the use landfill site as determined by the project EIR. Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR contains an analysis of potential water quality impacts from the use of recycled water at the landfill site. The analysis determined such impacts would be less than significant. Please refer to Response to Comment No. 007-22 for additional information regarding anticipated water quality standards related to the use of OMWD recycled water, and the project's ability to comply with those standards.

The commenter has not identified any specific policy of the RWQCB, and as a result County DEH staff is unable to comment on whether any such policy has been waived, or whether such policies even exist. County DEH staff is aware that RWQCB does grant waivers in order to allow the use of recycled water while a revision to the Master Reclamation Permit is pending. County DEH staff does not concur that this source of water is speculative, or that this supply of water is not available to the project where information known to date suggests that requirements for obtaining the revised permit are achievable (See Response to Comment No. 007-22). Please refer to Response to Comment Nos. 022-139 and 022-140 for additional information regarding the permitting process and preliminary discussions with RWQCB staff. In addition, the Solid Waste Facility Permit for the project requires the project to have an adequate source of water as a condition of construction or continued operation.

RESPONSE 022-31

OMWD has a permit to discharge treated wastewater. Treated wastewater that is not being used would be discharged in accordance with the permit, as necessary.

RESPONSE 022-32

As indicated in Section 4.15 of the Revised Partial Draft EIR, Olivenhain's recycled water system includes a 2 million gallon per day treatment plant, 2 recycled water reservoirs that can store 4 million gallons of recycled water, 37 miles of recycled water pipelines, 2 pump stations, and 6 pressure reducing stations. The recycled water system completed by the District has the ability to produce 2,200 AFY of recycled water. The amount of recycled water produced by Olivenhain's treatment plant substantially exceeds its delivery commitment to the project of up to 244,000 gpd and 230 AFY. Therefore, the comment is speculative as it is unlikely that recycled water would not be available given OMWD's capacity relative to the agreement between Gregory Canyon, Ltd. and OMWD.

RESPONSE 022-33

As indicated in the 2006 Traffic Study, on days when more recycled water trips are required, fewer trips will be available from other sources. This will assure that there is adequate water for dust control. In addition, the combination of water in the 20,000 gallon recycled water tank, the 20,000 gallon water tank, and up to 38,880 gallons of water pumped from the fractured bedrock underlying the landfill site exceeds the estimated combined operational dust control water requirement of 30,000 gallons per day and construction dust control water requirement of 30,000 gallons per day. None of these sources relies on water delivery by truck at a specific time. In addition, the early traffic warning system as outlined in MM 4.5-2 will be triggered when 95 percent of the maximum daily limit is reached. This would allow approximately 35 additional trips before the maximum daily limit is reached. It is highly unlikely that 35 trucks headed for the landfill site will be on the 3.5 mile stretch of SR 76 east of I-15 at the time the early warning notification is made, and the project would be able to divert other vehicles to allow recycled water deliveries.

County DEH staff believes the early warning system provides a sufficient margin of safety to assure that the maximum daily traffic limit will not be exceeded, and at the same time ensure that water needs can be satisfied. County DEH staff also considers the daily maximum traffic limit to be both feasible and enforceable. Please refer to Response to Comment Nos. 022-40 and 022-63 for additional information regarding the maximum daily traffic limit and the feasibility and enforceability of the mitigation.

RESPONSE 022-34

In compliance with the Court's order, Section 4.5 of the Revised Partial Draft EIR includes a discussion on the 2003 Tribal Needs Assessment. That analysis concluded that the this study was less reliable for a variety of reasons, and its findings regarding the LOS on SR 76 were incorrect based on traffic counts performed in 2005. County DEH staff concurs that the 2006 Traffic Study presented far more reliable information, and that the 2003 Tribal Traffic Analysis should not be relied upon in assessing either existing or cumulative conditions on SR 76. Please refer to Response to Comment No. 022-53 for additional information as to why the 2003 Tribal Traffic Study should not be used to determine existing or cumulative traffic conditions.

In addition, as noted in Response to Comment No. 022-54, long term cumulative traffic impacts were analyzed using the County General Plan Alternative, which included land use densities proposed in the County's alternative.

County DEH staff acknowledges that the quote from the Court's order related to passenger car equivalency (PCE) and traffic redistribution is correct. Both Appendix I of the 2003 Draft EIR and the 2006 Traffic Study (Appendix A of the Revised Partial Draft EIR) include a discussion and rationale for the use of a 1.5 PCE factor for truck and project trip distribution that support the use of the 1.5 factor. The 2006 Traffic Study slightly revised trip distribution to account for the recycled water truck trips between the landfill site and the OMWD Reservoir Site.

RESPONSE 022-35

Intersection counts were taken on March 2 and March 3, 2005 and street segment counts were taken on February 24, 2005. Counts were conducted by a third party count firm. All traffic count data is contained in Appendix A of the Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR. Counts were conducted on a single day which is consistent with current County standards and methodologies for collecting traffic counts. In addition, the counts are less than two (2) years old from the date of completion of the 2006 Traffic Study and satisfy County requirements for recent counts.

Truck traffic volumes were obtained on a single day by a third party count firm. In reviewing Caltrans truck traffic percentages (2004), the truck percentage from I-15 to Valley Center Road is 14 percent. The County allows consulting firms to use Caltrans' direct data. However,

since the traffic count found that the percentage on that single day was higher, 21 percent compared with 14 percent, the higher (worst case) percentage was utilized for the traffic analysis.

RESPONSE 022-36

As indicated in Response to Comment No. 022-35, intersection counts were taken on March 2 and March 3, 2005 and street segment counts were taken on February 24, 2005. All traffic count data is contained in Appendix A of the Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR.

RESPONSE 022-37

This data was obtained from traffic studies performed in Valley Center. The information was inadvertently omitted from Appendix A of the 2006 Traffic Study. The information has been included in Appendix A of the Revised Final EIR.

RESPONSE 022-38

Accident report records are provided in Appendix A (pages A-46 to A-52 for recent years) of the Traffic Study and cover the timeframe from December 31, 2002 through December 31, 2005. As indicated on page 17 of the Traffic Study, the total accidents for this period were 71. There were 29 accidents in 2003 and 21 accidents in both 2004 and 2005. The use of recycled water trucks would not result in an increase in traffic from the project, as the 2,085 PCE daily restriction applies to all vehicular traffic of any type.

RESPONSE 022-39

As indicated in Section 4.5.3.2 of the Revised Partial Draft EIR, the total daily trips would be limited by the solid waste permit to 2,085 passenger car equivalent (PCE) trips per day. The maximum scenario of 5,000 tons per day (tpd) would generate 2,085 trips with the 1.5 PCE factor while the average daily intake of 3,200 tpd would generate 1,410 trips with the 1.5 PCE factor. Table 4.5-7 of the Revised Partial Draft EIR provides a detailed breakdown of trip generation for the proposed project. The 5,000 tpd scenario would include 675 trucks (675 x 1.5 PCE x 2 trips/day = 2,025 trips), in addition to 40 employee trips and 20 service/visitor vehicle trips, for a total of 2,085 PCE trips per day. As indicated in the Revised Partial Draft EIR, based on the solid waste permit limitation of a maximum of 1 million tons of waste per year, the number of peak days (5,000 tpd) that could occur would be limited. Based on the use of 8-ton refuse trucks as suggested by the commenter, this would result in 1,875 PCE trips (625 trucks x 1.5 PCE x 2 trips/day = 1,875 trips). The 1,875 trips added to the 40 employee trips and 20 service/visitor trips would result in a total of 1,935 PCE trips per day, which would be below the 2,085 PCE trips per day maximum allowed. The project is not limited to 675 trips but rather to 2,085 PCE trips per day, which includes 675 trucks as well as 60 employee, service, and visitor trips. Section 4.5 of the Revised Final EIR has been revised to clarify the difference between "trucks" and "trips" as needed.

RESPONSE 022-40

As indicated in Section 4.5.3.7 of the Revised Partial Draft EIR, the maximum use of recycled water would result in 89 one-way and 178 two-way truck trips. Using the 1.5 PCE factor, the importation of recycled water would result in 267 PCE trips. As indicated in the 2003 Draft EIR, the traffic analysis creates a budget or cap which cannot be exceeded. The budget or cap assumes 675 trucks, which would include waste trucks, recycled water trucks, trucks removing brine and leachate from the landfill site, or trucks transporting construction material. The importation of recycled water would not result in an increase in the budget or cap. On days in which recycled water is to be trucked to the landfill site, the amount of refuse may need to be reduced. However, assuming 89 one-way recycled water trips, this would result in 586 one-way waste hauling trucks (675 trucks minus 89 trucks = 586 trucks). Assuming 8 ton trucks, this would result in 4,688 tpd. As indicated in Response to Comment No. 022-39 and in the Revised Partial Draft EIR, based on the solid waste permit limitation of a maximum of 1 million tons of waste per year, the number of peak days (5,000 tpd) that could occur would be limited. Therefore, the importation of recycled water would not result in an exceedance of the trip cap. Mitigation Measure 4.5-2 provides monitoring for the trip cap to ensure that the project does not exceed 2,085 PCE trips or 675 truck trips from all sources.

RESPONSE 022-41

Table 4.5-7 of the Revised Partial Draft EIR and Table 11 of the Traffic Study clearly show 675 trucks (including all waste hauling, recycled water, brine and leachate removal, transport of materials for construction) equate to 2,025 PCE trips. The tables further indicate that employees equate to 40 trips and service/visitors equate to 20 trips. Adding the 60 trips to the 2,025 trips equals 2,085 PCE trips, which is the maximum number of trips used throughout the analysis contained in the Revised Partial Draft EIR. As such, all trips are accounted for in the table, discussion, and analysis.

RESPONSE 022-42

As indicated in Table 4.5-4 of the 2003 Draft EIR, the trips required to remove brine and leachate from the site would not increase the number of trips above the maximum of 2,085 PCE trips. The note was inadvertently omitted from Table 4.5-7 of the Revised Partial Draft EIR. The 675 trucks referred to in Table 4.5-7 of the Revised Partial Draft EIR and Table 11 of the 2006 Traffic Study includes trucks used for waste hauling, recycled water, brine and leachate removal, and the transport of materials for construction. Table 4.5-7 of the Revised Final EIR has been revised to clarify that the truck trips include the removal of brine and leachate from the landfill site.

RESPONSE 022-43

As indicated in Response to Comment No. 022-41, the traffic analysis includes 20 service/ visitor trips daily. This number provides for the public use of the recycling facilities or disposing of

an individual's solid waste. This assumption in the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-44

As indicated in the above responses, the project would be limited to 2,085 PCE trips, including 675 truck trips per day. County DEH staff does not concur that the project would routinely exceed the trip cap as indicated in the responses above. Please refer to Response to Comment Nos. 022-39 through 022-43.

RESPONSE 022-45

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The hourly trip generation for the project, which was established in the 2003 Draft EIR, was not overturned by the Court or included in its writ, and was used without change for purposes of the 2006 Traffic Study.

RESPONSE 022-46

Based on County and Caltrans (and all jurisdictions within southern California) criteria, morning and afternoon peak hour counts are conducted at intersections between the hours of 7-9 A.M. and 4-6 P.M. One hour within these times are determined to be the peak hour (based on traffic volumes) and are used for morning and evening peak hour analysis. Table 4.5-2 of the Revised Partial Draft EIR shows hourly volumes on roadway segments, not intersections, and represents the traffic demand on the roadway segment from 7:00 A.M. to 6:00 P.M. These volumes do not relate to intersections, but were used for analyzing capacity on SR 76. Table 4.5-2 shows that analysis was conducted for every hour from 7:00 A.M. and 6:00 P.M. and does not differentiate between heavier demands and lighter demands. As such, all hours were analyzed and not just the peak hours on the roadway segments. The level of analysis conducted for the project far exceeds the requirement parameters for conducting traffic study analyses within the County of San Diego.

RESPONSE 022-47

Existing traffic volumes were obtained from a certified third party data collection firm and are correctly reflected on segments and at intersections. The worst-case volumes are used in analysis for this project and reflect a conservative approach to the traffic study methodology in accordance with jurisdictional requirements. The County does not support making manual adjustments to actual field data to satisfy traffic which may distribute to side streets. Please refer to Response to Comment No. 028-38 for additional information.

RESPONSE 022-48

The Traffic Study for the project has been prepared in accordance with County requirements. The County of San Diego does not require multiple count days for preparation of traffic studies. The County of San Diego requires that traffic volumes are to be less than two years old. The traffic study is in compliance with County of San Diego criteria. As indicated in Response to Comment No. 022-37, the counts were taken in 2005. Therefore, the study cannot be considered invalid based on the date of traffic counts.

RESPONSE 022-49

The suggestion to use counts from one segment for the analysis in another segment would result in manually assigning traffic from one segment to another. As indicated in Response to Comment No. 022-47, the County does not support making manual adjustments to actual field data. Nonetheless, the maximum LOS D criteria for all the segments is 1,316 vehicles and LOS E is 2,628 vehicles (refer to footnote in Table 4.5-2). Traffic volumes from I-15 east to the project do not exceed 1,316 (LOS D), regardless of where the volume is placed, assuming manual adjustments were acceptable. If all the segments reported 1,316 vehicles for all hours, the result would be LOS D for all hours for all segments. If the segments showed 1,317 to 2,628 or more for all hours, the result would be LOS E.

RESPONSE 022-50

Please see Response to Comment Nos. 022-47 and 022-49 regarding manual adjustments to field data and the LOS along street segments.

RESPONSE 022-51

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The trip generation and trip distribution used in the 2006 Traffic Study is the same as that used in the 2003 Draft EIR, except for the slight redistribution of trips to account for recycled water truck trips between the landfill site and the OMWD Reservoir Site. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. As shown on Figure 5 of the Traffic Study, approximately 8 percent of the traffic would travel west on SR 76. Additionally, approximately 77 percent of the project traffic is assumed to travel south on I-15 from SR 76. The rationale for the slight redistribution was explained in detail in the 2006 Traffic Study and Section 4.5 of the Revised Partial Draft EIR.

RESPONSE 022-52

Fallbrook is located north and west of I-15/SR 76. The 2006 Traffic Study assumes the same distribution of traffic as was used in the 2003 Draft EIR, except for the slight redistribution of trips to account for recycled water truck trips between the landfill site and the OMWD Reservoir Site. The distribution of traffic west of I-15 is approximately 8 percent and north on I-15 is 10 percent. Portions of this traffic could come from the Fallbrook area.

RESPONSE 022-53

As indicated in Section 4.5 of the Revised Partial Draft EIR, there are a number of factors supporting the determination that the 2003 Tribal Traffic Study cannot be used to determine existing traffic conditions on SR 76 or cumulative traffic conditions. As stated in the Revised Partial Draft EIR, the Tribal Traffic Study was based upon projected traffic conditions on SR 76 using a 2000 traffic flow map. In projecting future casino traffic on SR 76, the Tribal Traffic Study made assumptions about trips generated by casino operations. In addition, the 2003 Tribal Traffic Study assumed ultimate buildout of the Pala, Pauma and Rincon gaming and resort projects. Ultimate buildout of these projects has not yet occurred but may occur over time as these projects are ultimately completed.

The Highway Capacity Manual (HCM) bases the evaluation of service levels on two-lane highways such as SR 76 on the number of vehicles per any given hour and not upon a general traffic load per day. The Tribal Traffic Study did not utilize the Highway Capacity Manual in determining levels of service on SR 76 based upon peak hourly conditions as prescribed in the HCM. The more recent 2006 Traffic Study properly utilizes criteria contained in the HCM in assessing the operational characteristics of SR 76.

The cumulative traffic conditions on SR 76 were evaluated in the Tribal Traffic Study based upon older Series 8 SANDAG projections. Subsequent to this study, SANDAG approved the Series 9 and Series 10 SANDAG forecasts that incorporate more recent land use plans and development constraints into their modeling assumptions. As a result, the Series 8 projections contained in the Tribal Traffic Study are no longer reliable since SANDAG has now adopted more current models to use in regional transportation planning and forecasting. The 2003 Tribal Traffic Study was not based upon a careful evaluation of projects in the pipeline and did not consider changing land use patterns caused by the County's current processing of General Plan 2020 that will significantly reduce the intensity of land use development in some of the non-urban areas of the County, including areas surrounding SR 76.

Please refer to Response to Comment No. 028-33 for additional discussion regarding the near term cumulative analysis.

RESPONSE 022-54

As indicated in the discussion on page 4.5-21, at the time of publication of the Revised Partial Draft EIR, a tentative map application for Warner Ranch had not been filed. Therefore, Warner Ranch is not included in the list of known future projects and is not specifically included in the near term cumulative analysis. The Revised Partial Draft EIR acknowledges that if Warner Ranch were to apply for approvals and begin to be developed, the additional traffic from Warner Ranch "…would incrementally add to near term cumulative traffic on SR 76, which is already predicted to operate at LOS E (see Table 4.5-12c), and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76 (see Section 4.5.6)." Nonetheless, the traffic study contained in the Revised Partial Draft EIR includes a long-term cumulative analysis using the County's proposed General Plan Alternative. The County's General Plan Alternative includes proposed land use densities for buildout that ultimately include Warner Ranch and the Pauma Casino. Therefore, the long-term cumulative analysis provided in the EIR includes Warner Ranch as well as other land use designations currently proposed in the County's alternative. With regard to projects outside of the area, the near term cumulative analysis includes approximately 6 percent (2 percent per year for three years) of ambient growth to account for, among other things, projects outside of the County (such as Riverside County "through" traffic).

RESPONSE 022-55

Based on Caltrans' public information, environmental studies for the SR 76 Corridor are scheduled for completion in 2010 with construction anticipated for year 2013.

RESPONSE 022-56

The 2006 Traffic Study evaluated curves on SR 76 relative to traffic speeds with heavy vehicles (refer to pages 13-15 of the Traffic Study). The accident reports, which would identify a need for improvements to roadway design features, were assessed in the 2003 Draft EIR and updated in the 2006 Traffic Study, which is contained in Appendix A of the Revised Partial Draft EIR. The project includes improvements to SR 76 at the site access road. These improvements are discussed in detail and potential impacts that could occur from these improvements are analyzed in detail in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-57

The 2006 Traffic Study (revised 2007) includes the list of all projects that have been included in the cumulative traffic analysis. The cumulative traffic analysis includes all cumulative projects, as well as ambient growth (2 percent per year for three years). The entire list of near term cumulative projects is included in Appendix C of the Traffic Study. The findings of the traffic study are summarized in Section 4.5 of the Revised Partial Draft EIR. Table 4.5-11 lists some of the larger projects that were included in the analysis. As indicated in the text on page 4.5-21, "The major projects in the study are summarized on Table 4.5-11 below."

RESPONSE 022-58

The entire list of near term cumulative projects used in the traffic analysis is included in Appendix C of the 2006 Traffic Study. The list provided in Appendix C of the Traffic Study includes the trip generation rates and calculations for each project.

RESPONSE 022-59

The comment does not provide specific information with regard to the two projects mentioned. Without specific application numbers, project inclusion on the list cannot be confirmed with certainty. "Nicknames" for projects do not allow the confirmation of their inclusion. However, the near term cumulative analysis includes a significant (6 percent) growth rate (2 percent per year for three years) over the base condition to account for projects which were not in the County system at the time the 2006 Traffic Study was prepared. The long term cumulative analysis (2030) uses the County's General Plan Alternative with proposed land use densities and would include projects that are being processed but had not been submitted at the time the cumulative projects list was compiled.

RESPONSE 022-60

As discussed in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, water trucks are not in addition to hauling trucks. The project would result in a maximum of 2,085 PCE trips, which assumes 675 truck trips. The trucks would be hauling waste, recycled water, brine and leachate (removal from the landfill site), or construction materials. The analysis contained in Section 4.5 of the Revised Partial Draft EIR therefore, contains the analysis of water trucks. No new traffic would be attributable to the water trucks.

RESPONSE 022-61

As indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, Table 4.5-8 summarizes peak hour volumes on SR 76 by hour for existing plus project traffic based on 5,000 tpd. The analysis concludes that the project would result in significant impacts. Mitigation Measure 4.5-3 would restrict the number of trips during hours that would result in a significant impact. Table 4.5-9 shows the results of the redistribution of traffic. Essentially, Table 4.5-9 illustrates the effectiveness of Mitigation Measure 4.5-3 in reducing the level of impacts to less than significant. As indicated in the Revised Partial Draft EIR, the primary mechanism chosen to assure compliance with these limitations is an early warning system, whereby the landfill operator would notify waste-haulers to curtail deliveries as needed to maintain a LOS D or better once a specified percentage of the daily or hourly traffic limits is reached. The percentages chosen for the notice triggers were developed based on a conservative estimate of the number of commercial waste vehicles present on SR 76 east of I-15 at the time the notification is issued. This assures that no waste collection vehicle that begins the trip along SR 76 east of I-15 to the landfill is turned away (and required to travel back on SR 76 to another disposal facility) before its load of waste is discharged. MM 4.5-3 requires that each contract for waste delivery at the landfill shall notify the

customer of the peak hour traffic restrictions, shall require that the customer cooperate in good faith in scheduling deliveries to adhere to peak hour restrictions, and shall implement a notification system whereby the customer would be directed to use alternative disposal facilities as needed to assure compliance with the peak hour traffic restrictions.

RESPONSE 022-62

The mechanism for Mitigation Measure 4.5-3 is provided in Section 4.5.5 of the Revised Partial Draft EIR. Mitigation Measure MM 4.5-3 is based on County DEH staff experience with its oversight of the Otay Landfill, which at times approaches its available daily disposal capacity. This type of control program has been demonstrated to be successful. This requirement will be incorporated as a condition of the Revised Solid Waste Facility Permit for the project, and will be routinely reviewed by the LEA.

RESPONSE 022-63

County DEH staff does not concur with this comment. Mitigation Measure MM 4.5-3 is based on County DEH staff experience with its oversight of the Otay Landfill, which at times approaches its available daily disposal capacity. This type of control program has been demonstrated to be successful. This requirement will be incorporated as a condition of the Revised Solid Waste Facility Permit for the project, and will be routinely reviewed by the LEA. The penalties for non-compliance with the terms and conditions of the Solid Waste Facility Permit are considered meaningful, and include administrative orders, cease and desist orders and civil penalties (see Public Resources Code Section 45000, et seq.).

As provided in MM 4.5-3, the project is required to maintain hourly traffic records. In addition, if feasible, the project is required to provide this information to the LEA on a real-time basis.

RESPONSE 022-64

As set forth in the San Diego County Integrated Waste Management Plan, Countywide Summary Plan (available at www.sdcpdw.org/siting) there are five landfills, seven large solid waste transfer stations, and seven small rural transfer stations in the County in addition to the project. As a result, it would be speculative to try to determine where solid waste collection vehicles would deliver waste in the event the project were unavailable for a portion of an hour, and for this reason such postulations were not included in the analysis. Waste haulers would be responsible for and are capable of identifying alternative locations to use during these brief periods of time. Routing of collection vehicles is an issue routinely addressed by waste haulers. It would also be speculative to assume that issuance of the directive would result in additional vehicle miles traveled, as a particular waste collection vehicle not on SR 76 east of I-15 might be closer to an alternative facility at the time the directive is issued. The rationale for the 75 percent and 95 percent thresholds is to prevent the exact scenario mentioned in the comment, that waste collection vehicles would either be on SR

76 east of I-15 or at the landfill site and then have to turn around to transport the waste to another location.

RESPONSE 022-65

As indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, although the project is not required to mitigate the impact to SR 76 west of I-15 or the impact to the segment of I-15 between Pomerado Road and Carmel Mountain Road based upon the County's significance criteria, the project incrementally adds traffic to existing unacceptable levels of service, which is treated as a significant and unavoidable project level impact for purposes of this Revised Partial Draft EIR. Further, as indicated in the Revised Partial Draft EIR, to mitigate traffic impacts, the project will be required to pay the County's Transportation Impact Fee (TIF) to fund its fair share of improvements, subject to the credits described in Mitigation Measures 4.5-4 and 4.5-6a. The County would use the TIF in accordance with its established policy regarding the use of funds and implementation of improvements.

RESPONSE 022-66

County DEH staff acknowledges this comment. In order to avoid any confusion, the last sentence of MM 4.5-4 in the Final EIR has been revised to state: "The project will receive a credit against this fee for the value of monetary and non-monetary contributions to improvements of SR 76 undertaken by the project as a project design feature or mitigation, in accordance with and consistent with Proposition C and County policies and procedures."

RESPONSE 022-67

Camino del Norte is improved to Rancho Bernardo Road, providing six travel lanes from Interstate 15 to Dove Canyon, and four travel lanes to Rancho Bernardo Road. Please refer to Response to Comment No. 030-3 for addition information regarding the configuration of these road segments. Please refer to page 68 of the 2006 Traffic Study. Please refer to Response to Comment No. 022-65 for additional information regarding payment of the TIF.

RESPONSE 022-68

Camino del Sur is currently in a two-lane configuration from approximately Four Gee Road to Bernardo Lakes Road. Please refer to Response to Comment No. 030-3 for addition information regarding the configuration of these road segments. Please refer to page 68 of the 2006 Traffic Study. Maranatha Drive is currently being improved as a public road with a right of way width of 60 feet plus slope rights and drainage easements, with 40 feet paved width.

RESPONSE 022-69

Maranatha Drive is currently being improved as a public road with a right of way width of 60 feet plus slope rights and drainage easements, with 40 feet paved width. With these improvements, trucks are able to navigate the proposed access road.

RESPONSE 022-70

The traffic signal being installed at the intersection of Camino de Sur and Maranatha Drive would allow recycled water trucks to make a left hand turn from Maranatha Drive onto Camino del Sur.

RESPONSE 022-71

Condition B.9., contained in the Form of Decision for Major Use Permit P00-020 for the Maranatha Elementary, Junior High, and Senior High School, requires the applicant of the school to "Install a traffic signal at the intersection of the to-be-named public road and Camino del Norte to the satisfaction of the County Director of Public Works and the City Engineer of San Diego." The condition is required to be implemented "Prior to obtaining any building permit or other permit other than a grading permit pursuant to this Major use Permit, and prior to commencement of construction or use of the property in reliance on this Major use Permit…" At the time of the release of the Revised Partial Draft EIR, the construction of the school was underway.

RESPONSE 022-72

As indicated in Section 4.5.5 of the Revised Partial Draft EIR, the project would include the following Project Design Feature: Recycled water truck drivers may only utilize Maranatha Drive, Camino del Norte/Camino del Sur between Maranatha Drive and I-15, I-15 between Camino del Norte and SR 76 and SR 76 east of I-15 and the landfill access road. The Project Design Feature would be included as a condition in the Revised Solid Waste Facilities Permit. It is not necessary to determine who would employ the drivers of the water trucks. The project applicant and landfill operator would be responsible to implement all conditions of approval. Mitigation measures would be implemented in accordance with the adopted MMRP.

RESPONSE 022-73

Due to the significant improvements in the study area surrounding Camino del Norte and the Interstate 15 corridor that are currently underway, the Katz Okitsu traffic study prepared for the development of the Maranatha School was used for cumulative conditions analyses only. For the near term condition, the project does not meet traffic demand thresholds for City of San Diego or County of San Diego criteria for analyzing off-site intersections for the existing plus project condition. The project is contributing to the TIF program to fully mitigate its impacts.

RESPONSE 022-74

The language and placement of signage would be determined in consultation with the County Department of Public Works. Any sign and location of such sign would be reviewed and approved by the County Road Division of Public Works. The requirement to place such signage would be included as a condition in the Revised Solid Waste Facilities Permit, which is enforced by the LEA.

RESPONSE 022-75

The installation of non-regulatory signs along Maranatha Drive cautioning drivers about the school activities and the presence of children is a project design feature and not a mitigation measure. The signage is intended to increase safety in the area. As indicated in the Project Design Feature, if the non-regulatory signs are not installed by the school, the applicant would be responsible for the installation. It is anticipated that the installation of the signs would be approved.

RESPONSE 022-76

As indicated in Section 4.5, Traffic and Circulation, of the Revised Final EIR, the Solid Waste Facilities Permit will incorporate the project design feature prohibiting the use of Maranatha Drive for recycled water trucks from 6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M. when students are being dropped off or picked up from school. DEH is responsible for enforcing the conditions of the Solid Waste Facilities Permit.

RESPONSE 022-77

The Olivenhain Municipal Water District holds an access and pipeline easement from the end of Maranatha Drive to the recycled water tank which was recorded with the San Diego County Recorder's Office as Document 2005-0686903 on August 11, 2005. The easement was granted to Olivenhain by the Rancho Santa Fe Community Services District. The recycled water tank is located on a fee parcel which was granted to the Olivenhain Municipal Water District and recorded with the San Diego County Recorder's Office as Document 2005-0686902 on August 11, 2005. No limits have been placed on the use of the access road.

RESPONSE 022-78

The Maranatha School provides on-site circulation for buses and drop-offs. Although some pedestrian/bicycle traffic may occur, drop-offs and pick-ups can be accommodated on-site which limits the amount of off-site pedestrians exiting/entering vehicles from the public street. Due to the potential for pedestrian traffic during the times before and after school, truck traffic during those hours which have the potential for higher pedestrian traffic would be prohibited. The project design feature of adding non-regulatory signage is intended to further increase safety.

RESPONSE 022-79

As indicated in Response to Comment No. 022-71, at the time of the release of the Revised Partial Draft EIR, the construction of the school was underway. However, the construction is complete and the school is operational.

RESPONSE 022-80

The site access was analyzed in the 2003 Draft EIR and the Revised Partial Draft EIR. The level of service was analyzed using approved methodologies. The analysis concludes that the access as proposed, with the inclusion of the improvements along SR 76, would operate acceptably. As discussed in detail in the 2003 Draft EIR, the project includes improved sight distance and acceleration/deceleration lanes for the project access road to safely facilitate project traffic onto SR 76.

RESPONSE 022-81

The source for the information regarding the 20 dB reduction in interior noise levels from exterior sources for typical building construction is from the California Department of Transportation, Technical Supplement to the Traffic Noise Analysis Protocol, 1998. Section 4.6.3.2 of the Revised Final EIR has been revised to add a footnote to indicate the source.

RESPONSE 022-82

The 2006 Traffic Study contains an updated near-term and 2030 cumulative analysis. Please see Response to Comment Nos. 022-54 and 028-33 through 028-35 for a discussion regarding the adequacy of the cumulative analyses contained in the 2006 Traffic Study. Potential noise impacts along SR 76 were re-evaluated based on the 2006 Traffic Study. Please see Section 4.6.3.2 of the Revised Partial Draft EIR for the analysis of noise impacts on SR 76.

RESPONSE 022-83

The comment refers to issues raised with regard to noise impacts on biological resources. Please see Response to Comment Nos. 022-148 through 022-167 for responses to the Land Protection Partners, Review of Biological Analysis in the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill (Longcore, Rich, C. and Haas, W., 2006), which is provided as Exhibit D to this comment letter.

RESPONSE 022-84

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to biological resources. That analysis included all of the topics included in this comment, including a description of the resources, an analysis of direct and indirect impacts (including introduction of non-native plant species, human activity, roadkill, attraction of nuisance animal species, habitat fragmentation/edge effects, night lighting and noise). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. County DEH staff acknowledges that other requirements may be imposed through the permitting process.

RESPONSE 022-85

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of potential impacts to the arroyo toad, least Bell's vireo, southwestern willow flycatcher and coastal California gnatcatcher and each of their habitats. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Other requirements may be imposed through the permitting process.

This analysis was modified in a limited manner to address specific issues in the Revised Partial Draft EIR, as discussed in Chapter 1.0.

For responses to the detailed biological comments provided as Exhibit D to this letter, please see Response to Comment Nos. 022-148 through 022-167.

RESPONSE 022-86

The vegetation was remapped to accommodate incorporation of more current design plans, and verify or correct the original impact calculations using GIS analysis. The original vegetation mapping was not available in electronic format, such as GIS or CAD. The analysis in the Revised Partial Draft EIR relies on the calculation of impact acreage using a verifiable GIS analysis. Several discrepancies were identified between the current GIS analysis and the analysis contained in the 2003 Draft EIR. URS was not able to reproduce some of the acreages identified in the 2003 Draft EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis, which used the same assumptions as the 2003 Draft EIR. County DEH staff believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the previous calculations because the previous calculations could not be reproduced and the calculations used in the Revised Partial Draft EIR that are GIS based can be reproduced.

The original paper maps were used in the field as collateral material to support mapping of vegetation communities on aerial photographs, allowing for an accurate determination of impacts on specific vegetation communities once the information was placed within the GIS.

The overall acres of impact for the landfill project remain approximately the same as reported in the 2003 Draft EIR. The project has reduced the area of impact required for bridge construction at the San Luis Rey River, and thus, reduced impacts at the bridge crossing. The new mapping resulted in minor boundary shifts of certain vegetation communities and the associated impact areas as a result of the more accurate mapping method. For instance, impacts on coast live oak woodland may have increased in one area with a decrease in impacts on coastal sage scrub/chaparral, while impacts on coastal sage scrub increased in another area with reductions in impacts on coast live oak woodland. The mapped vegetation boundaries are shown overlain on an aerial photograph in Exhibit 4.9-3 of the Revised Partial Draft EIR. The total impacts calculated using the GIS analysis are shown for each vegetation community in Table 4.9-8 of the Revised Partial Draft EIR.

Subsequent to issuance of the Revised Partial Draft EIR, there have been some additional refinements to the vegetative impacts mapping based on a review of GIS data. The impact area for southern willow scrub is 0.4 acres rather than 0.2 acres, the impact area for disturbed southern willow scrub is 0.4 acres rather than 0.3 acres, and the impact area for open channel is 0.2 acres rather than 0.1 acre. As a result of these refinements to the impact areas the mitigation acreage for

southern willow scrub is now 1.6 acres and the mitigation acreage for disturbed southern willow scrub is 1.6 acres. Mitigation of impacts to open channel is achieved through incorporation of the Habitat Enhancement Plan required in MM 4.9-18. The overall impact area for the landfill has increased slightly from 308.2 to 308.6 acres, and the overall mitigation acreage has increased slightly from 542.0 to 543.2 acres since the Revised Partial Draft EIR. These revisions are very minor and do not impact the feasibility of the mitigation. As a result, the acreages in Table 4.9-8 relative to overall impacts and mitigation measures, and for impacts and mitigation measures for southern willow scrub, disturbed southern willow scrub, and open channel have been revised in the Revised Final EIR. In addition, Impact 4.9-1 and MM 4.9-1d, and MM 4.9-1e have been revised in the Revised Final EIR to update the impact acreage and mitigation acreage, as needed.

RESPONSE 022-87

County DEH staff does not concur with this comment. The additional work performed included review of prior vegetation surveys and did not discard these surveys. The prior vegetation surveys are included in Appendix L of the 2003 Draft EIR. As stated in Response to Comment No. 022-86, the minor changes in vegetation impacts are the result of review and checking of the prior biological studies and use of a GIS analysis that led to a more accurate and reproducible calculation of impacts than was previously provided. The changes in impacts on vegetation are small and are appropriately documented. Using the GIS format ensures that this updated mapping will have utility when considering future projects. Please refer to Response to Comment No. 022-86 for a discussion regarding the changes in the vegetation impacts.

RESPONSE 022-88

Please refer to Response to Comment Nos. 022-86 and 022-87 regarding the changes in the vegetation impacts presented in Section 4.9 of the Revised Partial Draft EIR. The analysis was conducted using appropriate methodology and the County Biological Survey guidelines were followed.

RESPONSE 022-89

The designations indicated on Figure 2-1 are consistent with the 2003 Draft EIR. Figure 2-1 is from the Biological Technical Report, which is included as Appendix B to the Revised Partial Draft EIR and is comparable to Exhibit 4.9-3 of the Revised Partial Draft EIR.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In addition, the purpose of an environmental review document is to determine project impacts and provide mitigation. For this reason the updated vegetation mapping was limited to project impact areas. Mapping other areas not impacted by the project would not be useful in providing for appropriate mitigation.

RESPONSE 022-90

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The Habitat Enhancement Plan, which is contained in Appendix L of the 2003 Draft EIR, includes a detailed discussion of the activities that would occur as part of habitat creation or habitat enhancement. Exhibit 4.9-6 of the Revised Partial Draft EIR shows the areas where on-site habitat creation and habitat enhancement would occur. A detailed Habitat Resource Management Plan would be submitted for review and approval.

RESPONSE 022-91

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo

toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR include a discussion of potential indirect impacts from non-native plant species. Appendix L and MM 4.9-18 of the 2003 Draft EIR provided for removal of invasive plant species in the San Luis Rey River as part of the Habitat Enhancement Plan for the five-year monitoring and maintenance period. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. MM 4.9-18 was not revised for purposes of the Revised Partial Draft EIR except to increase the acreages subject to the Habitat Enhancement Plan. County DEH staff acknowledges that additional requirements may be imposed through the permitting process.

RESPONSE 022-92

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

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Section 4.9 and Appendix L of the 2003 Draft EIR discussed impacts to sensitive species and required mitigations, based on surveys that were performed over a period of years and were included in Appendix L. Those portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. For purposes of the Revised Partial Draft EIR, field studies or surveys were performed in 2005 to reevaluate impacts to vegetation communities and in 2003 and 2005 to reevaluate impacts to arroyo toad. In addition, the project has continually performed surveys or field studies related to other threatened or endangered species. That included surveys or field studies in 2003 and 2005 that observed least Bell's vireo on the landfill site, but did not observe southwestern willow flycatcher, quino checkerspot butterfly, or coastal California gnatcatcher.

Also, field studies in 2005 observed golden eagle along the San Luis Rey River corridor upstream of the landfill site, but no active use within the landfill site. These subsequent observations confirmed that the discussion of impacts and mitigations for these other species in the 2003 Draft EIR continue to be adequate and appropriate.

At this time the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

RESPONSE 022-93

County DEH staff does not concur with this comment. Habitat creation and habitat enhancement is unique from preservation, as it would involve physical activities undertaken for the goal of establishing specific vegetative communities and habitat for threatened species, in accordance with the strategies, physical activities and monitoring and maintenance requirements set forth in Appendix L of the 2003 Draft EIR. In addition, MM 4.9-18 requires the submittal and approval of a detailed Habitat Resource Management Plan as part of the permitting process. MM 4.9-18 describes some of the physical activities that would be undertaken, such as changing ground elevations, restoring historic river flows, establishing new vegetative communities, and removing invasive plant species.

The use of on-site habitat creation or habitat enhancement, in addition to open space preservation, was adopted as a mitigation strategy in a number of instances in the 2003 Draft EIR. Mitigation measures for project impacts included creation of riparian habitats on the landfill site (MM 4.9-1b of the 2003 Draft EIR), incorporation of the Habitat Enhancement Plan as mitigation for impacts to open channel (MM.4.9-1c of the 2003 Draft EIR), creation of riparian habitats on-site and implementation of the Habitat Enhancement Plan as mitigation for impacts to arroyo toad, least Bell's vireo and southwestern willow flycatcher (MM 4.9-3a, MM 4.9-4, MM 4.9-6 and MM 4.9-11b of the 2003 Draft EIR), and creation of vireo and flycatcher habitat "on the landfill site in dedicated open space" (MM 4.9-14a of the 2003 Draft EIR). Mitigation measures for cumulative impacts included implementation of a Habitat Enhancement Plan "on-site." (MM 4.9-18 of the 2003 Draft EIR).

The use of habitat creation and habitat enhancement on the landfill site in dedicated open space areas for purposes of mitigation was clearly established in the 2003 Draft EIR. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Court's ruling on Proposition C was limited to the use of open space preservation as mitigation.

The assertion made in this comment directly contradicts statements made by the same commenter in the CEQA litigation. In making the Proposition C argument in its brief to the Court, the commenter noted that the Final EIR (now 2003 Draft EIR) "included a mitigation measure requiring that an enhancement program be developed for the San Luis Rey River to provide mitigation for significant impacts to open channel habitat, arroyo toad riparian breeding habitat and upland habitat, and individual arroyo toads." Petitioners cited many of the same mitigation measures from the 2003 Draft EIR identified above. However, most notably, petitioners did not at any time challenge the use of on-site habitat creation or habitat preservation as an acceptable method of mitigation. In fact, Petitioners argued that this was acceptable, stating in the same portion of its brief that "[m]itigation, in the form of additional land dedications **or additional habitat creation on site**, is required to mitigate these impacts." (emphasis added)

In making its arguments in the brief, petitioners relied primarily on *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477. The *Mira Mar* decision upheld as adequate a series of mitigations for impacts to biological resources that included the **creation** of 0.63 acres of coastal sage scrub. *Mira Mar*, 119 Cal.App.4th at 494-495 (emphasis added)

In any event, Mitigation Measure 4.9b in the Revised Final EIR provides that if a final judgment is entered determining that the creation or enhancement of habitat on the landfill site within the 1,313 acres of dedicated open space provided by Proposition C violates any provision of Proposition C, the mitigation measures requiring the creation or enhancement of habitat on-site would mandate off-site acquisition of this habitat.

RESPONSE 022-94

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues to the extent that those relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In each instance where off-site acquisition was the recommended mitigation, there was a requirement for a conservation easement and permanent preservation. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. In addition, the Revised Partial Draft EIR requires that all off-site acquisition areas be permanently protected through a conservation easement.

Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

RESPONSE 022-95

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with

Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The strategy of providing mitigation for impacts to biological resources through habitat creation, enhancement, or preservation, and the establishment of appropriate mitigation ratios, was included in Section 4.9 and Appendix L of the 2003 Draft EIR. The 2003 Draft EIR expressly allowed for mitigation through creation, enhancement or preservation as appropriate for each vegetative type. Appendix L of the 2003 Draft EIR includes a discussion and rationale demonstrating the feasibility of on-site habitat creation and habitat enhancement. Mitigation Measure 4.9-18 of the 2003 Draft EIR notes that the San Luis Rey River is "one of the most easily restorable rivers in Southern California. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Court's order with regard to biological mitigation was based solely of Proposition C, and overturned the use of on-site preservation as mitigation. Thus, the "equivalence" discussed in this comment has been already established for purposes of mitigating impacts to biological resources from this project. None of the petitioners in the prior litigation, including this commenter, raised this issue, and it was not overturned by the Court or included in its writ. Nonetheless, the Revised Partial Draft EIR adopts the hierarchy suggested by the commenter, by providing that mitigation would be provided first through on-site habitat creation or habitat enhancement, and then by off-site habitat preservation. As discussed in both the 2003 Draft EIR and the Revised Partial Draft EIR, the feasibility of long term success of on-site habitat creation or habitat enhancement is high. Please refer to Response to Comment No. 130-17 for additional information supporting the anticipated success of the Habitat Enhancement Plan.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

At this time the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

County DEH staff notes that to the extent applicable, additional requirements provided in the County Biological Mitigation Ordinance may be imposed in connection with issuance of a County Habitat Loss Permit. However, County DEH staff notes that under Section 86.502 of the

Biological Mitigation Ordinance, the ordinance would not be applicable at this time since the North County MSCP has not been finalized or adopted.

RESPONSE 022-96

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

At this time the North County MSCP has not been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. To the extent applicable, additional requirements provided in the County Biological Mitigation Ordinance would be imposed in connection with issuance of a County Habitat Loss Permit. However, County DEH staff notes that under Section 86.502 of the Biological Mitigation Ordinance, the ordinance would not be applicable at this time since the North County MSCP has not been finalized or adopted. No areas in North County would be designated a BRCA until the North County MSCP is adopted.

To the extent applicable, prior to final approval of the North County MSCP the project would also be required to demonstrate conformance with the Natural Communities Conservation Plan (NCCP) in order to obtain a County Habitat Loss Permit, which is a predicate for obtaining a County grading permit. Conformance with the NCCP was analyzed in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The analysis was slightly revised in the Revised Partial Draft EIR, but only to the extent that the impact acreages on certain vegetative communities were updated. However, both the 2003 Draft EIR and the Revised Partial Draft EIR concluded that the loss of certain habitats due to project activities will not appreciably reduce the likelihood of the survival and recovery of the listed species in the wild.

In addition, Section 4.9 and Appendix L of the 2003 Draft EIR establish the mitigation ratios for impacts to various vegetative communities. There was no requirement in the 2003 Draft EIR to provide mitigation for impacts to non-native grassland and chaparral. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The Revised Partial Draft EIR increased the mitigation ratio in a few specified instances, resulting in a greater proportionate level of mitigation for chaparral and non-native grassland.

RESPONSE 022-97

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan, which would apply to off-site mitigation areas. This will allow consideration of the County Biological Mitigation Ordinance, if and when it becomes applicable, and the County does not consider these requirements waived for this project. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements. Current County policy does not require identification of mitigation areas prior to certification of the EIR. Mitigation areas would need to be identified to the County prior to the time impacts are incurred. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require the project's continued conformance with applicable requirements of the NCCP.

In the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." The resource agencies will have the opportunity to review this approach, and County DEH staff acknowledges that other requirements may be imposed through the permitting process.

RESPONSE 022-98

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The MSCP for the North County Area has not yet been finalized or adopted. However, Section 4.9 of the 2003 Draft EIR contains an analysis of the Regional Landscape Association and addresses the issue of wildlife movement. In addition, Section 4.9 and Appendix L of the 2003 Draft EIR discussed potential impacts from habitat fragmentation, including consideration of potential impacts on wildlife corridors. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation, an issue regarding wildlife movement was raised by petitioners, but the analysis in the 2003 Draft EIR was not overturned by the Court or included in its writ. This particular issue was not raised in the prior litigation, even though the factual information regarding wildlife corridors was included in the 2003 Draft EIR.

The mitigation ratios were established in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR increased the mitigation ratio in a few specified instances, resulting in a greater proportionate level of mitigation. County DEH staff acknowledges that other requirements may be imposed through the permitting process, including, if and when applicable, requirements of the County's Biological Mitigation Ordinance.

RESPONSE 022-99

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 5 of the 2003 Draft EIR and various technical appendices addressed cumulative impacts to traffic, air, water and biological resources. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. However, as a result of the Court's order regarding the failure to consider the County Tribal Traffic Study, an updated Traffic Study was prepared as part of the Revised Partial Draft EIR (see Appendix A for the updated Traffic Study). The Traffic Study (revised 2007) contains both near-term and 2030 cumulative analyses. Appendix C of the Traffic Study includes a list of related projects that were included in the near-term cumulative analysis. In turn, using the data from the 2006 Traffic Study, cumulative noise impacts to biological resources from traffic were updated in the Revised Partial Draft EIR. The potential impacts to biological resources from traffic noise would be fully mitigated. A discussion of cumulative impacts to air and biological resources was also included in the Revised Partial Draft EIR. Please see Appendix D (Air Quality, Health Risk, and Noise Technical Memorandum), Section 4.6, Noise, and Section 4.9, Biological Resources, of the Revised Partial Draft EIR for discussions regarding cumulative air, noise, and biological analyses, respectively.

RESPONSE 022-100

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

As indicated in Section 4.1, Land Use and Related Planning, of the 2003 Draft EIR, the landfill site is designated Public/Semi-Public Lands with Solid Waste Facility Designation and is zoned Solid Waste Facility. Proposition C requires that 1,313 acres of the landfill site be set aside for the long-term preservation of sensitive habitat and species. MM 4.1-2 requires that the applicant dedicate 1,313 acres of the landfill site as permanent open space or create a permanent open space easement. The Revised Partial Draft EIR specified that on-site mitigation areas be within a dedicated open space area. Use of on-site habitat creation or enhancement for purposes of mitigation was established in the 2003 Draft EIR (please refer to Response to Comment No. 022-93). MM 4.9-18 of the 2003 Draft EIR set forth requirements for the long term management of the dedicated open space. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Also, Condition 17.A.17 of the 2004 Solid Waste Facility Permit for the project requires that the project and the County enter into a Memorandum of Understanding that addresses, among other things, the timely designation and protection of these lands as open space and cooperation between the agencies to ensure that these mitigation measures are put into place in a timely manner. These requirements adequately address the issue of potential future development of the dedicated open space area.

RESPONSE 022-101

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Use of on-site habitat creation or enhancement within the open space areas for purposes of mitigation of both project and cumulative impacts was established in the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please refer to Response to Comment No. 022-93. County DEH staff notes that in the prior litigation this commenter asserted to the Court that mitigation could be achieved through, among other things, on site habitat creation. The County does not believe that any applicable policy is being waived for this project.

Off-site mitigation areas would be subject to submittal and approval by the County of a Habitat Resource Management Plan. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the projects compliance with off-site mitigation requirements. County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

On-site locations for habitat creation or enhancement are identified in the Revised Partial Draft EIR in Exhibit 4.9-6, Conceptual Mitigation Areas. MM 4.9-18 of the 2003 Draft EIR, which was incorporated without change in the Revised Partial Draft EIR, requires that on-site habitat creation or enhancement would be subject to submittal and approval by the County of a Habitat Resource Management Plan.

RESPONSE 022-102

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Current County policy does not require identification of mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

Finally, the MSCP for the North County Area has not yet been finalized or adopted. As a result, any discussion of the requirements or policies of the MSCP are not applicable to the project at this time. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

RESPONSE 022-103

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues,

to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Use of on-site habitat creation or enhancement for purposes of mitigation of both project-related and cumulative impacts was established in the 2003 Draft EIR. Please refer to Response to Comment No. 022-93. Appendix L of the 2003 Draft EIR includes a discussion of and rationale for expecting implementation success. Edge effects were analyzed in Section 4.9 and Appendix L of the 2003 Draft EIR, and it was concluded that with the incorporation of mitigation measures impacts would be less than significant. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The 212.6-acre of habitat creation or habitat enhancement area is generally in the same location and proximity to project areas as the 103-acre area described in the 2003 Draft EIR. The Revised Partial Draft EIR indicated that habitat creation and habitat enhancement areas were consistent with historic vegetation communities that probably existed on-site prior to historic farming operations, which indicates the viability of this mitigation strategy. Please refer to Response to Comment No. 130-17 for additional information regarding the anticipated success of on-site habitat creation or habitat enhancement. The County does not believe that any applicable policy is being waived for this project.

Finally, the MSCP for the North County Area has not yet been finalized or adopted. As a result, any discussion of the requirements or policies of the MSCP are not applicable to the project at this time. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

RESPONSE 022-104

The mitigation requirements were established in the 2003 Draft EIR. Mitigation would be implemented in phases prior to impacts occurring. For example, MM 4.9-11a and MM 4.9-11b of the 2003 Draft EIR provided that mitigation would occur "prior to commencement of grading of riparian habitat." This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The approach to timing of mitigation taken in the Revised Partial Draft EIR is consistent with the approach in the 2003 Draft EIR. The Revised Partial Draft EIR increased the mitigation ratio in a few specified instances, resulting in a greater proportionate level of mitigation. The Revised Partial Draft EIR requires that mitigation be implemented prior to incurring impacts on biological resources. As such, mitigation is required to be implemented according to a phasing approach that is proportional to blocks of impacts that would occur at a given time. The 2003 Draft EIR discussed potential temporal impacts from the Habitat Enhancement Plan and adopted mitigation measures that would reduce the impact to less than significant (see MM 4.9-6 and MM 4.9-13) by limiting the time periods in which the Habitat Enhancement Plan would be implemented. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. These mitigations were not changed in the Revised Partial Draft EIR. Therefore, no additional temporal loss is expected to occur from the phased implementation of mitigation. The County does not believe that any applicable policy is being waived for this project.

Finally, the MSCP for the North County Area has not yet been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

RESPONSE 022-105

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Appendix L of the 2003 Draft EIR contains a detailed analysis of indirect impacts (including introduction of non-native plant species, human activity, road kill, attraction of nuisance animal species, habitat fragmentation/edge effects, night lighting and noise), both on the landfill site and where appropriate on adjacent areas. These edge effects were analyzed in Section 4.9 and Appendix L of the 2003 Draft EIR, and it was concluded that with the incorporation of mitigation measures impacts would be less than significant. In addition, Section 4.9 of the 2003 Draft EIR contains an analysis of the Regional Landscape Association and addresses the issue of wildlife movement. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Where indirect impacts on the landfill site were found to be less than significant after incorporation of mitigation measures, it follows that off-site impacts at a greater distance from the landfill site would likewise be less than significant. All applicable requirements are being considered with respect to this project.

RESPONSE 022-106

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR assessed impacts and established mitigation measures, which included surveys. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Moreover, County guidelines for biological assessment were followed when conducting the limited reevaluation for purposes of the Revised Partial Draft EIR. The latest information provided for the Revised Partial Draft EIR supplements the information from the 2003 Draft EIR. The Revised Partial Draft EIR increased the mitigation ratio in a few specified instances, resulting in a greater proportionate level of mitigation. Please refer to Response to Comment Nos. 022-86 and 022-92 for additional information regarding additional surveys and field studies conducted at the landfill site.

RESPONSE 022-107

It is not clear what is meant by "survey" or "off-site improvements." The Revised Partial Draft EIR and the 2003 Draft EIR contain an analysis of the construction, operation, and closure of the landfill, including all components of the project.

The only other potential new impact on biological resources would be from construction and operation of the recycled water loading station at the Olivenhain Santa Fe Reservoir Site, which would occur on already developed land.

The OMWD Reservoir Site is within the area of the Santa Fe Valley Specific Plan. The EIR prepared for the Plan, dated October 20, 1995, identified the location of the wastewater treatment plant. Moreover, the EIR analyzed impacts to biological resources from all aspects of the Plan, which primarily comprised construction of residential housing units. This was accomplished through the preservation of open space adjacent to the Plan area. The Santa Fe Valley Specific Plan EIR and its Biological Appendix is hereby incorporated by reference. In addition, a copy of

relevant portions of the Santa Fe Valley Specific Plan EIR and its biological appendix are included in Appendix J of the Revised Final EIR.

After adoption of the Santa Fe Valley Specific Plan, OMWD prepared a Mitigated Negative Declaration (MND) in connection with the proposed construction of a recycled water pump station and pipelines on November 4, 2004. The recycled water pumping station identified in that MND is in the same general location as the recycled water loading facilities proposed as part of this project. The MND analyzed potential impacts to biological resources, and noted a potential impact from construction noise. However, this potential impact was mitigated to a less than significant level by limiting construction during the coastal California gnatcatcher breeding season, unless noise shielding is provided if gnatcatchers were observed within 500 feet of the site. A copy of the MND is included as Appendix K of the Revised Final EIR.

The Revised Final EIR for the landfill project has been modified to add similar mitigation, which can be found in MM 4.9-20.

RESPONSE 022-108

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to sensitive habitat and species. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. For purposes of the Revised Partial Draft EIR, field studies or surveys were performed in 2005 to reevaluate impacts to vegetation communities and in 2003 and 2005 to reevaluate impacts to arroyo toad. In addition, surveys or field studies have been continually performed on the landfill site related to threatened or endangered species. The work included surveys or field studies in 2003 and 2005 that observed least Bell's vireo on the landfill

site, but did not observe southwestern willow flycatcher, quino checkerspot butterfly, or coastal California gnatcatcher. Also, field studies in 2005 observed golden eagle along the San Luis Rey River corridor upstream of the landfill site, but no active use within the landfill site. These subsequent observations confirmed that the discussion of impacts and mitigations for these other species in the 2003 Draft EIR continue to be adequate and appropriate.

RESPONSE 022-109

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to biological resources, which included an analysis of the quantity and quality of the resources. The analysis contained in the 2003 Draft EIR concluded that with the incorporation of mitigation measures the impacts would be reduced to less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Based on the reevaluation, the Revised Partial Draft EIR also concluded that with the incorporation of mitigation measures the impacts would be less than significant. Please refer to Response to Comment Nos. 022-86, 022-108, and 022-149 through 022-167 for additional information on updated field observations that either confirmed or revised the analysis of impacts to biological resources and the continued adequacy and appropriateness of mitigation measures.

RESPONSE 022-110

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the

sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of both direct and indirect impacts from the project construction, operation, and closure. Edge effects were analyzed in Section 4.9 and Appendix L of the 2003 Draft EIR, and it was concluded that with incorporation of mitigation measures, impacts would be less than significant These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 022-111

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to sensitive habitat and species, and included a large number of project design features and mitigation measures to reduce the impacts to less than significant. Appendix L of the 2003 Draft EIR contains a number of suggested mitigation measures, which are included in the Mitigation Monitoring and Reporting Program (MMRP), which is contained in Chapter 10 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in

its writ. The Biological Technical Report for the Revised Partial Draft EIR, to the extent appropriate, also included suggestions for mitigating impacts, and included an updated discussion of cumulative and secondary impacts. Please refer to Response to Comment Nos. 022-86, 022-108, and 022-149 through 022-167 for additional information on updated field observations that either confirmed or revised the analysis of impacts to biological resources and the continued adequacy and appropriateness of mitigations.

RESPONSE 022-112

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of sensitive species. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. For purposes of the Revised Partial Draft EIR, field studies or surveys were performed in 2005 to reevaluate impacts to vegetation communities and in 2003 and 2005 to reevaluate impacts to arroyo toad. In addition, surveys or field studies related to threatened or endangered species have been continually performed on the landfill site. The work included surveys or field studies or surveys in 2003 and 2005 that observed least Bell's vireo on the landfill site, but did not observe southwestern willow flycatcher, quino checkerspot butterfly, or coastal California gnatcatcher. Also, field studies in 2005 observed golden eagle along the San Luis Rey River corridor upstream of the landfill site, but no active use within the landfill site. These subsequent observations confirmed that the discussion of impacts and mitigations for these other species in the 2003 Draft EIR continues to be adequate and appropriate.

RESPONSE 022-113

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to sensitive habitat and species, based on surveys. This included information regarding population, distribution, and regional presence and significance. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR and Appendix B of the Revised Final EIR include updated information on population and distribution of arroyo toad, as well as vegetative communities.

RESPONSE 022-114

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Please refer to Response to Comment No. 022-105. Appendix L of the 2003 Draft EIR contains a detailed analysis of indirect impacts (including introduction of non-native plant species,

human activity, road kill, attraction of nuisance animal species, habitat fragmentation/edge effects, night lighting and noise), both on the landfill site and where appropriate on adjacent areas. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Indirect impacts from traffic noise were reevaluated using data obtained from the 2006 Traffic Study. Please refer to Response to Comment 002-158 for additional information regarding the reevaluation of indirect traffic impacts. Finally, the MSCP for the North County Area has not yet been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

RESPONSE 022-115

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to biological resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Off-site mitigation areas would be subject to submittal and approval of a Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region, which is consistent with the recommendation of the commenter. The County would also require the project's continued conformance with applicable requirements of the NCCP. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the projects compliance with off-site mitigation requirements.

County DEH staff recognizes that in the prior litigation, the Court order noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." In light of that directive, County DEH staff acknowledges that the permitting process could result in additional requirements designed to address the concerns expressed in this comment.

On-site locations for habitat creation or enhancement are identified in the Revised Partial Draft EIR in Exhibit 4.9-6, Conceptual Mitigation Areas. MM 4.9-18 of the 2003 Draft EIR, which was incorporated without change in the Revised Partial Draft EIR, except to increase the scope of the Habitat Enhancement Plan from 101 acres to 212.6 acres, requires that on-site habitat creation or enhancement would be subject to submittal and approval of a Habitat Resource Management Plan.

The MSCP for the North County Area has not yet been finalized or adopted. In addition, the County General Plan was amended by Proposition C in 1994 to allow for development and operation of the landfill, and depicted locations on the landfill site where project activities would occur. This occurred prior to initiation of the North County MSCP process. In light of the approach taken with respect to mitigation, the County does not believe there would be any adverse impact on the County's approvals for the MSCP.

When comparing biological mitigation measures between the 2003 Draft EIR and the Revised Partial Draft EIR, the overall change is a net increase in suitable habitat for threatened species. The 1,313 acres of land required to be preserved by Proposition C will continue to be preserved. The area of habitat creation or habitat enhancement within the preserved open space on site has increased from 101 acres to 212.6 acres. The total area of off-site preservation has increased from 76.6 acres to 407.8 acres. These increases in mitigation promote the long-term sustainability of threatened species.

RESPONSE 022-116

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with

Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The list provided in the comment regarding information that should be provided in an EIR/EIS would typically apply at the beginning of the environmental review process. The Revised Partial Draft EIR is the result of a Court ruling, which provided specific issues that needed to be corrected. Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to biological resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. A detailed Habitat Resource Management Plan for both on site and off site mitigation areas would be submitted either to the County and/or for review and approval as part of the permitting process.

In the prior litigation, the issue of funding for biological mitigations was raised by the petitioners and specifically addressed by the Court. The Court rejected petitioner's claims, stating "[t]he Final EIR is not required to specify Gregory Canyon's funding obligations for the project. These measures are enforceable conditions of the Solid Waste Facilities Permit." The Court also noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources."

Also, Condition 17.A.17 of the 2004 Solid Waste Facility Permit for the project requires that the project and the County enter into a Memorandum of Understanding that addresses, among other things, the timely designation and protection of these lands as open space and cooperation between the agencies to ensure that these mitigation measures are put into place in a timely manner.

RESPONSE 022-117

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues,

to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Appendix L of the 2003 Draft EIR includes a draft Wetland Mitigation and Habitat Enhancement Plan, which discussed the specific measures that would be taken as part of habitat creation and habitat enhancement, and the locations where this would occur. This included site preparation, plant and seed mix, and five years of maintenance and monitoring. Section 3.B of Proposition C and Section 4.9 of the 2003 Draft EIR discussed the measures to be taken with respect to preservation. Neither this portion of Proposition C nor this portion the 2003 Draft EIR was overturned by the Court or included in its writ. The Revised Partial Draft EIR indicated the locations where the habitat creation and habitat enhancement would occur. A detailed Habitat Resource Management Plan for both on-site and off-site mitigation areas would be submitted for review and approval as part of the permitting process. The Mitigation Monitoring and Reporting Program identifies the County Department of Environmental Health, the County Department of Planning and Land Use, the U.S. Fish & Wildlife Service or the California Department of Fish and Game as the agencies responsible for determining the project's compliance with off-site mitigation requirements.

RESPONSE 022-118

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to sensitive habitat and species. The requirement for funding of on-site management activities subject to the Habitat Enhancement Plan has not changed from the mitigation requirements in MM 4.9-18 of the 2003 EIR. With respect to off-site mitigation areas, no funding requirement was contained in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its

writ. Nonetheless, the Revised Partial Draft EIR contains a new requirement that Gregory Canyon shall submit for review and approval a Habitat Resource Management Plan, which would address funding. The County acknowledges that other requirements may be imposed as part of the permitting process.

Also, Condition 17.A.17 of the 2004 Solid Waste Facility Permit for the project requires that the project and the County enter into a Memorandum of Understanding that addresses, among other things, the timely designation and protection of these lands as open space and cooperation between the agencies to ensure that these mitigation measures are put into place in a timely manner.

In the prior litigation, the issue of funding for biological mitigations was raised by the petitioners and specifically addressed by the Court. The Court rejected petitioner's claims, stating "[t]he Final EIR is not required to specify Gregory Canyon's funding obligations for the project. These measures are enforceable conditions of the Solid Waste Facilities Permit." The Court also noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources."

RESPONSE 022-119

This comment confuses the distinction between wetlands and waters of the U.S, which are classified using distinct criteria. The Field Report to Map Potential Waters of the United States for the Gregory Canyon Landfill Project prepared by URS (Field Report) did confirm the existence of wetlands on the landfill site, along the south side of the San Luis Rey River. This finding is consistent with Appendix L of the 2003 Draft EIR, which identifies 2.35 acres of U.S. Army Corps of Engineers (ACOE) wetlands. For this reason, County DEH staff does not concur that the findings of ACOE represent a radical new approach to wetland delineation. The Field Report noted that wetlands were delineated using criteria from the Federal Manual for Delineating Wetlands (ACOE 1987). A copy of the Field Report is provided in Appendix L of the Revised Final EIR.

The ACOE has issued a confirmed jurisdictional delineation for the project area. The Field Report and the ACOE letter confirming the jurisdictional delineation were cited as references in the Revised Partial Draft EIR. Impacts to biological resources were addressed in the 2003 Draft EIR. The portions of the 2003 Draft EIR questioned in this comment were not overturned by the Court or included in its writ. Additional analysis of impacts to wetlands may be included as part of the federal, state and county permitting process. As noted in Response to Comment No. 004-4, the California Department of Fish and Game would determine the extent of state jurisdictional waters in the course of reviewing the application for a Streambed Alteration Agreement (SAA) for the project, which would include an analysis of potential wetlands. The County would determine project compliance with applicable requirements of the County's Resource Protection Ordinance (RPO). Please refer to Response to Comment No. 131-2 for additional discussion regarding the permitting process and the applicability of the RPO to project impact areas.

RESPONSE 022-120

County DEH staff does not concur with this comment. The July 10, 2006 memorandum was prepared by the LEA, the CEQA lead agency, to indicate how comments received from other County departments on the Administrative Screencheck Revised Partial Draft EIR were addressed. The memo represents the County's internal work product and was not intended for any purpose other than preparation of the Revised Partial Draft EIR prior to its release to the public. The memo indicated how each issue was addressed at an appropriate level of detail in light of its purpose. The memo indicated either 1) that the comment had been satisfactorily addressed, and where the revision to the Revised Partial Draft EIR was located, 2) an explanation why a revision was not made in response to a comment received from another County department, or 3) a notation that the comment was outside of the matters addressed in the Revised Partial Draft EIR. County DEH staff does not concur that this internal memorandum, which was drafted to respond to comments to the Administrative Screencheck Revised Partial Draft EIR, deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.

RESPONSE 022-121

The Preface section of the Water Supply Report (see Appendix C of the revised Final EIR) references the Phase 5 – Hydrogeologic Report (GLA, 1997) and Supplemental Reports (GLA, 2001 and GLA, 2004), and the Geologic, Hydrogeologic and Geotechnical Report (GLA, 2003), prepared at the request of the RWQCB, summarizing the studies conducted through 2002 in one report. These reports present the dates of each pump test and the pumping test data for tests conducted in Winter 1996/1997, Fall 2000 and the Summer 2004. The Phase 5 Hydrogeologic Report (GLA, 1997) is included as Appendix G in the 2003 Draft EIR. The Geologic, Hydrogeologic and Geotechnical Report (GLA, 2003) and the Supplemental Hydrogeologic Report (GLA, 2004) are available for review in the Joint Technical Appendix (JTD) Appendix C and C-1. The JTD is available on the San Diego RWQCB website, and has been incorporated by reference into the Revised Final EIR.

RESPONSE 022-122

GLA-3 is the most productive well within Gregory Canyon and based on pumping test data, is capable of producing at a sustained yield of 12 gpm. Based on the estimated safe yield for the Gregory Canyon catch basin area calculated from a 415 acre catch basin area receiving 25 inches of rain annually and assuming 5 percent infiltration, a maximum "safe yield" pumping rate of 27 gpm was calculated for the area. Please refer to Response to Comment No. 007-6 for additional information regarding the rainfall assumptions used for the safe yield analysis. Aquifer pumping test data for wells GLA-13, GLA-B, and GLA-G and observations during sampling at the six additional wells included in the planned pumping program indicate that an average pumping rate of 2.5 gpm will be possible, yielding the remaining 15 gpm for the 27 gpm total. The pumping system will be monitored from these wells by a totalizer meter to assess the maximum water pumped. In

addition, each well will be equipped with a dedicated pump and high and low level control switches to cycle the pump on and off within the wells bedrock producing zone. Depending on rainfall and infiltration, only that amount of groundwater entering the individual supply well within the limits of the producing zone will be pumped. Recycled water will be used to provide the balance of the project water needs.

RESPONSE 022-123

The catch basin area is defined as the entire area within Gregory Canyon, ridgeline to ridgeline and down to the base of the canyon that would receive rainfall that could infiltrate the bedrock and be stored within the bedrock fracture flow system. The area of the catch basin is one factor in the safe yield calculation. Exhibit 4.4-1 of the 2003 Draft EIR illustrates a 458-acre base area surrounding Gregory Canyon. Figure 1, provided in Response to Comment No. 007-6 of this Revised Final EIR, illustrates the area used for the safe yield calculation. The safe yield calculation was based on a 415-acre area.

RESPONSE 022-124

There is no long-term precipitation gauging station in the vicinity of the Gregory Canyon Landfill site. Stations located near the site with a sufficient precipitation history include rain gauges in Fallbrook, at Lake Henshaw dam, and in Escondido. As a result, precipitation data used for the project can be extrapolated from any of these locations, taking into account a range of criteria, as appropriate to the intent of the data. The leachate analysis, revised and presented in Appendix C of the Joint Technical Document, used a synthetic data set generated by combining data from three Escondido stations to create a 60-year precipitation history with an average annual rainfall of 18.9 inches, and maximum yearly total of 34.8 inches for the site. The URS median rainfall and rainfall pattern discussion relied upon rainfall data from the Fallbrook gauging station primarily because it was the closest rain gauge to the site with a reasonable record of data of rainfall patterns. The analysis focused on rainfall patterns and not necessarily actual rainfall amounts at the site, so use of a gauge close to Gregory Canyon provides an appropriate representation of rainfall patterns. Each of the analyses requires a different approach and used precipitation data for different purposes.

For the safe yield evaluation, the San Diego County Water Authority Lake Henshaw gauging station was selected. This data was utilized since the station records are readily available, and records are well documented over the last 42 years. This data set is most appropriate for the safe yield calculation, as its purpose was to evaluate the ability to use groundwater from the fractured bedrock formation over a period of many years. The normal annual rainfall at Lake Henshaw dam is currently reported as 25.27 inches. For the safe yield calculation 25 inches of rainfall and a 5 percent infiltration rate were used. If the Fallbrook station precipitation data is used, the average value of 17.5 inches is recommended, rather than the median precipitation value. The average value is preferred to encompass the range of highest and lowest rainfall events over the 30 year period, as opposed to the statistical median value, which represents the middle value in a

population of 30 values. The re-calculated safe yield with the more conservative average precipitation value of 17.5 inches derived from the Fallbrook station and the resulting pumping rate for safe yield within the Gregory Canyon catch basin area is approximately 18.8 gpm (27,072 gpd) or about 30.3 AFY. For the project, water that is not supplied from the site's percolating water can be provided using imported recycled water. The analysis contained in the Revised Partial Draft EIR presents a worst-case scenario and assumes that all water is trucked to the site. Therefore, if it is determined that the safe yield is less than the 43.55 AFY provided in the Revised Partial Draft EIR, the amount of trucked recycled water may increase but would not exceed the assumption of a maximum of 205,000 gallons of water per day that would be trucked to the site. For the project water supply, a totalizer meter will be installed to evaluate the combined groundwater extracted from the bedrock wells so that the calculated safe yield is not exceeded. Since the safe yield calculation is based on an average rainfall value over time the amount of water pumped should represent the average safe yield. Each water supply well will be equipped with dedicated pumping equipment and level controls that will cycle the pump on and off so that only water present within the controlled levels within the producing bedrock zone is extracted (i.e., if there is less infiltration, less water will be available for pumping). In this way, the pumping system will accommodate the site conditions over time.

RESPONSE 022-125

This comment relates to the catch areas on the landfill site used by URS and GeoLogic Associates for, respectively, a hydrological analysis of the drainage in Gregory Canyon and the safe yield analysis.

Defined catch areas are different, depending on the nature of the analysis. URS defined the catch area for an analysis of the Ordinary High Water Mark and the area is shown in the figure contained in the URS report, which is attached to the comment letter. The defined area excluded some of the catch area on the east side of Gregory Canyon extending northward that might influence the San Luis Rey River floodplain area. The area extending northward was excluded because those surface flows would not affect the drainage within the canyon. On the other hand, the safe yield analysis performed by GeoLogic Associates related to groundwater, not surface water, and was designed to evaluate the amount of water that would percolate into the fractured bedrock formation. The catch basin area used in the safe yield calculation incorporates the area of Gregory Canyon extending to the point of compliance at the toe of the landfill, because the entire area will receive precipitation and associated infiltration captured within the fractured bedrock formation.

Similarly, the choice of using median or average rainfall data was dictated by the purpose of the analysis. URS used median rainfall data to describe the pattern of annual rainfall in recent years. The median rainfall was used for the hydrology analysis, because the U.S. Army Corps of Engineers uses median rainfall values for this type of analysis. Conversely, because infiltration into the fractured bedrock formation is not tied to rainfall from a particular year, but rather precipitation over

time, the use of average rainfall data by GeoLogic Associates for the safe yield analysis was most appropriate.

The URS median rainfall and rainfall pattern discussion relied upon rainfall data from the Fallbrook gauging station primarily because it was the closest rain gauge to the site with a reasonable record of data of rainfall patterns. The analysis focused on rainfall patterns and not necessarily actual rainfall amounts at the site, so use of a gauge close to Gregory Canyon provides an appropriate representation of rainfall patterns.

The URS hydrology analysis to determine the return frequency of a rainfall event that would cause surface water flows in the drainage, using the HEC-1 model to calculate the runoff for various storm events, does not rely on the median rainfall analysis. Instead, the hydrology analysis is based upon County-generated isopluvial maps that provide rainfall values for various return frequency storms. Therefore, the data is independent of which rain gauge was used.

Finally, the safe yield analysis used Lake Henshaw rainfall data primarily because, as noted in Response to Comment Nos. 007-6 and 022-124, the data provides thorough documentation of rainfall over the past 42 years. Given the purpose of the safe yield analysis, which is to evaluate groundwater production over an extended period, this more complete data set was the most useful.

RESPONSE 022-126

In the 2003 Draft EIR, it is recognized that when the landfill has reached completion the liner system and cover would effectively eliminate infiltration over the landfill footprint. In addition, it is recognized that as the landfill construction progresses to completion (e.g., following completion of the last phase of clay liner construction) less water would be required to support the project. The safe yield calculation provides a starting point prior to the initial construction. Recognizing that there would be a reduction in the area of infiltration as the landfill is constructed, it is proposed that the safe yield also would be reduced by the amount of area that is removed from infiltration. As an example, the safe yield can be expressed as a function of the area (e.g. 27 gpm/ 415 acres = 0.065 gpm/acre). If the site area is reduced by 100 acres, the associated yield would be 20.5 gpm (0.065 gpm/acre x 315 acres). Any project water needs that could not be met from water on site would be met through the use of recycled water.

For the project water supply, a totalizer meter will be installed to evaluate the combined groundwater extracted from the bedrock wells so that the calculated safe yield is not exceeded. Since the safe yield calculation is based on an average rainfall value over time, the amount of water pumped should represent the average safe yield. Each water supply well will be equipped with dedicated pumping equipment and level controls that will cycle the pump on and off so that only water present within the controlled levels within the producing bedrock zone is extracted (i.e., if

there is less infiltration, less water will be available for pumping). In this way, the pumping system will accommodate the site conditions over time.

RESPONSE 022-127

As stated on page 4.15-10 of the Revised Partial Draft EIR, bedrock wells that will be used as water supply wells include wells GLA-3, GLA-12, GLA-12, GLA-B, GLA-C, GLA-G and GMW-1. Groundwater extraction wells routinely pumped as part of an ongoing corrective action program, for on-site water supply, or for domestic supply are also commonly used as monitoring wells at landfills as part of groundwater monitoring programs. Please refer to the technical memorandum included in Appendix C of the Revised Final EIR for an identification of other landfills where this occurs. Please refer to Response to Comment No. 007-5 for additional discussion of the benefits of using the pumping wells for monitoring.

RESPONSE 022-128

Run-on and run-off are not factors in the safe yield calculation. Only water that infiltrates the bedrock provides water that becomes stored in the bedrock for the safe yield calculation. See Response to Comment No. 022-126 for a discussion of the approach to safe yield with landfill construction and a reduced infiltration area.

RESPONSE 022-129

The safe yield calculation was performed to evaluate the volume of water entering the bedrock fracture flow system within Gregory Canyon that can be extracted from the canyon without depleting the bedrock fracture flow system. By definition, the water supply removed from the bedrock fracture flow system cannot exceed the volume of water received from rainfall and infiltration within the canyon, or it will exceed the safe yield. This means that the calculated safe yield of 43.55 AFY that would be pumped from the bedrock is equivalent to the calculated 43.55 AFY that will come into the bedrock.

RESPONSE 022-130

Page 4.3-27 of the 2003 Draft EIR correctly identifies 16 groundwater monitoring wells including 12 bedrock wells (8 existing wells and 4 proposed monitoring wells), and 4 existing alluvial aquifer wells (GMW-3, GLA-16, Lucio Dairy well #2, and SLRMWD well #34). Since completion of the 2003 Draft EIR (previously Final EIR), at the direction of the RWQCB, additional wells were constructed for inclusion in the monitoring program. The wells were constructed with approved drilling permits from the County of San Diego DEH. Following well construction, a Monitoring and Reporting Plan (M&RP) was developed that includes the new and existing monitoring wells to assure adequate monitoring capabilities within the bedrock and alluvium at the landfill site. As such, the M&RP identifies 21 bedrock monitoring wells, including 16 wells to be used as bedrock water quality monitoring wells (GLA-2R, GLA-4, GLA-5, GLA-11, GLA-12, GLA-13, GLA-14, GLA-A through GLA-G, GMW-1 and proposed well GLA-18), and

five water level monitoring stations (GLA-1, GLA-3, GLA-7, GLA-8, and GLA-10). In addition, the M&RP includes 4 alluvial aquifer wells (GMW-3, GLA-16, Lucio Dairy well #2R [replacement], and SLRMWD well #34R [replacement]), as well as surface water monitoring stations and future leachate and subdrain water sampling points. This plan is included in the Joint Technical Document (JTD) as Appendix G, which can be reviewed on the RWQCB website, and has been incorporated by reference into the Revised Final EIR. Exhibit 4.15-5 of the Revised Partial Draft EIR is derived from the figure provided in Appendix C of the Revised Partial Draft EIR, Figure 3 – Well Location Map. The exhibit is provided as a reference map to show the locations of the water supply wells cited in the text of the Revised Partial Draft EIR on page 4.15-10. A revised Figure 3 has been prepared to show each of the well locations, the well type and their location in relation to the landfill footprint and the facilities area, and is included in Appendix C of the Revised Final EIR. The addition of bedrock monitoring wells to the groundwater monitoring system is intended to provide additional water quality data to better assess impacts of the landfill on the underlying groundwater throughout the life of the landfill and post-closure.

RESPONSE 022-131

The additional monitoring wells were constructed at the request of the RWQCB to enhance the proposed groundwater monitoring network at the landfill site. Copies of the well construction logs and boring logs from 2004 are included in the Joint Technical Document (JTD) in Attachment A of Appendix C-1, which is available on the RWQCB website and has been incorporated by reference into the Revised Final EIR.

In addition, Figure 3 of the Water Supply Report, which is provided in Appendix C of the Revised Partial Draft EIR, has been revised to show well locations, well type, proposed water supply wells, and their location in relation to the ancillary facilities area and landfill footprint.

RESPONSE 022-132

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. Section 4.3, Hydrogeology, of the 2003 Draft EIR was not overturned by the Court or included in its writ. The relevant information regarding the wells is provided in Section 4.15 of the Revised Partial Draft EIR.

The addition of wells did not result in a significant change in the interpretation of the site hydrogeology presented in the 2003 Draft EIR. Similarly, the proposed pumping of bedrock wells at the toe of the landfill includes pumping at a lesser level than was described in the 2003 Draft EIR,

which considered the use of on-site production wells for the project's entire water supply. Therefore, there are no significant impacts or changes that in any way warrant further revisions to the Hydrogeology section.

RESPONSE 022-133

Exhibit 4.15-5 of the Revised Partial Draft EIR identifies the location of the existing wells and proposed well GLA-18 in relation to the landfill footprint. The 16 bedrock wells proposed for use as bedrock water quality monitoring wells are also identified on this exhibit. The text of the Revised Partial Draft EIR provides the information necessary to identify water level measuring station GLA-3, and the six bedrock water quality monitoring wells (GLA-12, GLA-13, GLA-B, GLA-C, GLA-G, and GMW-1) that will be used as water supply wells at the toe of the landfill. The facilities area is located at the toe of the landfill and is shown on Exhibit 4.15-7. However, a revised Figure 3 in the Water Supply Technical Report has been prepared to show each of the well locations, the well type and their location in relation to the landfill footprint and the facilities area, and is included in Appendix C of the Revised Final EIR.

RESPONSE 022-134

As stated on page 4.15-10 of the Revised Partial Draft EIR, it is proposed that groundwater will be pumped from the point of compliance bedrock wells GLA-3, GLA-12, GLA-13, GLA-B, GLA-C, GLA-G, and GMW-1. As described in Response to Comment No. 007-5, the pumping program will intercept groundwater flowing from beneath the landfill. Since the water is withdrawn from a competent bedrock fracture flow system, there is no potential for subsidence expected in the bedrock. It is important to note that pumping induced subsidence is typically observed in extreme groundwater extraction conditions. The aquifer is typically loosely packed sedimentary rock with additional loading on top of it, that subsides as a result of a loss of volume when significant water is pumped from it, producing the associated settlement. These conditions are not present at the landfill site.

RESPONSE 022-135

As stated on page 4.15-10 of the Revised Partial Draft EIR, bedrock wells that will be used as water supply wells include wells GLA-3, GLA-12, GLA-13, GLA-B, GLA-C, GLA-G and GMW-1. See Response to Comment No. 007-5 for a discussion regarding the feasibility of using the water supply wells as monitoring wells.

RESPONSE 022-136

The landfill construction will involve removal of alluvial sediments beneath the landfill footprint to create a competent base for landfill construction. The steady-state conditions used in the contaminant release model identify the flow path that groundwater will follow when no pumping occurs. With the use of pumping wells at the toe of the landfill to intercept the groundwater from beneath the landfill, the theoretically modeled “worst-case” release scenario would exhibit a slower

migration of contaminants from the landfill and may even prevent further migration. Therefore, the steady-state conditions used in the current model is an acceptable "worst-case" release scenario.

RESPONSE 022-137

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.15, Public Services and Utilities, of the 2003 Draft EIR includes a discussion of the baseline for analysis of impacts to water supply, which discussed both historic usage as of 1996 and a more recent analysis based on usage following the closure of the Lucio Dairy. The project water demand is based on the water demand for the various stages of the project. The water demand is not provided as a net increase in water use but represents the projected water demand for the project. The historic water use was used in the 2003 Draft EIR for comparison purposes. This issue was raised by this commenter in the prior litigation, but these portions of the EIR were not overturned by the Court or included in its writ. Section 4.3 of the 2003 Draft EIR considered the entire Pala Hydrologic Subarea for purposes of its analysis, which includes the fractured flow bedrock formation. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

In addition, while there currently is no pumping of the bedrock formation (except for minimal amounts needed for groundwater quality sampling), the Revised Partial Draft EIR includes a safe yield analysis, which determined the amount of pumping that would not exceed the amount of groundwater flowing into and surface water infiltration into the bedrock formation. Currently, there are no existing domestic water supply demands on this bedrock water within the landfill site. Since the landfill site is designated and zoned for a solid waste facility, domestic water supply uses are not planned. Further, the volume of percolating groundwater within the landfill site is not sufficient to support any proposed developments within the area. Based on the safe yield calculation, there would be no impact to groundwater supplies. See Response to Comment Nos. 007-6 through 007-9 for additional information regarding the safe yield calculation and potential impacts to groundwater supplies.

RESPONSE 022-138

Exhibit 4.3-6A in the 2003 Draft EIR is a schematic drawing modified from GLA's Geologic, Hydrogeologic and Geotechnical Report (2002) Figure 2-3 (see JTD Appendix C), and shows the flowlines created by pumping within the bedrock fracture flow system. The figure

incorrectly identifies these wells as alluvial aquifer wells; they are proposed bedrock wells. However, the figure pre-dates the drilling of proposed wells GLA-A and GLA-B, and subsequent wells GLA-C through GLA-G. Results of the drilling program, including all of the wells drilled in 2004 at the direction of the RWQCB, are depicted on Plate 2 – Point-of-Compliance Cross-Section of the Supplemental Hydrogeologic Report included as Appendix C-1 of the Joint Technical Document (JTD), which is available on the RWQCB website, and has been incorporated by reference into the Revised Final EIR.

RESPONSE 022-139

Consultants for the project and staff of the OMWD spoke with staff at the RWQCB. As noted in the Revised Partial Draft EIR, there is both a strong state policy encouraging the use of recycled water and a substantial oversupply of recycled water in San Diego County. RWQCB staff noted that the primary criterion was the appropriateness of recycled water at the use site as determined by the project EIR. The individuals that provided the information did so as representatives of the RWQCB.

Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR contains an analysis of potential water quality impacts from the use of recycled water by the project. The analysis determined such impacts would be less than significant. The RWQCB may grant a waiver to allow the use of recycled water at the landfill site pending the issuance of the revised OMWD Master Reclamation Permit. Please refer to Response to Comment No. 007-22 for additional information regarding anticipated water quality standards related to the use of OMWD recycled water, and the project's ability to comply with those standards.

RESPONSE 022-140

The OMWD Master Reclamation Permit would need to be revised by the Regional Water Quality Control Board because the end use of the recycled water is outside the hydrologic areas identified in the permit. OMWD, not the project, is the holder of this permit and would be responsible for obtaining any revisions. In addition, the RWQCB may grant a waiver to allow the use of recycled water at the landfill site pending the issuance of the revised OMWD Master Reclamation Permit. Both consultants for the project and OMWD staff have had preliminary discussions with RWQCB staff regarding the proposed use of OWMD recycled water at the landfill site. As noted in the Revised Partial Draft EIR, there is both a strong state policy encouraging the use of recycled water and a substantial oversupply of recycled water in San Diego County. RWQCB staff noted that the primary criterion was the appropriateness of recycled water at the use site as determined by the project EIR.

Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR contains an analysis of potential water quality impacts from the use of recycled water by the project. The analysis determined such impacts would be less than significant. Please refer to Response to

Comment No. 007-22 for additional information regarding anticipated water quality standards related to the use of OMWD recycled water, and the project's ability to comply with those standards.

RESPONSE 022-141

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.1, Section 4.3, Section 4.4, Appendix E, Appendix G and Appendix H of the 2003 Draft EIR include a detailed analysis of impacts to land use, groundwater, and surface water, and include a discussion of each of the topics listed in this comment (see, e.g. Exhibit 3-3, Exhibit 4.4-1, Section 4.3.1.3, Section 4.1.1.2, Exhibit 4.3-4A, Section 4.3.3.2, Section 4.3.3.1 of the 2003 Draft EIR). The 2003 Draft EIR concluded that, after implementation of project design features and mitigation measures, impacts regarding land use, groundwater and surface water would be less than significant. None of these portions of the 2003 Draft EIR were overturned by the Court and included in its writ. Appendix C of the Joint Technical Document included a Geologic, Hydrogeologic and Geotechnical Report submitted to the LEA and RWQCB and also included a detailed analysis of impacts to groundwater. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Finally, Section 4.15 and Appendix C of the Revised Partial Draft EIR contained a safe yield calculation with respect to the proposed use of on-site wells pumping water from the fractured bedrock formation.

RESPONSE 022-142

As noted in Response to Comment 022-140, the approval needed for the use of recycled water at the landfill site is a revision to the OMWD Master Reclamation Permit. That approval is required because the project is in a different hydrological area that the OMWD Reservoir Site. The question of annexation into the SDCWA is not relevant to the use of recycled water. In addition, some portions of the project are in the San Luis Rey Municipal Water District, which currently has no ability to provide recycled water, and other portions of the project are outside of any water district. Sale of recycled water to the project by OMWD would not interfere with the jurisdiction or rights of any other water district to provide this service.

RESPONSE 022-143

County DEH staff concurs that Application 30038 was cancelled by the State Water Resources Control Board on July 14, 2006. Section 4.3 of the 2003 Draft EIR analyzed impacts to

both water supply and water quality assuming all project water would be supplied by water wells located in the vicinity of the San Luis Rey River, and concluded that any impact would be less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-144

Table 3-6, Summary of Permits, of the 2003 Draft EIR indicates that a National Pollution Discharge Elimination Systems Permits (NPDES) is required for the project. The NPDES permit will address all discharges from the site to surface water.

RESPONSE 022-145

As indicated in Section 4.15 of the Revised Partial Draft EIR, the maximum daily water demand for the project would be 205,000 gpd during operation and periodic construction. This analysis has not been changed from the 2003 Draft EIR. The traffic analysis contained in the Revised Partial Draft EIR is based on the transport of a maximum of 205,000 gpd of recycled water. It is not anticipated that more than the maximum amount of water would be transported to the site.

RESPONSE 022-146

County DEH staff acknowledges the comment and notes that the CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but that the Court has ruled that the contract is not a separate project under CEQA, but rather a part of this landfill project, for which the County is the lead agency under CEQA. Please refer to Response to Comment No. 007-22 for additional information regarding the adequacy of the OMWD water source. County DEH staff does not consider this source of water to be speculative. In addition, the Solid Waste Facility Permit for the project requires that an adequate source of water must be available at all times.

RESPONSE 022-147

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Please see Response to Comment Nos. 022-1 through 022-146 for detailed responses to the comments provided in this letter. Please see Response to Comment Nos. 022-148 through 022-167 for detailed responses to the comments provided in the exhibits attached to this letter. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 022-148

The comment is introductory in nature and provides a general approach to the comments contained in the letter. In addition, the comment provides the background of the authors of the letter. The comment does not provide specific comments regarding information presented in the

Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 022-149

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to sections, or portions of sections, of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

County DEH staff does not concur that an entire new impacts review is warranted where the methodologies used in the 2003 Draft EIR were not changed, but instead the information provided in the 2003 Draft EIR was updated using the same methodologies. This is what occurred in the case of vegetation, upland arroyo toad, and indirect noise impacts. Please refer to Response to Comment Nos. 022-086, 022-152 and 022-158 for additional information regarding these evaluations and the rationale for the revised analysis of impacts and mitigations. Those methodologies were not challenged in the prior litigation, and were not overturned by the Court or included in its writ. In addition, based on continuing field observations or surveys for least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, golden eagle and quino checkerspot butterfly, conditions on the landfill site have not changed from the conditions existing prior to the 2003 Draft EIR, and for that reason there was no basis for any reevaluation of impacts and mitigations. The only instance where some reevaluation may have been appropriate is with southwestern willow flycatcher, since this species was not observed on the landfill site in either 2003 or 2005 but had been observed during prior surveys. Despite that, the Revised Partial Draft EIR continues to assume the presence of this species and requires mitigation for impacts to this species.

Please refer to Response to Comment Nos. 022-112 and 022-152 for additional information regarding ongoing surveys and field studies for threatened or endangered species present or potentially present on the landfill site.

RESPONSE 022-150

The Revised Partial Draft EIR does not contain a complete replacement of the analysis of impacts to the arroyo toad. Rather, as indicated in Chapter 1, Introduction, of the Revised Partial Draft EIR, Section 4.9, Biological Resources, of the Revised Partial Draft EIR was updated to reevaluate impacts of the project to upland habitat for the arroyo southwestern toad. Please see Response to Comment No. 022-152 for a discussion regarding the methodology used for the arroyo toad analysis and the conclusions presented in the Revised Partial Draft EIR. The reduction in impacts to riparian arroyo toad habitat was the result of a redesign of the landfill access road bridge.

RESPONSE 022-151

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of arroyo toad based on surveys. Section 4.9 and Appendix L of the 2003 Draft EIR indicated that suitable upland arroyo toad habitat would most likely be within 0.5 kilometer of the river channel. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. These surveys were the basis of the determination in the 2003 Draft EIR that "toads commonly travel up to 0.5 kilometer from the stream and that the distance toads travel from the breeding sites depends on topography and the extent of suitable habitat." For purposes of the Revised Partial Draft EIR, field studies or surveys for adult arroyo toads were conducted on seven occasions between March and June 2003 and on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. In forming its opinion regarding impacts and appropriate mitigation, URS noted that while toads may move along roads, the only sightings noted in any of the prior surveys along roads were within 100 meters of suitable upland habitat and/or the river channel. In addition, in performing its field studies in 2005, URS conducted nighttime field observations in an attempt to validate prior studies and further evaluate the extent of upland toad habitat. Based on all of the available information, URS concluded that it was unlikely that arroyo toad would occur in significant numbers in project impact areas outside of the identified 17.5 acres of suitable habitat.

County DEH staff does not concur that protocol surveys performed during the breeding season are inadequate to determine the extent of arroyo toad in upland areas. This is because juvenile or subadult toads would not be involved with breeding, but would remain in upland areas. This was confirmed by the 2003 protocol survey performed by Helix Environmental (Appendix F of the Revised Final EIR). The survey report noted, based on snout-vent length measurements, that only immature juvenile or subadult toads were observed. The survey report also noted, based on the lack of vocalization, that it appeared that breeding was not occurring during this particular season. Finally, the spatial distribution of observed toads in 2003 was similar to that described in 2000 by Helix and in 2005 by URS.

RESPONSE 022-152

Appendix L of the 2003 Draft EIR includes surveys that indicated the presence of arroyo toad within the landfill site. That data provided the basis for the conclusion contained in Section 4.9 of the 2003 Draft EIR that "toads commonly travel up to 0.5 kilometer from the stream." However, the 2003 Draft EIR also concluded that the presence of suitable upland arroyo habitats was dependent on the presence of sandy soil types, which were identified as including 32 acres. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

As indicated in the Revised Partial Draft EIR and the Biological Technical Report, which is provided in Appendix B of the Revised Partial Draft EIR, the analysis of impacts on arroyo toads was the same as that performed for the 2003 EIR. However, the analysis in the Revised Partial Draft EIR relies on the calculation of impact acreage using a verifiable GIS analysis. Several discrepancies were identified between the current GIS analysis and the analysis contained in the 2003 Draft EIR. URS was not able to reproduce some of the acreages identified in the 2003 Draft EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis, which used the same assumptions as the 2003 Draft EIR. County DEH staff believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the previous calculations because the previous calculations could not be reproduced and the calculations used in the Revised Partial Draft EIR that are GIS based can be reproduced.

The 2003 Draft EIR found impacts on potential arroyo toad upland habitat would be on 306 acres. The current GIS analysis found that impacts on potential arroyo toad upland habitat would be on 305.8 acres, which would be 306 acres if rounded to the nearest whole single digit. Therefore, there is no change in the calculation of impacts in the Revised Partial Draft EIR on potential arroyo toad upland habitat as defined in the 2003 Draft EIR.

The 2003 Draft EIR concludes that the project would result in impacts on suitable arroyo toad upland habitat in 32 acres. The GIS analysis used in the Revised Partial Draft EIR attempted to reproduce the 32 acres using the assumptions stated in the 2003 Draft EIR. However, reproducing the results from the 2003 Draft EIR was not possible. The GIS acreage calculation provided in the Revised Partial Draft EIR uses the same assumptions that were used in the 2003 Draft EIR. As indicated in the Revised Partial Draft EIR, using the same methodology that was used previously, the project would result in impacts on 17.5 acres of suitable arroyo toad upland habitat. URS then evaluated project impact areas on the landfill site in an attempt to determine if the 32 acres of suitable arroyo toad upland habitat identified in the 2003 Draft EIR could be identified elsewhere within the project impact areas, including consideration of the 17.5 acres of habitat that had been identified using the criteria for suitable arroyo toad upland habitat from the 2003 Draft EIR. URS found that suitable arroyo toad upland habitat as defined in the 2003 Draft EIR did not occur elsewhere within the project impact areas, and that only 10.5 acres of the 17.5 acres of suitable

arroyo toad upland habitat that had been identified in the GIS analysis appeared to actually be suitable arroyo toad upland habitat based on observed features in the field.[1]

In forming its opinion regarding impacts and appropriate mitigation, URS noted that while toads may move along roads, the only sightings noted in any of the prior surveys along roads were within 100 meters of suitable upland habitat and/or the river channel. In addition, in performing its field studies in 2005, URS conducted nighttime field observations in an attempt to validate prior studies and further evaluate the extent of upland toad habitat. Based on all of the available information, URS concluded that it was unlikely that arroyo toad would occur in significant numbers in project impact areas outside of the identified 17.5 acres of suitable habitat. Specific information regarding the distribution of toads within the landfill site was included in both Appendix L of the 2003 Draft EIR and in Exhibit 4.9-5 of the Revised Partial Draft EIR. Although arroyo toad could use roads for foraging or movement to other areas, that has not been observed on the landfill site beyond 100 meters over a period of many years.

The claim made by this commenter is also contradicted by the comments of Samuel Sweet, Ph.D, who noted in his comments that "finding toads on a dirt road pretty much guarantees that there is upland habitat suitable for them to use, long-term, within 100m or less." Please refer to Comment and Response to Comment No. 148-3.

County DEH staff does not concur with comments that the Revised Partial Draft EIR failed to consider the suitability of other soil types and the potential presence of toads in dense vegetation. The Biological Technical Report, which is contained in Appendix B of the Revised Partial Draft EIR, identified each of these other soil types and noted they were generally shallow soils in steep areas with a hard texture and numerous rock outcrops. This information, supplemented by the various field observations, formed the basis for the conclusion that these areas were unsuitable upland arroyo habitat.

The Biological Technical Report indicated that dense grasses and ruderal vegetation were unsuitable habitat because their roots make burrowing difficult. This conclusion is echoed in the comments of Matt Rahn, Ph.D., who expressed concern that proposed habitat creation or enhancement areas "could grow too thick for use by arroyo toads." Please refer to Comment and Response to Comment No. 130-19. Moreover, the assertion made in this comment is inconsistent with comments by Samuel Sweet, Ph.D., who noted "[o]ne of the signature features of arroyo toad biology, rangewide, is that they do not disperse any significant distance into unsuitable upland

[1] *Field studies or surveys for adult arroyo toads were conducted on seven occasions between March and June 2003 and on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. Therefore, the analysis of impacts on arroyo toad upland habitat in the Revised Partial Draft EIR based on GIS confirmed the 306 acres of potential arroyo toad upland habitat identified in the 2003 Draft EIR, and documented the appropriate change in impacts on suitable arroyo toad upland habitat as based on criteria established in the 2003 Draft EIR.*

habitat." Please refer to Comment and Response to Comment No. 148-3. The 2003 protocol survey for arroyo toad performed by Helix Environmental noted that fewer toads were observed compared with prior surveys, in part because "grassland areas are more dense" in upland areas (Appendix F of the Revised Final EIR).

For this reason, URS concluded that it was reasonable to base mitigation requirements on suitable upland arroyo toad habitat. While it is possible that individual toads may occasionally be present in other impact areas, the likelihood of occurrence in areas outside of the identified 17.5 acres of suitable habitat is small. URS concluded it was not appropriate to require mitigation where the connection to actual use by toads is tenuous. Based on the loss of approximately 17.5 acres of suitable arroyo southwestern toad upland habitat on the landfill site, MM 4.9-4 would result in the creation or enhancement of 88 acres of arroyo toad habitat. URS provided its opinion that the level of mitigation provided in the Revised Partial Draft EIR fully compensates for impacts on upland arroyo toad habitat. In part, the basis for this opinion was that the 88 acres of upland arroyo toad habitat to be created on-site would support toad populations in excess of the numbers that may occasionally use impact areas on the landfill site outside of the identified 17.5 acres of suitable habitat.

County DEH staff does not concur with the claims made at the conclusion of this comment. To the extent that toad movement has been observed along roads within 100 meters of suitable upland habitat and/or the river channel, those were identified as impact areas. The Revised Partial Draft EIR reviewed all soil types on the landfill site in reaching its conclusions regarding the extent of suitable habitat, supplemented by field observation of vegetation and the presence or absence of arroyo toad in these areas. The Revised Partial Draft EIR included a specific citation to literature authored by this commenter finding that toads will not use small mammal burrows in areas where soils are compacted. The claims of the commenter regarding the presence of arroyo toad in areas of dense vegetation are refuted by the various field observations on the landfill site, and are inconsistent with the views of another commenter, Matt Rahn, Ph.D. Please refer to Comment and Response to Comment No. 130-19. Findings regarding the distribution of toads were based on six protocol surveys performed prior to the 2003 Draft EIR, and those findings were not challenged in the prior litigation and were not overturned by the Court or included in its writ. They were also substantiated by subsequent field observations.[2]

Finally, the comment suggests that additional surveys be performed using radio transmitters placed on individual toads. The County has reviewed a recent arroyo toad study where radio

[2] *Visalia sand loams (VaA and VaB) are considered suitable soil types for toad burrowing, and were considered as part of the 17.5 acres of suitable upland arroyo toad habitat. The area in the vicinity of Borrow Area A is mapped as containing this soil type. However, based on field observations this area would not be considered suitable habitat, as noted in the Revised Partial Draft EIR. Nonetheless, because of the soil mapping, this area was included within the 17.5 acres of suitable upland arroyo toad habitat for purposes of establishing impacts and mitigation requirements.*

telemetry was utilized. Griffin, et al (2001), Terrestrial Habitat Preferences of Adult Arroyo Toad, Journal of Wildlife Management 65(4):633-644. A copy of this study is included in Appendix M of the Revised Final EIR. The findings of the radio telemetry study, performed in the Camp Pendleton area, are generally consistent with the discussion and findings related to this project. The study does not provide information regarding patterns of habitat use in fall and winter that would contradict the information developed with respect to the landfill site. It does note that channel and terrace habitats are critical for arroyo toad both during and after the breeding season. The study also noted that fine, medium and course grained sands were the preferred substrates for burrowing, and that tall and dense vegetation structures were not preferred. These findings are generally consistent with the analysis of impacts to upland arroyo toad habitat presented in the Revised Partial Draft EIR. As the study does not substantially contradict the conclusions in the EIR, the County does not believe additional field work using transmitters is warranted.

RESPONSE 022-153

Section 4.9 of the 2003 Draft EIR includes a discussion of potential indirect impacts to biological resources from degradation of water quality in the San Luis Rey River. (The Revised Partial Draft EIR also included additional discussion of potential water quality impacts to the arroyo toad that had appeared in identical form in the 2003 Draft EIR.) The 2003 Draft EIR concludes that potential impacts caused by changes in water quality in the San Luis Rey River would be less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Section 4.3, Hydrology, of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concluded that with incorporation of mitigation measures there would be no significant impacts to groundwater. Moreover, the County selected the more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

Section 4.4, Surface Hydrology, of the 2003 Draft EIR contains a discussion indicating that the project would be required to obtain WDR's for the landfill (which would include a Stormwater Monitoring and Reporting Requirements Plan and to comply with a NPDES General Permit to Discharge Stormwater Associated with an Industrial Activity (which would include the MPRR Plan and a Stormwater Pollution Prevention Plan (SWPPP)), and concludes that with incorporation of mitigation measures there would be no significant impacts to surface water quality. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

RESPONSE 022-154

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of impacts from the project to biological resources. That analysis included an analysis of direct impacts as well as indirect impacts, which included an analysis of night lighting. The 2003 Draft EIR provided for a project design feature related to the specifications for night lighting, which was determined to be

sufficient to reduce the potential impact to less than significant. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

The specifications for arroyo toad fencing were provided in the 2003 Draft EIR (see MM 4.9-5c of the 2003 Draft EIR), which was determined to be sufficient mitigation to reduce the potential impact to less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The adequacy of toad fencing was not raised by petitioners in the prior litigation.

RESPONSE 022-155

The trash at the landfill is the main attractant to the birds and is expected to be the main focus of their food-gathering energies. It is expected that they would concentrate their feeding efforts on the active face. In a case study on raven populations in the Joshua Tree National Park, the authors observed that the number of ravens at landfills near the park seemed to be associated with the type and frequency of garbage burial methods, rather than the size or amount of garbage being deposited in the landfills (Boarman and Coe 2000). The operator of the landfill would cover refuse each day with a minimum of six inches of compacted soil or an alternative daily cover that achieves equivalent performance standards. The effects of the control measures would be limited to the birds immediately in the vicinity of the active working face. The active face where the activities will be concentrated is a relatively small area (i.e., less than 0.5 acre). There has been no evidence identified at other landfills to suggest that the bird control techniques proposed at the Gregory Canyon landfill have the potential to impact native species on-site. Deterrents to nuisance birds such as the playback of distress vocalizations, falcon kites, owl decoys, and dispersal by humans and/or dogs will occur at the active portion of the landfill face. These measures will not take place in the open space portions of the landfill site. The distress signals will be directed at the nuisance species and are not expected to significantly affect the local native species.

Rodent control in the ancillary facilities area may include the use of conventional slap-traps or anticoagulant rodenticide. Since any traps used would be close to the ground and in an area subject to constant human and vehicular activity during landfill operational hours, it is unlikely that traps would harm endangered birds. A County approved rodenticide, as described in Section 4.9.3.2 of the 2003 Draft EIR, would be used that does not transfer through the food chain. Therefore, animals (for example raptors) would not be poisoned by eating a rodent that has eaten grain treated with the rodenticide. In addition, standard extermination techniques would be used within the landfill facilities area to control ants and would not be expected to affect native species. Refuse compaction and the application of a daily cover are the most effective preventions against the propagation of rodents on the landfill site. Cover will be applied when refuse placement moves to a new area of the active face, and at the end of the working day. This will minimize the exposed refuse during operational hours, and will eliminate exposed refuse during non-operational hours. Minimizing exposed refuse reduces the attraction of the landfill for rodents. The use of

earthmoving equipment to compact the refuse is a further deterrent, as rodents that might make their way to the refuse are crushed within the waste prism.

RESPONSE 022-156

As indicated in Section 4.9.3.1, subheading Arroyo Southwestern Toad, of the Revised Partial Draft EIR, it is likely that Argentine ants have been introduced to and spread downstream of the site by past floods of the San Luis Rey River. It is expected that since Argentine ants do not thrive in dry areas, the species would remain in relatively close proximity to the river and would not spread into xeric upland habitats on-site. With regard to water use, as indicated in Section 4.15.3.4 of the Revised Partial Draft EIR, the estimated maximum water use would be about 205,000 gpd during periods in which landfill operation occurs simultaneously with periodic construction. This would occur for limited time periods. The more typical scenario would be during operation of the landfill, during which time approximately 40,000 gpd of water would be used. The water use would be for dust control on haul roads and on the landfill face (approximately 30,000 gpd) and for ancillary use, landscape irrigation and fire protection, if needed (approximately 10,000 gpd). In addition, the water use would occur throughout the day. Water is used as needed and the maximum estimated water demand likely would not occur on a daily basis. Therefore, the water used on-site would not result in the creation of wet areas in xeric upland habitat on-site.

RESPONSE 022-157

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The issue raised in the comment was not addressed in the previous litigation and was not included in the Court's writ.

RESPONSE 022-158

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 of the Revised Partial Draft EIR provides revisions relative to potential traffic noise impacts. A 2006 Traffic Study was prepared to update the traffic analysis in the EIR. In turn, using the data from the 2006 Traffic Study, noise impacts to biological resources from traffic were considered in the Revised Partial Draft EIR. The revised analysis resulted in an increase in the noise contours resulting from the project relative to existing and future noise. Indirect noise impacts on sensitive species, such as southwestern willow flycatcher, least Bell's vireo, and coastal California gnatcatcher, are considered significant according to the San Diego Multiple Species Conservation Program if noise levels exceeds 60 dB during their breeding seasons. The 60 dBA Leq threshold was used in the 2003 Draft EIR, based on input from the USFWS. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Exhibits 4.6-2 and 4.6-5 of the Revised Partial Draft EIR show the existing, existing plus project and future cumulative 60 dBA CNEL contour along SR 76. In addition, Exhibit 4.6-6 shows the total combined landfill noise affecting wildlife habitat. The increase in traffic noise impact area is indicated in Section 4.9 of the Revised Partial Draft EIR. Revised mitigation, using the mitigation ratio established in the 2003 Draft EIR, is provided in the Revised Partial Draft EIR. The 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR, contains an updated cumulative analysis. The noise contours affecting least Bell's vireo and southwestern willow flycatcher are identified in Exhibit 4.6-6 of the Revised Partial Draft EIR.

Section 4.9 of the Revised Partial Draft EIR provides a revised analysis of the indirect cumulative noise impacts to least Bell's vireo and southwestern willow flycatcher. MM 4.9-18 of the 2003 Draft EIR provides that incorporation of the Habitat Enhancement Plan would mitigate cumulative traffic noise impacts to these species. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Based on the 2006 Traffic Study and the reevaluation of cumulative indirect noise impacts, the area of impact from cumulative indirect noise impacts has increased. However, the size and scope of the Habitat Enhancement Plan has more then doubled, and in particular, the amount of riparian habitat to be created or enhanced has increased from 13 acres to 81.2 acres, a more than six-fold increase. For this reason, the Habitat Enhancement Plan continues to provide adequate mitigation for and fully compensate for this cumulative impact.

With regard to the creation of habitat to mitigate project-related indirect noise impacts, the noise contour has been considered in the determination of mitigation. Habitat created for the least bell's vireo and southwestern willow flycatcher would be outside of the 60 dBA Leq contour. Overlaying the information in Exhibits 4.6-6 and 4.9-6 of the Revised Partial Draft EIR indicated

that 17.1 acres of on-site habitat creation acres met this criterion. Therefore, the mitigation measure addressing traffic noise impacts is appropriate and feasible.

RESPONSE 022-159

As indicated in Appendix L and Section 4.9 of the 2003 Draft EIR, surveys or field observations for the southwestern willow flycatcher were conducted in 1995, 1998, and 2000. These sightings of southwestern willow flycatcher on the landfill property, some of which were made in the course of protocol surveys, and are considered verified sightings. Additional information regarding these sightings is provided in Appendix L of the 2003 Draft EIR, including the report from a 2000 protocol survey.

TW Biological Services performed five southwestern willow flycatcher surveys between May and July 2003 (see Appendix F of the Revised Final EIR). No southwestern willow flycatcher were observed on the landfill site during these surveys. URS did not observe the presence of southwestern willow flycatcher on the landfill site during field observations conducted in 2005. However, based on prior surveys or field observations from 1995, 1998 and 2000, mitigation for impacts to the southwestern willow flycatcher are still included as part of project mitigation measures. Project-related and cumulative indirect noise impacts are fully mitigated, and will support the continued recovery of this species.

RESPONSE 022-160

County DEH staff does not concur with this comment. The information presented in the 2003 Draft EIR and the Revised Partial Draft EIR has fully evaluated potential impacts to least Bell's vireo and southwestern willow flycatcher and has provided for adequate mitigation to reduce impacts to a less than significant level.

County DEH staff also notes that the allegations contained in the comment were not made by petitioners in the prior litigation and that no portion of Section 4.9 and Appendix L of the 2003 Draft EIR was overturned by the Court or included in its writ.

RESPONSE 022-161

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of potential indirect impacts from attraction of cowbirds, nuisance animal and insect species, non-native plant species, noise, light and habitat fragmentation/edge effects. Project design features and mitigation measures were proposed that reduced potential impacts to less than significant, including a cowbird trapping program, use of shielded lighting, noise restrictions, and implementation of the Habitat Enhancement Plan as set forth in MM 4.9-18 of the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please see Response to Comment Nos. 2K.189 through 2K.199 of the 2003 Draft EIR for additional measures to address the attraction of scavenging and predatory birds and mammals.

RESPONSE 022-162

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The Wetland Mitigation and Habitat Enhancement Plan included in Appendix L of the 2003 Draft EIR contains a discussion of success criteria. Appendix L of the 2003 Draft EIR also includes a discussion of and rationale for expecting implementation success. MM 4.9-18 of the 2003 Draft EIR and Revised Partial Draft EIR notes that the San Luis Rey River is "easily restorable." Please refer to Response to Comment No. 130-17 for additional information supporting the anticipated success of the Habitat Enhancement Plan. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. County DEH staff acknowledges that other requirements may be imposed as part of the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 022-163

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. MM 4.9-3b was included in the 2003 Draft EIR. This portion of the EIR was not overturned by the Court or included in the writ. This mitigation measure was not changed in the Revised Partial Draft EIR.

Please refer to Response to Comment Nos. 022-152 and 001-6 for additional information regarding the evaluation of impact to upland arroyo toad habitat and the determination of appropriate mitigation measures.

RESPONSE 022-164

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The specifications for arroyo toad fencing were provided in the 2003 Draft EIR (see MM 4.9-5c of the 2003 Draft EIR), which was determined to be sufficient mitigation to reduce the potential impact to less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The adequacy of toad fencing was not raised by petitioners in the prior litigation.

Please refer to Response to Comment No. 2K.192 for additional information regarding the adequacy of arroyo toad mitigation measures, responding to prior comments from Dr. Sweet.

RESPONSE 022-165

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains an analysis of impacts from the project to the coastal California gnatcatcher. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In addition, URS conducted field studies in 2005, and no gnatcatcher were observed either nesting or foraging on the landfill site.

RESPONSE 022-166

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicated that the biological resources section was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of indirect impacts to sensitive species, including impacts from human activity and night lighting. with incorporation of mitigation measures, the 2003 Draft EIR concluded that these impacts would be less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 022-167

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft

EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of direct and indirect impacts to biological resources. Project design features and mitigation measures were proposed that reduced potential impacts to less than significant. In particular, the 2003 Draft EIR found, based on published literature, that suitable upland arroyo toad habitat generally consists of sandy areas suitable for burrowing, that 60 dBA Leq was an appropriate threshold of significance for noise impacts to least Bell's vireo and southwestern willow flycatcher, and that project design features or mitigation measures would reduce potential impacts from nuisance species to less than significant. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. Please refer to Responses to Comment Nos. 022-152, 022-155 and 022-158 for specific responses on these issues.

The final paragraph in this comment is conclusory in nature, and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment will be provided to the decisionmaker for consideration.

Letter 023

RINCON LUISEÑO BAND OF INDIANS

Environmental Department

P.O Box 68 · Valley Center 92082 · (760) 749-1051 · Fax:(760) 749-8901

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom it May Concern:

The Rincon Band of Indians Environmental Department provides the following comments on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. The Rincon Environmental Department wishes to express its continued opposition to the proposed landfill because it is proposed to be located at the base of Gregory Mountain, a mountain considered sacred by Native Americans, including the Luiseno people and adjacent to Medicine Rock, another sacred site. The RPDEIR continues to identify the impacts to these sacred sites as significant and unmitigable, but in the past, the County of San Diego has simply ignored that determination and issued a statement of overriding considerations approving the project. We again urge the County to not ignore the significant impacts caused by the desecration of these sacred sites and to determine that there are no overriding considerations that would allow such actions. 023-1

We also object to placing a municipal landfill on the banks of the San Luis Rey River. Although the RPDEIR concludes that the siting the proposed landfill in this location will not result in any significant impact to water quality, we are very concerned that the project has been changed to allow the use of groundwater monitoring wells as production wells. In effect, the very system put in place to ensure that contaminants do not leak from the landfill into important drinking water supplies will now be used not to monitor such leakage but to withdraw potentially contaminated water for reuse. That is not acceptable. 023-2

The RPDEIR also continues to ignore the significant impacts that will be caused by the numerous large trucks carrying garbage and water and other supplies that will use the narrow and winding State Route 76 to access the proposed landfill. The RPDEIR still fails to properly analyze the safety risk, the traffic impacts, accurate emissions increases, and the impacts to the road itself that will be caused by these heavy trucks. Our department alone has had two incidents in the past six months where employees were unable to reach work due to overturned rigs on the 76. 023-3

John Currier	Vernon Wright	Charlie Kolb	Stephanie Spencer	Gilbert Parada
Tribal Chairman	Vice Chairman	Council Member	Council Member	Council Member

RINCON LUISEÑO BAND OF INDIANS

Environmental Department

P.O Box 68 · Valley Center 92082 · (760) 749-1051 · Fax:(760) 749-8901

We also think it is imperative that the County reassess the use of Gregory canyon and the surrounding area for the proposed landfill in light of the significant changes that are planned for the San Luis Rey River Valley. Whereas when the proposed site was identified in the 1990s the area was rural with few houses, there are a number of approved and proposed projects in the valley that will add thousands of residents in the area. These new residents will use the roads, breathe the air, and drink the water. The County cannot ignore the significance of the changes that will occur in its analysis of the impacts of the proposed project. 023-4

In the best judgment of the Rincon Environmental Department, we firmly believe the benefits of this project simply do not outweigh the significant impacts the County has acknowledged that it will cause to the environment and to the sacred religious sites of Native Americans. 023-5

Sincerely,

Bryan Hargrove

Environmental Programs Assistant

John Currier, Tribal Chairman · Vernon Wright, Vice Chairman · Charlie Kolb, Council Member · Stephanie Spencer, Council Member · Gilbert Parada, Council Member

LETTER NO. 023

Rincon Luiseno Band of Indians, Environmental Department
Bryan Hargrove, Environmental Programs Assistant
P.O. Box 68
Valley Center, CA 92082

RESPONSE 023-1

The comment expresses opposition to the project. The comment is acknowledged and is forwarded to the decisionmaker for review and consideration.

With regard to cultural resources, the 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable impacts to Ethnohistory and Native American resources. The Revised Partial Draft EIR provides a discussion regarding the recent nomination of Gregory Mountain and Medicine Rock to the National Register of Historic Places and concludes that if these features were to be listed, the project would result in a significant and unavoidable impact to cultural and historic resources. CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 023-2

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3, Hydrology, of the 2003 Draft EIR contained a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concluded that with the incorporation of mitigation measures the project would result in a less than significant impact to groundwater. In addition, as described in Chapter 3 of the Revised Partial Draft EIR, the project contains a double composite liner, which would provide even greater protection than the original design. With regard to the use of wells for monitoring and production, please refer to Response to Comment No. 007-5 for a discussion regarding the feasibility of using groundwater monitoring

wells for water supply. As indicated in Response to Comment No. 007-5, the purpose of the pumping system at the point of compliance is to intercept groundwater in the fractured bedrock formation flowing underneath the toe of the landfill. By pumping the point of compliance wells, groundwater obtained from the pumping wells will "sample" groundwater representing a much broader area surrounding the well including water that has recently passed beneath the base of the landfill.

RESPONSE 023-3

Section 4.5 of the 2003 Draft EIR contains a detailed traffic analysis of the project, including safety and the structural integrity of SR 76. Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of potential traffic impacts. The 2006 Traffic Study is provided in Appendix A of the Revised Partial Draft EIR. The 2006 Traffic Study also contains an updated analysis of accident data and potential safety impacts from the project on SR 76. With regard to traffic impacts on SR 76, the Revised Partial Draft EIR concludes that the segment of SR 76 west of I-15 currently operates in an unacceptable LOS E condition during the afternoon hours between noon and 5:00 P.M. with and without the project traffic. Although the project does not result in a direct impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of SR 76. The project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to SR 76 west of I-15, the project-related traffic impact is considered significant and unavoidable. The project would also contribute to a cumulative traffic impact on SR 76. With regard to traffic safety and accidents on SR 76, the project would not result in potential traffic safety impacts. As indicated in the 2006 Traffic Study, the accident data continues to show that alcohol, driver violations, and excessive speed are the major causes of accidents on SR 76. The data does not show that an increase in traffic volumes or number of trucks is related to the accident rate, which is consistent with the conclusions reached in the 2003 Draft EIR. With regard to structural integrity, Mitigation Measure 4.5-1 in the 2003 Draft EIR requires that the project applicant conduct a structural analysis of SR 76 to assess the structural integrity of the roadway.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. With regard to air emissions, Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air emissions from mobile sources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 023-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding land use were thoroughly analyzed in Section 4.1 of the 2003 Draft EIR. The site is designated Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. The site is zoned Solid Waste Facility. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25). In addition, the 2003 Draft EIR contains detailed analyses of air quality and water quality. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. With regard to traffic, as indicated in Response to Comment No. 023-3, the Revised Partial Draft EIR contains an updated Traffic Study. In addition, the cumulative analysis was also updated to account for proposed projects in the area. As indicated in Response to Comment No. 023-3, the project would contribute to a cumulative traffic impact on SR 76.

Please refer to Response to Comment No. 028-19 for additional discussion regarding cumulative impacts from the project.

RESPONSE 023-5

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration. With regard to a statement of overriding considerations, please see Response to Comment No. 023-1.

Letter 024

Environmental Health Coalition

COALICION de SALUD AMBIENTAL

401 Mile of Cars Way, Suite 310 · National City, CA 91950 · (619) 474-0220 · FAX: (619) 474-1210
ehc@environmentalhealth.org · www.environmentalhealth.org

August 22, 2006

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Via Email to: dehcomments@sdcounty.ca.gov

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom It May Concern:

Environmental Health Coalition (EHC) provides the following comments on the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. **EHC continues to oppose this tragically flawed proposal to place a landfill adjacent to the San Luis Rey River, threatening the drinking water for the entire city of Oceanside and desecrating a Native American sacred site.** We again urge the County to not ignore the significant impacts caused by the desecration of these sacred sites and to determine that there are no overriding considerations that would allow such actions. 024-1

We also continue to believe that the environmental review for the project is inadequate. The RPDEIR section on water supply resources, for example, fails to state the time frame for the analysis. A truly comprehensive environmental review must estimate impacts for the entire time period that the project may impact the environment, not merely those few years when the project is profitable to its proponents. According to CEQA, a finding of significant effect must be made if a project "has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals." The landfill may solve a short-term problem of solid waste disposal for Los Angeles, Riverside, San Bernardino, or whatever locality contracts with landfill owners for space; however, the long-term environmental problems it creates will continue much longer. The analysis of a sustainable pumping rate from bedrock wells was done out to a maximum of 2000 days, or about 5 and a half years. However, the active period of the landfill is supposed to be 30 years, and the need for landscape irrigation will continue indefinitely. Where will this water come from? The report does not indicate the sources of water beyond the immediate future. The EIR must determine the impacts on water supply and resources for the entire time that the landfill will create impacts to these resources. 024-2

Similarly, it is stated on page 15 of the Water Supply Report that the landfill liner will continue to protect underlying water resources by capturing the percolating rainfall and recycled water that is applied to the site. Thinking beyond our own generation, in 500 years the trash will not 024-3

have fully degraded, and rain will still fall. What will be the condition of the liner in 500 years? In 1,000 years? The EIR must estimate the environmental impacts of water percolating through the waste over the entire time that waste will be present at the site. Without such an assessment, the EIR is fatally flawed. 024-3 cont'd

Finally, we are perplexed to note that the facts and findings of the Water Supply Report are disavowed by the project authors, in their disclaimer (p. 19), which reads, " This report has been prepared in accordance with generally accepted geologic and hydrogeologic practices, and makes no warranties, either expressed or implied, as to the professional content and data presented herein." The unwillingness of consultants to stand by their own report leaves us with little confidence that these conclusions are valid for even the limited timeframe (never stated explicitly) for which this analysis was done. 024-4

We also think it is imperative that the County reassess the use of Gregory Canyon and the surrounding area for the proposed landfill in light of the significant changes that are planned for the San Luis Rey River Valley. Whereas when the proposed site was identified in the 1990s the area was rural with few houses, there are a number of approved and proposed projects in the valley that will add thousands of residents in the area. These new residents will use the roads, breathe the air, and drink the water. The County cannot ignore the significance of the changes that will occur in its analysis of the impacts of the proposed project. 024-5

We believe that the County not only can not certify the RPDEIR as drafted, but that it must take a hard look at its continued support for this unnecessary and improperly sited project. The benefits of this project simply do not outweigh the significant impacts the County has acknowledged that it will cause to the environment and to the sacred religious sites of Native Americans. There are no overriding considerations that are sufficient to allow this project to go forward. 024-6

Thank you for the opportunity to provide comments on this matter.

Sincerely,

Joy Williams

Community Assistance/Research Director

LETTER NO. 024

Environmental Health Coalition
Joy Williams, Community Assistance/Research Director
401 Mile of Cars Way, Suite 310
National City, CA 91950

RESPONSE 024-1

The comment expresses opposition to the project. With regard to the statement of overriding considerations, CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment also expresses an opinion with regard to the overriding considerations for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 024-2

County DEH staff has made its own independent evaluation of the adequacy of the Final EIR and has found that the Final EIR adequately discloses and discusses all environmental impacts associated with the project. The analysis was made available to the public for independent review and comment in the Revised Partial Draft EIR. With regard to water supply, Section 4.15 provides a detailed analysis of water supply for the project. As indicated in Section 4.15 of the Revised Partial Draft EIR, water demand would range from approximately 40,000 gpd to 205,000 gpd. The demand for 40,000 gpd would occur during operation of the landfill, which would be the majority of the time. The 205,000 gpd demand would occur when the landfill is operational and periodic construction occurs to open a new cell. As indicated in Section 4.15, Olivenhain Municipal Water District (OMWD) has entered into a contract with Gregory Canyon Ltd. to provide the project with up to 230 AFY (74,945,500 gallons) of recycled water per year for a term of 60 years, which exceeds the maximum expected daily project demand of 205,000 gallons. With regard to landscape irrigation, as indicated in Chapter 3 of the 2003 Draft EIR, the end-use of the site is nonirrigated, open space. Final site faces would be planted with native vegetation and plants would be selected for their suitability to the local climate, drought resistance, and hardiness and low maintenance qualities.

With regard to the project achieving a short-term goal, as indicated in Section 4.1, Land Use and Planning, of the Revised Partial Draft EIR, the project is consistent with the 2005 Siting Element. The project has been designated as a proposed disposal facility in the updated element. (Siting Element SE-42 thru 46). The Siting Element identifies the Gregory Canyon landfill and the proposed expansion of Sycamore Canyon landfill as key strategies to achieve the 15 years of disposal capacity required by state solid waste law. CEQA Guidelines Section 15126 indicates the

subjects that need to be discussed in an EIR. The required sections or discussions include: Significant Environmental Effects; Significant Environmental Effects Which Cannot Be Avoided; Significant Irreversible Environmental Changes; Growth-Inducing Impacts; Mitigation Measures; and Alternatives. In accordance with CEQA Guidelines, the Final EIR contains all of these discussions.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 7 of the 2003 Draft EIR provides a discussion of the significant irreversible environmental impacts that would occur as a result of the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 024-3

As described in Chapter 3, Project Description, of the Revised Partial Draft EIR, the project would include a double composite liner. Please see Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems. Also, please see Response to Comment No. 2J.078 of the 2003 Draft EIR regarding landfill liners. Sections 4.3, Hydrogeology, and 4.4, Surface Water, of the 2003 Draft EIR contain detailed analyses of water quality. The analyses conclude that with the incorporation of mitigation measures and project design features, the project would not result in adverse impacts to the groundwater or surface water. These portions of the EIR were not overturned by the Court or included in its writ.

RESPONSE 024-4

The disclaimer language contained in the Water Supply Report in Appendix C of the Revised Partial Draft EIR is a typical disclaimer contained at the end of professional reports. Professional reports are typically prepared for a particular purpose, which is stated in the report. Therefore, a technical report may not contain the information that another party or agency may need if the purpose of that party or agency were to be different than the purpose for which the report was originally prepared.

RESPONSE 024-5

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft

EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issues regarding land use were thoroughly analyzed in Section 4.1 of the 2003 Draft EIR. The landfill site is designated Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. The landfill site is zoned Solid Waste Facility. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25). The Land Use section of the 2003 Draft EIR was not overturned by the Court or included in its writ.

However, with regard to cumulative analyses, the cumulative analyses for traffic, noise, air quality, and biological resources, were updated in the Revised Partial Draft EIR.

RESPONSE 024-6

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to a statement of overriding considerations, please see Response to Comment No. 024-1.

Letter 025

Envirepel
Energy, Inc.

August 24, 2006

Ms. Kerry McNeill
San Diego County
Dept. of Environmental Health
1255 Imperial Ave
San Diego, CA 92112

Received
AUG 2 4 2006
DEH / LEA

Re: Response to Gregory Canyon Revised EIR

Dear Ms. McNeill,

Envirepel Energy Inc. appreciates the opportunity to comment on the revised environmental document for the Gregory Canyon Landfill project.

In the review of this revised document, we have concerns with the following areas:

1. The traffic Study does not include an environmental impact analysis for noise, air pollution and water pollution impacts of the landfill project traffic loads independent or in combination with the other traffic studied on the endangered species in the river alongside Hwy 76 between the Gregory Canyon project site and Interstate 15 025-1
2. The traffic Study only evaluated the proposed GP 2020 estimates for local development, and did not include the additional traffic from casino expansions, our biomass energy project site, or the other housing developments that are in various stages of permitting and are known to the Landfill developer and the County of San Diego. 025-2
3. The 200 acre-feet of reclaimed water to be used for dust control was not contemplated in the original EIR leachate analysis, and has not been addressed in the JTD or this EIR revision. Following the State of California Landfill Design Handbook, an Integrated Waste Board generated document specifically addressing this topic, this amount of water use on the landfill project produces something in excess of 7 million gallons of leachate, approximately 17.5 times the amount the landfill developer claims will be generated in the original EIR. We believe that this minor discrepancy warrants an update to the leakage and spill potential impact analysis of leachate contamination into the river from the landfill project. 025-3
4. The air impact analysis of the original EIR was rejected by San Diego Air Pollution Control District as incomplete and full of conflicting statements regarding total amount of dirt and rock to be moved, and the disposal of leachate through incineration. We believe that the discrepancy in the estimated leachate numbers is material in this discussion warranting a more comprehensive evaluation to be performed. Also, the revised scope of the landfill project would require a complete recalculation of the air quality impacts that were not contemplated in the original EIR or JTD documents. 025-4

2322 La Mirada Drive, Vista, CA 92081

We respectfully submit that these four topics, especially the leachate issues, warrant further evaluation and engineering to be performed by the Landfill Project Developer and Dept. of Environmental Health, with a public comment period, prior to any recommendation by the DEH to re-instate the solid waste facility permit for this project. 025-5

As your office is aware of our Company's biomass and waste to energy project efforts, our company has done a full CEQA equivalent evaluation of the Landfill Project as part of our submission to the California Energy Commission under CCR Title 20, Appendix B for our Renewable Energy Project in Fallbrook, which concluded significant environmental issues with the Landfill project at Gregory Canyon .

The Governor's April 25th Executive Order placed the Energy Commission as lead agency in the effort to maximize the use of waste (biomass and trash) for the benefit of renewable energy an fuel production states that the Energy Commission "shall coordinate oversight of efforts made by State Agencies to promote the use of biomass resources". 025-6

We believe that the County would be negligent of it's obligations to the State of California under this Executive Order if the County were to move forward with the landfill project SWF permit process prior to the Energy Commission evaluation being completed.

Please contact me with any questions.

Sincerely,

Attachments:

Governors Executive Order dated April 25th, 2006

Please click here to return to the previous page.

Executive Order

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

EXECUTIVE ORDER S-06-06
By the
Governor of the State of California

WHEREAS, abundant biomass resources from agriculture, forestry and urban wastes can be tapped to provide transportation fuels and electricity to satisfy California's fuel and energy needs; and

WHEREAS, ethanol is a renewable transportation biofuel that California consumes more than 900 million gallons a year which is approximately 25 percent of all the ethanol produced in the United States; and

WHEREAS, California produces less than five percent of the ethanol it consumes; and

WHEREAS, biomass fuels, including ethanol produced from cellulose and bio-diesel produced from a variety of sources, can reduce the state's reliance on petroleum fuels and work to lower fuel costs for consumers; and

WHEREAS, in the Hydrogen Highway plan, the state has invested $6.5 million to support a network of more than 16 filling stations and a growing fleet of cars and buses that run on this clean fuel of the future; and

WHEREAS, biofuels can be a clean, renewable source for hydrogen; and

WHEREAS, biofuels offer greenhouse gas reduction benefits; and

WHEREAS, biomass as a source of energy has the potential to power more than three million homes or produce enough fuel to run more than two million automobiles on an annual basis; and

WHEREAS, biomass is a renewable resource which currently contributes two percent of the state's electricity mix, or nearly 1,000 megawatts of the state's generating capacity and is one of the options needed to achieve the State Renewables Portfolio Standard requirements; and

WHEREAS, improvements in the use of waste and residues from forests and farms for energy production can actually decrease the greenhouse gas emissions associated with biomass decomposition that otherwise would occur; and

WHEREAS, harnessing California's biomass resources to produce energy and other products is good for the state's economy and environment and contributes to local job creation; and

WHEREAS, the increased use of biomass resources contributes solutions to California's critical waste disposal and environmental problems, including the risk of catastrophic wild fires, air pollution from open field burning, and greenhouse gas emissions from landfills; and

WHEREAS, sustained biomass development offers strategic energy, economic, social and environmental benefits to California, creating jobs through increased private investment within the state.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power invested in me by the Constitution and the statutes of the State of California, do hereby order effective immediately:

1. The following targets to increase the production and use of bioenergy, including ethanol and bio-diesel fuels made from renewable resources, are established for California:

a. Regarding biofuels, the state produce a minimum of 20 percent of its biofuels within California by 2010, 40 percent by 2020, and 75 percent by 2050;

b. Regarding the use of biomass for electricity, the state meet a 20 percent target within the established state goals for renewable generation for 2010 and 2020; and

2. The Secretary for the California Resources Agency and the Chair of the Energy Resources Conservation and Development Commission ("Energy Commission") shall coordinate oversight of efforts made by state agencies to promote the use of biomass resources; and

3. The Air Resources Board, Energy Commission, California Environmental Protection Agency, California Public Utilities Commission, Department of Food and Agriculture, Department of Forestry and Fire Protection, Department of General Services, Integrated Waste Management Board, and the State Water Resources Control Board shall continue to participate on the Bioenergy Interagency Working Group chaired by the Energy Commission; and

4. The Energy Commission shall coordinate with other responsible state agencies to identify and secure federal and state funding for research, development and demonstration projects to advance the use of biomass resources for electricity generation and biofuels for transportation; and

5. The Energy Commission shall report to the Governor and the State Legislature through its Integrated Energy Policy Report, and biannually thereafter, on progress made in achieving sustainable biomass development in California; and

6. The California Air Resources Board is urged to consider as part of its rulemaking the most flexible possible use of biofuels through its Rulemaking to Update the Predictive Model and Specification for Reformulated Gasoline, while preserving the full environmental benefits of California's Reformulated Gasoline Programs; and

7. The California Public Utilities Commission is requested to initiate a new proceeding or build upon an existing proceeding to encourage sustainable use of biomass and other renewable resources by the state's investor-owned utilities; and

8. As soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the twenty-fifth day of April 2006.

/s/ Arnold Schwarzenegger

Governor of California

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Please click here to return to the previous page.

LETTER NO. 025

Envirepel
Anthony Arand
2322 La Miranda Drive
Vista, CA 92081

RESPONSE 025-1

The first portion of the comment is introductory in nature and does not introduce new environmental information or provide a specific comment regarding information presented in the Revised Partial Draft EIR.

As indicated in Chapter 1 of the Revised Partial Draft EIR, Section 4.5, Traffic and Circulation, was revised to reflect a 2006 Traffic Study. The 2006 Traffic Study (revised 2007), which is included in Appendix A of the Revised Partial Draft EIR includes a near-term and long-term cumulative analysis. An updated noise analysis was completed to reflect the 2006 Traffic Study. Please see Appendix D and Section 4.6, Noise and Vibration, of the Revised Partial Draft EIR. Finally, Section 4.9, Biological Resources, includes a reanalysis of traffic noise impacts on sensitive habitat.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9.3.2 of the 2003 Draft EIR considered indirect impacts on vegetation communities and threatened species, including potential impacts from water quality and dust. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 025-2

The 2006 Traffic Study (revised 2007), which is provided in Appendix A of the Revised Partial Draft EIR, contains a near-term and long-term cumulative analysis. The 2006 Traffic Study contains a detailed list of projects considered in the near-term cumulative analysis. A detailed list of near term cumulative projects, which includes over 150 projects, is included in Appendix C of the Traffic Study. The near-term cumulative traffic analysis includes all cumulative projects, as well as ambient growth (2 percent per year for three years). The casino expansions as well as other projects, including housing projects, in the vicinity of the landfill site are included in the cumulative analysis.

In addition, the long term cumulative analysis (2030) uses the County's proposed General Plan Alternative with proposed land use densities and would include projects that are being processed but had not been submitted at the time the cumulative projects list was compiled. Please see Response to Comment Nos. 028-33 through 028-35 for a discussion regarding cumulative traffic analysis.

RESPONSE 025-3

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.3 of the 2003 Draft EIR contains a detailed analysis of leachate generation. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The use of recycled water would not result in an increase in leachate generation. The amount of water is the factor in leachate generation, not the type of water. The amount of water used for dust control on the landfill footprint would be the same whether or not the water is groundwater or recycled water.

RESPONSE 025-4

County DEH staff does not concur that the air quality impact analysis contained in the 2003 Draft EIR was rejected by SDAPCD. While the SDAPCD commented on the 2003 Draft EIR, responses to each of the comments were provided. Please see Comment Letters R and 6X and the associated responses in the 2003 Draft EIR. The SDAPCD is currently processing an application for an air permit for the project.

With regard to the leachate generation, please see Response to Comment No. 025-3. The scope of the project has not been changed from the 2003 Draft EIR.

Chapter 3 of the Revised Partial Draft EIR contains minor modifications to the project at the landfill site. The potential impacts from these modifications, which include a double composite liner and a recycled water storage tank, have been analyzed in the Revised Partial Draft EIR. Please see the Air Quality, Health Risk, and Noise Technical Memorandum contained in Appendix D of the Revised Partial Draft EIR for the supplemental air quality analysis that was conducted as part of the Revised Partial Draft EIR. As indicated in Chapter 1, Introduction, of the Revised Partial Draft EIR, no revisions were made to Section 4.7, Air Quality and Air Toxics Health Risk, of the 2003 Draft EIR as a result of the analyses provided in Appendix D. The air quality analysis of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 025-5

County DEH staff does not concur that further evaluation is warranted with regard to leachate generation, effects on biological resources, cumulative analysis or air quality. This comment is general in nature. Please see detailed responses to the specific comments above (see Response to Comment Nos. 025-1 through 025-4.) Based on the information presented in the Revised Partial Draft EIR, comments to the Revised Partial Draft EIR, and the responses to those comments, County DEH staff concludes that the standard for additional recirculation under CEQA Guidelines Section 15088.5 has not been met.

RESPONSE 025-6

The Revised Partial Draft EIR does not include an analysis of Alternatives as this was not included in the Court order. As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Alternatives is not a subject in the Revised Partial Draft EIR. However, Chapter 6 of the 2003 Draft EIR contains a detailed analysis of alternatives. Waste-to-Energy and Waste-to-Methanol facilities were considered as alternatives but were rejected as they are not considered feasible. As indicated in the 2003 Draft EIR, even with waste-to-energy there is residual waste and as such this process cannot be considered a replacement to the landfilling of solid waste. A biomass facility would use biological material, which can be used as fuel or for industrial production. However, as with waste-to-energy there would still be types of waste in the wastestream that would need to be placed in a landfill. County DEH staff is not aware of any recent approvals or pending applications for waste to energy for biomass facilities.

County DEH staff also notes that the comment includes inaccurate information regarding the status of the Envirepel project. In response to a Public Records Act Request, the California Energy Commission (CEC) indicated that it has received no application from Envirepel. A copy of the CEC letter is included as Figure 4 on page 025-4.

With regard to the Governor's April 2006 Executive Order, the comment suggests that the County defer action on the Solid Waste Facilities Permit application pending other decisions. County DEH staff does not concur that no action can take place with regard to a landfill until the CEC evaluation is complete, especially when no application has been filed. In addition, the LEA is obliged to process an application that has been submitted. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

February 16, 2007

Mr. Jeffrey Russell
Allen Matkins Leck Gamble Mallory & Natsis LLP
501 West Broadway, Suite 1500
San Diego, CA 92101

Re: Public Records Act Request 07-03

Dear Mr. Russell:

I am responding to your Public Records Act (Gov. Code, § 6250 et seq.) request of February 15, 2007, seeking "all documents related to applications from Envirepel Energy Inc. for projects in San Diego County, including applications and any correspondence related to such applications."

The California Energy Commission has no information responsive to your request in that, to date, the Commission has received no application from Envirepel Energy Inc. If you have any further questions concerning this matter, please call me at (916) 651-8893.

Sincerely,

Kenneth D. Celli
Senior Staff Counsel

NO SCALE

Source: California Energy Commission, 2007

Figure 4
California Energy Commission Letter Regarding Envirepel Projects

Letter 026

FALLBROOK LAND CONSERVANCY

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August 23, 2006

County of San Diego
DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill

To Whom it May Concern:

The Fallbrook Land Conservancy (FLC) wishes to express its strong opposition to the proposed landfill because of its potential harmful impacts on the water quality of the San Luis Rey River, the wildlife and native habitat of the San Luis Rey River watershed, traffic on the already congested and dangerous State Highway 76, and the cultural resources of Medicine Rock and Gregory Mountain. 026-1

The following comments are limited to sections or portions of sections of the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill that were revised from the 2003 Draft EIR.

Section 3, Project Description.
The double liner described herein is an acknowledgment of a major environmental flaw in the project: it is sited on a river whose water quality is essential for residents living downstream, as well as wildlife. Experts agree that liners are not fail safe protection against leakage and contamination. For this reason alone, the project should be rejected. 026-2

The proposed method of providing the necessary water for the project discussed in this section would result in 178 trips per day by water trucks traveling past a school under construction, onto a congested interstate highway, and along a hazardous, congested state highway for a 50-mile round trip. This is wasteful of energy, and places the health and safety of citizens in jeopardy. 026-3

Section 4.1.3.9 Countywide Siting Element
The discussion here of the need for the Gregory Canyon project appears to be based on a faulty assumption in the County Siting element that the solid waste disposal rate will continue to increase faster than projected population growth. This assumption, based on data gathered during the building boom of the last 026-4

decade, is unlikely to hold. If state-mandated recycling or diversion rates are achieved, the shortage of landfill capacity will not occur, and Gregory Canyon will not be needed. The landfill operators would then need to import solid waste from outside the County, leading to an even greater unnecessary environmental impact. 026-4 cont'd

Section 4.5. Traffic and Circulation
The report states that "cumulative traffic impacts in both the near term, the 2020 buildout condition and in the year 2030 are considered significant and unavoidable." We agree, and expect the impacts to be even worse than discussed because the expansion of the Pauma Casino and other proposed development projects not listed in the RPDEIR. 026-5

Section 4.9. Biological Resources
The list of sensitive plant and animal species that will be impacted by this project is daunting, and shows that this proposed location is unacceptable. FLC strongly objects to the proposed mitigation measures which allow for off-site mitigation to occur anywhere in San Diego County, contrary to existing policy of mitigating as close to the region of impact as possible. 026-6

In summary, the benefits of this project simply do not outweigh its acknowledged significant environmental impacts. Any hypothesized overriding considerations are insufficient to allow this project to go forward. 026-7

We urge the County not to certify the RPDEIR as drafted.

Sincerely,

Wallace Tucker

Chairman, Fallbrook Land Conservancy

LETTER NO. 026

Fallbrook Land Conservancy
Wallace Tucker, Chairman
P.O. Box 2701
Illegible, CA

RESPONSE 026-1

The comment expresses opposition to the project. The comment is general in nature. Please see detailed Response to Comment Nos. 026-2 through 026-6 for detailed responses to the issues raised in the comment letter. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 026-2

As described in Chapter 3, Project Description, of the Revised Partial Draft EIR, the project would include a double composite liner. Please see Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems. Also, please see Response to Comment No. 2J.078 of the 2003 Draft EIR regarding landfill liners. Sections 4.3, Hydrogeology, and 4.4, Surface Water, of the 2003 Draft EIR contain detailed analyses of water quality. The analyses conclude that with the incorporation of mitigation measures and project design features, the project would not result in adverse impacts to the groundwater or surface water. These portions of the EIR were not overturned by the Court or included in its writ.

RESPONSE 026-3

The Revised Partial Draft EIR contains a detailed analysis of the potential impacts from trucking water from the Olivenhain Reservoir Site to the landfill site. Please see Appendix A of the Revised Partial Draft EIR for the 2006 Traffic Study, which includes an analysis of traffic and safety. Also, please see Appendix D of the Revised Partial Draft EIR for the Air Quality, Health Risk, and Noise Technical Memorandum, which includes an analysis of these issue areas relative to the water truck trips. With regard to energy consumption, the use of recycled water trucks would not cause an increase in overall project-related vehicle trips. As indicated in Section 4.15 of the Revised Partial Draft EIR, water demand would range from approximately 40,000 gpd to 205,000 gpd. The demand for 40,000 gpd would occur during operation of the landfill, which would be the majority of the time. The 205,000 gpd demand would occur when the landfill is operational and periodic construction occurs to open a new cell. Therefore, the use of recycled water trucks would occur during limited periods of time.

RESPONSE 026-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The issue of project need and alternatives was not overturned by the Court and not included in its writ. With regard to project need, Section 4.1 of the Revised Partial Draft EIR includes a review and discussion of the 2005 Countywide Siting Element. Based on an analysis of the Siting Element, the Revised Partial Draft EIR concluded that the project was an important component of the County's ability to achieve the 15 years of disposal capacity required by state solid waste law.

RESPONSE 026-5

The 2006 Traffic Study (revised 2007) includes a near term and 2030 cumulative analysis. With regard to the cumulative analysis contained in the Revised Partial Draft EIR, the 2006 Traffic Study contains a detailed list of projects considered in the near-term cumulative analysis. The cumulative traffic analysis includes all cumulative projects, as well as ambient growth (2 percent per year for three years). Please see Appendix C of the Traffic Study for the list of cumulative projects. As shown in Appendix C of the 2006 Traffic Study, the Pauma Casino expansion was included. The Pauma Casino estimated 500 new daily trips. Please refer to Response to Comment No. 028-33 for additional information regarding the analysis of the Pauma Casino expansion. While the comment refers generally to other proposed development projects, no specific projects names or references are provided.

RESPONSE 026-6

The requirement that off-site mitigation can be located anywhere in the unincorporated County was established in the 2003 Draft EIR (see e.g., MM 4.9-1b and MM4.9-1d in the 2003 Draft EIR). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR contains a new requirement that Gregory Canyon will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County and prior to the time impacts occur as part of the Habitat Resource Management Plan. The County has informal guidelines for the selection of mitigation sites that would be followed. Those guidelines specify that where possible mitigation lands be located within the same eco-region. Please see Response to Comment No. 001-8 for additional information regarding County criteria for selection of off-site mitigation areas.

RESPONSE 026-7

CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific

economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The comment expresses an opinion with regard to the overriding considerations for the project. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 027

Friends of Wilderness Gardens Preserve
A California Non-Profit Public Benefit Corporation
P.O. Box 3027 • Escondido, CA 92033-3027

Received
AUG 24 2006
DEH / LEA

August 21, 2006

County of San Diego
Department of Environmental Health
Local Enforcement Agency
9325 Hazard Way
San Diego, Ca. 92123- 1217

Subject: RPDEIR for Environmental Impact Report for the Gregory Canyon Landfill Project
Log Number 98-02-025

Please do not certify this EIR. Statistics are deceiving and voters have been misled. Anyone taking the time to drive into our community will immediately reach the proper conclusion that a garbage dump does not belong in our beautiful valley.

Speakers at the August 14 meeting framed the debate very well. This is a debate between business interests and quality of life interests. On the business side we have the San Diego Chamber of Commerce, Contractors Association, San Diego Tax Payers Association and Gregory Canyon Limited. They have misled the voters but do not represent the voters. 027-1

On the Life side are local residents of our valley and numerous environmental groups.

Perception is that you are taking the side of business over environmental health issues and trusting statistics and arguments presented by the proponents of the dump. When persuasive arguments are presented by ourselves, you acknowledge validity but say the public good of the dump outweighs it's negative impact on the environment you are sworn to protect.

We are still confident that you will change your approach and become less accepting and more adversarial with the dump proponents. Remember this whole issue had it's birth in deceit and corruption. You can in a sense wash away the past sins of the County by denying certification of the EIR.

Traffic and Circulation

Heavy garbage trucks on narrow Highway 76 will only aggravate existing hazards. Two fatalities in August 2006 alone. Road improvements suggested in the July 10th EIR Revision would not be adequate or timely. 027-2

Public Services and Facilities

The unhappy lady, with the noise intolerant child, who spoke at the August 14th meeting, gave good testimony as to why off site water is not a good idea. 027-3

Biological Resources

These sections describe inadequate and unbelievable remedies, precautions and mitigations that belong in a fairy tale they are so impossible to monitor and enforce with existing County, State and Federal resources. Just words unless there is oversight and enforcement.

But even the words are inadequate and not persuasive when it comes to the welfare of the Golden Eagles and Arroyo Toads and other endangered or rare species of animals and plants. 027-4

Native American Interests

As Christians we should be tolerant of others beliefs and as Christians we should be concerned about Pala Mission. It will be within a smell distance of the dump. 027-5

Noise Section

We do not need any more noise in our beautiful, still rural valley. Wildlife at Wilderness Gardens Preserve is so fragile and noise is an intrusion on their way of life. 027-6

Earthquakes and Water Quality

We realize you want to ignore water this go around, but that is wrong. In San Diego County there are many safer places for a dump, but very few sources of drinking water

Did the Ph.D. smacking her book on the rostrum to count earthquakes not give you second thoughts? 027-7

It seems obvious that an immovable liner would break in a quake and equally obvious that a moveable liner is likely to spill it's contents.

Very truly yours

Philip Stone, Treasurer
Friends of the Wilderness Gardens Preserve
P.O. Box 1370, Pauma Valley, CA. 92061
760-742-1201
mariannephil36@aol.com

LETTER NO. 027

Friends of Wilderness Gardens Preserve
Philip Stone, Treasurer
P.O. Box 3027
Escondido, CA 92033-3027

RESPONSE 027-1

The comment expresses an opinion with regard to the project. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. With regard to statement of overriding considerations, CEQA Guidelines Section 15093 requires the decisionmaking agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Comment Letter No. 167 for the minutes from the public meeting held on August 14, 2006 and the associated responses.

RESPONSE 027-2

The 2006 Traffic Study, which is contained in the Revised Partial Draft EIR, contains an analysis of safety on SR 76. The purpose of the accident analysis provided in the 2006 Traffic Study is to determine if accident rates per million vehicle miles increased in recent years as a result of the significant increase that occurred with regard to traffic volumes due to development in the area. The analysis contained in the Revised Partial Draft EIR substantiates the conclusion reached in the 2003 Draft EIR. Although SR 76 has higher incident rates than statewide averages, the recent overall accident rates per million vehicle miles is less than it was in 1991 to 2001, even though the daily traffic has more than doubled. As the project would not result in safety hazards on SR 76, no mitigation measures regarding safety are required.

RESPONSE 027-3

Section 4.6, Noise and Vibration, of the Revised Partial Draft EIR contains an analysis of traffic noise impacts that could result from recycled water trucks in the vicinity of the Olivenhain Reservoir Site. While project-related noise levels would be less than significant in terms of the increase in dBA, since existing traffic noise levels along Camino del Sur/Camino del Norte, and I-15 exceed 60 dBA CNEL at existing residences, the Revised Partial Draft EIR concludes that the project would have a significant and unavoidable project level traffic noise impact as well as contributing to a cumulatively significant and unavoidable traffic noise impact to residences along I-15 and Camino del Norte/Camino del Sur. Please also see Comment No. 167-18 for the detailed comment made at the August 14, 2006 public meeting as well as Response to Comment No. 167-18 for the written response.

RESPONSE 027-4

The comment expresses an opinion with regard to mitigation measures for biological resources. The comment is general in nature and does not provide a specific reference. County DEH staff does not concur that the recommended mitigation measures would not be effective. Pursuant to Section 15097 of the CEQA Guidelines, the lead agency is required to adopt a program for monitoring or reporting on the measures imposed to mitigate or avoid significant environmental effects in order to ensure that the mitigation measures identified in the EIR are implemented. Chapter 10 of the Revised Partial Draft EIR contains the Mitigation Monitoring and Reporting Program (MMRP). Enforcement of the MMRP will be achieved through the Solid Waste Facility Permit (SWFP) for the project, which contains conditions that include a general requirement to comply with the MMRP and a specific listing of project mitigation measures contained in the MMRP. Project mitigations and project design features would either be incorporated into or included as conditions of the Solid Waste Facility Permit (SWFP) for the project. The County Department of Environmental Health has monitoring and enforcement powers with respect to the SWFP. As the comment expresses an opinion, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 027-5

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. The issue regarding odors was analyzed in Section 4.7, of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 027-6

The comment expresses an opinion with regard to noise levels and impacts on wildlife. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. However, Section 4.6 of the Revised Partial Draft EIR contains an updated analysis of potential impacts with regard to traffic noise. Section 4.9 addresses the potential impacts from noise on biological resources. As indicated in Section 4.9, with the incorporation of mitigation measures the project would result in less than significant noise impacts with regard to biological resources. Operational noise was addressed in the 2003 Draft EIR. The operation noise analysis contained in the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 027-7

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to

sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. Water quality was not overlooked in the Revised Partial Draft EIR.

Sections 4.3 and 4.4 of the 2003 Draft EIR contain a detailed discussion of potential degradation of groundwater and surface water and conclude that with the incorporation of mitigation measures the project would result in less than significant impacts to water quality. Moreover, the County selected the more protective double composite liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. With regard to seismicity, Section 4.2 of the 2003 Draft EIR contains a detailed analysis of geology and seismicity. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, please see Response to Comment Nos. 146-1 through 146-5 for a response to the comments regarding geology that were received at the August 14, 2006 public meeting.

Letter 028

LAW OFFICES OF EVERETT L. DELANO III
220 W. Grand Avenue
Escondido, California 92025
(760) 510-1562
(760) 510-1565 (fax)

August 24, 2006

VIA FACSIMILE & FEDERAL EXPRESS

County of San Diego
DEH Local Enforcement Agency
9325 Hazard Way
San Diego, CA 92123-1217

Re: Revised Partial Draft EIR for the Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Department of Environmental Health:

This letter is submitted on behalf of RiverWatch in connection with the Revised Partial Draft Environmental Impact Report ("RPDEIR") for the Gregory Canyon Landfill Project ("Project"). RiverWatch is a non-profit, public benefit corporation, whose mission is to protect and preserve the environmental health of the San Luis Rey River and valley. 028-1

INTRODUCTION

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. CEQA is essentially "an environmental full disclosure statute, and the EIR is the method ... [for] disclosure ..." *Rural Landowners Assn. v. City Council* (1983) 143 Cal. App. 3d 1013, 1020. An EIR's purpose is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." Pub. Res. Code § 21061. The EIR is the "heart of CEQA," CEQA Guidelines § 15003(a), and "protects not only the environment but also informed self-government." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. Its purpose is "to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810 (emphasis added). 028-2

PROJECT HISTORY

The Project has a long and sordid history. In the late 1980's, the then-owner of a portion of the Gregory Canyon site, in conjunction with Waste Management Inc., which later became the owner of the site, requested the County to include Gregory Canyon in a study of possible landfill sites and funded preparation of an EIR for that study. That EIR 028-3

was never certified nor a project approved. In 1989, the County authorized preparation of another EIR concerning General Plan amendments that would permit three potential landfill sites, and again allowed use of Waste Management Inc. funds to be used to pay the cost of adding consideration of a landfill at Gregory Canyon to the study.

In September 1990, the County Planning Commission voted to deny all the proposed landfill sites and, in particular, found that Gregory Canyon was an unsuitable site for a landfill because of numerous environmental concerns including its potential biological impacts, its potential water quality impacts to the San Luis Rey River and groundwater resources, and its religious and cultural significance to Native Americans. In December 1990, the County Board of Supervisors also denied the proposed general plan amendments that would have designated the Gregory Canyon site for a landfill. Also, in December 1990, the San Diego County Grand Jury issued a report recommending that the County reject placement of a landfill in Gregory Canyon because of concerns related to its location in an important groundwater basin, California Department of Fish and Game concerns about impacts to the endangered least Bell's vireo, U.S. Bureau of Land Management concerns regarding impacts to religious sites of Native Americans, and hazards associated with unstable boulders. In the early 1990's, Waste Management Inc. ("WMI") submitted an application to the County and pursued approval of a major use permit for the landfill project, although it ultimately withdrew the application prior to a vote on the proposal. In 1992, the District Attorney's office released a report concerning conflict of interest charges and improper attempts by WMI to influence the County with respect to a Gregory Canyon landfill. 028-3 cont'd

Unable to obtain approval to site a landfill at Gregory Canyon from the County, Landfill proponents filed an initiative proposition to amend the County's General Plan to allow a landfill at Gregory Canyon. In November of 1994, San Diego County voters approved Proposition C ("Prop C"), the "Gregory Canyon Landfill and Recycling Collection Center Ordinance," amending the County's General Plan, Zoning Ordinance and other ordinances to allow the construction and operation of a recycling collection center and class III solid waste landfill at the "Gregory Canyon site" if conditions specified in the initiative were met.

On January 28, 1999, DEH circulated the initial draft EIR ("DEIR") for the Landfill. More than 400 written comments were submitted by interested members of the public, public agencies, and others. Because the extensive comments pointed out serious deficiencies in the DEIR and the proposed project, DEH prepared a second Recirculated Draft EIR ("RDEIR"), which was circulated for public review between December 9, 1999 and February 22, 2000. DEH did not respond to any of the more than 400 comments that had been submitted on the original DEIR.

Approximately 200 comment letters were received on the RDEIR, most of them critical of the Landfill project and the adequacy of the environmental review in the RDEIR. During the preparation of responses to comments on the RDEIR, DEH determined that additional revisions were necessary and prepared a Revised Partial Draft

EIR, which it recirculated all or parts of the revised sections for public comment from May 25, 2000 to July 10, 2000. Again, numerous comment letters were submitted that were critical of the project and the adequacy of the environmental review of the Project. RiverWatch, Pala Band and the City of Oceanside were among the hundreds of parties that commented during the public review periods, and they provided extensive comments on the analysis.

Despite the substantial concerns about the Project and the environmental analysis, on June 2, 2004, the LEA approved a solid waste facilities permit ("SWFP") for the proposed Gregory Canyon Landfill (the "Landfill" or "Project"), issued CEQA Findings, adopted a Statement of Overriding Considerations ("SOC") and a Mitigation Monitoring and Reporting Program ("MMRP"), and filed a Notice of Determination ("NOD") with the County clerk and the California Office of Planning and Research. On July 2, 2004, RiverWatch, the City of Oceanside and the Pala Band of Mission Indians filed a suit over the Project approvals, alleging that the environmental analysis was insufficient and that the Project was inconsistent with Proposition C. On October 8, 2004, the LEA approved a revised SWFP, adopted a Supplemental SOC ("SSOC"), and filed a second NOD. The LEA issued the SWFP for the Landfill in December of 2004. 028-3 Cont'd

The LEA certified the FEIR for the Landfill on February 6, 2003, more than one year prior to first approving the SWFP. The FEIR concluded that construction and operation of the Landfill would cause significant and unmitigable impacts to air quality, ethno history and Native American interests, and aesthetics and cumulative significant unmitigable impacts to traffic, noise and vibration, and air quality.

On October 3, 2005, the California Superior Court ruled that the FEIR was invalid in several critical respects. The Court found that the FEIR's analysis of traffic impacts was insufficient, its discussion of water supply was inadequate, and its discussion of mitigation was incomplete. The Court also found that the Project's analysis and approval were inconsistent with the Project description in Proposition C. In January of this year, the Court issued its order requiring DEH to rescind its approval of the Project and the FEIR.

DEH has issued the RPDEIR to respond to the Court's order. However, the RPDEIR also raises new issues, including new discussions of traffic, archaeological and cultural resources, biological resources, noise, and changes to the Project and Project mitigation. The RPDEIR acknowledges additional significant impacts, beyond those previously recognized, to traffic, noise, cultural resources, and historical resources. 028-4

As these and other comments indicated, the RPDEIR is deficient in several critical respects. It should be revised and recirculated for public consideration and input. Additionally, as discussed during the public hearing on August 14, 2006, because of the many significant negative impacts of the Project, and in light of preferable alternatives, DEH should reject the Project and deny the solid waste permit.

INADEQUATE DISCUSSION OF PROJECT IMPACTS

If an EIR fails to provide the agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712. This is because an EIR is "aptly described as the 'heart of CEQA,'" and it is the primary means of achieving the state legislature's declaration to "take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state." *Laurel Heights*, 47 Cal.3d at 392; *see also* 14 C.C.R. (hereinafter "CEQA Guidelines") § 15003(a).

An EIR must analyze possible significant environmental impacts of a proposed project. CEQA Guidelines § 15126(a). A "significant effect on the environment" is defined as "a substantial, or potentially substantial, adverse change in the any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." *Id.* at § 15382. As one court has stated, a "legally adequate EIR must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug." *Kings County*, 221 Cal.App.3d at 733. 028-5

CEQA also provides that supplemental analysis shall be prepared when one or more of the following events occur:

> (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
> (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report;
> (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Pub. Res. Code § 21166; *Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Ass'n* (1986) 42 Cal.3d 929.

The RPDEIR fails to live up to CEQA's mandates for full disclosure and analysis.

Traffic

The RPDEIR fails to provide an adequate discussion of traffic impacts. The attached letter from Tom Brohard and Associates, which is hereby incorporated by reference, details several inadequacies in the RPDEIR's analysis of traffic impacts. For example, the RPDEIR does not provide an adequate analysis of accidents along 028-6

dangerous SR-76. Additionally, the RPDEIR fails to consider traffic impacts in concert with other projects in the vicinity. 028-6 cont'd

Furthermore, while the RPDEIR claims that it is appropriate to use a 1.5 PCE factor for trucks, it appears to use a 1.2 PCE factor at some times. *See* RPDEIR at Table 4.5-7. 028-7

The RPDEIR also fails to discuss impacts to I-15 north of Escondido. RPDEIR at 4.5-36. 028-8

Water Supply and Water Quality

The RPDEIR fails to discuss possible impacts to water supply and water quality associated with the potential pumping of 30,000 to 40,000 gallons per day ("gpd"). RPDEIR at 4.5-30. The FEIR had discussed 2,300 gpd of "groundwater outflow into surface drains." FEIR at 4.3-16. It also discussed 193 acre feet per year from groundwater production wells." *Id.* But the RPDEIR provides no discussion of the greater projected pumping of groundwater. As the comments submitted by Soil Water Air Protection Enterprise ("SWAPE") establish, the RPDEIR's analysis of these impacts is insufficient. 028-9

Noise

The RPDEIR fails to provide an adequate discussion of noise impacts. Compliance with existing noise standards is not necessarily sufficient, particularly where a location already suffers noise impacts. *See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1381. The noise analysis should be expanded to include impacts beyond County standards, particularly in light of the sensitive biological resources in the Project area. 028-10

Biological Resources

The RPDEIR's discussion of impacts to biological resources is insufficient. Among other things, the information regarding species is outdated and incomplete. Furthermore, the RPDEIR improperly defers analysis and mitigation. *See e.g.*, RPDEIR at 4.9-25. This is improper under CEQA, except in limited circumstances where "practical considerations prohibit devising measures early in the planning process (e.g., at the general plan amendment or rezone stage)." *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011, 1028; *see also* CEQA Guidelines § 15126.4(a)(1)(B). The Project is not at a general plan or zoning stage. 028-11

The RPDEIR states that there are impacts to a total of 308.2 acres of vegetation. RPDEIR at Table 4.9-8. However, this conflicts substantially with the FEIR. The FEIR noted substantially greater impacts to vegetation and species. For example, the RPDEIR claims impacts to 22.6 acres of Coast Live Oak Woodland (RPDEIR at Table 4.9-8); the 028-12

FEIR claimed impacts to 27 acres. FEIR at 4.9-58. The RPDEIR claims impacts to 0.2 acres of Southern Willow Scrub (RPDEIR at Table 4.9-8); the FEIR claimed impacts to 2.4 acres. FEIR at 4.9-58. 028-12 cont'd

Similarly, the RPDEIR differs substantially in its treatment of mitigation. For example, the FEIR required impacts for direct and indirect impacts. The RPDEIR does not discuss mitigation for indirect impacts. 028-13

The RPDEIR discusses a total mitigation of 542 acres. RPDEIR at 4.9-15. The FEIR anticipated substantially greater mitigation, including: 445.8 acres of coastal sage scrub and coastal sage scrub/chaparral habitat (MM 4.9-1a); 10.4 acres of habitat creation for southern willow scrub and mule fat scrub (MM 4.9-1b); 0.8 acres of open channel (MM 4.9-1c); at least 30 acres of coast live oak woodland (MM 4.9-1d); 0.4 acres of native perennial grassland (MM 4.9-1e); a three to one replacement acreage (undefined) for impacts to Engelmann oaks (MM 4.9-2); approximately 243 acres of sandy upland habitat and approximately 970 acres of "other upland habitats" (MM 4.9-4); 4.8 acres of vireo and flycatcher habitats (0.2 acres of cottonwood-willow riparian forest, 0.8 acres of mule fat scrub, and 3.8 acres of southern willow scrub) (MM 4.9-14a); restoration of 88 acres of upland and 13 acres of riparian area "within the portion of the San Luis Rey River corridor contained on site" (MM 4.9-18); 19 acres of coastal sage scrub "in dedicated open space" (MM 4.9-19b); and 1.6 acres of coast live oak woodland "of like quality" (MM 4.9-19c). 028-14

The RPDEIR does not explain any of these discrepancies. "A statement of reasons is necessary to assure meaningful judicial review in the event, as here, the EIR is challenged in court. 'Mere conclusions simply provide no vehicle for judicial review.'" *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111 (quoting *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171).

Historic and Cultural Resources

The RPDEIR's discussion of historic resource impacts is insufficient. Among other things, a resource is considered historic under CEQA if it:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(B) Is associated with the lives of persons important in our past;
(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(D) Has yielded, or may be likely to yield, information important in pre-history or history.

028-15

CEQA Guidelines § 15064.5(a)(3). The RPDEIR fails to discuss the Project in relation to these criteria. For example, there is no consideration of the events that have made a significant contribution to the broad patterns of California history or cultural heritage. Nor is there a discussion about important information in pre-history or history associated with the Project site. The RPDEIR should discuss potential impacts of the Project and the related historic resources in the Project vicinity. *See Architectural Heritage Assoc. v. County of Monterrey* (2004) 122 Cal.App.4th 1095, 1122. 028-15 cont'd

Air Quality and Odor Impacts

As the comments from SWAPE reveal, the RPDEIR fails to provide important discussion of toxic air impacts, including impacts associated with diesel truck emissions. The analysis fails to consider impacts to residents near the landfill site, to workers and others at the site, as well as to those in the vicinity of the recycled water reservoir. The analysis also fails to consider likely significant odor impacts associated with the landfill. 028-16

Construction Impacts

The Project is likely to lead to significant impacts associated with construction. The analysis does not consider all likely impacts associated with construction of the Project, including impacts to traffic and air and water quality. *Galante Vineyards v. Monterrey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1123. 028-17

Growth Inducing and Cumulative Impacts

The Project is likely to have growth inducing effects, which are insufficiently addressed in the RPDEIR. Development of the Project is likely to lead to further development in the area. Indeed, the RPDEIR discusses the possibility of expanding the jurisdiction of the San Luis Rey Municipal Water District. While the Project may be consistent with certain plans, its growth-inducing effects will be significant on current conditions. *See Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal. App. 4th 144, 153. 028-18

The Project, in concert with other activities, is likely to lead to significant cumulative impacts. "Environmental considerations do not become submerged by chopping a large project into many little ones – which cumulatively may have disastrous consequences." *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283 – 84. The RPDEIR fails to consider cumulative impacts associated with the many activities in the area. *See RiverWatch v. County of San Diego* (1999) 76 Cal. App. 4th 1428, 1455. 028-19

INADEQUATE ALTERNATIVES ANALYSIS

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 028-20

738, 750 – 51. "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404.

Here, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *See Rural Landowners Assoc. v. City Council* (1983) 143 Cal.App.3d 1013, 1024 ("Responsibility for a project cannot be avoided merely by limiting the title or description of the project"). Greater options are available now than were available when the FEIR was prepared, including trash by rail options and options associated with waste to energy. The comments from SWAPE note the effectiveness and viability of waste to energy projects. The RPDEIR should consider these alternatives.

028-20 cont'd

Additionally, CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. DEH has not provided findings supported by substantial evidence in the record that environmentally superior alternatives and mitigation are infeasible or impracticable. *Pacific Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 178. The FEIR provided only cursory rejections of environmentally superior alternatives without supporting analysis.

Additionally, CEQA requires that the "no project" alternative "discuss the existing conditions ..., as well as what would be reasonably expected to occur if the project were not approved, based on current plans and consistent with available infrastructure and community services." CEQA Guidelines § 15126.6(e)(2). The RPDEIR does not consider a "no project" alternative consistent with this requirement.

NEED TO RECIRCULATE THE EIR

Recirculation of an EIR is required whenever the lead agency adds significant new information. Pub. Res. Code § 21092.1; *Laurel Heights Improvement Assoc. v. University of California* (1993) 6 Cal.4th 1112, 1130. A failure to recirculate the RPDEIR would deny the public "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Board of Sup.* (1981) 122 Cal.App.3d 813, 822. In this

028-21

instance, the RPDEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

CONCLUSION

For the foregoing reasons, RiverWatch requests that DEH reject the Project and the RPDEIR. If you have a question or need additional information, please contact me. 028-21 Cont'd

Thank you for your consideration of these comments.

Sincerely,

Everett DeLano, Esq.

Enclosure:

1. Letter from Tom Brohard and Associates to Everett DeLano (August 18, 2006).

cc: David Byrnes, San Diego Air Pollution Control District
Ted Griswold, Esq., Procopio, Cory, Hargreaves and Savitch
Barry Martin, City of Oceanside
Michelle Moreno, U.S. Fish and Wildlife Service
Robert Revo Smith, U.S. Army Corps of Engineers
John Robertus, Regional Water Quality Control Board, San Diego Region
Tamara Spear, California Department of Fish and Game

Tom Brohard and Associates

August 18, 2006

Mr. Everett L. DeLano, Attorney at Law
Law Offices of Everett L. DeLano III
220 West Grand Avenue
Escondido, California 92025

SUBJECT: Review of the Traffic and Circulation Portions of the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill Project in San Diego County

Dear Mr. DeLano:

Tom Brohard, PE, has reviewed the traffic and circulation portions of various documents associated with the proposed Gregory Canyon Landfill Project in San Diego County (Project). These documents include, but are not limited to, Section 4.5 Traffic and Circulation of the July 2006 Revised Partial Draft Environmental Impact Report (RPDEIR) as well as the June 16, 2006 Traffic Study prepared by Darnell & Associates, including each of its various technical appendices (Traffic Study). The Traffic Study is included as Appendix A to the RPDEIR.

In summary, the RPDEIR and the Traffic Study do not adequately or properly address the deficiencies noted by Judge Anello in the final order and judgment issued on January 20, 2006 regarding inadequacies in the prior traffic and circulation analysis of the Project. As discussed throughout this report, the Traffic Study (upon which the RPDEIR relies) is riddled with errors and flawed methodology. The Traffic Study fails to properly analyze traffic collisions on State Route 76 (SR 76) and the cumulative traffic analysis fails to include information contained in the 2003 County tribal traffic study. The Traffic Study contains many mathematical errors and it fails to logically present and document its conclusions. Without correcting these deficiencies and without further study to address other inadequacies discussed in this letter, it is not possible to conclude that most of the proposed project's traffic and circulation impacts have a less than significant effect on the environment with mitigation. A corrected Traffic Study must be prepared, and the RPDEIR for the Project must be revised. 028-22

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 35 years of professional engineering experience, all of which has occurred in California. I am licensed as both a Professional Civil Engineer and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve three days a week as the City Traffic Engineer for the City of Indio and as "on call" Consulting Transportation Engineer for the City of San Fernando. 028-23

81905 Mountain View Lane, La Quinta, California 92253-7611
Phone (760) 398-8885 Fax (760) 398-8897
Email tbrohard@earthlink.net

I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I served as City Traffic Engineer for the Cities of Bellflower, Bell Gardens, Huntington Beach, Indio, Lawndale, Los Alamitos, Oceanside, Paramount, Rancho Palos Verdes, Rolling Hills, Rolling Hills Estates, San Fernando, San Marcos, Santa Ana, and Westlake Village. While serving these communities, I personally conducted hundreds of investigations of citizen requests for the installation of various traffic control devices. During these assignments, I successfully presented hundreds of traffic engineering reports at City Council and Traffic Commission meetings.

028-23 cont'd

During my career, I have reviewed numerous environmental documents and traffic studies for various projects. Several recent assignments are highlighted in the enclosed resume. During these assignments, I worked successfully with several law firms and local interest groups in the review of environmental documents and traffic studies, frequently within very limited time constraints.

Traffic and Circulation Issues

My review of the various documents disclosed numerous errors, conflicts, omissions, and deficiencies regarding the traffic and circulation analysis for the Gregory Canyon Landfill Project as follows:

1) The Accident Analysis For SR 76 Is Erroneous And Incomplete – Page 4.5-8 of the RPDEIR summarizes the findings of the traffic accident analysis in the Traffic Study. There are numerous errors and omissions in the analysis of collisions on SR 76 in the Traffic Study beginning on Page 13 as follows:

028-24

   a) Accident Reports Do Not Include Seven Years from 1991 to 1998 – Page 13 of the Traffic Study states "The accident reports covered seven (7) years from 1991 to 1998. Caltrans uses the TASAS software to report/identify accidents. The Caltrans accident reports are contained in Appendix A." To the contrary, a review of the Caltrans printouts contained in Appendix A of the Traffic Study disclosed that the time period covered by the Caltrans accident reports included only five years from June 30, 1996 to July 1, 2001.

   b) Numerous Errors In Table 3, Accident Summary Review, 1996-2001 - Table 3, the Accident Summary Review on Page 16 of the Traffic Study, contains numerous errors. As examples, seven of the nine entries in Table 3 of the total number of accidents from 1996 through 1998 are different from those shown in the TASAS accident summaries in Appendix A. Percentages shown for the primary collision factors in Table 3 do not match the TASAS accident summaries in Appendix A. According to the TASAS accident summary for the east segment of SR 76, eighteen traffic collisions involved heavy trucks, with 14 of these collisions involving heavy

028-25

trucks pulling trailers. Heavy trucks were involved in 23 percent of the total accidents (18 of the 77 traffic collisions) on the east segment of SR 76. Table 3 has incorrectly reported 15.55 percent of the collisions involved heavy trucks by indicating only 14 of the collisions involved heavy trucks. 028-25 cont'd

c) Traffic Study Omits 2003-2005 TASAS Accident Summaries – Pages A44 through A52 provide a poor quality copy of the TASAS accident records for SR 76 from December 31, 2002 through December 31, 2005 that includes data for each collision as well as the overall traffic accident rates. Data for each collision is coded, and no explanation of the various codes used by Caltrans is provided with this data, making the data impossible to decipher for a layperson. The TASAS accident summary tables that were included with the 1996-2001 data were not provided for the 2003-2005 data. Without the TASAS accident summary tables for 2003-2005 and detailed analysis, it is impossible for the Traffic Study to reach its conclusions on Page 17 that "Based on a comparison of primary collision factors, the data continues to show that alcohol, driver violations, and excessive speed are the major causes of accidents on SR 76. The data does not show an increase in volumes or trucks is related to the accident rate which is consistent with previous conclusions." 028-26

d) Traffic Accident Rates Have Been Incorrectly Calculated – The actual traffic accident rates for the three segments of SR 76 for the five years of TASAS data in Appendix A are different from those shown on Page 13 of the Traffic Study as follows:

(1) SR 76 West Segment – Page 13 of the Traffic Study incorrectly reports a rate of 4.63 accidents per million vehicle miles for this segment. Pages A38 through A43 show the traffic collision data for SR 76 just east of I-15 from Postmile 17.169 to Postmile 17.866, a distance of 0.697 miles. The accident summary on Page A40 of Appendix A to the Traffic Study indicates a total of nine collisions with none involving fatalities, four involving injury, and five involving PDO (property damage only). With an average traffic volume of 5,300 vehicles a day over the five years from the Caltrans website http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm, the total accident rate for this segment was 1.33 accidents per million vehicle miles (A/MVM) as shown in the following calculation: 028-27

$$\frac{\text{9 total traffic collisions}}{(5{,}300\ \text{vehicles/day})(365\ \text{days/yr.})(5\ \text{yrs.})(0.697\ \text{mi.})} = 1.33\ \text{A/MVM}$$

For the same segment, the injury plus fatal accident rate for this segment was 0.59 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{4 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(0.697 mi.)}} = 0.59 \text{ A/MVM}$$

The total accident rate of 1.33 A/MVM in the west segment of SR 76 approximates the State average of 1.46 A/MVM.

(2) SR 76 Middle Segment – Page 13 of the Traffic Study incorrectly reports a rate of 2.07 accidents per million vehicle miles for this segment. Pages A32 through A37 show the traffic collision data for this segment of SR 76 from Postmile 17.866 to Postmile 18.939, a distance of 1.073 miles. Page A34 summarizes the traffic collisions and indicates a total of 25 collisions with two involving fatalities, 10 involving injury, and 13 involving PDO (property damage only). With an average traffic volume of 5,300 vehicles per day over the five years (Caltrans Traffic Counts from their website), the total accident rate for this segment was 2.42 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{25 total traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(1.073 mi.)}} = 2.42 \text{ A/MVM}$$

028-27 cont'd

For the same segment, the injury plus fatal accident rate for this segment was 1.16 injury accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{12 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(1.073 mi.)}} = 1.16 \text{ A/MVM}$$

The total accident rate of 2.42 A/MVM in the middle segment of SR 76 is 66 percent higher than the State average of 1.46 A/MVM. The injury accident rate of 1.16 A/MVM in the middle segment of SR 76 is 50 percent higher than the State average of 0.77 A/MVM.

(3) SR 76 East Segment – Page 13 of the Traffic Study incorrectly reports a rate of 2.56 accidents per million vehicle miles for this segment. Pages A24 through A31 show the traffic collision data for this segment of SR 76 from Postmile 18.940 to Postmile 21.440, a distance of 2.500 miles. Page A28 summarizes the traffic collisions and indicates a total of 77 collisions with two involving fatalities, 32 involving injury, and 43 involving PDO (property damage only). With an average traffic volume of 5,300 vehicles per day over the five years (Caltrans Traffic Counts from their website), the total accident rate for this segment was 3.18 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{77 total traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(2.500 mi.)}} = 3.18 \text{ A/MVM}$$

For the same segment, the injury plus fatal accident rate for this segment was 1.41 injury accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{34 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(2.500 mi.)}} = 1.41 \text{ A/MVM}$$

The total accident rate of 3.18 A/MVM in the east segment of SR 76 is 118 percent higher than the State average of 1.46 A/MVM. The injury accident rate of 1.41 A/MVM in the middle segment of SR 76 is 83 percent higher than the State average of 0.77 A/MVM.

e) Accident Rates Were Significantly Higher Than Statewide Averages – In comparison with the statewide traffic accident rates, both the middle segment and the east segment of SR 76 experienced traffic accident rates significantly higher than the statewide average rates from June 30, 1996 to July 1, 2001.

028-27 cont'd

The following compares the accident experience on SR 76 for both total collisions and for injury plus fatal collisions to their respective statewide averages:

SR 76 MIDDLE SEGMENT

Total Collisions
Total (5 Years) – 25 Accidents
Accident Rate – 2.42 Accidents/Million Vehicle Miles
Statewide Rate – 1.48 Accidents/Million Vehicle Miles
Accident Experience – 64% Higher than Statewide Average

Injury Plus Fatal Traffic Collisions
Total (5 Years) – 12 Accidents
Accident Rate – 1.16 Accidents/Million Vehicle Miles
Statewide Rate – 0.77 Accidents/Million Vehicle Miles
Accident Experience – 50% Higher than Statewide Average

SR 76 EAST SEGMENT

Total Collisions
Total (5 Years) – 77 Accidents
Accident Rate – 3.18 Accidents/Million Vehicle Miles
Statewide Rate – 1.48 Accidents/Million Vehicle Miles
Accident Experience – More Than Double the Statewide Average

Injury Plus Fatal Traffic Collisions
Total (5 Years) – 34 Accidents
Accident Rate – 1.41 Accidents/Million Vehicle Miles
Statewide Rate – 0.77 Accidents/Million Vehicle Miles
Accident Experience – Nearly Double the Statewide Average

028-27 cont'd

f) Trucks Have Been Involved In Proportionally More Traffic Accidents – Page 8 of the Traffic Study states "Truck percentage data was collected on SR 76 during a 24 hour period in April 1999. Trucks with 3 or more axles accounted for 24% of the westbound traffic, and 18% of the eastbound traffic. The combined average is 21.3% trucks. The truck volume classification counts can be found in Appendix A". To the contrary, Appendix A of the Traffic Study does not contain the April 1999 truck data, only the August 15, 2002 truck/car speed measurements.

028-28

From review of the TASAS reports covering June 30, 1996 to July 1, 2001, trucks were involved in higher than expected numbers of collisions in the east segment of SR 76. In this reach, trucks were involved in 25 percent of the total collisions, higher than their average volume of 21 percent of the vehicles on the roadway. Further analysis of the traffic collision data is needed to determine why trucks are involved in more than their proportional share of accidents.

g) Traffic Study Includes Time Gap In Accident Analysis – The TASAS reports in Appendix A of the Traffic Study include reported collisions from June 30, 1996 to July 1, 2001. Pages A44 through A52 include Caltrans accident records from December 31, 2002 to December 31, 2005. The Traffic Study has not provided, considered, or analyzed traffic collisions on SR 76 that occurred between July 1, 2001 and December 31, 2002. Without considering traffic collision data for this one and one half year period, the analysis of traffic accidents in the Traffic Study is incomplete.

028-29

h) Recent Traffic Accident Data Does Not Include Entire SR 76 Length – Review of the Caltrans traffic accident data in Appendix A from December 31, 2002 to December 31, 2005 disclosed it includes only a fractional portion of the entire length of SR 76 from I-15 to the proposed project entrance. From Table B on Pages A51 and A52, the data includes collisions from Postmile 17.300 to Postmile 19.999, a distance of 2.699 miles. The TASAS reports for June 30, 1996 to July 1, 2001 included SR 76 from just east of I-15 at Postmile 17.169 to Postmile 21.440 at the proposed project entrance, a distance of 4.271 miles.

028-30

The Traffic Study has omitted consideration of all traffic accidents from December 31, 2002 to December 31, 2005 in two segments from Postmile 17.169 to Postmile 17.300 and from Postmile 19.999 to Postmile 21.440, a

total of 1.572 miles. Without considering any traffic collision data for these two portions of SR 76 from December 31, 2002 to December 31, 2005, the analysis of traffic accidents in the Traffic Study is incomplete. 028-30 cont'd

i) Accident Rates Are Still Significantly Higher Than Statewide Averages – Page A52 of Appendix A of the Traffic Study compares the actual accident experience to the statewide accident rates from December 31, 2002 to December 31, 2005 from Postmile 17.300 to Postmile 19.999, a distance of 2.699 miles. The following compares the accident experience on SR 76 for total collisions and for injury plus fatal collisions to their respective statewide averages:

SR 76 FROM POSTMILE 17.300 TO POSTMILE 19.999

Total Collisions
Total (3 Years) – 71 Accidents
Accident Rate – 1.81 Accidents/Million Vehicle Miles
Statewide Rate – 1.33 Accidents/Million Vehicle Miles
Accident Experience – 36% Higher than Statewide Average

Injury plus Fatal Traffic Collisions 028-31
Total (3 Years) – 40 Accidents
Accident Rate – 1.02 Accidents/Million Vehicle Miles
Statewide Rate – 0.64 Accidents/Million Vehicle Miles
Accident Experience – 60% Higher than Statewide Average

The total accident rate as well as the injury plus fatal accident rate both exceed the respective statewide average accident rates for the portion of SR 76 included in Appendix A of the Traffic Study. If the traffic accident rate from December 31, 2002 to December 31, 2005 in the narrow 1.441 mile long section of SR 76 immediately west of the proposed project access is similar to that reported from June 30, 1996 to July 1, 2001, then SR 76 accident rates will significantly exceed the statewide average rates.

j) Traffic Accident Analysis Is Fatally Flawed – Page 13 of the Traffic Study states "It has been postulated that an increase in traffic volumes will raise the number of accidents on a road segment... However, our research has revealed no direct or indirect statistical relationship between traffic volumes and the number of accidents on this portion of Highway 76". Page 45 of the Traffic Study states "The addition of traffic to a facility, in fact, will mathematically reduce the accident rate over million vehicle miles. As a result, the addition of Gregory Canyon project traffic onto this facility does not have a significant impact on the accident rate". Confusing the number of traffic collisions with traffic accident rates as demonstrated 028-32

by the quotations from the Traffic Study displays a fundamental misunderstanding and it contradicts data for SR 76.

According to traffic volumes published by Caltrans on their website at http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm, the average daily traffic on SR 76 has more than tripled from 4,250 vehicles per day in 1997 to 13,700 vehicles per day in 2005. Even with its many omissions, Appendix A shows 71 collisions in three years from 2003 through 2005 in 2.7 miles which equals 8.77 accidents per year per mile as follows:

$$\frac{\text{71 total traffic collisions}}{\text{(3 years)(2.7 miles)}} = \text{8.77 accidents per year per mile}$$

Appendix A shows 111 collisions in five years from July 1, 1996 to July 1, 2001 in 4.3 miles which equals 5.16 accidents per year per mile as follows:

$$\frac{\text{111 total traffic collisions}}{\text{(5 years)(4.3 miles)}} = \text{5.16 accidents per year per mile}$$

028-32 Cont'd

From these calculations, it is clear that the tripling of the traffic volumes has increased the number of accidents per mile on SR 76 by 70 percent.

As previously discussed, the traffic accident analysis in the Traffic Study contains numerous errors. It is fatally flawed as it:

- Omits all of the traffic accidents on SR 76 from I-15 to the proposed project access from July 1, 2001 through December 31, 2002.
- Omits all collisions on SR 76 within two separate segments totaling over 1.5 miles in length from December 31, 2002 through December 31, 2005.
- Does not analyze complete data to identify high accident locations as well as predominant accident trends and patterns, with particular focus on accidents involving heavy trucks.

2) Traffic Study Fails To Include Traffic From Other Development Projects – Page 4 of the Final Order and Judgment states "Of specific interest to the Court is Petitioners' argument that issues concerning the Level of Service on SR 76 should have been restudied after the publication of the 2003 Traffic Needs Assessment Study which concluded that 'the Tribal development projects on the Pala, Pauma, Rincon, and San Pasqual Reservations cause SR 76 to operate below LOS D between I-15 and Lilac Road."

028-33

Page 64 of the Traffic Study attempts to discredit the Tribal Traffic Study by stating "The cumulative traffic conditions contained herein are far more reliable; since they are based upon a recent list of projects undergoing processing that would impact SR 76..." To the contrary, the cumulative analysis that begins on Page 26 of the Traffic Study together with supporting materials in Appendix C of the Traffic Study cannot be considered as "...far more reliable..." for the following reasons:

a) Cumulative Project Lists Contains Many Errors and Discrepancies – The following are examples of errors and various discrepancies between the listing of cumulative projects beginning on Page 26 of the Traffic Study and the listings of cumulative projects in Appendix C to the Traffic Study:

   i) Pala Casino Expansion – Page 26 of the Traffic Study indicates the project will generate 299 evening trips whereas Page C14 indicates the same project will generate 438 PM peak hour trips.

   ii) Pauma Casino Expansion – Project is shown in Table X on Page C15 in Appendix C but omitted from the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   iii) San Pasqual Casino Expansion – Project is shown in Table X on Page C15 in Appendix C but omitted from the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   iv) Rincon Casino Expansion – Project is not shown in Appendix C or in the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   v) Passerelle – Project is identified as including 150,000 square feet of office space on Page 26, but only 1,500 square feet of office space in Table X on Page C15 in Appendix C.

   vi) Countryside Veterinary – Page 30 indicates a project size of 3.28 square feet.

   vii) MUP-81-037 – Page 33 indicates a project size of 2.8 square feet.

   viii) TM-5351 – Page 33 uses an incorrect trip generation rate of 10 daily trips for estate homes rather than the correct rate of 12 daily trips.

029-33 cont'd

b) Multiple Maps/Listings Showing Projects Are Provided In Appendix C – Multiple maps which show some, but not all, of the cumulative projects are provided in Appendix C. Lists of projects are also provided, apparently from other traffic studies. It is impossible to decipher which projects are

029-34

included in the cumulative project analysis for the Gregory Canyon Landfill Project and where they are located from the information that appears in Appendix C as follows:

i) Exhibit 5-1 Cumulative Project Locations/Table 5.1-2 – Pages C1 through C3 list 14 projects along SR 76, with the documents dated September 1999. A handwritten note on Page C2 identifies the Pala Indian Gaming Facility as "Built" but no explanation is provided to indicate how this information has been used in the Traffic Study. No trip generation calculations or trip distribution to SR 76 is provided.

ii) Project Listing Without Pauma Estates – Page C4 lists 51 projects and identifies trip generation for each. There is no explanation provided as to the location of these projects and no description is provided for 46 of the 51 projects listed. No trip distribution to SR 76 is provided.

iii) Project Listing For Paula-Pauma and Valley Center Areas – Page C5 lists 46 projects and identifies trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided on Page C8.

O28-34 cont'd

iv) Pala/Pauma Casino and San Pasqual Casino – The first header on Page C6 identifies the Pala Casino but shows 500 daily trips for a 5,000 square foot expansion of the Pauma Casino. The second header on Page C6 forecasts 3,000 daily trips for a 30,000 square foot expansion of the San Pasqual Casino. Trip distribution to SR 76 for the Pauma Casino and the San Pasqual Casino is provided on Page C9.

v) Passerelle and Meadow Wood - Page C7 identifies two projects but fails to describe them or provide trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided.

vi) Club Estates - Page C10 identifies this project but fails to describe it or provide trip generation for it. There is no explanation provided as to the location of this project. Trip distribution to SR 76 is provided.

vii) Permit Type/Permit Number – Page C11 lists 130 projects by permit type and permit number only. Page C11 fails to describe them or provide trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided.

viii) Thomas Guide Maps – Pages C12 and C13 provide a Thomas Brothers Map with many handwritten circled numbers. No legend is provided to describe what any of the circled numbers indicate.

ix) Pala Casino – Page C14 indicates the 70,000 square foot expansion with 50 room hotel at the Pala Casino will generate 4,950 daily trips. Trip distribution to SR 76 for the Pala Casino is not provided.

x) Summary of Cumulative Projects For Gregory Canyon – Table X on Page C15 lists 65 projects but it does not provide the size or location of each project, only the number of daily trips. There are several discrepancies between this table and what appears on Pages 26 through 33 of the Traffic Study as previously noted in this report. It is not possible to determine if Table X has been properly updated to reflect the most current listing of cumulative projects or if it is a copy of a cumulative project listing from a prior traffic study of the proposed Gregory Canyon Landfill Project. 028-34 Cont'd

c) Cumulative Traffic Forecasts Are Significantly Underestimated – Figure 8 on Page 34 of the Traffic Study provides near term cumulative traffic volume forecasts without the proposed project. As indicated above, Appendix C includes very limited traffic assignments from the various cumulative projects to SR 76. The near term daily traffic forecasts on SR 76 shown on Figure 8 were compared against the February 2005 traffic counts plus the trips from the two projects shown on Page C7 (Passerelle and Meadow Wood) and the projects shown on Page C8 but without any trips from any of the casino expansions with the following results:

SR 76 WEST SEGMENT

Existing Traffic Counts (February 2005)	12,980 vehicles/day
Forecast for Two Projects Shown on Page C7	19,122 vehicles/day
Forecast for Projects Shown on Page C8	699 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	32,801 vehicles/day
Forecast of Existing + All Projects from Figure 8)	21,161 vehicles/day
Underestimation of Daily Trips for This Segment	11,640 vehicles/day

028-35

SR 76 MIDDLE SEGMENT

Existing Traffic Counts (February 2005)	14,020 vehicles/day
Forecast for Two Projects Shown on Page C7	9,915 vehicles/day
Forecast for Projects Shown on Page C8	855 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	24,790 vehicles/day
Forecast of Existing + All Projects from Figure 8)	20,770 vehicles/day
Underestimation of Daily Trips for This Segment	4,020 vehicles/day

SR 76 EAST SEGMENT

Existing Traffic Counts (February 2005)	14,040 vehicles/day
Forecast for Two Projects Shown on Page C7	7,437 vehicles/day
Forecast for Projects Shown on Page C8	933 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	22,410 vehicles/day
Forecast of Existing + All Projects from Figure 8)	21,360 vehicles/day
Underestimation of Daily Trips for This Segment	1,050 vehicles/day

Without adding any trips from any of the proposed casino expansions, the existing February 2005 traffic volumes on SR 76 plus traffic from only a few of the cumulative projects significantly exceeds the near term daily traffic volume forecasts shown in Figure 8 on Page 34 of the Traffic Study. The cumulative traffic analysis for near term conditions significantly underestimates traffic from the 65 cumulative projects, and it cannot be used to analyze traffic impacts from the proposed project in the near term. 028-35 cont'd

d) Cumulative Analysis Does Not Include Ambient Growth Factor - In addition to adding traffic from substantial projects that have been approved but not yet constructed, it is accepted industry practice to also add an ambient annual growth factor. This factor accounts for traffic from minor projects and for the continuing annual increase in traffic volumes. There is no evidence in the Traffic Study that any annual ambient growth factor was used in this analysis. In accordance with standard industry practice, a 3 percent ambient annual growth factor must be used in the near term cumulative traffic analysis. 028-36

e) Cumulative Analysis Must Be Clearly And Logically Presented - The analyses and back-up materials for the cumulative analysis of the Project in Appendix C are not presented in a clear and logical manner which makes them difficult to evaluate.

The location of each cumulative project considered should be numbered and shown on a single map together with a legend identifying the project name. Peak hour and daily trip generation rates should be shown in a table, with the sources of the trip rates clearly identified. A trip table should be prepared showing the size and/or quantities in each project together with the applicable trip rates and the forecast peak hour and daily trips for each project. Peak hour and daily trip forecasts distributed to all adjacent roadways should be shown individually for each cumulative project being considered, and then summed on separate sheets for both peak hours and for daily trips. 028-37

In a July 7, 2006 letter to the Pala Band of Mission Indians in response to its Notice of Preparation for their Casino and Expansion Project, the County of San Diego raised 20 different concerns regarding traffic and transportation that it said should be addressed in the Tribal EIR for the project. The County must demand no less of an analysis of cumulative projects for the Gregory Canyon Landfill Project. 028-37 cont'd

3) Other Inadequacies in the Traffic Study Are Numerous – In addition to the erroneous and incomplete accident analysis as well as the improper cumulative traffic analysis, the Traffic Study also includes these fatal flaws:

a) West Segment Baseline Traffic Volumes Are Low – Pages A8 through A10 include copies of 24 hour traffic counts taken on Thursday, February 24, 2005 between I-15 and Pankey Road, between Pankey Road and Rice Canyon Road, and between Couser Canyon Road and James Lane east of Rice Canyon Road. From I-15 to the proposed project access, there are no significant traffic generators along SR 76 and only a few intersecting local roads with very light traffic. As a result, traffic volumes on SR 76 should be uniform from segment to segment over 24 hours and during the PM peak hour, but they are not as shown below:

Segment	Daily Traffic Volumes	Difference
West	12,977	
		+1,039
Middle	14,016	
		+26
East	14,042	

028-38

Segment	PM Peak Hour Traffic Volumes	Difference
West	1,090	
		+163
Middle	1,253	
		-13
East	1,240	

Traffic volumes in the west segment are significantly below those recorded on the same day in both the middle and the east segments. These low volumes create an improper baseline that cannot be used to determine or properly evaluate potentially significant traffic impacts of the Project in the west segment of SR 76 immediately east of I-15. When the baseline traffic volumes in the west segment are increased to match the middle and east segments, there will be additional significant traffic impacts in the afternoon hours on SR 76 from I-15 to Pankey Road.

b) Justification Is Not Provided For Hourly Project Traffic Forecasts – Table 14 on Page 40 of the Traffic Study (Table 4.5-8 in the RPDEIR) provides a summary of hourly traffic volumes in each of the four segments on SR 76 together with forecast project traffic for existing plus project conditions under a 5,000 ton per day limitation. Hourly volumes were taken directly from the February 24, 2005 traffic counts on SR 76 including the segment from I-15 to Pankey Road where the count data is faulty as previously discussed. While hourly traffic volumes forecast for the Project are shown in these tables, no justification or documentation has been provided to support these forecasts that range from 88 to 235 vehicle trips per hour from 7 AM to 5 PM. Without this technical support, the determination of significant traffic impacts shown in these tables cannot be sustained.

028-39

Table 15 on Page 41 of the Traffic Study (Table 4.5-9 in the RPDEIR) provides a summary of hourly traffic volumes in each of the four segments on SR 76 together with forecast project traffic for existing plus project conditions under a 5,000 ton per day limitation with some of the project trips redistributed. Hourly volumes were taken directly from the February 24, 2005 traffic counts on SR 76 including the segment from I-15 to Pankey Road where the count data is faulty as previously discussed. While hourly traffic volumes forecast for the Project are shown in these tables, no justification or documentation has been provided to support these forecasts that range from 88 to 235 vehicle trips per hour from 7 AM to 5 PM. In these tables, some of the project trips have been redistributed from hour to hour but no documentation has been provided. Without this technical support, the determination of significant traffic impacts shown in these tables cannot be sustained.

c) Impacts of Heavy Transfer Trucks Have Not Been Fully Addressed – Page 24 of the Traffic Study acknowledges that 24 ton transfer trucks may be used at the Project, replacing 8 ton direct haul trash trucks. Transfer trucks are three times heavier than haul trucks, causing them to travel slower than haul trucks through the sharp horizontal curves on SR 76. Because they are heavier and traveling slower through the curves, it will take 24 ton transfer trucks longer to resume speed than 8 ton haul trucks.

028-40

Stopping sight distance is extremely limited at three sharp horizontal curves on SR 76 between I-15 and the Project access by steep embankments near the roadway edges. Transfer trucks must significantly reduce speeds at each curve to avoid tipping or losing control, either of which would result in crossing the roadway centerline into opposing traffic or running off the roadway where recovery areas on the narrow shoulders are very limited. The Traffic Study fails to address the impacts of transfer trucks at the three sharp horizontal curves on this portion of SR 76.

d) Mitigation Measures Are Based On Outdated 2005 Traffic Counts – The Traffic Study developed mitigation measures based solely on traffic counts conducted on one day - Thursday, February 24, 2005. These traffic counts are now 18 months old and do not represent today's higher traffic volumes on SR 76. In addition to its failure to consider any annual ambient traffic volume growth, the Traffic Study also did not consider seasonal traffic volume variations as well as increases on Fridays when additional traffic to and from the nearby casinos on SR 76 is reasonably foreseeable. 028-41

e) Hourly Cutoff Mitigation Measures Are Unrealistic – Page 73 of the Traffic Study states "Once the project has reached these maximum allowable trips or trucks in any of these peak hours or meets the maximum tonnage, project operation shall close down for the balance of the peak hour affected." It is totally unrealistic to believe that the hourly limitations will be followed or that trucks arriving immediately following an hourly closure will be required to wait until the top of the next hour to enter. An adequate mitigation monitoring program is required but has not been provided, together with severe penalties for non-compliance. 028-42

Assuming trucks will be required to wait until the next hour, then the Traffic Study must analyze the available vehicle storage together with the expected queuing of trucks that will occur. The impacts of trucks waiting in the travel lanes on SR 76 must be disclosed and mitigated. The Traffic Study must also address how water trucks that arrive after the hourly limitations have been reached will be handled.

As indicated in this letter, my review disclosed there are many inadequacies associated with July 2006 Revised Partial Draft Environmental Impact Report (RPDEIR) as well as the June 2006 Traffic Study for the Gregory Canyon Landfill Project. The various issues outlined in this letter must be carefully studied and evaluated before reaching the conclusion that most of the project traffic impacts can be reduced to insignificance with mitigation. If you have questions regarding these comments, please call me at your convenience. 028-43

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosure

REGISTERED PROFESSIONAL ENGINEER TOM BROHARD NO. 24577 EXP 12/31/07 CIVIL STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER TOM BROHARD NO. 734 EXP 3/31/08 TRAFFIC STATE OF CALIFORNIA

Tom Brohard and Associates

August 18, 2006

Mr. Everett L. DeLano, Attorney at Law
Law Offices of Everett L. DeLano III
220 West Grand Avenue
Escondido, California 92025

SUBJECT: Review of the Traffic and Circulation Portions of the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill Project in San Diego County

Dear Mr. DeLano:

Tom Brohard, PE, has reviewed the traffic and circulation portions of various documents associated with the proposed Gregory Canyon Landfill Project in San Diego County (Project). These documents include, but are not limited to, Section 4.5 Traffic and Circulation of the July 2006 Revised Partial Draft Environmental Impact Report (RPDEIR) as well as the June 16, 2006 Traffic Study prepared by Darnell & Associates, including each of its various technical appendices (Traffic Study). The Traffic Study is included as Appendix A to the RPDEIR.

In summary, the RPDEIR and the Traffic Study do not adequately or properly address the deficiencies noted by Judge Anello in the final order and judgment issued on January 20, 2006 regarding inadequacies in the prior traffic and circulation analysis of the Project. As discussed throughout this report, the Traffic Study (upon which the RPDEIR relies) is riddled with errors and flawed methodology. The Traffic Study fails to properly analyze traffic collisions on State Route 76 (SR 76) and the cumulative traffic analysis fails to include information contained in the 2003 County tribal traffic study. The Traffic Study contains many mathematical errors and it fails to logically present and document its conclusions. Without correcting these deficiencies and without further study to address other inadequacies discussed in this letter, it is not possible to conclude that most of the proposed project's traffic and circulation impacts have a less than significant effect on the environment with mitigation. A corrected Traffic Study must be prepared, and the RPDEIR for the Project must be revised. 028-22

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 35 years of professional engineering experience, all of which has occurred in California. I am licensed as both a Professional Civil Engineer and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve three days a week as the City Traffic Engineer for the City of Indio and as "on call" Consulting Transportation Engineer for the City of San Fernando. 028-23

81905 Mountain View Lane, La Quinta, California 92253-7611
Phone (760) 398-8885 Fax (760) 398-8897
Email tbrohard@earthlink.net

I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I served as City Traffic Engineer for the Cities of Bellflower, Bell Gardens, Huntington Beach, Indio, Lawndale, Los Alamitos, Oceanside, Paramount, Rancho Palos Verdes, Rolling Hills, Rolling Hills Estates, San Fernando, San Marcos, Santa Ana, and Westlake Village. While serving these communities, I personally conducted hundreds of investigations of citizen requests for the installation of various traffic control devices. During these assignments, I successfully presented hundreds of traffic engineering reports at City Council and Traffic Commission meetings.

028-23 cont'd

During my career, I have reviewed numerous environmental documents and traffic studies for various projects. Several recent assignments are highlighted in the enclosed resume. During these assignments, I worked successfully with several law firms and local interest groups in the review of environmental documents and traffic studies, frequently within very limited time constraints.

Traffic and Circulation Issues

My review of the various documents disclosed numerous errors, conflicts, omissions, and deficiencies regarding the traffic and circulation analysis for the Gregory Canyon Landfill Project as follows:

1) The Accident Analysis For SR 76 Is Erroneous And Incomplete – Page 4.5-8 of the RPDEIR summarizes the findings of the traffic accident analysis in the Traffic Study. There are numerous errors and omissions in the analysis of collisions on SR 76 in the Traffic Study beginning on Page 13 as follows:

028-24

   a) Accident Reports Do Not Include Seven Years from 1991 to 1998 – Page 13 of the Traffic Study states "The accident reports covered seven (7) years from 1991 to 1998. Caltrans uses the TASAS software to report/identify accidents. The Caltrans accident reports are contained in Appendix A." To the contrary, a review of the Caltrans printouts contained in Appendix A of the Traffic Study disclosed that the time period covered by the Caltrans accident reports included only five years from June 30, 1996 to July 1, 2001.

   b) Numerous Errors In Table 3, Accident Summary Review, 1996-2001 - Table 3, the Accident Summary Review on Page 16 of the Traffic Study, contains numerous errors. As examples, seven of the nine entries in Table 3 of the total number of accidents from 1996 through 1998 are different from those shown in the TASAS accident summaries in Appendix A. Percentages shown for the primary collision factors in Table 3 do not match the TASAS accident summaries in Appendix A. According to the TASAS accident summary for the east segment of SR 76, eighteen traffic collisions involved heavy trucks, with 14 of these collisions involving heavy

028-25

trucks pulling trailers. Heavy trucks were involved in 23 percent of the total accidents (18 of the 77 traffic collisions) on the east segment of SR 76. Table 3 has incorrectly reported 15.55 percent of the collisions involved heavy trucks by indicating only 14 of the collisions involved heavy trucks. 028-25 cont'd

c) Traffic Study Omits 2003-2005 TASAS Accident Summaries – Pages A44 through A52 provide a poor quality copy of the TASAS accident records for SR 76 from December 31, 2002 through December 31, 2005 that includes data for each collision as well as the overall traffic accident rates. Data for each collision is coded, and no explanation of the various codes used by Caltrans is provided with this data, making the data impossible to decipher for a layperson. The TASAS accident summary tables that were included with the 1996-2001 data were not provided for the 2003-2005 data. Without the TASAS accident summary tables for 2003-2005 and detailed analysis, it is impossible for the Traffic Study to reach its conclusions on Page 17 that "Based on a comparison of primary collision factors, the data continues to show that alcohol, driver violations, and excessive speed are the major causes of accidents on SR 76. The data does not show an increase in volumes or trucks is related to the accident rate which is consistent with previous conclusions." 028-26

d) Traffic Accident Rates Have Been Incorrectly Calculated – The actual traffic accident rates for the three segments of SR 76 for the five years of TASAS data in Appendix A are different from those shown on Page 13 of the Traffic Study as follows:

(1) SR 76 West Segment – Page 13 of the Traffic Study incorrectly reports a rate of 4.63 accidents per million vehicle miles for this segment. Pages A38 through A43 show the traffic collision data for SR 76 just east of I-15 from Postmile 17.169 to Postmile 17.866, a distance of 0.697 miles. The accident summary on Page A40 of Appendix A to the Traffic Study indicates a total of nine collisions with none involving fatalities, four involving injury, and five involving PDO (property damage only). With an average traffic volume of 5,300 vehicles a day over the five years from the Caltrans website http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm, the total accident rate for this segment was 1.33 accidents per million vehicle miles (A/MVM) as shown in the following calculation: 028-27

$$\frac{\text{9 total traffic collisions}}{(5{,}300\ \text{vehicles/day})(365\ \text{days/yr.})(5\ \text{yrs.})(0.697\ \text{mi.})} = 1.33\ \text{A/MVM}$$

For the same segment, the injury plus fatal accident rate for this segment was 0.59 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{4 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(0.697 mi.)}} = 0.59 \text{ A/MVM}$$

The total accident rate of 1.33 A/MVM in the west segment of SR 76 approximates the State average of 1.46 A/MVM.

(2) SR 76 Middle Segment – Page 13 of the Traffic Study incorrectly reports a rate of 2.07 accidents per million vehicle miles for this segment. Pages A32 through A37 show the traffic collision data for this segment of SR 76 from Postmile 17.866 to Postmile 18.939, a distance of 1.073 miles. Page A34 summarizes the traffic collisions and indicates a total of 25 collisions with two involving fatalities, 10 involving injury, and 13 involving PDO (property damage only). With an average traffic volume of 5,300 vehicles per day over the five years (Caltrans Traffic Counts from their website), the total accident rate for this segment was 2.42 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{25 total traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(1.073 mi.)}} = 2.42 \text{ A/MVM}$$

028-27 cont'd

For the same segment, the injury plus fatal accident rate for this segment was 1.16 injury accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{12 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(1.073 mi.)}} = 1.16 \text{ A/MVM}$$

The total accident rate of 2.42 A/MVM in the middle segment of SR 76 is 66 percent higher than the State average of 1.46 A/MVM. The injury accident rate of 1.16 A/MVM in the middle segment of SR 76 is 50 percent higher than the State average of 0.77 A/MVM.

(3) SR 76 East Segment – Page 13 of the Traffic Study incorrectly reports a rate of 2.56 accidents per million vehicle miles for this segment. Pages A24 through A31 show the traffic collision data for this segment of SR 76 from Postmile 18.940 to Postmile 21.440, a distance of 2.500 miles. Page A28 summarizes the traffic collisions and indicates a total of 77 collisions with two involving fatalities, 32 involving injury, and 43 involving PDO (property damage only). With an average traffic volume of 5,300 vehicles per day over the five years (Caltrans Traffic Counts from their website), the total accident rate for this segment was 3.18 accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{77 total traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(2.500 mi.)}} = 3.18 \text{ A/MVM}$$

For the same segment, the injury plus fatal accident rate for this segment was 1.41 injury accidents per million vehicle miles (A/MVM) as shown in the following calculation:

$$\frac{\text{34 injury plus fatal traffic collisions}}{\text{(5,300 vehicles/day)(365 days/yr.)(5 yrs.)(2.500 mi.)}} = 1.41 \text{ A/MVM}$$

The total accident rate of 3.18 A/MVM in the east segment of SR 76 is 118 percent higher than the State average of 1.46 A/MVM. The injury accident rate of 1.41 A/MVM in the middle segment of SR 76 is 83 percent higher than the State average of 0.77 A/MVM.

e) Accident Rates Were Significantly Higher Than Statewide Averages – In comparison with the statewide traffic accident rates, both the middle segment and the east segment of SR 76 experienced traffic accident rates significantly higher than the statewide average rates from June 30, 1996 to July 1, 2001.

028-27 cont'd

The following compares the accident experience on SR 76 for both total collisions and for injury plus fatal collisions to their respective statewide averages:

SR 76 MIDDLE SEGMENT

Total Collisions
Total (5 Years) – 25 Accidents
Accident Rate – 2.42 Accidents/Million Vehicle Miles
Statewide Rate – 1.48 Accidents/Million Vehicle Miles
Accident Experience – 64% Higher than Statewide Average

Injury Plus Fatal Traffic Collisions
Total (5 Years) – 12 Accidents
Accident Rate – 1.16 Accidents/Million Vehicle Miles
Statewide Rate – 0.77 Accidents/Million Vehicle Miles
Accident Experience – 50% Higher than Statewide Average

SR 76 EAST SEGMENT

Total Collisions
Total (5 Years) – 77 Accidents
Accident Rate – 3.18 Accidents/Million Vehicle Miles
Statewide Rate – 1.48 Accidents/Million Vehicle Miles
Accident Experience – More Than Double the Statewide Average

Injury Plus Fatal Traffic Collisions
Total (5 Years) – 34 Accidents
Accident Rate – 1.41 Accidents/Million Vehicle Miles
Statewide Rate – 0.77 Accidents/Million Vehicle Miles
Accident Experience – Nearly Double the Statewide Average

028-27 cont'd

f) Trucks Have Been Involved In Proportionally More Traffic Accidents – Page 8 of the Traffic Study states "Truck percentage data was collected on SR 76 during a 24 hour period in April 1999. Trucks with 3 or more axles accounted for 24% of the westbound traffic, and 18% of the eastbound traffic. The combined average is 21.3% trucks. The truck volume classification counts can be found in Appendix A". To the contrary, Appendix A of the Traffic Study does not contain the April 1999 truck data, only the August 15, 2002 truck/car speed measurements.

028-28

From review of the TASAS reports covering June 30, 1996 to July 1, 2001, trucks were involved in higher than expected numbers of collisions in the east segment of SR 76. In this reach, trucks were involved in 25 percent of the total collisions, higher than their average volume of 21 percent of the vehicles on the roadway. Further analysis of the traffic collision data is needed to determine why trucks are involved in more than their proportional share of accidents.

g) Traffic Study Includes Time Gap In Accident Analysis – The TASAS reports in Appendix A of the Traffic Study include reported collisions from June 30, 1996 to July 1, 2001. Pages A44 through A52 include Caltrans accident records from December 31, 2002 to December 31, 2005. The Traffic Study has not provided, considered, or analyzed traffic collisions on SR 76 that occurred between July 1, 2001 and December 31, 2002. Without considering traffic collision data for this one and one half year period, the analysis of traffic accidents in the Traffic Study is incomplete.

028-29

h) Recent Traffic Accident Data Does Not Include Entire SR 76 Length – Review of the Caltrans traffic accident data in Appendix A from December 31, 2002 to December 31, 2005 disclosed it includes only a fractional portion of the entire length of SR 76 from I-15 to the proposed project entrance. From Table B on Pages A51 and A52, the data includes collisions from Postmile 17.300 to Postmile 19.999, a distance of 2.699 miles. The TASAS reports for June 30, 1996 to July 1, 2001 included SR 76 from just east of I-15 at Postmile 17.169 to Postmile 21.440 at the proposed project entrance, a distance of 4.271 miles.

028-30

The Traffic Study has omitted consideration of all traffic accidents from December 31, 2002 to December 31, 2005 in two segments from Postmile 17.169 to Postmile 17.300 and from Postmile 19.999 to Postmile 21.440, a

total of 1.572 miles. Without considering any traffic collision data for these two portions of SR 76 from December 31, 2002 to December 31, 2005, the analysis of traffic accidents in the Traffic Study is incomplete. 028-30 cont'd

i) Accident Rates Are Still Significantly Higher Than Statewide Averages – Page A52 of Appendix A of the Traffic Study compares the actual accident experience to the statewide accident rates from December 31, 2002 to December 31, 2005 from Postmile 17.300 to Postmile 19.999, a distance of 2.699 miles. The following compares the accident experience on SR 76 for total collisions and for injury plus fatal collisions to their respective statewide averages:

SR 76 FROM POSTMILE 17.300 TO POSTMILE 19.999

Total Collisions
Total (3 Years) – 71 Accidents
Accident Rate – 1.81 Accidents/Million Vehicle Miles
Statewide Rate – 1.33 Accidents/Million Vehicle Miles
Accident Experience – 36% Higher than Statewide Average

Injury plus Fatal Traffic Collisions 028-31
Total (3 Years) – 40 Accidents
Accident Rate – 1.02 Accidents/Million Vehicle Miles
Statewide Rate – 0.64 Accidents/Million Vehicle Miles
Accident Experience – 60% Higher than Statewide Average

The total accident rate as well as the injury plus fatal accident rate both exceed the respective statewide average accident rates for the portion of SR 76 included in Appendix A of the Traffic Study. If the traffic accident rate from December 31, 2002 to December 31, 2005 in the narrow 1.441 mile long section of SR 76 immediately west of the proposed project access is similar to that reported from June 30, 1996 to July 1, 2001, then SR 76 accident rates will significantly exceed the statewide average rates.

j) Traffic Accident Analysis Is Fatally Flawed – Page 13 of the Traffic Study states "It has been postulated that an increase in traffic volumes will raise the number of accidents on a road segment... However, our research has revealed no direct or indirect statistical relationship between traffic volumes and the number of accidents on this portion of Highway 76". Page 45 of the Traffic Study states "The addition of traffic to a facility, in fact, will mathematically reduce the accident rate over million vehicle miles. As a result, the addition of Gregory Canyon project traffic onto this facility does not have a significant impact on the accident rate". Confusing the number of traffic collisions with traffic accident rates as demonstrated 028-32

by the quotations from the Traffic Study displays a fundamental misunderstanding and it contradicts data for SR 76.

According to traffic volumes published by Caltrans on their website at http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm, the average daily traffic on SR 76 has more than tripled from 4,250 vehicles per day in 1997 to 13,700 vehicles per day in 2005. Even with its many omissions, Appendix A shows 71 collisions in three years from 2003 through 2005 in 2.7 miles which equals 8.77 accidents per year per mile as follows:

$$\frac{\text{71 total traffic collisions}}{\text{(3 years)(2.7 miles)}} = \text{8.77 accidents per year per mile}$$

Appendix A shows 111 collisions in five years from July 1, 1996 to July 1, 2001 in 4.3 miles which equals 5.16 accidents per year per mile as follows:

$$\frac{\text{111 total traffic collisions}}{\text{(5 years)(4.3 miles)}} = \text{5.16 accidents per year per mile}$$

028-32 Cont'd

From these calculations, it is clear that the tripling of the traffic volumes has increased the number of accidents per mile on SR 76 by 70 percent.

As previously discussed, the traffic accident analysis in the Traffic Study contains numerous errors. It is fatally flawed as it:

- Omits all of the traffic accidents on SR 76 from I-15 to the proposed project access from July 1, 2001 through December 31, 2002.
- Omits all collisions on SR 76 within two separate segments totaling over 1.5 miles in length from December 31, 2002 through December 31, 2005.
- Does not analyze complete data to identify high accident locations as well as predominant accident trends and patterns, with particular focus on accidents involving heavy trucks.

2) Traffic Study Fails To Include Traffic From Other Development Projects – Page 4 of the Final Order and Judgment states "Of specific interest to the Court is Petitioners' argument that issues concerning the Level of Service on SR 76 should have been restudied after the publication of the 2003 Traffic Needs Assessment Study which concluded that 'the Tribal development projects on the Pala, Pauma, Rincon, and San Pasqual Reservations cause SR 76 to operate below LOS D between I-15 and Lilac Road."

028-33

Page 64 of the Traffic Study attempts to discredit the Tribal Traffic Study by stating "The cumulative traffic conditions contained herein are far more reliable; since they are based upon a recent list of projects undergoing processing that would impact SR 76..." To the contrary, the cumulative analysis that begins on Page 26 of the Traffic Study together with supporting materials in Appendix C of the Traffic Study cannot be considered as "...far more reliable..." for the following reasons:

a) Cumulative Project Lists Contains Many Errors and Discrepancies – The following are examples of errors and various discrepancies between the listing of cumulative projects beginning on Page 26 of the Traffic Study and the listings of cumulative projects in Appendix C to the Traffic Study:

   i) Pala Casino Expansion – Page 26 of the Traffic Study indicates the project will generate 299 evening trips whereas Page C14 indicates the same project will generate 438 PM peak hour trips.

   ii) Pauma Casino Expansion – Project is shown in Table X on Page C15 in Appendix C but omitted from the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   iii) San Pasqual Casino Expansion – Project is shown in Table X on Page C15 in Appendix C but omitted from the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   iv) Rincon Casino Expansion – Project is not shown in Appendix C or in the listing of cumulative projects on Pages 26 through 33 of the Traffic Study.

   v) Passerelle – Project is identified as including 150,000 square feet of office space on Page 26, but only 1,500 square feet of office space in Table X on Page C15 in Appendix C.

   vi) Countryside Veterinary – Page 30 indicates a project size of 3.28 square feet.

   vii) MUP-81-037 – Page 33 indicates a project size of 2.8 square feet.

   viii) TM-5351 – Page 33 uses an incorrect trip generation rate of 10 daily trips for estate homes rather than the correct rate of 12 daily trips.

029-33 cont'd

b) Multiple Maps/Listings Showing Projects Are Provided In Appendix C – Multiple maps which show some, but not all, of the cumulative projects are provided in Appendix C. Lists of projects are also provided, apparently from other traffic studies. It is impossible to decipher which projects are

029-34

included in the cumulative project analysis for the Gregory Canyon Landfill Project and where they are located from the information that appears in Appendix C as follows:

i) Exhibit 5-1 Cumulative Project Locations/Table 5.1-2 – Pages C1 through C3 list 14 projects along SR 76, with the documents dated September 1999. A handwritten note on Page C2 identifies the Pala Indian Gaming Facility as "Built" but no explanation is provided to indicate how this information has been used in the Traffic Study. No trip generation calculations or trip distribution to SR 76 is provided.

ii) Project Listing Without Pauma Estates – Page C4 lists 51 projects and identifies trip generation for each. There is no explanation provided as to the location of these projects and no description is provided for 46 of the 51 projects listed. No trip distribution to SR 76 is provided.

iii) Project Listing For Paula-Pauma and Valley Center Areas – Page C5 lists 46 projects and identifies trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided on Page C8.

O28-34 cont'd

iv) Pala/Pauma Casino and San Pasqual Casino – The first header on Page C6 identifies the Pala Casino but shows 500 daily trips for a 5,000 square foot expansion of the Pauma Casino. The second header on Page C6 forecasts 3,000 daily trips for a 30,000 square foot expansion of the San Pasqual Casino. Trip distribution to SR 76 for the Pauma Casino and the San Pasqual Casino is provided on Page C9.

v) Passerelle and Meadow Wood - Page C7 identifies two projects but fails to describe them or provide trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided.

vi) Club Estates - Page C10 identifies this project but fails to describe it or provide trip generation for it. There is no explanation provided as to the location of this project. Trip distribution to SR 76 is provided.

vii) Permit Type/Permit Number – Page C11 lists 130 projects by permit type and permit number only. Page C11 fails to describe them or provide trip generation for each. There is no explanation provided as to the location of these projects. Trip distribution to SR 76 is provided.

viii) Thomas Guide Maps – Pages C12 and C13 provide a Thomas Brothers Map with many handwritten circled numbers. No legend is provided to describe what any of the circled numbers indicate.

ix) Pala Casino – Page C14 indicates the 70,000 square foot expansion with 50 room hotel at the Pala Casino will generate 4,950 daily trips. Trip distribution to SR 76 for the Pala Casino is not provided.

x) Summary of Cumulative Projects For Gregory Canyon – Table X on Page C15 lists 65 projects but it does not provide the size or location of each project, only the number of daily trips. There are several discrepancies between this table and what appears on Pages 26 through 33 of the Traffic Study as previously noted in this report. It is not possible to determine if Table X has been properly updated to reflect the most current listing of cumulative projects or if it is a copy of a cumulative project listing from a prior traffic study of the proposed Gregory Canyon Landfill Project. 028-34 Cont'd

c) Cumulative Traffic Forecasts Are Significantly Underestimated – Figure 8 on Page 34 of the Traffic Study provides near term cumulative traffic volume forecasts without the proposed project. As indicated above, Appendix C includes very limited traffic assignments from the various cumulative projects to SR 76. The near term daily traffic forecasts on SR 76 shown on Figure 8 were compared against the February 2005 traffic counts plus the trips from the two projects shown on Page C7 (Passerelle and Meadow Wood) and the projects shown on Page C8 but without any trips from any of the casino expansions with the following results:

SR 76 WEST SEGMENT

Existing Traffic Counts (February 2005)	12,980 vehicles/day
Forecast for Two Projects Shown on Page C7	19,122 vehicles/day
Forecast for Projects Shown on Page C8	699 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	32,801 vehicles/day
Forecast of Existing + All Projects from Figure 8)	21,161 vehicles/day
Underestimation of Daily Trips for This Segment	11,640 vehicles/day

028-35

SR 76 MIDDLE SEGMENT

Existing Traffic Counts (February 2005)	14,020 vehicles/day
Forecast for Two Projects Shown on Page C7	9,915 vehicles/day
Forecast for Projects Shown on Page C8	855 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	24,790 vehicles/day
Forecast of Existing + All Projects from Figure 8)	20,770 vehicles/day
Underestimation of Daily Trips for This Segment	4,020 vehicles/day

SR 76 EAST SEGMENT

Existing Traffic Counts (February 2005)	14,040 vehicles/day
Forecast for Two Projects Shown on Page C7	7,437 vehicles/day
Forecast for Projects Shown on Page C8	933 vehicles/day
Subtotal of Existing + C7 + C8 (No Casino Traffic)	22,410 vehicles/day
Forecast of Existing + All Projects from Figure 8)	21,360 vehicles/day
Underestimation of Daily Trips for This Segment	1,050 vehicles/day

Without adding any trips from any of the proposed casino expansions, the existing February 2005 traffic volumes on SR 76 plus traffic from only a few of the cumulative projects significantly exceeds the near term daily traffic volume forecasts shown in Figure 8 on Page 34 of the Traffic Study. The cumulative traffic analysis for near term conditions significantly underestimates traffic from the 65 cumulative projects, and it cannot be used to analyze traffic impacts from the proposed project in the near term. 028-35 cont'd

d) Cumulative Analysis Does Not Include Ambient Growth Factor - In addition to adding traffic from substantial projects that have been approved but not yet constructed, it is accepted industry practice to also add an ambient annual growth factor. This factor accounts for traffic from minor projects and for the continuing annual increase in traffic volumes. There is no evidence in the Traffic Study that any annual ambient growth factor was used in this analysis. In accordance with standard industry practice, a 3 percent ambient annual growth factor must be used in the near term cumulative traffic analysis. 028-36

e) Cumulative Analysis Must Be Clearly And Logically Presented - The analyses and back-up materials for the cumulative analysis of the Project in Appendix C are not presented in a clear and logical manner which makes them difficult to evaluate.

The location of each cumulative project considered should be numbered and shown on a single map together with a legend identifying the project name. Peak hour and daily trip generation rates should be shown in a table, with the sources of the trip rates clearly identified. A trip table should be prepared showing the size and/or quantities in each project together with the applicable trip rates and the forecast peak hour and daily trips for each project. Peak hour and daily trip forecasts distributed to all adjacent roadways should be shown individually for each cumulative project being considered, and then summed on separate sheets for both peak hours and for daily trips. 028-37

In a July 7, 2006 letter to the Pala Band of Mission Indians in response to its Notice of Preparation for their Casino and Expansion Project, the County of San Diego raised 20 different concerns regarding traffic and transportation that it said should be addressed in the Tribal EIR for the project. The County must demand no less of an analysis of cumulative projects for the Gregory Canyon Landfill Project. 028-37 cont'd

3) Other Inadequacies in the Traffic Study Are Numerous – In addition to the erroneous and incomplete accident analysis as well as the improper cumulative traffic analysis, the Traffic Study also includes these fatal flaws:

a) West Segment Baseline Traffic Volumes Are Low – Pages A8 through A10 include copies of 24 hour traffic counts taken on Thursday, February 24, 2005 between I-15 and Pankey Road, between Pankey Road and Rice Canyon Road, and between Couser Canyon Road and James Lane east of Rice Canyon Road. From I-15 to the proposed project access, there are no significant traffic generators along SR 76 and only a few intersecting local roads with very light traffic. As a result, traffic volumes on SR 76 should be uniform from segment to segment over 24 hours and during the PM peak hour, but they are not as shown below:

Segment	Daily Traffic Volumes	Difference
West	12,977	
		+1,039
Middle	14,016	
		+26
East	14,042	

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Segment	PM Peak Hour Traffic Volumes	Difference
West	1,090	
		+163
Middle	1,253	
		-13
East	1,240	

Traffic volumes in the west segment are significantly below those recorded on the same day in both the middle and the east segments. These low volumes create an improper baseline that cannot be used to determine or properly evaluate potentially significant traffic impacts of the Project in the west segment of SR 76 immediately east of I-15. When the baseline traffic volumes in the west segment are increased to match the middle and east segments, there will be additional significant traffic impacts in the afternoon hours on SR 76 from I-15 to Pankey Road.

b) Justification Is Not Provided For Hourly Project Traffic Forecasts – Table 14 on Page 40 of the Traffic Study (Table 4.5-8 in the RPDEIR) provides a summary of hourly traffic volumes in each of the four segments on SR 76 together with forecast project traffic for existing plus project conditions under a 5,000 ton per day limitation. Hourly volumes were taken directly from the February 24, 2005 traffic counts on SR 76 including the segment from I-15 to Pankey Road where the count data is faulty as previously discussed. While hourly traffic volumes forecast for the Project are shown in these tables, no justification or documentation has been provided to support these forecasts that range from 88 to 235 vehicle trips per hour from 7 AM to 5 PM. Without this technical support, the determination of significant traffic impacts shown in these tables cannot be sustained.

028-39

Table 15 on Page 41 of the Traffic Study (Table 4.5-9 in the RPDEIR) provides a summary of hourly traffic volumes in each of the four segments on SR 76 together with forecast project traffic for existing plus project conditions under a 5,000 ton per day limitation with some of the project trips redistributed. Hourly volumes were taken directly from the February 24, 2005 traffic counts on SR 76 including the segment from I-15 to Pankey Road where the count data is faulty as previously discussed. While hourly traffic volumes forecast for the Project are shown in these tables, no justification or documentation has been provided to support these forecasts that range from 88 to 235 vehicle trips per hour from 7 AM to 5 PM. In these tables, some of the project trips have been redistributed from hour to hour but no documentation has been provided. Without this technical support, the determination of significant traffic impacts shown in these tables cannot be sustained.

c) Impacts of Heavy Transfer Trucks Have Not Been Fully Addressed – Page 24 of the Traffic Study acknowledges that 24 ton transfer trucks may be used at the Project, replacing 8 ton direct haul trash trucks. Transfer trucks are three times heavier than haul trucks, causing them to travel slower than haul trucks through the sharp horizontal curves on SR 76. Because they are heavier and traveling slower through the curves, it will take 24 ton transfer trucks longer to resume speed than 8 ton haul trucks.

028-40

Stopping sight distance is extremely limited at three sharp horizontal curves on SR 76 between I-15 and the Project access by steep embankments near the roadway edges. Transfer trucks must significantly reduce speeds at each curve to avoid tipping or losing control, either of which would result in crossing the roadway centerline into opposing traffic or running off the roadway where recovery areas on the narrow shoulders are very limited. The Traffic Study fails to address the impacts of transfer trucks at the three sharp horizontal curves on this portion of SR 76.

d) Mitigation Measures Are Based On Outdated 2005 Traffic Counts – The Traffic Study developed mitigation measures based solely on traffic counts conducted on one day - Thursday, February 24, 2005. These traffic counts are now 18 months old and do not represent today's higher traffic volumes on SR 76. In addition to its failure to consider any annual ambient traffic volume growth, the Traffic Study also did not consider seasonal traffic volume variations as well as increases on Fridays when additional traffic to and from the nearby casinos on SR 76 is reasonably foreseeable. 028-41

e) Hourly Cutoff Mitigation Measures Are Unrealistic – Page 73 of the Traffic Study states "Once the project has reached these maximum allowable trips or trucks in any of these peak hours or meets the maximum tonnage, project operation shall close down for the balance of the peak hour affected." It is totally unrealistic to believe that the hourly limitations will be followed or that trucks arriving immediately following an hourly closure will be required to wait until the top of the next hour to enter. An adequate mitigation monitoring program is required but has not been provided, together with severe penalties for non-compliance. 028-42

Assuming trucks will be required to wait until the next hour, then the Traffic Study must analyze the available vehicle storage together with the expected queuing of trucks that will occur. The impacts of trucks waiting in the travel lanes on SR 76 must be disclosed and mitigated. The Traffic Study must also address how water trucks that arrive after the hourly limitations have been reached will be handled.

As indicated in this letter, my review disclosed there are many inadequacies associated with July 2006 Revised Partial Draft Environmental Impact Report (RPDEIR) as well as the June 2006 Traffic Study for the Gregory Canyon Landfill Project. The various issues outlined in this letter must be carefully studied and evaluated before reaching the conclusion that most of the project traffic impacts can be reduced to insignificance with mitigation. If you have questions regarding these comments, please call me at your convenience. 028-43

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosure

REGISTERED PROFESSIONAL ENGINEER TOM BROHARD NO. 24577 EXP 12/31/07 CIVIL STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER TOM BROHARD NO. 734 EXP 3/31/08 TRAFFIC STATE OF CALIFORNIA

LETTER NO. 028

Law Offices of Everett L. DeLano III
Everett DeLano, Esq.
220 West Grand Avenue
Escondido, CA 92025

RESPONSE 028-1

This comment indicates that the letter is written on behalf of RiverWatch. The comment does not provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 028-2

This comment includes a discussion of applicable legal standards relative to the purpose of CEQA. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 028-3

This comment provides a discussion of the history of the project. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 028-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the purpose of the Revised Partial Draft EIR is to recirculate for public review the revisions to portions of the previous February 2003 Final Environmental Impact Report (FEIR) and now Draft Environmental Impact Report (2003 Draft EIR) to address deficiencies noted by Judge Anello in a final order and judgment issued on January 20, 2006. Section 1.1.1 provides a summary of the revisions to the 2003 Draft EIR that are contained in the Revised Partial Draft EIR. The description of the changes contained in the comment is generally accurate.

This comment is general in nature with regard to the adequacy of the Revised Partial Draft EIR. County DEH staff does not concur that the analysis contained in the Revised Partial Draft is inadequate. Responses to specific comments regarding the adequacy of the Revised Partial Draft EIR are provided in Responses to Comment Nos. 028-5 through 028-18. This comment is general in nature with regard to the need for further recirculation. Based on the information presented in the Revised Partial Draft EIR, comments to the Revised Partial Draft EIR, and the responses to those comments, County DEH staff concludes that the standard for additional recirculation under CEQA Guidelines Section 15088.5 has not been met. Please refer to Response to Comment 022-3 for additional discussion of this issue.

The comment also provides the commentor's general opinion regarding the impacts of alternatives to the project, and states the commentor's opposition to the project. These comments are acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 028-5

County DEH staff does not concur with the statement that the EIR prepared for the project is inadequate. The EIR has been prepared in accordance with CEQA and CEQA Guidelines and is legally adequate for use in the decision-making process for the proposed project. Specifically, as set forth in Public Resources Code Section 21002.1, this EIR provides the necessary information to inform the decisionmaker, responsible agencies, and the public as to the potentially significant environmental impacts resulting from implementation of the project and from alternatives to the project as well as mitigation measures which may reduce or avoid any significant effects. All necessary studies to adequately evaluate the environmental impacts of the project have been completed and are included as appendices to the document which has been distributed for public review and comment, or has been incorporated by reference.

With regard to a supplemental analysis, the comment provides language that is from CEQA Guidelines Section 15162 entitled Subsequent EIRs and Negative Declarations. This section with regard to supplemental analysis is not applicable at this time as the EIR has not been certified. As indicated in Chapter 1.0, Introduction, of the Revised Partial Draft EIR, the purpose of the document is to recirculate for public review the revisions to portions of the previous February 2003 Final Environmental Impact Report (FEIR) and now Draft Environmental Impact Report (2003 Draft EIR) to address the issues noted by Judge Anello in a final order and judgment issued on January 20, 2006. Section 1.1.1 provides a summary of the revisions contained in the Revised Partial Draft EIR. Additional or supplemental analyses were also conducted. For example, an updated traffic study was conducted. This necessitated an update to the noise analysis to adequately reflect the updated traffic study with regard to traffic noise.

As required by CEQA Guidelines Section 15151, the EIR has been prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. As stated in the section, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." County DEH staff has made its own independent evaluation of the adequacy of the Final EIR and has found that the Final EIR adequately discloses and discusses all environmental impacts associated with the project.

The applicable provision in the CEQA Guidelines regarding the criteria for recirculation of an EIR prior to certification is Section 15088.5. As noted in Response to Comment Nos. 022-3 and 028-4, based on the information presented in the Revised Partial Draft EIR, comments to the

Revised Partial Draft EIR, and the responses to those comments, County DEH staff concludes that the standard for additional recirculation under CEQA Guidelines Section 15088.5 has not been met.

RESPONSE 028-6

The comment is general in nature with regard to the traffic analysis contained in the Revised Partial Draft EIR. Detailed responses are provided for all of the comments contained in the attached letter. Please refer to Response to Comment Nos. 028-19 through 028-40 for detailed responses to the comments raised in the report prepared by Tom Brohard and Associates. The 2006 Traffic Report and the Revised Partial Draft EIR include an updated analysis of accidents on SR 76, which confirmed the continued accuracy of conclusions reached in the 2003 Draft EIR. In addition, the 2006 Traffic Study (revised 2007), the Revised Partial Draft EIR, and the Revised Final EIR include a detailed discussion of cumulative traffic impacts that does consider traffic impacts in concert with other projects in the vicinity.

RESPONSE 028-7

Consistent with the Traffic Study contained in the 2003 Draft EIR, the 2006 Traffic Study uses a 1.5 PCE factor in the analysis. Both Appendix I of the 2003 Draft EIR and the 2006 Traffic Study (Appendix A of the Revised Partial Draft EIR) include a discussion and rationale for the use of a 1.5 PCE factor for truck and project trip distribution. However, the notes at the top of Table 4.5-7 incorrectly show a 1.2 PCE. Table 4.5-7 has been revised in the Revised Final EIR to indicate a 1.5 PCE factor on the line entitled Maximum Volume Trucks. This revision does not result in any other changes in the text or the analysis contained in the Revised Final EIR.

RESPONSE 028-8

Traffic on I-15 north of Escondido was considered in the analysis of the traffic on the segment of I-15 south of SR 76. Page 4.5-36, which was cited in the comment, relates to impacts from recycled water truck trips. Approximately 1,605 PCE trips per day of project traffic are distributed on I-15 south of SR 76, including recycled water truck trips. This roadway segment is analyzed in Table 17 of the 2006 Traffic Study (existing plus project), Table 22 (near term cumulative) and Table 27 (year 2030 conditions). Water trucks are distributed 100 percent on I-15 from south of SR 76 to north of Camino del Norte. No water trucks are assumed to travel on I-15 north of SR 76 or on SR 76 west of I-15, because of the designated haul route and the project design feature requiring that all recycled water trucks use the designated route.

RESPONSE 028-9

County DEH staff does not concur with this comment. Section 4.3 of the 2003 Draft EIR contains a detailed discussion of impacts from pumping of wells located in the Pala Groundwater Basin, which is generally located underneath the San Luis Rey River, at a rate of up to 193 AFY to meet all needs of the project, and concluded that with the incorporation of mitigation measures, project impacts would be less than significant. This portion of the 2003 Draft EIR was not

overturned by the Court or included in its writ. County DEH staff does not concur that the proposal to pump less water, 43.55 AFY, to meet some of the needs of the project from a fractured bedrock formation which does not overlie the Pala Groundwater Basin or the San Luis Rey River constitutes greater projected pumping. This is because the fractured bedrock fracture flow system is upgradient and tributary to the Pala Basin. For the specific purpose of analyzing impacts to water supply, pumping of water from the bedrock fracture flow system is correctly viewed as the equivalent of pumping from the Pala Basin itself, since any impacts on water supply would be within the Pala Basin and downstream of both the fractured bedrock flow system and the portion of the Pala Basin on the landfill site. Because the pumping of 43.55 AFY is less than the pumping of 193 AFY, there would be even less impact on water supply to these downstream users. The conclusion of no significant impact reached in the 2003 Draft EIR would apply equally to the proposed use of groundwater from the fractured bedrock formation. For purposes of a water supply analysis, the proposed pumping of 43.55 AFY from the fractured bedrock formation is properly characterized as pumping from a different location on the landfill site, but with fewer impacts on water supply.

Section 4.15 of the Revised Partial Draft EIR included a discussion of potential impacts to groundwater quantity from the use of groundwater from the fractured bedrock formation, including a safe yield calculation, and groundwater quality. In light of the safe yield calculation, no impact on the estimated flow into surface drains is anticipated.

Detailed responses to comments by Soil Water Air Protective Enterprise are contained in Response to Comment Nos. 017-1 through 017-14. County DEH staff does not concur that the analysis of these impacts is insufficient.

RESPONSE 028-10

County DEH staff does not concur with this comment. As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.6 of the 2003 Draft EIR includes an analysis of noise impacts from the project and provides mitigation measures. The 2003 Draft EIR concludes that even with the incorporation of mitigation measures, the project would result in significant and unavoidable noise impacts from project-related traffic since the project would add traffic to an existing degraded noise environment. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. As the result of the Court's order regarding the failure to consider the County 2003 Tribal Impacts Study, a 2006 Traffic Study was prepared as part of the Revised Partial Draft EIR by Darnell & Associates. The 2006 Traffic Study was included as Appendix A to the Revised Partial Draft EIR. The updated

project-related and cumulative traffic information was used to update the project and cumulative noise analyses along SR 76. See Section 4.6 and Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR for the updated analysis of noise contours along SR 76. The noise contours are identified in Exhibit 4.6-5 of the Revised Partial Draft EIR.

The comment cites the decision in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, in support of its contention that the methodology used to evaluate noise impacts from project traffic was inadequate, and that use of existing noise standards was not enough.

The County initially notes that while the *Berkeley* decision was issued in 2001, petitioners, including this commenter, never raised the issue of the methodology used to evaluate noise impacts from project traffic in the prior litigation. Neither the methodology used in the 2003 Draft EIR nor its conclusions were overturned by the Court or included in its writ. The Revised Partial Draft EIR used the same methodology to evaluate noise impacts from project traffic, but considered the increases in traffic along SR 76.

The factual situation presented in the *Berkeley* case was unique, since the real concern of petitioners in that matter was single-event noise from individual cargo plane flights at night that caused sleep disturbance. In those circumstances, the Court found that reliance on the CNEL methodology alone did not adequately assess potential noise impacts. In contrast, the Gregory Canyon project is limited to operating hours of 7:00 A.M to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturdays. Further, noise from airplanes is fundamentally different in nature from noise from trucks, since airplanes produce much louder individual noise events. This may make use of an averaging methodology such as CNEL less appropriate when evaluating late night airplane noise. The special circumstances presented in the *Berkeley* decision do not exist with this project, and the use of existing methodologies such as CNEL and Leq to assess noise impacts from project traffic was appropriate for the project.

Finally, in *Berkeley* the Court found that the EIR for that project was inadequate for its failure to determine the extent that noise impacts were significant. In contrast, the Revised Partial Draft EIR quantified the impact, found that project traffic noise contributed to an existing unacceptable condition for all receptors along SR 76, and determined that the impact was significant. The Revised Partial Draft EIR concluded that noise impacts were significant and unavoidable. While the Revised Partial Draft EIR took a broad and conservative approach to assessing noise impacts, the EIR discussed in *Berkeley* took a narrow approach toward whether noise impacts would even be significant. As a result, the holding in *Berkeley* is distinguishable.

Section 4.9 of the Revised Partial Draft EIR provides a revised analysis of the indirect project-related and cumulative noise impacts to least Bell's vireo and southwestern willow flycatcher. The methodology used to determine significance was the same as was used in the 2003

Draft EIR. The updated noise contours are identified in Exhibit 4.6-6 of the Revised Partial Draft EIR. As a result of this updated analysis, the level of mitigation for traffic noise impacts to these species increased from a total 13.2 acres in the 2003 Draft EIR (see MM 4.9-14a and 4.9-14b) to 20.0 acres in the Revised Partial Draft EIR (see MM 4.9-14).

Please refer to Response to Comment Nos. 130-57, 130-61 and 022-158 for a discussion of impacts to and the adequacy and appropriateness of mitigation measures for indirect project-related and cumulative noise impacts to biological resources.

The Revised Partial Draft EIR and Appendix D also included an analysis of noise impacts along road segments between the landfill site and the Olivenhain Reservoir Site, and the areas near the Olivenhain Reservoir Site. Please refer to Response to Comment Nos. 030-2, 030-5, 030-9, 038-5, 038-12 through 038-15, and 032-5 for additional information regarding potential noise impacts in these areas. Again, the Revised Partial Draft EIR took a conservative approach and found that while County significance thresholds were not met, the additional traffic noise contributed to an existing unacceptable condition. As a result, the Revised Partial Draft EIR determined traffic noise to be a significant and unavoidable impact.

RESPONSE 028-11

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 4.9, Biological Resources, was updated in certain ways, to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat, in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.9 and Appendix L of the 2003 Draft EIR discussed impacts to sensitive species and required mitigation measures, based on surveys that were performed over a period of years and included in Appendix L. Those portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. For purposes of the Revised Partial Draft EIR, field studies or surveys were performed in 2003 and 2005 to reevaluate impacts to arroyo toad, and in 2005 to reevaluate impacts

to vegetation communities. In addition, the project has continually performed field studies or surveys related to threatened or endangered species. That included surveys or field studies in 2003 and 2005 that observed least Bell's vireo on the landfill site, but did not observe southwestern willow flycatcher, quino checkerspot butterfly, or coastal California gnatcatcher. Field studies in 2005 observed golden eagle along the San Luis Rey River corridor upstream of the landfill site, but no active use within the landfill site. These subsequent observations confirmed that the discussion of impacts and mitigations for these other species in the 2003 Draft EIR continued to be adequate and appropriate. Please refer to Response to Comment Nos. 022-86, 022-92, and 022-149 through 022-167 for additional information regarding the analysis of impacts to biological resources. County DEH staff does not concur that the information regarding species is outdated and incomplete. In fact, the information is both current and in a reproducible GIS format.

County DEH staff does not concur that the Revised Partial Draft EIR improperly deferred mitigation. This issue was addressed in the prior litigation, and the Court noted that the project would coordinate with USFWS and CDFG on a plan "to implement the long-term management of the biological resources." Mitigation is required prior to any disturbance.

RESPONSE 028-12

County DEH staff does not concur with the general statement contained in this comment that the analysis of impacts to vegetation communities conflicts substantially with the 2003 Draft EIR. The overall project impact of 308.2 acres did not change from the 2003 Draft EIR. In the Revised Partial Draft EIR, the vegetation was remapped to accommodate implementation of more current design plans, and to verify or correct the original impact calculations using GIS analysis. The original vegetation mapping was not available in electronic format, such as GIS or CAD. The analysis in the Revised Partial Draft EIR relies on the calculation of impact acreage using a verifiable GIS analysis. Several discrepancies were identified between the current GIS analysis and the analysis contained in the 2003 Draft EIR. URS was not able to reproduce some of the acreages identified in the 2003 Draft EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis, which used the same assumptions as the 2003 Draft EIR. County DEH staff believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the previous calculations because the previous calculations could not be reproduced and the calculations used in the Revised Partial Draft EIR are GIS based and can be reproduced. Please refer to Response to Comment No. 022-86 for additional information regarding this remapping.

RESPONSE 028-13

County DEH staff does not concur with the general statement contained in this comment regarding the treatment of mitigation in the Revised Partial Draft EIR. Mitigation ratios were established in the 2003 Draft EIR to provide adequate mitigation for direct, indirect and cumulative impacts. The petitioners did not raise the adequacy of the mitigation ratios in the prior litigation.

These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. These same mitigation ratios were applied to the updated analysis of impacts, except that in a few instances the mitigation ratio was increased. All project design features contained in the 2003 Draft EIR to mitigate for indirect impacts remain unchanged in the Revised Partial Draft EIR.

RESPONSE 028-14

The Revised Partial Draft EIR adopted the same methodologies for assessing impacts, the same significance thresholds, the same mitigation ratios and the same strategies for mitigation as provided in the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please refer to Response to Comment Nos. 022-86, 022-93, 022-94, 022-152 and 022-158 for additional information. The overall project impact of 308.2 acres did not change from the 2003 Draft EIR. With respect to vegetation communities, in the Revised Partial Draft EIR, the vegetation was remapped to accommodate implementation of more current design plans, and to verify or correct the original impact calculations using GIS analysis. The original vegetation mapping was not available in electronic format, such as GIS or CAD. The analysis in the Revised Partial Draft EIR relies on the calculation of impact acreage using a verifiable GIS analysis. Several discrepancies were identified between the current GIS analysis and the analysis contained in the 2003 Draft EIR. URS was not able to reproduce some of the acreages identified in the 2003 Draft EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis, which used the same assumptions as the 2003 Draft EIR. The County believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the previous calculations because the previous calculations could not be reproduced and the calculations used in the Revised Partial Draft EIR are GIS based and can be reproduced. The same, or in some cases increased, mitigation ratios were applied to the revised analysis of impacts. Please refer to Response to Comment No. 022-86 for additional information regarding this remapping. Section 4.9 of the Revised Partial Draft EIR and Appendix B explained the methodologies that led to the changed mitigation requirements.

With respect to mitigation for impacts to upland arroyo toad habitat, the Revised Partial Draft EIR concludes that mitigation should be limited to impacted areas of suitable habitat, which it determined was comprised of 17.5 acres. Although the comment focuses on the quantity of mitigation, the test under CEQA is the ability of the mitigation to reduce potential impacts to a level of less than significant. The requirement under CEQA is whether the proposed mitigation is adequate to mitigate potentially significant impacts. In this case, even though the identified acreage of impacts to suitable upland arroyo toad habitat has been determined to less than in the 2003 Draft EIR, the primary mitigation requirement from the 2003 Draft EIR remains in place. The Revised Partial Draft EIR continues to require habitat creation or habitat enhancement of 88 acres of upland areas on-site (see MM 4.9-4). In addition, the Habitat Enhancement Plan has been substantially expanded to include a total of 131.4 acres of upland areas, which could also be suitable upland habitat for arroyo toad (see MM 4.9-18). URS provided its opinion that the level of mitigation provided in the Revised Partial Draft EIR fully compensates for impacts to upland arroyo toad

habitat. In part, the basis for this opinion is that the 88 acres of upland arroyo toad habitat to be created on-site would support toad populations in excess of the numbers that may occasionally use impact areas on the landfill site outside of the identified 17.5 acres of suitable habitat. The rationale for this updated analysis was adequately explained in Section 4.9 and Appendix B of the Revised Partial Draft EIR.

Please refer to Response to Comment Nos. 001-6, 022-86, and 022-151 through 022-152 for additional information regarding the reevaluation of impacts to vegetative communities and upland arroyo toad habitat.

RESPONSE 028-15

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 4.11, Archaeological and Cultural Resources, and Section 4.12, Ethnohistory and Native American Interests, were revised to include a discussion of project impacts associated with the potential future nomination of Gregory Mountain and Medicine Rock as historic resources eligible for inclusion in the National Register of Historic Places. County DEH staff will respond to comments relevant to those issues to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Sections 4.11 and 4.12 of the 2003 Draft EIR include a discussion of impacts to Archaeological and Cultural Resources and Ethnohistory and Native American Interests, respectively. The 2003 Draft EIR concludes that with the incorporation of mitigation measures the project would result in a significant and unavoidable impact to Ethnohistory and Native American Interests. With the incorporation of mitigation measures impacts to archaeological and cultural resources would be reduced to less than significant. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

In the prior litigation the petitioners raised certain issues related to the adequacy of mitigation measures for historic resources and the adequacy of the statement of overriding considerations in their briefing to the Court. The analysis discussed in this comment was not changed from the 2003 Draft EIR. These portions of the 2003 Draft were not overturned by the Court or included in its writ.

As indicated in the Revised Partial Draft EIR, in the event that Gregory Mountain and Medicine Rock were listed on the National Register of Historic Places, the project would have a significant and unavoidable impact on these locations as cultural and historic resources, in addition to the significant and unavoidable impact on Ethnohistoric and Native American Interests.

RESPONSE 028-16

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 1 of the Revised Partial Draft EIR indicates that Chapter 3, Project Description, was revised to reflect the fact the project will include a double composite liner with an additional drainage layer and an additional HDPE geomembrane and to describe recycled water facilities that will be included in the facilities area, and that Section 4.15, Public Services and Facilities, was revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Section 4.7 of the 2003 Draft EIR includes a discussion of air quality and odor impacts. The 2003 Draft EIR concludes that after incorporation of mitigation measures, there would still be a significant and unavoidable cumulative air quality impact for PM_{10} and NO_x, but that odor impacts would be less than significant. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In the prior litigation, petitioners, including this commenter, did not raise the adequacy of the air quality analysis in their briefing to the Court. The petitioners did raise the adequacy of the statement of overriding considerations, but this claim was rejected by the Court. County DEH staff does not concur that the addition of certain new project features as part of the Revised Partial Draft EIR requires a new analysis of all air quality impacts.

Section 4.15 and Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR analyzed potential short-term and long-term air quality impacts from the additional project activities described in Chapter 3. The Revised Partial Draft EIR and Appendix D also included an analysis of air quality impacts at the landfill site, the road segments between the landfill site and the Olivenhain Reservoir Site, and the areas near the Olivenhain Reservoir Site. As part of Appendix D of the Revised Partial Draft EIR, a detailed health risk assessment was provided and accounted for diesel exhaust emissions associated with truck activity at and near the Olivenhain Reservoir Site.

The County acknowledges that other requirements may be imposed by the San Diego County Air Pollution Control District as part of the permitting process, based on analysis prepared for purposes of permit-level review.

RESPONSE 028-17

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

The 2003 Draft EIR fully evaluated all impacts from construction, including traffic, air quality, and water quality. Construction impacts are analyzed in each issue area in the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In the prior litigation, the petitioners did not raise the adequacy of the analysis of impacts or the mitigation measures related to construction activities in their briefing to the Court. County DEH staff does not concur that the addition of certain new project features as part of the Revised Partial Draft EIR requires a new analysis of all construction related impacts.

Chapter 1 of the Revised Partial Draft EIR indicates that Chapter 3, Project Description, was revised to reflect the fact the project will include a double composite liner with an additional drainage layer and an additional HDPE geomembrane and to describe recycled water facilities that will be included in the facilities area, and that Section 4.15, Public Services and Facilities, was revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water. Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR analyzed the air quality impacts from the additional construction activities at the landfill site and the Olivenhain Reservoir Site. The analysis concludes that these additional construction activities at the landfill site and at the Olivenhain Reservoir Site would not result in any significant project-related air quality impacts. The conclusions in the 2003 Draft EIR related to cumulative air quality impacts from the emissions of PM_{10} and NO_X during construction from earthmoving and equipment exhaust did not change. As discussed in Section 4.5.3.1, Traffic and Circulation, of the 2003 Draft EIR, because of the nature of the project, construction activities at the landfill site would be ongoing throughout the life of the landfill. Therefore, construction trips are added to the long term operational impacts. Once the landfill is operational, traffic impacts would be substantially greater than during the initial construction period. For this reason, the traffic analysis focuses on the worst case long-term (operational) impacts. As indicated in Appendix A, 2006 Traffic Study, of the Revised Partial Draft EIR the total allowable

daily trips established in the 2003 Draft EIR, 675 trucks, included trucks from all sources during construction and operation. This limit did not change in the Revised Partial Draft EIR.

With regard to water quality impacts during construction at the landfill site, Section 4.4, Surface Hydrology, of the 2003 Draft EIR addresses water quality impacts during construction. The requirement to comply with all requirements of the Regional Water Quality Control Board to ensure protection of water quality (see MM 4.4C5G of the 2003 Draft EIR), such as drainage controls, would apply equally to construction activities at the landfill site and the Olivenhain Reservoir Site.

RESPONSE 028-18

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. County DEH staff will respond to comments relevant to those issues, to the extent that the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

In accordance with CEQA Guidelines Section 15126, Chapter 8, Growth-Inducing Impacts, of the 2003 Draft EIR contains a discussion of the potential growth-inducing impacts of the proposed project. The 2003 Draft EIR concluded that the project would not be considered growth inducing as the project would not result in substantial or unplanned economic or population growth. The project would represent a part of the County's solid waste disposal system which serves both existing and new development which may occur in northern San Diego County. The project would meet the ongoing need for refuse and municipal solid waste disposal sources and would accommodate the projected growth in the region. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation, petitioners did not raise the adequacy or conclusions of the growth-inducing analysis in their briefing to the Court. No change to this analysis was necessary in the Revised Partial Draft EIR.

RESPONSE 028-19

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. County DEH staff will respond to comments relevant to those issues, to the extent that

the comments relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR.

Chapter 5 of the 2003 Draft EIR contains a discussion of cumulative impacts from the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation, petitioners did not raise the adequacy or conclusions of the cumulative impacts analyses in their briefing to the Court. County DEH staff does not concur that the addition of certain new project features as part of the Revised Partial Draft EIR requires a new analysis of all cumulative impacts.

As a result of the Court's order regarding the need to consider the County 2003 Tribal Impacts Study, an updated traffic study was prepared as part of the Revised Partial Draft EIR by Darnell & Associates. The 2006 Traffic Study was included as Appendix A and summarized in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR. The 2006 Traffic Study evaluated both project-related and cumulative traffic impacts based on updated information.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 3, Project Description, was revised to reflect the fact the project will include a double composite liner with an additional drainage layer and an additional HDPE geomembrane and to describe recycled water facilities that will be included in the facilities area, and that Section 4.15, Public Services and Facilities, was revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water. Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR included a supplemental analysis of cumulative air quality and noise impacts from the additional construction activities at the landfill site and the Olivenhain Reservoir Site. Appendix A, Traffic Study, analyzed cumulative impacts from these additional activities, including cumulative impacts on traffic segments used for the delivery of recycled water to the project.

Chapter 1 of the Revised Partial Draft EIR indicates that Section 4.9, Biological Resources, was updated in certain ways to reevaluate impacts of the project to upland habitat for the arroyo toad, to reanalyze project impacts to vegetation communities, and to reevaluate project traffic noise to sensitive habitat in addition to revising mitigation measures for biologic impacts to comply with Section 5R of Proposition C. Appendix B, Biological Technical Report, of the Revised Partial Draft EIR includes a supplemental analysis of cumulative impacts to biological resources in light of its reevaluation.

RESPONSE 028-20

The 2003 Draft EIR includes an analysis of alternatives in Chapter 6, Long-Term Transport of Waste to Sites Outside San Diego County, which includes waste by rail. Waste-to-Energy was considered as an alternative but rejected as it is not considered feasible. County DEH staff does not

concur that there is significant new information that would require a reconsideration of these alternatives. The commenter has not presented any specific information as to how changed circumstances have deprived the public of a meaningful opportunity to comment upon a feasible project alternative. The County notes that no new waste-by-rail facilities that could potentially serve San Diego County have been permitted or become operational since the 2003 Draft EIR was certified in February 2003. In addition, the County notes that no applications for development of a waste-to-energy facility in San Diego County are currently pending. Please refer to Response to Comment No. 025-6 for additional information regarding the Envirepel Energy, Inc. project. Based on the information presented in the Revised Partial Draft EIR, comments to the Revised Partial Draft EIR, and the responses to those comments, County DEH staff concludes that the standard for additional recirculation under CEQA Guidelines Section 15088.5 has not been met.

CEQA does not mandate that an agency approve an alternative that substantially lessens impacts when compared with the project. CEQA Guidelines Section 15093 allows a lead agency to approve a project which will result in the occurrence of significant effects provided the agency provides in writing the specific reasons to support its action based on the final EIR and/or other information in the record. However, it should be noted that in approving the project, the County selected the double liner alternative, which was one of the alternatives discussed in Chapter 6 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation, petitioners did not raise the adequacy of the alternatives analyses in their briefing to the Court.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period on the Revised Partial Draft EIR should be limited to sections or portions of sections included in this document that were revised from the 2003 Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). For the comments received during this recirculation period, County DEH staff need only respond to those that relate to the sections or portions of sections of the Revised Partial Draft EIR that were revised from the 2003 Draft EIR. Alternatives is not a subject of the Revised Partial Draft EIR. Therefore, a no project alternative did not need to be considered in the Revised Partial Draft EIR and no further response is necessary.

RESPONSE 028-21

The Revised Partial Draft EIR was circulated for public comment. Based on the information received in public comments and the responses to those comments, the County has determined that recirculation is not required under the criteria set forth in CEQA Guidelines Section 15088.5.

The portion of this comment designated as the conclusion is general in nature and does not provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 028-22

This comment states what has been reviewed and summarizes the comments submitted in the letter. This is not a specific comment regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Response to Comment Nos. 028-24 through 028-42, which address the specific comments provided on the Traffic Study and Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR.

RESPONSE 028-23

This comment provides the reviewer's background and credentials. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

RESPONSE 028-24

The 2006 Traffic Study summarized accident information contained in the previous Traffic Study, which is contained in Appendix I of the 2003 Draft EIR. In addition, the 2006 Traffic Study updated the information in order to compare the previous conclusions with regard to accidents on SR 76 relative to the increase in traffic volume on the roadway.

As indicated in the 2006 Traffic Study, earlier iterations of the Traffic Study analyzed accident data for the seven year period from 1991-1998. The 1991 to 1998 data was not included in the 2006 Traffic Study due to the age of the data and the fact that traffic volumes were significantly less at that time. As indicated on page 17 of the 2006 Traffic Study, subsequent TASAS reports were run for 1996 to 2001 and TSN (formerly TASAS) reports were run in 2006 for the years 2003 to 2005. The data request for the most recent set of data requested a five year time span. However, due to the change in systems only the most recent three years (2003 to 2005) were provided by Caltrans in response to the request. The 2006 Traffic Study was updated to compare the more recent data (1996 to 2001) as well as the 2003 to 2005 data. In reviewing the 2003 Draft EIR the County determined that the accident data was not presented clearly. Therefore, the 1991 to 1998 accident data has been added to the Traffic Study, included as Appendix A to the Revised Final EIR.

RESPONSE 028-25

The reviewer is correct that there were 18 rather than 14 accidents that involved heavy trucks/trailer. This increase of 4 heavy truck/trailer accidents means that Couser/East of Project had approximately 20 percent heavy truck accidents rather than the 15.5 percent indicated in Table 3. It is important to note that segments of SR-76 were determined to have 21 percent heavy truck traffic, which is significantly higher than many state highways in San Diego County and would anticipate a higher involvement of truck related accidents. However, given that 21 percent of the traffic on SR 76 is heavy trucks, the fact that heavy trucks are involved in 20 percent of the accidents relates to

the volume of heavy trucks on the roadway. Table 3 of the 2006 Traffic Study in the Revised Final EIR has been revised to correct the numbers. However, the revisions made in Table 3 do not change the conclusions with regard to accidents that were reached in the 2006 Traffic Study. As indicated in the 2006 Traffic Study, the data continues to show that alcohol, driver violations, and excessive speed are the major causes of accidents on SR 76. The data does not show that an increase in traffic volumes or the number of trucks is related to the accident rate, which is consistent with the conclusions reached in the 2003 Draft EIR.

RESPONSE 028-26

The codes used for the more recent years are identical to the codes used in the previous years. The codes are included on pages A-28 through A-31. The data substantiates the conclusion presented in the Revised Partial Draft EIR that accident rates per million vehicle miles have not increased even though traffic volumes have increased significantly.

RESPONSE 028-27

The data presented in the 2006 Traffic Study was taken directly from the TSN (TASAS) report summary and was not recalculated by the consultant. The comment does not include an analysis of the years 1991 to 2001 in the manual calculations to arrive at the conclusion presented. Therefore, the results in the comment do not calculate the entire period of accidents. As indicated in Response to Comment No. 028-24, the 1991 to 1998 accident data from the TASAS report has been added to Appendix A of the 2006 Traffic Study.

The comment presents a narrow data set for calculations to arrive at the conclusion presented in the comment and therefore, these comparisons cannot be equated to the data in the 2006 Traffic Study. The calculation used in the comment applies a daily traffic volume taken from the Caltrans' website, whereas, the 2006 Traffic Study used the actual calculation provided by Caltrans. If the traffic volume is increased or decreased, the results are different. The 2006 Traffic Study uses the Caltrans data directly without making any adjustments or changes. The comment makes different assumptions than the Caltrans data, and as a result, is not comparable.

RESPONSE 028-28

The supporting data regarding the existing traffic mix is provided in the 2003 Draft EIR. The assumptions were not revised in the 2006 Traffic Study. Truck traffic volumes were obtained on a single day by a third party count firm in April 1999. In reviewing Caltrans' truck traffic percentages (2004), the percentage of trucks from I-15 to Valley Center Road is 14 percent. In fact, the percentage of trucks was indicated to be 14 percent in 2001 and the percentage of trucks has not been revised by Caltrans. The County allows consulting firms to use Caltrans' direct data. However, since the traffic count performed in 1999 found that the percentage on that single day was higher (21 percent) than the Caltrans' data, the worst case percentage taken from the truck count was utilized. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 028-29

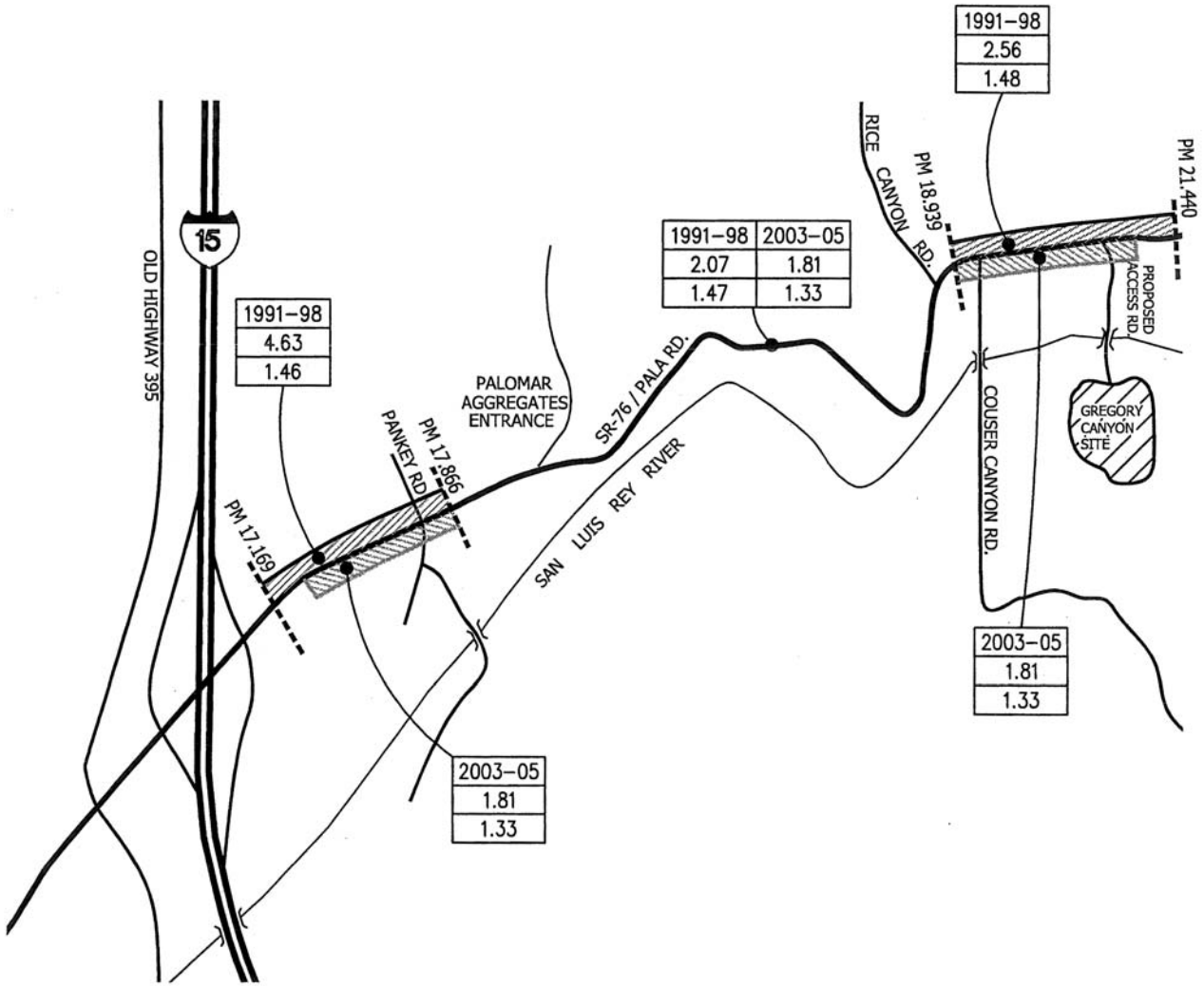
The purpose of the accident analysis provided in the 2006 Traffic Study is to determine if accident rates per million vehicle miles increased in recent years as a result of the significant increase that occurred with regard to traffic volumes due to development in the area. The three-year report provided by TSN (formerly TASAS), which includes Years 2003 through 2005, is adequate to determine if the accident rate per million vehicle miles has increased or decreased as the result of increased traffic volumes on SR 76.

RESPONSE 028-30

The Caltrans' recent accident data has the post-miles entered in a different range than the previous report. See Figure 5 on page 028-18 for a comparison of the post-miles relative to the 1991-1998 and 2003-2005 accident data. The current report is provided by TSN (formerly TASAS) and the information is under control of a new agency. The beginning post-mile for the new data set is at 17.300, which is located east of I-15 and west of Pankey Road (one-tenth of a mile difference from the 1991 to 1998 data), and ends just east of the Gregory Canyon landfill access road and includes all the slow curves. The new data set shortens the eastern segment by 1.44 miles, but still includes the project access road which is adequate for analysis purposes. The proposed project traffic increase is less than 1 percent of the total traffic east of the project driveway. Therefore, because of the nominal amount of project-generated traffic that would exit the site and travel east, consideration of that data would not alter the conclusions reached in the 2006 Traffic Study.

RESPONSE 028-31

The 2006 Traffic Study does not conflict with the statement that accident rates per million vehicle miles are higher than statewide averages. The purposes of the recent accident data was to determine if the rates have increased in concert with the significant daily traffic increase. Although the conclusion remains that SR-76 has higher incident rates than statewide averages, the recent overall accident rates per million vehicle miles is less than it was in 1991 to 2001, even though the daily traffic has more than doubled. Research conducted by Darnell & Associates revealed no direct or indirect statistical relationship between traffic volumes and the number of accidents per million vehicle miles on the analyzed portion of SR 76. In reviewing Caltrans' accident data and Caltrans' annual traffic count data, no annual trend of rising numbers of accidents per million vehicle miles corresponding to annual increases in daily traffic volumes is evident. Even with stable daily volumes on the three segments (Locations 1 – 3), the number of accidents varies between each segment. Therefore, a measurable effect of adding project traffic to these three segments of SR 76 between the site and I-15 would be to increase the total daily trips and the annual vehicle miles traveled on these segments.



LEGEND

YEAR
ACTUAL*
STATE AVG.*

* DENOTES TOTAL ACCIDENT RATE PER MILLION VEHICLE MILES PM = POST MILE

N

NO SCALE

Figure 5
Comparison of Post-Miles Relative to Data Sets

Source: Darnell & Associates, Inc., 2007

RESPONSE 028-32

There is no documentation in the 2006 Traffic Study which equates the number of collisions with the accident rates. The discussion quoted in the comment from page 13 of the 2006 Traffic Study rejects the idea that an increase in traffic volumes raises the number of accidents per million vehicle miles. The discussion on page 45 of the 2006 Traffic Study, which also is included in the comment, reiterates that additional traffic is not a nexus for an increase in the accident rates. These statements do not contradict the data provided in the TASAS and TSN summaries.

The calculations provided in the comment include data taken from Caltrans' website while the 2006 Traffic Study uses the direct calculations provided by TASAS and TSN. The use of data from a different source has resulted in different output. The 2006 Traffic Study is in agreement that the number of accidents per million vehicle miles has not increased while the traffic volumes have more than doubled. Moreover, the conclusion in the Revised Partial Draft EIR remains valid that the recent three years demonstrate a lessened margin of accident rates per million vehicle miles as compared to statewide averages than was found in 1991 to 1998. Please see Response to Comment No. 028-29 for a discussion regarding traffic accidents from December 31, 2002 through December 31, 2005. Please see Response to Comment No. 028-30 for a discussion regarding segments along SR 76. Please see Response to Comment No. 028-28 for a discussion regarding the percentage of trucks.

RESPONSE 028-33

Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR contains an evaluation of the County's 2003 Tribal Traffic Study as required in the Court order. The purpose of the 2003 Tribal Traffic Study was to provide an overall needs assessment for the roadway improvements due to the increase in casino development that was occurring and/or planned in the County. There are a number of factors that make the 2003 Tribal Traffic Study less reliable than the 2006 Traffic Study presented in the Revised Partial Draft EIR. The 2003 Tribal Traffic Study should not be relied upon to accurately determine existing traffic conditions on SR 76 or cumulative traffic conditions.

The Tribal Traffic Study was based upon projected traffic conditions on SR 76 using a 2000 traffic flow map. By contrast, the 2006 Traffic Study for the proposed landfill is based upon actual counts taken in March 2005 of traffic conditions on SR 76. These more recent traffic counts are more accurate in determining actual existing traffic conditions on SR 76 than the projections based upon 2000 traffic flow data contained in the Tribal Traffic Study. In projecting future casino traffic on SR 76, the Tribal Traffic Study made assumptions about trips generated by casino operations. Since the 2006 Traffic Study is based upon actual counts, the 2006 Traffic Study includes existing traffic on SR 76 generated by the operational Pala, Pauma and Rincon gaming and resort projects. The use of count data taken at the time the casinos were operational results in an analysis that is more accurate than the assumptions made to support future projections of traffic on SR 76 contained in the 2003 Tribal Traffic Study.

With regard to the cumulative analysis, the Tribal Traffic Study cumulative analysis is based upon Series 8 SANDAG projections. Subsequent to the preparation of the 2006 Traffic Study, SANDAG approved the more recent Series 9 and Series 10 SANDAG forecasts that incorporate more recent land use plans and development constraints into their modeling assumptions. The 2003 Tribal Traffic Study contains only a long-term cumulative analysis. The 2006 Traffic Study (revised 2007) contains a near-term and long-term cumulative analysis. In accordance with CEQA Guidelines Section 15130, the near-term cumulative analysis is based on a list of past, present, and probable future projects. The long-term (2030) cumulative analysis in the 2006 Traffic Study considers changing land use patterns caused by the County's current processing of General Plan 2020 that will reduce the intensity of land use development in some of the non-urban areas of the County including areas surrounding SR 76. The cumulative traffic conditions contained in the 2006 Traffic Study are more reliable since they are based upon a recent list of projects undergoing processing that could, if approved, add traffic to SR 76 and are based upon a 2030 cumulative analysis that considers changes currently being made as part of the County's 2020 General Plan process.

With regard to the list of projects that was compiled for the near-term cumulative analysis, the 2006 Traffic Study was completed in mid-June 2006, with the circulation of the Revised Partial Draft EIR beginning on July 10, 2006. CEQA Guidelines Section 15125 states that "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective."

As this relates to cumulative impacts, the CEQA Guidelines instruct that the "discussion should be guided by the standards of practicality and reasonableness" and when utilizing a list of cumulative past, present and probable future projects, the factors to be considered when determining whether to include a related project should include "the nature of each environmental resource being examined, the location of the project and its type." *See*, CEQA Guidelines § 15130(b).

The near-term cumulative projects list includes probable future projects that were known at the time of the commencement of the environmental analysis, as well as those probable future projects that were publicly noticed as of June 2006 and, as such, was based on the most reliable information known at the time. In addition, the near-term cumulative traffic analysis includes the cumulative projects that would be expected to develop by 2009, as well as ambient growth (2 percent per year for three years). The entire list of near term cumulative projects is included in Appendix C of the 2006 Traffic Study (revised 2007) included in the Revised Final EIR. Please also see Response to Comment No. 028-35 for a discussion regarding near-term cumulative analysis.

All trips generated by cumulative projects that are provided in Appendix C and projected to develop within the near-term timeframe (2009) were used for analysis. With regard to the Pala

Casino, page 26 of the 2006 Traffic Study contained in the Revised Partial Draft EIR has a typographical error. The proposed Pala Casino expansion would generate 299 inbound and 139 outbound trips (total 438 evening peak hour trips). The analysis contained in the Revised Partial Draft EIR was based on 438 total evening peak hour trips. The information contained in the Traffic Study regarding the Pala Casino has been revised in the Revised Final EIR to provide the correct information.

The County has reviewed the November 2006 Draft Tribal Environmental Impact Report (TEIR) for the proposed Pala Casino expansion. The TEIR predicts traffic generation from casino expansion of 1,113 daily trips, which is nearly 75 percent less than the 4,950 daily trips used in the analysis of cumulative impacts in the Revised Partial Draft EIR. In addition, the TEIR estimated 32 inbound and 32 outbound P.M. peak hour trips on SR 76 west of the casino site related to the casino expansion project, which is substantially less than the 438 trips estimated in the Revised Partial Draft EIR.

With regard to the Pauma Casino expansion, as shown on pages C-4 and C-6 of the 2006 Traffic Study in the Revised Partial Draft EIR, the Pauma Casino expansion was included based on an estimate of 500 new daily trips. This analysis was based on the most accurate information available in June 2006. On January 17, 2007, during the preparation of the Revised Final EIR, a Notice of Preparation (NOP) for a Tribal Environmental Impact Report for the Pauma Casino and Hotel Project was released. Based on the information regarding proposed uses that was provided in the NOP, the trip generation would likely exceed 500 trips. However, the specific trip generation that will be used in the analysis has not been provided and the Tribal EIR is not yet available. As indicated above and in CEQA Guidelines Sections 15125 and 15130, the conditions for environmental analysis are determined at the time of commencement of the environmental analysis and must be subject to the limit of practicality and reasonableness. Therefore, the analysis included in the Revised Final EIR and based on the 2006 Traffic Study is adequate in that the information relied upon in the 2006 Traffic Study reflects the best available information at the time of the analysis.

With regard to the San Pasqual Casino expansion, as shown on pages C-4 and C-6 of the 2006 Traffic Study contained in the Revised Partial Draft EIR, the San Pasqual Casino expansion was addressed. Based on the most accurate information available at the time the 2006 Traffic Study was prepared, it was estimated that the proposed San Pasqual Casino expansion would generate 3,000 new daily trips.

With regard to an expansion of the Rincon Casino, based on currently available information, no expansion of the Rincon Casino is pending or proposed. An expansion of the Harrah's Rincon Casino was pending in 2003 (at the time of the 2003 Traffic Need Assessment) but the expansion was completed and became operational in November 2004. No additional expansion is pending that would need to be considered in the cumulative impacts analysis for the project. County DEH staff

has reviewed the Harrah's website, which includes a corporate history listing proposed expansion and opening of casinos worldwide. The only mention of the Rincon Casino is the opening of the expanded casino in November 2004, and there is no mention of additional expansion plans.

With regard to the Passerelle project, as shown on page C-4, the office project is included at 1,500 ksf (ksf=1,000 square feet) for the traffic generation which was used in the analysis. Although an incorrect number was presented later in Appendix C of the Traffic Study, the analysis was run using the correct number. Appendix C has been revised to correctly indicate 1,500 ksf of office use and to provide internal consistency in the document.

With regard to the Countryside Veterinarian, the project is 3.28 ksf. As shown on page C-5 of the 2006 Traffic Study contained in the Revised Partial Draft EIR, the correct square footage is used for traffic generation in the analysis.

With regard to the MUP 81-037, the related project is 2.8 ksf. As shown on page C-5 of the 2006 Traffic Study contained in the Revised Partial Draft EIR, the correct square footage is used for traffic generation in the analysis.

The portion of the comment regarding TM-5351 is unclear. There is no TM-5351 shown on page 33 of the 2006 Traffic Study and no project on page 33 of the 2006 Traffic Study shows a trip rate of 10. However, TM-5321 on page 33 of the 2006 Traffic Study contained in the Revised Partial Draft EIR shows 12 trips per unit (30 times 12 equals 360).

RESPONSE 028-34

All of the 162 projects listed in Appendix C of the 2006 Traffic Study were used for the cumulative analysis. A location map showing the 162 related projects is provided on pages C-12 and C-13 of the 2006 Traffic Study. As shown on page C-11, the County's Permit Type and Number (i.e., TM-4793) is assigned to a location number in the 2006 Traffic Study (in this case #1) for specific projects. Page C-12 and C-13 show the location number for the associated County Permit Type and Number within in a regional map. For the example of #1-TM-4793 (page C-11), turn to page C-12 to find the location of #1-TM-4793 along the top left quadrant on page C-12. This is where #1-TM-4793 is located. To find #2-TM-4944 (from Page C-11), turn to page C-13 and find #2 along the bottom center of the page which is where project #2-TM-4944 is located. This same procedure can be used for all projects on page C-11 by comparing the location number to the location maps on page C-12 and C-13. With regard to the Pala Casino, the related project is described on page 26 (typographical error corrected for P.M. peak trips) and the trips associated with the related project are summarized on page C-14 of the 2006 Traffic Study.

The 51 projects listed on page C-4 are described on pages 26 to 33 of the 2006 Traffic Study. The trip generation rates and calculations for these projects are shown on C-5 and C-6 by analysis zone.

The header on Page C-6 of the 2006 Traffic Study has been revised in the Revised Final EIR to correctly show Pauma Casino rather than Pala Casino as the information relates to the Pauma Casino. With regard to Passerelle and Meadow Wood, these related projects are described on page 26 of the 2006 Traffic Study, including the trip generation associated with these projects. Also, please see page C-4, which shows the trip generation for these related projects.

With regard to the Club Estates project, page 32 of the 2006 Traffic Study provides a description of this project and the associated trip generation. Also, please see page C-4, which shows the trip generation for this related project.

With regard to Page C-11, which contains a list of 130 projects by permit type and number, this is the typical way in which the County refers to projects. Pages C-12 and C-13 of the 2006 Traffic Study show the locations for the 130 projects listed on page C-11. For these projects, which are located in the Valley Center area, the total cumulative traffic which contributes to SR-76 was used for the cumulative analysis. As indicated previously, the maps on pages C-12 and C-13 show the locations of the 162 related projects that have been included in the cumulative analysis. With regard to trip distribution for the Pala Casino expansion, the trip distribution for the Pala Casino expansion was based on travel patterns of the existing uses. The trip generation and densities for the 65 projects listed on page C-15 of the 2006 Traffic Study are provided on pages C-4 and C-5.

RESPONSE 028-35

As indicated above in Response to Comment No. 028-34, over 150 projects are listed on the related projects list. With regard to the near-term cumulative (2009) analysis, many of the projects included in the list are not expected to be completed within the next three years. For example, the comment assumes full buildout of Passarelle and Meadow Wood within the near-term. However, given the size and timing of these two projects, it is not reasonable to assume that these related projects would be built out and occupied within the next three years. As such, the near-term future condition model provided by the County analyzes 42,000 trips on the west segment of SR 76; 24,000 trips on the middle segment of SR 76 and 18,500 trips on the east segment of SR 76.

Based on the comment, the cumulative projects in the Pala/Pauma and Valley Center areas were reviewed for phasing for near term and long term conditions. Projects such as Passerrelle, Meadowood, Campus Park (with school use) and Rancho Viejo were determined to have minimal influence on the three-year time frame used in the near-term cumulative analysis for the proposed project based on their current processing and phasing schedules. However, the near-term cumulative analysis was revised in the Revised Final EIR to create trip distributions for all projects

included in the near-term cumulative analysis. The trips were reassigned to SR 76. Based on the compilation of these projects and the revised distribution and reassignment, it was determined that the segment of SR 76 from east of the landfill access road to Pankey Road was underestimated in the 2006 Traffic Study by approximately 10 daily vehicles. The segment of SR 76 between Pankey Road and I-15 was underestimated in the 2006 Traffic Study by approximately 1,050 daily vehicles.

As a result, the near-term cumulative analysis was re-run with these changes in daily vehicle trips. The Revised Final EIR and the 2006 Traffic Study have been revised to reflect the changes in the near-term cumulative analysis. The near-term cumulative analysis for segments on SR 76 was conducted for the A.M. and P.M. peak hours. As shown in Table 20 of the 2006 Traffic Study and the Revised Traffic Study, all segments of SR 76 would operate at LOS E in the near-term cumulative scenario. The revision to the trip distribution did not result in a change in the conclusions reached in the Revised Partial Draft EIR.

The revised near-term cumulative analysis with project-generated traffic would result in an increase of between 28 to 223 vehicles on the segments of SR 76 during the peak hours. The maximum increase would occur on the segment of SR 76 between I-15 and Pankey Road. With project traffic, the P.M. peak hour vehicles would be 2,299, which would be 329 vehicles below the established threshold of 2,628 vehicles for LOS E. The segment of SR 76 between Pankey Road and Couser Canyon would have a maximum of 2,457 vehicles with project traffic in the P.M. peak, which would be 171 vehicles below the established threshold. Thus, the revision in the near-term distribution and reassignment of traffic does not alter the conclusions or peak hour levels of service for the near-term cumulative analysis that were presented in the Revised Partial Draft EIR. More importantly, Mitigation Measure 4.5-6a, which requires that the applicant shall pay the County's Transportation Impact Fee to fund its fair share of cumulative impacts to SR 76, remains appropriate mitigation since the mitigation would contribute to the expansion of SR 76 to four lanes.

It should be noted that the revision in the near-term analysis does not alter the maximum of 2,085 project-generated daily trips or peak hour mitigation restrictions at the landfill site that could occur on SR 76. In addition, following the first phases of Campus Park (including Passerrelle and Meadowood), the expansion of SR 76 from Pankey Road to I-15 from two to four-lane standards is proposed by these developments to mitigate their impact to this segment.

RESPONSE 028-36

Although not directly stated in the 2006 Traffic Study, a 2 percent per year growth is included in the base traffic numbers. The near-term cumulative analysis is based primarily on a list of related projects. The list contains over 150 projects and is provided in Appendix C of the 2006 Traffic Study. In addition to the list of projects, the near-term cumulative analysis uses a 2 percent ambient growth factor. The 2 percent per year growth factor provides for small projects which may come on line during the review process, as well as potential through traffic from outlying jurisdictions. In other words, the 2006 Traffic Study near-term cumulative analysis assumes 6

percent ambient growth (2 percent ambient growth per year over a three year timeframe) in addition to the related projects. The use of a 2 percent ambient growth factor is justified here because of the substantial level of detail in identifying specific projects.

RESPONSE 028-37

The data in the cumulative appendix consists of a significant amount of projects and related data, as over 150 projects are included and assigned to the study area network. Many of the projects included are used to remain consistent with other studies prepared for the County in adjacent jurisdictions. In terms of trip distribution, trips from each project are not necessarily assigned to an intersection or roadway segment. In the analysis, projects that are geographically removed from the project area are grouped into zones rather than analyzed on an individual basis. For example, projects in the Valley Center area were grouped together to determine how much traffic was traveling west of SR 76 into the project area. Appendix C of the Traffic Study in the Revised Final EIR has been revised to include graphics showing the location of the zones and the number of trips within each zone. The distribution from each zone onto the road segment from these projects is provided in a summary table. In other words, the objective is to estimate the traffic from the related projects that would use the same roadways as the project (i.e., SR 76 corridor). Due to the volume of projects, evaluation of the data could be difficult. However, the manner in which the related projects information is presented has been used by the County in the past on other projects. The County does not have a standard format for the presentation of information related to cumulative analyses. All of the projects listed in the related projects list have been included in the 2006 Traffic Study.

RESPONSE 028-38

Existing traffic volumes were obtained from a certified third party data collection firm and are correctly reflected on segments and at intersections. For analysis purposes, the highest volumes were used on all of the segments in order to reflect a conservative approach to the traffic study methodology in accordance with jurisdictional requirements. The County does not support making manual adjustments to actual field data to satisfy traffic which may distribute to side streets. Note that the analysis of the worst-case volumes (middle segment) demonstrates LOS D for the existing plus project condition. While the reviewer suggests manually increasing volumes on the other segments, the worst-case volume reports LOS D and would not change the results of the analysis. Please refer to Response to Comment No. 022-49 for additional information regarding the segment analysis.

RESPONSE 028-39

As indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, Table 4.5-8 summarizes peak hour volumes on SR 76 by hour for existing plus project traffic based on 5,000 tpd. Table 4.5-8 is the same as Table 14 of the 2006 Traffic Study. The hourly trip generation for the project, which was established in the 2003 Draft EIR, was not overturned by the

Court or included in its writ, and was used without change for purposes of the 2006 Traffic Study. However, using the hourly trip generation contained in Table 4.5-8, the analysis concludes that the project would result in significant impacts. Therefore, the next step was to identify potential mitigation measures. A potential mitigation measure that is presented in the Revised Partial Draft EIR is to restrict the number of trips during hours that would result in a significant impact. This mitigation measure is feasible given the nature of solid waste contracts as the operator can determine the timing of the trips. It should be noted that the analysis is based on a worst case day of 5,000 tpd of solid waste disposed of at the site. The average daily disposal would be 3,200 tons. Table 4.5-9 (Table 15 of the 2006 Traffic Study) shows the results of the redistribution of traffic that would be necessary to reduce the significant impact to a less than significant level. Essentially, Table 4.5-9 illustrates the effectiveness of Mitigation Measure 4.5-3 in reducing the level of impacts to a less than significant level.

RESPONSE 028-40

The traffic analysis contained in the 2003 Draft EIR and updated in the 2006 Traffic Study assumes the use of 8-ton trash trucks as this represents a worst case analysis for traffic. However, as indicated in the 2003 Draft EIR and the Revised Partial Draft EIR, 24-ton transfer trucks could be used. The traffic analysis contained in the 2003 Draft EIR and in the Revised Partial Draft EIR determined that 24-ton trucks would not significantly change the prevailing speeds and can be accommodated within the existing centerlines of all substandard curves on SR 76. Page 15 of the 2006 Traffic Study summarizes a speed and control survey conducted using Oceanside Waste Management vehicles (8-ton plus 24-ton) within the tight curves on SR 76. Both trucks had predominate speeds above the posted cautionary sign and stayed within centerline markings. Copies of the photographs from the survey have been included in Appendix A of the Traffic Study contained in Appendix A of the Revised Final EIR.

RESPONSE 028-41

The County of San Diego does not require multiple count days for preparation of traffic studies. The majority of the traffic counts used in the County's master traffic data set are one-day counts. One-day counts are an accepted County standard and are an industry standard. The County of San Diego requires that traffic volumes are to be less than two years old. The 2006 Traffic Study has been completed in compliance with County of San Diego criteria and cannot be considered invalid based on the date of traffic counts.

RESPONSE 028-42

The comment refers to the implementation and feasibility of Mitigation Measures 4.5-2 and 4.5-3 of the Revised Partial Draft EIR. Mitigation Measure MM 4.5-2 is based on County DEH staff experience from its oversight of the Otay Landfill, which at times approaches its available daily disposal capacity. A program similar to the one proposed in MM 4.5-2 is in place at Otay Landfill to ensure that the facility does not exceed the daily trip cap. All of the haul trucks have

contact with their company either via a 2-way radio or a cell phone. This is standard procedure in order for the truck operators to report accidents, problems with trash collection, road blockage, etc. In terms of implementation of MM 4.5-2, once 95 percent of the maximum daily traffic limit is reached, the landfill operator will immediately notify commercial waste haulers. To ensure that the notification program is implemented, waste contracts will contain the restrictions with which the company and its haulers need to comply in accordance with MM 4.5-3. Therefore, notice would be provided to the contracted companies who would then in turn contact the drivers. The location of the drivers will be disclosed and trucks will be rerouted as appropriate. Therefore, trucks would not be required to wait until the next hour and would not be waiting in the travel lanes along SR 76. The requirements contained in MM 4.5-2 and MM 4.5-3 will be incorporated as conditions of the Revised Solid Waste Facility Permit for the project, and will be routinely reviewed by the LEA. Please refer to Response to Comment Nos. 022-61 through 022-63 and 006-7 for additional information regarding the implementation and enforceability of hourly traffic restrictions.

RESPONSE 028-43

The comment is conclusionary in nature. However, the Revised Partial Draft EIR concludes that although the project is not required to mitigate the identified impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service which is treated as a significant and unavoidable project level impact for purposes of the Revised Partial Draft EIR. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on I-15, SR 76 or the intersections with 395 and I-15 are significant and unavoidable. While the project would contribute its fair share to the County's Transportation Impact Fee (TIF), given the uncertainty of the implementation of proposed future roadway improvements, project-related and cumulative traffic impacts are considered significant and unavoidable. Please see Response to Comment Nos. 028-22 through 028-42 for detailed responses to each of the comments.

Letter 029

PETERS & FREEDMAN, L.L.P.
ATTORNEYS AT LAW

191 CALLE MAGDALENA, SUITE 220
ENCINITAS, CALIFORNIA 92024

SIMON J. FREEDMAN
DAVID M. PETERS
KEENAN A. PARKER
JAMES R. McCORMICK JR.
MICHAEL G. KIM

CHRISTINA M. BAINE DEJARDIN
JOHANNA R. DELEISSEGUES
MICKEY JEW
STEPHEN M. KIRKLAND
LAURIE F. MASOTTO

OF COUNSEL

LAURIE S. POOLE

Tel: (760) 436-3441
Fax: (760) 436-3442

mail@hoalaw.com
www.hoalaw.com

PALM DESERT OFFICE

44750 VILLAGE COURT
PALM DESERT, CA 92260
Tel: (760) 773-4463
Assessments: (760) 773-2626
Fax: (760) 773-0919

August 14, 2006

DEH Local Enforcement Agency
9325 Hazard Way
San Diego, California 92123-1217

Re: Gregory Landfill Project (LOG No. 98-02025 \Bel Etage - Savenna Homeowners Association
File No: 2043

To Whom It May Concern:

Please be advised that the law firm of Peters & Freedman, L.L.P., represents the Bel Etage - Savenna Homeowners Association ("Association") in the above referenced matter.

I have been directed by the Board of Directors to formally advise you of the Association's objections to the Gregory Canyon dump site. The Association's objections include, but are not limited to, the 60 year agreement for the Water District to sell water which apparently requires transportation every several minutes of the day adjacent to the Bel Etage Community. The Association is further concerned that the noise and potential liability will negatively impact property values and quality of life. A more formal objection or legal action will be instituted after our office has had a greater opportunity to review the Environmental Impact report as well as the court files in connection with this matter. 029-1

If you have any questions or comments please do not hesitate to contact my office.

Sincerely,

PETERS & FREEDMAN

David M. Peters, Esq.

DMP:ja
cc: Board of Directors

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LETTER NO. 029

Peters & Freedman LLP
David M. Peters, Esq.
191 Calle Magdalena, Suite 220
Encinitas, CA 92024

RESPONSE 029-1

The comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment which expresses opposition to the project, is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Response to Comment Nos. 030-1 through 030-15 for responses provided to the detailed comment letter submitted by Peters & Freedman, L.L.P. on behalf of the Bel Etage-Savenna Homeowners Association.

Letter 030

PETERS & FREEDMAN, L.L.P.
ATTORNEYS AT LAW

191 CALLE MAGDALENA, SUITE 220
ENCINITAS, CALIFORNIA 92024

SIMON J. FREEDMAN
DAVID M. PETERS
KEENAN A. PARKER
JAMES R. McCORMICK JR.
MICHAEL G. KIM

CHRISTINA M. BAINE DEJARDIN
JOHANNA R. DELEISSEGUES
MICKEY JEW
STEPHEN M. KIRKLAND
LAURIE F. MASOTTO

OF COUNSEL

LAURIE S. POOLE

Tel: (760) 436-3441
Fax: (760) 436-3442

mail@hoalaw.com
www.hoalaw.com

PALM DESERT OFFICE

44750 VILLAGE COURT
PALM DESERT, CA 92260
Tel: (760) 773-4463
Assessments: (760) 773-2626
Fax: (760) 773-0919

August 24, 2006

VIA FACSIMILE, EMAIL, 1ST CLASS MAIL AND PERSONAL SERVICE

DEH Local Enforcement Agency
Attention: Kerry McNeill
9325 Hazard Way
San Diego, California 92123-1217

Re: Bel Etage - Savenna Homeowners Association/Gregory Landfill Project /LOG No. 98-02025
File No: 2043

Dear Ms. McNeill:

Please be advised that the law firm of Peters & Freedman, L.L.P., represents the Bel Etage - Savenna Homeowners Association ("Association") in the above referenced matter. The Association objects to the use of Camino Del Norte\Camino Del Sur for delivery of recycled water from the Olivenhain Municipal Water District (hereinafter referred to as "OMWD") Santa Fe Valley Reservoir and Pump Station site, located at the intersection of Artesian Road and Maranatha Way, per the Agreement effective March 15, 2006 between OMWD and Gregory Canyon Ltd. (hereinafter referred to as "Gregory").

030-1

The proposed Gregory Canyon Landfill is located approximately 3.5 miles East of Interstate 15 on State Route 76. The Gregory Canyon site is planned to contained approximately 30 million tons of refuse with an operating life of approximately 30 years.

The project is proposed to include the purchase and delivery of recycled water from OMWD. OMWD has executed a contract with the project applicant to provide all water necessary for project construction and operation. This recycled water would be delivered to recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site in West Rancho Bernardo and then trucked to the landfill site off of State Route 76.

The Association specifically objects to the offsite water supply. Utilizing OMWD as a water supplier is for economic convenience only and does not adequately address the impact of the proposed major trucking operation on the surrounding community. Neither does the applicant properly address other possible water supply options existing closer to the project site. 030-1 Cont'd

This letter shall serve to partially outline the Association's objections to Gregory's agreement to purchase recycled water from OMWD and the transportation of this water from the above referenced site. The Association's objections include, but are not limited to, the 60 year agreement for OMWD to sell water requiring transportation every several minutes of the day adjacent to the Bel Etage Community as well as the unmitigated noise and potential liability which will negatively impact property values and quality of life. Some of the specific objections are as follows: 030-2

1. Camino Del Norte Road/Camino Del Sur is a rural, two-lane country road. This rural, two-lane country road and its surroundings are not designed for use by 200 large and heavy trucks per day, approximately every two (2) minutes filled with 2300 gallons of water. The new Traffic and Noise Studies fail to address this fact. 030-3

2. The use of Camino Del Norte Road/Camino Del Sur violates the Neighborhood Specific Use Plan. The OMWD selling of water was never within the Neighborhood Specific Use Plan nor was a Commercial Trucking Operation referenced in the plan filed with the County of San Diego. The Association and other residents located along these roads were provided the Neighborhood Specific Use Plan. A commercial trucking operation was never disclosed within this Plan or to these residents. 030-4

3. The proposed use constitutes an unreasonable and unmitigated traffic, noise and pollution impact. These and other environmental consideration have not been studied or fully investigated. While there is a myriad of information regarding reports and traffic studies for SR 76, the "traffic study" relating to Gregory Canyon Recycle Water agreement and the fact that two trucks per minute will be traversing these roads have largely been ignored or glossed over.

The Revised Partial Draft Environmental Impact Review ("RPDEIR"), (Page 20) provides:

> Since CNEL noise levels along Camino del Sur, Camino del Norte and I-15 exceed 60 CNEL at existing residences and the project would increase the noise levels, the project would have a significant noise impact to the existing residences. 030-5

This report goes on to provide (Page 20):

> Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte/Camino del Sur <u>are currently exposed to noise levels that exceed the County's Noise Element limit</u>. (Emphasis added.)

The proposed project admittedly would further exceed these limits. Page 22 of the report discusses the noise impact further:

> ... the proposed project would contribute to the cumulative noise level along the roadways that serve the project.

The report concludes that the project-generated traffic will affect all current residential uses, but that new residential uses would not be "anticipated" to be within the 60 CNEL contour as a result of the proposed activities. This conclusion is succinctly provided on pages 23 and 24 as follows: 030-5 cont'd

> ... as discussed above cumulate traffic noise levels would be significant and unavoidable.

> ... the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycle haul route and would thus result in a cumulative traffic noise impact.

4. There are other reasonable alternatives that would mitigate the negative impact. For example, an underground fill line that can be buried and accessed outside of the immediate area. This would alleviate the need for engaging several hundred trucks a day over a rural country road which impacts neighborhoods, community churches, schools and roads. 030-6

5. The Revised Partial Draft Environmental Impact Review ("RPDEIR"), Page 4.5-32 traffic study references are inaccurate and incomplete. For example, there is no data provided in any of the Tables that addresses the portion of Camino del Norte West of Rancho Bernardo Road. This includes Rancho Bernardo Road to Maranatha Way, along Camino del Norte/Camino del Sur. 030-7

6. The conservative estimate set forth in the RPDEIR of 30 PCE trips per hour (i.e. one trip every 2 minutes) of large trucks adjacent to a rural school is categorically unsafe. 030-8

7. The proposed mitigation of the trucks not driving over the subject areas between 7:30 and 8:30 a.m. and 2:00 to 3:00 p.m. fails to account for all of the potential impacts on these school children. The children will be impacted not only during the construction phase but for the remainder of the entire project operation. Further, there are no means by which to enforce compliance with the proposed mitigation or even to ensure that the trucks do not take short cuts through the neighboring residential developments. Even if compliance with the proposal were possible, the school's hours of operation are between 7:00 a.m. and 5:00 p.m. During these times children play on playgrounds, and extra curricular activity takes place before and after school. Noise, pollution and safety considerations for the children against trucks weighing in excess of 25,000 pounds have not been addressed. 030-9

8. The June 16, 2006 Traffic Report prepared by Darnell & Associates, Inc. concludes, without facts or basis, that the trucks used to transport the recycled water on Maranatha Way would have no significant traffic or safety impacts. This obviously contradicts the RPDEIR as described above. Further, a number of children regularly use the proposed country roads for walking, bicycling and skateboarding to and from school. The width of the roads and lack of shoulder creates safety issues for the children that have been entirely ignored. 030-10

9. The RPDEIR inaccurately states under 4.5-34 that Camino Del Sur is presently being constructed to a four lane major standard road. This statement is incorrect. The current two lane road off Artesian Road is, and will be for the next 5 plus years, a two-lane, country road which is already buckling under the pressure of the current traffic, None of these facts are addressed in the traffic impact studies. The statement that Camino Del Norte is being improved to a six lane prime arterial standard fails to clarify that this "change" will not occur, if ever, for at least five years. 030-11

10. The RPDEIR fails to consider that the traffic plan is predicated upon obtaining access over a private road, Maranatha Way, the owner of which is in the process of taking legal action to restrict the undesired access. 030-12

11. The RPDEIR fails to address or investigate the fact that the City of San Diego has already determined that there is too much traffic on Camino Del Norte/Camino Del Sur. In fact, the traffic is so extensive that The Black Mountain Ranch Phase II project, commonly known as "Del Sur" is not allowed to allow prospective homeowners to access Interstate 15 utilizing the Camino Del Norte/Camino Del Sur exit. All of the marketing for sales of the homes shows access from Highway 56 and not Interstate 15. The City has determined that the Camino Del Norte access point is already operating over capacity and to add more trucks with recycled water is unreasonable. These and the additionally identified "cumulative" effects have not been addressed. The Darnell and Associates report prepared June 16, 2006 ignores these issue. 030-13

12. The RPDEIR fails to consider alternative access. There is alternative access through the Del Sur project which would require the City of San Diego to approve that 200+ trucks per day drive through other neighborhoods. Instead of addressing these issues with the City in working to mitigate the joint impact, the entire burden has remained within the County. Significantly, the City of San Diego has determined that the same restrictions which the County is advocating represent an unreasonable burden on its property owners which are similarly situated to the Association. 030-14

The RPDEIR includes revisions to the sections in which all of the concerns set forth above exist. The Association respectfully submits that these issues be addressed during this recirculation period. If you have any questions or comments, please do not hesitate to contact my office. 030-15

Sincerely,

PETERS & FREEDMAN, L.L.P.

David M. Peters, Esq.

DMP:ja

cc: Board of Directors
DEH via Email: DEHComments@SDCounty.ca.gov

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LETTER NO. 030

Peters and Freedman LLP
David M. Peters, Esq.
191 Calle Magdalena, Suite 220
Encinitas, CA 92024

RESPONSE 030-1

The comment indicates that the comment letter is written on behalf of Bel Etage-Savenna Homeowners Association. The comment, which expresses opposition to the use of Camino del Norte/Camino del Sur for delivery of recycled water from OMWD Reservoir Site, per the agreement between OMWD and Gregory Canyon, Ltd., and the use of an off-site water supply is acknowledged and will be forwarded to the decisionmaker for review and consideration.

As indicated in Chapter 1 of the Revised Partial Draft EIR, the Court held that the EIR was required to identify the sources of water necessary to construct and operate the landfill and to analyze the impacts of obtaining that water. Therefore, Section 4.15, Public Services and Utilities, was revised to analyze sources of water available to serve the project and the environmental impacts associated with obtaining this water. Section 4.15 of the Revised Partial Draft EIR identifies sources capable of meeting all water supply needs for the entire life of the project, analyzes the environmental impacts from using those sources, and includes mitigation measures or project design features to mitigate any potential impacts to a level of less than significant. The analysis considered potential traffic, air quality, noise, and water supply and water quality impacts. In addition, please refer to Response to Comment No. 030-2 for a discussion of potential quality of life impacts.

County DEH staff also concludes, based on the analysis contained in the 2003 Draft EIR, the Revised Partial Draft EIR, comments on the Revised Partial Draft EIR, and the responses to those comments, that the likelihood that the project will be able to utilize the identified sources is substantial. This is because the project has a valid and binding agreement with the Olivenhain Municipal Water District (OMWD) for delivery of sufficient recycled water to meet all project water requirements for 60 years. Use of OMWD recycled water would require a wavier, followed by an amendment to OMWD's Master Reclamation Permit from the Regional Water Quality Control Board, which can only occur after certification of the EIR. Therefore, it is not necessary to identify an alternative water source as County DEH staff does not consider this source of water to be speculative. Please refer to Response to Comment No. 007-22 for additional information related to anticipated water quality standards for use of OMWD recycled water, and the project's ability to comply with those standards.

County DEH staff notes that the project did contact other water districts in the northern portion of San Diego County for the purchase of recycled water, but that OMWD was the only water district with which the project was able to enter into a contract to supply recycled water.

The Revised Partial Draft EIR assumes a worst case scenario in which all of the water is trucked to the site during those limited time periods when both construction and operation of the landfill were taking place concurrently.

RESPONSE 030-2

The comment is general in nature. The comment expresses opposition to the 60 year agreement between OMWD and Gregory Canyon, Ltd. In terms of potential traffic and noise impacts, Sections 4.5 and 4.6 of the Revised Partial Draft EIR, respectively, contain analyses of the potential impacts from the recycled water trucks. As indicated in the Revised Partial Draft EIR, the recycled water trucks would result in a significant impact on the segment of I-15 between Pomerado Road and Carmel Mountain Road. This segment currently operates in an unacceptable LOS F condition, with and without the project traffic. Although the project would incrementally add traffic to the existing unacceptable level of service on this segment of I-15, the project is not required to mitigate this impact to I-15 based upon the County's significance criteria. Nevertheless, the project would be required to pay the County's Transportation Impact Fee (TIF) to fund its fair share of this traffic condition. Despite this payment, the project-related traffic impact is considered significant and unavoidable because of the uncertainty of the implementation of future improvements to I-15.

With regard to traffic noise from the recycled water trucks, existing traffic noise levels along Camino del Sur, Camino del Norte, and I-15, which constitutes a portion of the haul route for recycled water trucks between the Reservoir Site and the landfill site, exceed 60 dBA CNEL at existing residences as explained in the Revised Partial Draft EIR. While the incremental noise increase from recycled water trips would fall well below the County's significance threshold, since CNEL noise levels along Camino del Sur/Camino del Norte and I-15 exceed 60 dBA CNEL at existing residences and because the project would increase the noise level, it was determined that the project would have both project-related and cumulative significant and unavoidable impacts to residences along these roadway segments.

With regard to property values, CEQA does not require an analysis of the economic effects of a project, such as impacts on property values, except inasmuch as economic impacts are part of a chain of relationships that ultimately result in a physical impact. Single-family property values are influenced primarily by macroeconomic factors that operate independently of locally specific conditions, including supply and demand relationships, population and employment growth rates, household income trends, mortgage interest rates, general price inflation, and the direct cost of new housing development. All of these factors interact in complex ways that change over time.

With regard to the quality of life, the Reservoir Site is located in the Santa Fe Valley Specific Plan area. The Santa Fe Valley Specific Plan was prepared by the County in December 1995 and amended in April 2003. The Specific Plan provides the long range vision for the area. The land use pattern and intensity of development are factors in the community character and ultimately the quality of life. Recycled water usage was anticipated in the Specific Plan and was

discussed in the Plan's Public Facilities Element. Nothing in the Specific Plan, or more particularly, the Circulation or Public Facilities Elements, prohibits the use of recycled water or sale thereof by OMWD. The Specific Plan, which identifies OMWD as one of the two potential suppliers of recycled water in the Santa Fe Valley area, discusses the use of recycled water in terms of the golf courses that were anticipated within the Santa Fe Valley area. However, there are no restrictions on the use of recycled water included in the Specific Plan, and golf courses are not identified as the exclusive beneficiary of recycled water.

In addition, the Revised Partial Draft EIR contains traffic, noise, and air quality analyses, which are factors in the quality of life. The traffic analysis concludes that with the implementation of project design features and mitigation measures, the project would result in less than significant traffic impacts on the roadways in the area of the Reservoir Site, Maranatha Drive and Camino del Norte/Camino del Sur. The noise analysis concludes that noise levels along Camino del Sur and Camino del Norte exceed 60 dBA CNEL at existing residences. While the incremental noise increase from recycled water trips would fall below the County's significance threshold, since CNEL noise levels along Camino del Sur and Camino del Norte exceed 60 dBA CNEL at existing residences and the project would increase the noise level, the project would have both project-related and cumulative significant and unavoidable impacts to existing residences. The air quality analysis indicates that construction-related emissions from the improvements at the Reservoir Site of volatile organic compounds (VOC), carbon monoxide (CO), particulate matter (PM_{10}), oxides of nitrogen (NO_X) and oxides of sulfur (SO_X) would be below their respective SDAPCD significance thresholds. No significant air quality emissions would result from construction activities at Olivenhain's Reservoir Site. However, as noted in the technical memorandum contained in Appendix D of the Revised Partial Draft EIR, these emissions would contribute to regional emissions assuming the timing of the activities at the Reservoir Site and the landfill site are concurrent, and would therefore contribute to and increase the significant and unavoidable PM_{10} and NO_x impact previously described in the 2003 Draft EIR.

Since the Maranatha School and existing residential uses are in close proximity to the Reservoir Site, an analysis was conducted to determine if diesel particulate matter (DPM) exhaust from the recycled water trucks would result in potential health risk impacts. Using extremely conservative estimates, the cancer risk from water haul truck activity would be well below the significance threshold of 10 in one million. Therefore, vehicular exhaust from recycled water trips would not result in any significant health risk impacts.

In conclusion, based on the analyses and uses allowed in the Specific Plan, the project would not adversely impact the quality of life in the area of the Reservoir Site.

RESPONSE 030-3

Camino del Norte has varying widths. As described on page 68 of the 2006 Traffic Study, Camino del Norte is a six-lane divided road from Bernardo Center Drive to Dove Canyon, and four-

lane divided road from Dove Canyon to Rancho Bernardo Road. West of Four Gee Road, Camino del Sur operates as a two-lane roadway with left turn pockets at intersections to Bernardo Lakes Drive, and further west as a four-lane road until the intersection with Maranatha Drive. The sections of Camino del Norte and Camino del Sur that will accommodate project truck traffic are fully improved or in the process of being improved. The structural integrity of the roadway is designed to accommodate all types of vehicles. Actual recycled water trucks on this roadway represent 267 trips, not trucks. Truck traffic is 89 trucks per day to the Reservoir Site and 89 trucks leaving the Reservoir Site. Based on an extension of the prohibited hours for recycled water traffic, trucks will arrive at an average rate of one (1) truck every five (5) minutes (12 trucks per hour). Trucks are loaded with water only when exiting the OMWD Reservoir Site. See Response to Comment 038-5 regarding this change in restricted hours to accommodate the request of the Maranatha Chapel.

The 2006 Traffic Study, which is provided in Appendix A and summarized in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR contains an analysis of the potential impacts from the additional truck trips on the roadways. As indicated in the Revised Partial Draft EIR, with the implementation of the project design features and mitigation measures, the project would result in a less than significant impact on Camino del Norte/Camino del Sur.

RESPONSE 030-4

This comment letter refers to a Neighborhood Specific Use Plan. County DEH staff is not aware of such a plan, but believes that the commentator is referring to the Santa Fe Valley Specific Plan, which was prepared by the County in December 1995, and amended in April 2003. Recycled water usage was anticipated in the Specific Plan and was discussed in the Plan's Public Facilities Element. The Specific Plan also includes a Circulation Element, which identifies Camino Del Norte as a City of San Diego Circulation Element Four Lane Major Arterial. Nothing in the Specific Plan, or more particularly, the Circulation or Public Facilities Elements, prohibits the use of recycled water or sale thereof by OMWD. The Specific Plan, which identifies OMWD as one of the two potential suppliers of recycled water in the Santa Fe Valley area, discusses the use of recycled water in terms of the golf courses that were anticipated within the Santa Fe Valley area. However, there are no restrictions on the use of recycled water included in the Specific Plan, and golf courses are not identified as the exclusive beneficiary of recycled water. Because the Specific Plan does not prohibit the proposed type of use, there is no need for a specific plan amendment.

A Notice of Availability for the Revised Partial Draft EIR was sent to the Bel Etage Homeowner's Association. In fact, County DEH staff distributed the Notice of Availability to property owners within a 300 foot radius of the Reservoir Site. The public meeting notice was sent to these property owners as well as being placed in the newspapers and the notice was posted in the office of the County Recorder.

RESPONSE 030-5

The Revised Partial Draft EIR contains detailed analyses with regard to potential traffic, noise, and air quality impacts that could result from the transportation of recycled water from the OMWD Reservoir Site to the landfill site. Please see Section 4.5, Traffic and Circulation, Section 4.6, Noise, and Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR. Appendix A of the Revised Partial Draft EIR contains a 2006 Traffic Study, which specifically analyzes the potential traffic impacts along the proposed haul route for the recycled water. The technical report is summarized in Section 4.5 of the Revised Partial Draft EIR. With regard to noise, the comment correctly identifies that existing traffic noise levels along the water haul route exceed 60 dBA CNEL. As shown in Table 10 of Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR, the estimated change in roadway noise levels that would result from project-generated traffic would result in an estimated CNEL noise level increase of a maximum of 0.1 dBA over existing noise levels. Since CNEL noise levels along Camino del Sur/Camino Del Norte and I-15 currently exceed 60 dBA CNEL at existing residences and the project would increase the noise levels, the Revised Partial Draft EIR concluded that the project would have a significant noise impact on the existing residences. With regard to cumulative traffic noise, traffic noise associated with the project along the haul route is a maximum of 4.2 percent of the overall cumulative increase. Project-generated traffic would extend the 60 dBA CNEL contour outward from four to six feet. No new residential uses would be anticipated to be within the expanded 60 dBA CNEL contour that would result from project-generated traffic along the haul route. Although the majority of the noise on the roads would come from other traffic sources, the proposed project would contribute to the cumulative noise level along the roadways that serve the project. The noise levels along the roadways is a regional problem due to existing, approved, and future development throughout the region, and would occur with or without the project. Since CNEL noise levels along Camino del Sur/Camino Del Norte and I-15 exceed 60 dBA CNEL at existing residences, the project would contribute to a significant cumulative noise impact on the existing residences.

RESPONSE 030-6

The Revised Partial Draft EIR contains an analysis of the project's proposed sources of water, which include recycled water and percolating groundwater. The potential environmental impacts associated with the identified sources of water are identified in the Revised Partial Draft EIR. The use of recycled water would not alter the previously identified environmental impacts in the vicinity of the landfill site. Section 4.15 of the Revised Partial Draft EIR contains a detailed analysis of the haul route and the potential traffic, noise, air quality and health risk impacts that would occur. Section 4.15 of the Revised Partial Draft EIR identifies sources capable of meeting all water supply needs for the entire life of the project, analyzes the environmental impacts from using those sources, and includes mitigation measures or project design features to mitigate any potential impacts to a level of less than significant. County DEH staff concludes, based on the analysis contained in the 2003 Draft EIR, the Revised Partial Draft EIR, comments on the Revised Partial Draft EIR, and the responses to those comments, that the likelihood that the project will be able to

utilize the identified sources of water is substantial. This is because the project has a valid and binding agreement with the Olivenhain Municipal Water District (OMWD) for delivery of sufficient recycled water to meet all project water requirements for 60 years. Use of OMWD recycled water would require a waiver, followed by an amendment to OMWD's Master Reclamation Permit from the Regional Water Quality Control Board, which can only occur after certification of the EIR. Therefore, it is not necessary to identify an alternative water source as County DEH staff does not consider this source of water to be speculative. Please refer to Response to Comment No. 007-22 for additional information related to anticipated water quality standards for use of OMWD recycled water, and the project's ability to comply with those standards.

Based on a review of all available information, County DEH staff concludes that construction of a water pipeline to another delivery location outside of the "immediate area" (County DEH staff believes the commenter means the same general area but away from the Bel Etage subdivision) is not required and may itself have significant environmental impacts. Also, this pipeline would not address the one significant impact identified in the Revised Partial Draft EIR, which is the project's contribution to existing traffic noise levels above 60 dBA CNEL along Camino del Norte/Camino Del Sur and I-15.

With regard to truck traffic along the haul route, the comment overestimates truck traffic, which realistically equates to 89 trucks per day (89 empty inbound and 89 filled outbound, and includes a PCE factor of 1.5 to assess traffic capacity impacts). Additionally, the segments of Camino del Norte and Camino del Sur, which will accommodate project trucks, are not local, rural roadways and are fully improved or in the process of being improved.

RESPONSE 030-7

Camino del Norte terminates at Rancho Bernardo Road and becomes Camino del Sur west of Rancho Bernardo Road. The applicable segment of Camino del Sur is addressed on page 70 of the 2006 Traffic Study.

RESPONSE 030-8

As analyzed in the Revised Partial Draft EIR, the 30 trips per hour are used for analyzing traffic capacity needs and includes a PCE factor of 1.5. Actual trucks would be on average one (1) truck per six (6) minutes (10 trucks per hour). Based on a proposed extension of the restricted hours for recycled water traffic, trucks would arrive at an average rate of one (1) truck every five (5) minutes (12 trucks per hour). Trucks are loaded with water only when exiting the OMWD Reservoir Site. See Response to Comment No. 038-5 regarding this change in restricted hours to accommodate the request of the Maranatha Chapel.

It is speculative to state that truck traffic is categorically unsafe, particularly because the project includes project design features to decrease potential safety conflicts by limiting truck traffic during student drop-off and pick-up hours and installing non-regulatory signs on Maranatha Drive.

RESPONSE 030-9

As indicated in Section 4.5 of the Revised Partial Draft EIR, the limitations on hours of truck use of Maranatha Drive is a project design feature, which will be incorporated into the Solid Waste Facility Permit. The haul route for the recycled water trucks is also a project design feature and will be incorporated into the Solid Waste Facility Permit. Potential noise impacts to the Maranatha School from operation of the recycled water haul route were thoroughly evaluated and discussed on page 4.6-13 of the Revised Partial Draft EIR. Based upon peak daily traffic expected on Maranatha Drive, morning and afternoon school peak hour traffic noise along Maranatha Drive would be approximately 59.4 dBA Leq and 57.3 dBA Leq. Traffic noise on Maranatha Drive during the school non-peak hours, which will include recycled water trips, would be approximately 57.1 dBA Leq. The calculated noise level when water truck hauling would occur is less than the peak hour traffic noise levels. The Noise Element of the San Diego County General Plan provides an acceptable interior noise level for school classrooms as a one-hour average sound level of 50 dBA. Considering a 20 dB reduction in interior noise levels from exterior sources for typical building construction (California Department of Transportation, Technical Supplement to the Traffic Noise Analysis Protocol, 1998), the average interior residential and classroom noise level would be approximately 39.4 dBA Leq during the school A.M. peak hour and 37.1 dBA Leq during a non-peak hour. (Please see Response to Comment No. 038-15, which addresses noise level reductions with operable windows.) Outdoor noise levels would be below 60 dBA Leq at all times. Based on the County's standard, no traffic noise impacts would occur at the school and no mitigation measures for operational noise would be required along Maranatha Drive.

RESPONSE 030-10

The 2006 Traffic Study was prepared in accordance with the County's methodology for the completion of traffic studies. The 2006 Traffic Study provides substantiation for the conclusions contained within the study. Truck traffic would not use country and/or residential local roads for access to the site. As described in Section 4.5 of the Revised Partial Draft EIR, the recycled water truck route would use Maranatha Drive, Camino del Norte/Camino del Sur between Maranatha Drive and I-15, I-15 between Camino del Norte and SR 76 and SR 76 east of I-15 to the landfill access road. The route for the recycled water trucks is included as a project design feature. As described in the 2006 Traffic Study, Camino del Norte has varying widths. As described on page 68 of the 2006 Traffic Study, Camino del Norte is a six-lane divided road from Bernardo Center Drive to Dove Canyon, and four-lanes divided from Dove Canyon to Rancho Bernardo Road. West of Four Gee Road, Camino del Sur operates as a two-lane roadway with left turn pockets at intersections to Bernardo Lakes Drive, and further west as a four-lane road until the intersection with Maranatha Drive. The sections of Camino del Norte and Camino del Sur that will accommodate project truck traffic are fully improved or in the process of being improved.

RESPONSE 030-11

The 2006 Traffic Study analyzed impacts based on the current and anticipated configuration of the roadways, including the current two-lane configuration of Camino del Sur between Four Gee Road and Bernardo Lakes Drive. As indicated in Response to Comment No. 030-10, Camino del Norte and Camino del Sur have been or are in the process of being improved to City of San Diego standards for a four- or six lane road on the remaining segments between I-15 and Maranatha Drive. In fact, the upgrading of Camino del Norte to a six lane road is complete. Based on observations of these road segments, County DEH staff does not concur with the comment that the remaining two-lane segment is a rural road. This segment is similar in width and extent of right of way to Maranatha Drive.

RESPONSE 030-12

County DEH staff does not concur with the comment. As indicated in the condition of approval for the school, Maranatha Drive is a dedicated public road.

RESPONSE 030-13

The 2006 Traffic Study contains an analysis of the haul route for the recycled water trucks, including the intersection of I-15 and Camino del Norte and freeway ramps. Based on the analysis, the project does not cause a significant impact based on County and/or City thresholds. All long term cumulative analyses provided for in the study demonstrate LOS D or better operation at intersections and roadway segments. Improvements to the identified intersection and freeway ramps are currently being constructed and are anticipated to be complete in Spring 2007.

With regard to the Black Mountain development, construction along Carmel Valley Road and the recently completed Camino del Norte and Camino del Sur improvements currently restrict non-essential through traffic. Following completion of the Carmel Valley Road improvements, Camino del Norte, Camino del Sur and Carmel Valley Road will be open for all through traffic without restrictions. The roadway improvements are estimated to be complete in Spring 2007.[1] No access restrictions with regard to the Black Mountain development are known.

RESPONSE 030-14

As indicated in Response to Comment No. 030-13, the 2006 Traffic Study contains an analysis of the proposed haul route for the recycled water trucks. The recycled water truck haul route is clearly defined and is included as a project design feature. The route does not go through residential neighborhoods. The residences in the Bel Etage subdivision do not have direct vehicular access to Camino del Sur with the exception of the stop sign at Bernardo Lakes Drive. The residences along the proposed haul route back up to the street and do not face the proposed haul

[1] *Phone conversation, Labib Qasem, City of San Diego Engineer, December 2006.*

route or have direct vehicular access to the streets that constitute the haul route. The haul route was designed to minimize environmental impacts. Based on the analysis, the project does not cause a significant impact based on County and/or City thresholds. Therefore, no mitigation measures are necessary and no alternative access would need to be considered.

RESPONSE 030-15

This comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is necessary.