Revised Final Environmental Impact Report
Technical Appendix E
(Letter Nos. 031 to 168)

GREGORY CANYON LANDFILL

Volume III

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**

Rainbow Planning Group

Keeping Rainbow Rural
Advising The Board of Supervisors ~ San Diego County

Letter 031

August 24, 2006

To: The Department of Environmental Health

The Rainbow Community Planning has unanimously voted 14-0 that we believe the Gregory Canyon project will create a tremendous safety hazard for the community of Rainbow as the project now stands. Our community has taken great strides to generate an evacuation plan in the event of a wildfire, and this project will greatly impact our ability to save lives should a wildfire occur in our community.

Several weeks ago our community experienced first hand the fact we are dependant upon the I-15 corridor as our means to access the outside world. A major fire occurred just north of the county line along I-15, which forced law enforcement to close the I-15 corridor for hours. This turned the entire area into nothing more than a parking lot. The only way anyone – including police and fire personnel could safely enter our entire community was by using Rice Canyon Rd or a helicopter. 031-1

If this fire had been on the opposite side of the freeway during a Santa Ana wind condition, it is very likely that much of our community would have to be evacuated. With the I-15 corridor closed and filled with cars with no place to go as we saw happen several weeks ago, our entire community would have to attempt to flee down Rice Canyon Rd to Highway 76 to escape danger. There is absolutely no other escape route available.

And right at Highway 76 and Rice Canyon Road is the proposed landfill for which the EIR states will add hundreds of trucks to a narrow already overburdened dangerous road. The County has absolutely no plans at this time to make improvements to this highway. One may say that the police will be able to clear the freeway and highway so we may escape. Well, they didn't several weeks ago for one reason – too many cars just keep coming and law enforcement is greatly understaffed. In a wildfire situation we will have mere seconds to react, please consider this important safety factor as you deliberate the Gregory Canyon project. 031-2

This landfill is not just a bad idea; it is an extremely dangerous idea, especially for the citizens of Rainbow. Approval of this project could one-day result in countless lives being lost. 031-3

Sincerely,

C.E. Swanson

Secretary, Rainbow Planning Group

LETTER NO. 031

Rainbow Planning Group
C.E. Swanson, Secretary
bud1022@hughes.net

RESPONSE 031-1

The comment expresses opposition to the project relative to safety hazard. 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.

Section 4.15.5, Fire Protection and Emergency Medical Services, of the 2003 Draft EIR contains an analysis of fire and emergency medical services, including evacuation issues related to the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 031-2

The Revised Partial Draft EIR contains an updated traffic analysis. As described in the Revised Partial Draft EIR, SR 76 is currently a two lane, state roadway. As indicated in Section 4.5 of the Revised Partial Draft EIR, the County's General Plan Circulation Element indicates a widening of SR 76 to four lanes. However, SR 76 is a State Route and therefore, any improvements would be conducted by Caltrans rather than the County. Currently, there are no plans for the widening of SR 76. With regard to evacuation, as indicated in Response to Comment No. 031-1, the issue of evacuation was addressed in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 031-3

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. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 032

RANCHO BERNARDO
COMMUNITY PLANNING BOARD
15721 Bernardo Heights Parkway, Ste B-230
San Diego, CA 92128
www.RBPlanningboard.com

Received
AUG 29 2006
DEH / LEA

August 23, 2006

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

Re: Comments to the Gregory Canyon Landfill Revised Partial Draft Environmental Impact Report

Department of Environment Health:

At the August 17, 2006 meeting of the Rancho Bernardo Community Planning Board, the Planning Board considered the analysis presented in the Revised Partial Draft Environmental Impact Report (RPDEIR) for the Gregory Canyon Landfill as it relates to impacts that would be generated from the project within the community of Rancho Bernardo. These impacts would occur as a result of the proposal to transport recycled water from Maranatha Way in 4S Ranch through Rancho Bernardo to the landfill site off of Highway 76. The Board had several concerns related to the adequacy and accuracy of the RPDEIR, which are described in greater detail below. In addition, the Board unanimously approved a motion objecting to the proposed recycled water component of the project prior to the operation being fully assessed to determine the effect of the proposed truck traffic on road surface conditions along Camino del Norte and the associated long term costs for road repairs and upkeep of facilities maintained by the Rancho Bernardo Community's Maintenance Assessment District. 032-1

The following comments relate to the adequacy and accuracy of the RPDEIR.

Project Description: The document fails to provide a complete description of the recycled water component of the project. The type and size of the trucks to be used is not described, the hours during which trucks will be operating is not specified, how many trucks can be filled at one time and the length of time it will take to fill each truck is not provided, how and where trucks will stage as they wait to fill up is not discussed, and no information is presented regarding where trucks would stage during the times that trucks are not permitted to use Maranatha Way. 032-2

Traffic and Circulation:
Freeway Ramp Meter Operations. The traffic analysis fails to address the effects of freeway ramp meter operations on traffic flow in the vicinity of Camino Del Norte and I-15 during PM peak hours. At build out, the PM peak demand for the north bound onramp to I-15 at Camino Del Norte is projected to be 765 vehicles per hour (*Urban Systems Associates Inc. 2005*). Demand is projected to exceed the design capacity by 21 vehicles per hour. How will the proposal to add a minimum of 10 trucks/hour to this onramp during PM peak hours increase wait times and what effect will this added truck traffic have on the holding capacity of the queue, which is 609 feet? How will this increase in truck trips during peak hours affect congestion at the intersections in the vicinity of the onramp if capacity within the queue is exceeded due to the added trucks? This information should have been addressed in the RPDEIR in order to provide a complete understanding of how the proposal could impact traffic circulation within Rancho Bernardo. 032-3

Enforcement of Project Design Features Related to Traffic. The project design should include a public relations component that will enable residents to report incidents in which truck drivers are not adhering to the requirement that trucks only use the Camino Del Norte onramp to I-15. 032-4

Noise: Based on the traffic study, residents along Camino Del Norte would be subject to noise from truck traffic an average of every six minutes. The document does not indicate when trucks would begin traveling Camino Del Norte in the morning, which is important information in understanding how these noise impacts could affect adjacent residents. Project design features should include time restrictions for when trucks can begin using Camino Del Norte in the morning. Further, the project design features should include the prohibition of engine slowing or "jake brakes" for trucks traveling east bound on Camino Del Norte in an effort to reduce the adverse effects of the noise that will be generated by added truck traffic on this roadway. Once again, a public relations component to the project would enable residents to report incidents in which excessive truck noise is being generated on surface streets adjacent to residential development. 032-5

Public Facilities: The RPDEIR fails to address the long-term effects of excessive truck traffic on road surfaces, particularly Camino Del Norte. No mechanism is proposed to reimburse the City of San Diego for such damage, which could ultimately have adverse effects on traffic circulation. Project Design Features should include compensation to the City of San Diego for the purpose of repairing and resurfacing Camino del Norte as needed to correct damage caused by this project. 032-6

We appreciate this opportunity to express our concerns and provide comments related to impacts to our community from this project. We ask that the requested mitigation measures be added to the project description and that responses to our comments be provided to the Planning Board at the address provided above. 032-7

Sincerely,

Jim Denton, Planning Board Chair

cc: Councilmember Brian Maienschein, San Diego City Council, District 5
County Supervisor Pam Slater-Price

LETTER NO. 032

Rancho Bernardo Community Planning Board
Jim Denton, Planning Board Chair
15721 Bernardo Heights Parkway, Suite B0230
San Diego, CA 92128

RESPONSE 032-1

The comment expresses opposition to the water trucks that would carry recycled water between the Olivenhain Reservoir Site and the landfill site. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

The comment is general in nature and raises concern about the effects of truck traffic on Camino del Norte. The sections of Camino del Norte that would 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. Please see Response to Comment Nos. 032-2 through 032-7 for detailed responses to the comments provided in the letter.

RESPONSE 032-2

Section 4.5.3.7 of the Revised Partial Draft EIR provides information regarding the recycled water trucks. As indicated in Section 4.5.3.7, based on the peak daily project water demand of 205,000 gallons and using 2,300-gallon trucks, the project would result in 89 one-way and 178 two-way recycled water truck trips per day.

As described in Section 4.15.3.10 and shown in Exhibit 4.15-6 of the Revised Partial Draft EIR, the project would include improvements at the Reservoir Site. In order to provide free flowing truck movements on the Reservoir Site, approximately 1000 feet of 24 foot wide asphalt roadway will be constructed around Olivenhain's blending reservoir at the Reservoir Site. A concrete pad will be installed on the Reservoir Site and water handling facilities including a 6 inch meter will be installed to fill the trucks. As noted in Response to Comment No. 038-5, the hours for transporting recycled water have been further limited to 6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M. on days when the Maranatha School is in session. Since the hours that trucking would be prohibited are known it is not anticipated that trucks would be in the area of the Reservoir Site during those times. With regard to the timing to fill a water truck, as indicated in Response to Comment No. 022-14, the time it takes for water to pump into a water truck is a function of the number of valves as well as the pump capacity. If the pump has a 450 gpm capacity, it would take approximately five minutes to fill a 2,300 gallon water truck. Additional filling valves could be installed to allow more trucks to fill at the same time, if needed to facilitate smooth operations at the Reservoir Site.

RESPONSE 032-3

The 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR, evaluated traffic impacts on Maranatha Drive, Camino del Norte/Camino del Sur and I-15 from recycled water trucks. As indicated in the 2006 Traffic Study, the City of San Diego requires traffic analyses of all intersections within the City's jurisdiction where the project contributes 50 or more peak hour trips in any direction. The recycled water trucks generate a maximum of 36 peak hour passenger car equivalent (PCE) trips (2-way) and, therefore, do not meet significance criteria for City or County jurisdictions and is considered to be an insignificant portion of future traffic volumes on segments of Camino del Norte and Camino del Sur located in the City of San Diego. County DEH staff determined that the application of the City and County criteria were appropriate. Therefore, no analysis of the ramps was required since the project does not meet the City's requirement for analyzing the ramps.

RESPONSE 032-4

The project design features will be incorporated into the Solid Waste Facility Permit (SWFP). As such, the County Department of Environmental Health (DEH) will be responsible for enforcement of the conditions. If a condition is not being met, a person could contact DEH to advise the agency of a violation of the condition. DEH would then act to enforce the condition. In addition, Section 5Q of Proposition C requires the establishment of a Citizen Environmental Review Board (Board), which will have authority to inspect and review all reports submitted to the regulatory agencies. In addition, the Board shall have the authority to make recommendations to the regulatory agencies with respect to the operation of the landfill, including any enforcement actions the Board may deem appropriate. The Board would provide another layer of oversight on the operation of the landfill.

RESPONSE 032-5

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. The grade change along Maranatha Drive, Camino del Norte, and Camino Del Sur was taken into consideration when performing the traffic noise analysis. Consistent with Caltrans guidance (FHWA/CA/TL-87/03, titled California Vehicle Noise Emission Levels (Final Report), Office of Transportation Laboratory, Caltrans, Sacramento, CA, January 1987) no grade "correction" was needed based on the distance and speed of travel along these segments.

As indicated in Section 4.6.3.2 of the Revised Partial Draft EIR, based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Sur and Camino del Norte are currently exposed to noise levels that exceed the County's Noise Element limit. The project's incremental increase on Camino del Sur and Camino del Norte would be a maximum of 0.1 dBA from project-generated trips. Project-generated traffic would extend the existing 60 dBA CNEL contour outward from four to six feet along the recycled water haul route. Future near-term

cumulative traffic would extend the existing 60 dBA CNEL outward a maximum of 61 feet along the haul route. Because community noise environments are not immediate comparisons of noise levels, oftentimes a 3 dBA noise increase is considered as a significance threshold for human perception of noise increase. The incremental noise increase from recycled water trips falls well below that significance threshold. However, since CNEL noise levels along Camino del Sur and, Camino del Norte, and I-15 exceed 60 dBA CNEL at existing residences and the project would increase the noise level, it has been determined the project would have both project-related and cumulative significant and unavoidable impacts to residents along these roadway segments.

The landfill 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. This would mean that recycled water truck deliveries would likewise be limited by those operating hours and further limited by school hours as outlined in the project design feature. The Revised Partial Draft EIR analyzed potential impacts on these road segments from recycled water truck trips during these operating hours. If it were believed that recycled water truck trips were causing excessive noise, residents could contact the Citizen Environmental Review Board to advise of the condition, which could then recommend appropriate action.

RESPONSE 032-6

As indicated in Response to Comment No. 032-1, the sections of Camino del Norte that would 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.

RESPONSE 032-7

The comment is conclusionary in nature. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. As requested in the comment, the DEH has added Rancho Bernardo Community Planning Board to the distribution list that will be used for future project noticing.

Letter 033

August 24, 2006

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

SAN DIEGO COASTKEEPER

Via email to: dehcomments@sdcounty.ca.gov

Re: Comments on the Revised Partial Draft Environmental Impact Report for the Proposed Gregory Canyon Landfill - OPPOSE

To Whom It May Concern:

On behalf of San Diego Coastkeeper, a non-profit environmental organization 5,000 members strong dedicated to protecting the region's bays, beaches, watersheds and ocean, I am writing in strong opposition to the certification of the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. In addition to these comments, Coastkeeper also strongly supports and incorporates by reference, the detailed comments of the Environmental Health Coalition in their August 22, 2006 letter.

We continue to oppose the landfill because of its proposed siting at the base of Gregory Mountain, a mountain considered sacred by Native Americans, including the Luiseño 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 urge the County not to 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. 033-1

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. That is not acceptable. 033-2

The RPDEIR also continues to ignore significant impacts 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. 033-3

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 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. 033-4

2924 Emerson Street, Suite 220 • San Diego, California 92106 • p. 619 758-7744, f. 619 758-7740

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. 033-5

Thank you for the opportunity to comment on this important issue. Please add me, care of San Diego Coastkeeper to your list of interested persons.

Sincerely,

Gabriel Solmer
Staff Attorney

2924 Emerson Street, Suite 220 • San Diego, California 92106 • p. 619 758-7744, f. 619 758-7740

LETTER NO. 033

San Diego Coastkeeper
Gabriel Solmer, Staff Attorney
2924 Emerson Street, Suite 220
San Diego, CA 92106

RESPONSE 033-1

The comment expresses opposition to the project. The comment is acknowledged and is forwarded to the decisionmaker for review and consideration. The comment refers to Comment Letter No. 024. Please see Response to Comment Nos. 024-1 through 024-6 for detailed responses to the comments provided in that letter.

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 033-2

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 concludes 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 flowing in the fractured bedrock formation 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 033-3

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 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.

RESPONSE 033-4

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). 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. 033-3, 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. 033-3, the project would also 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 033-5

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. 033-1. As requested in the comment, DEH has added San Diego Coastkeeper to the distribution list that will be used for future project noticing.

Letter 034

www.scmv.com
619.685.3003
619.685.3100 FAX

2100 SYMPHONY TOWERS
750 B STREET
SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK
A LAW CORPORATION

THOMAS F. STEINKE, ESQ.
steinke@scmv.com
619.685.3038
619.702.6819 FAX

Received
AUG 2 3 2006
DEH / LEA

August 23, 2006

Ms. Kerry McNeill
San Diego County
Department of Environmental Health
9325 Hazard Way
San Diego, California 92123

Via Hand Delivery &U.S. Mail

RE: Gregory Canyon Landfill Revised Partial Draft EIR Comment Letter
Our File No.: 4352.55792

Dear Ms. McNeill:

Our firm represents Pardee Homes on various matters including the Meadowood Project, a 390-acre residential development located east of Interstate 15 and north of State Route 76 (Pala Road) in the County of San Diego. On behalf of Pardee Homes, I thank you for the opportunity to review and comment on the Gregory Canyon Landfill Revised Partial Draft EIR. Pardee's consultants, including its traffic engineer, have reviewed the Partial Draft EIR. Following are Pardee's comments regarding the recommended mitigation measures for traffic impacts associated with the Gregory Canyon Landfill.

It is our understanding that all traffic mitigation measures included in the traffic study and in the previous EIR will remain in place and be required of the Gregory Canyon Landfill Project. It is also our understanding that County TIF fees, both regional and Fallbrook local, apply to the mitigation measures since the project impacts facilities within the Fallbrook community plan area. Also, as noted on page 4.1-1 of the "July 2006, Revised Partial Draft EIR" (a copy of which is attached hereto for the reader's ready reference), both existing and cumulative traffic conditions were re-evaluated. Therefore, it is our understanding that all traffic impacts and mitigation measures are subject to review and comment even if text, tables, or figures may not be edited. 034-1

With regard to mitigation measures and design features proposed by County staff, our suggested revisions and edits to certain of the mitigation measures are as follows: 034-2

Impact 4.5-1: *Project traffic could worsen sections of poor surface along SR 76 from Interstate 15 to project access.*

MM 4.5-1: The project applicant shall conduct a structural analysis of SR 76 and determine the structural requirements along SR 76 from the Rosemary Mountain Palomar Aggregates project to the proposed landfill entrance. Caltrans shall determine whether the existing roadway structural section can accommodate anticipated heavy truck loads. The applicant shall obtain certification from Caltrans for adequate pavement structural section to be enforced by the County Department of Public Works. This analysis shall be extended west to the I-15 ramps if the Palomar Aggregates project is not implemented. Construction of the recommended pavement improvements, consistent with Caltrans requirements shall be implemented by the project prior to operation of the landfill, if determined necessary, subject to reimbursement on a fair share basis. County traffic impact fees for both Fallbrook and the North Region shall be paid by the project on a PCE basis. See also MM 4.5-4. 034-2 Cont'd

Impact 4.5-2: *If total project traffic exceeds 2085 PCE trips per day or 675 total trips from all sources, segments of SR 76 east of I-15 would exceed the acceptable LOS D criteria and the project would have a direct impact.*

MM 4.5-2: Total project traffic from all sources on any day shall not exceed 2,085 PCE trips or maximum of 675 trips from all sources. The project shall maintain computerized daily records of total truck trips per day and total project traffic from all sources. These records shall be available for review by the Department of Environmental Health during operational hours. When the project traffic equals 2,085 PCE trips or 675 trips in any day, the landfill shall be shut down for the balance of that day. The facilities will notify the LEA prior to closure. Once 75% of the maximum daily traffic limit is reached, the landfill operator shall immediately notify commercial waste haulers to curtail waste deliveries, pursuant to the contract arrangements described in MM 4-5.3, as needed to assure compliance with the maximum daily traffic limits. Notwithstanding the above, the landfill operator may not refuse acceptance of any waste collection vehicle that was traveling on SR 76 east I-15 at the time notice was given. 034-3

Impact 4.5-3: *With the addition of project peak hour traffic between the hours of 2:00 P.M. and 5:00 P.M., SR 76 east and I-15 would exceed the acceptable LOS D criteria and the project would have a direct impact.* 034-4

MM 4.5-3: Project traffic shall be limited to the following total trips:

TIME	TOTAL TRIPS
2:00 P.M. – 3:00 P.M.	215 PCE trips or 72 trucks
3:00 P.M. – 4:00 P.M.	111 PCE trips or 37 trucks
4:00 P.M. – 5:00 P.M.	111 PCE trips or 37 trucks

These hourly restrictions shall terminate when SR 76 is widened to four lanes between I-15 and the landfill access road.

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.

Compliance with peak hour traffic restrictions shall be monitored on the inbound lane of the landfill access road at a location as near as feasible to SR 76. Vehicle trips will be counted manually or, if feasible, electronically, and where appropriate converted into PCE. If traffic counts are obtained or complied electronically, and if feasible, traffic count data shall be made available to the Department of Environmental Health at its offices on a real-time basis. The landfill operator shall report traffic count information to the Department of Environmental Health weekly in writing. 034-4 cont'd

Once 75% of the peak hourly restriction is reached, the landfill operator shall immediately notify commercial waste haulers to curtail waste deliveries, pursuant to the contract arrangements described above, as needed to assure compliance with the peak hour traffic restrictions.

Notwithstanding the above, 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.

Impact 4.5-4: *Even though the project does not have a direct impact requiring mitigation under County Guidelines or SANTEC criteria, SR 76 west of I-15 and I-15 between Carmel Mountain Road and Pomerado Road operate in an unacceptable LOS E or F condition with and without project traffic.*

MM 4.5-4: At the commencement of operation, the project applicant shall pay the County's Transportation Impact Fee to fund its fair share of improvements to address cumulative impacts. The Regional Transportation Plan (RTP) adopted by SANDAG includes freeway buildout over the next 30 years including the necessary improvements to SR 76 and its intersections with Highway 395 and I-15. The project will receive a credit against this fee for the improvements and realignment of approximately 1,700 linear feet of SR 76 described in the design features or other improvements on SR 76 performed by the project, in accordance with County policies and procedures. 034-5

Impact 4.5-6: *The project contributes to near term and 2030 cumulative impacts on SR 76 that would cause SR 76 to operate below the acceptable LOS D standard. By the year 2030, the project contributes to cumulative traffic conditions that would cause all segments of SR 76 to operate at unacceptable levels of service and that would cause the intersections of SR 76 and Old Highway 395, SR 76 and Interstate 15 south, and SR 76 and Interstate 15 north to operate at unacceptable levels of service.*

034-6

MM 4.5-6a: At the commencement of operation, the project applicant shall pay the County's Transportation Impact Fee and any regional fees that may be adopted by the SANDAG Board of Directors prior to operation, to fund its fair share of cumulative impacts to SR 76 and the intersections subject to the credits described in Mitigation Measure 4.5-4.

MM 4.5-6b: The Project Applicant shall make an irrevocable offer of dedication for right-of-way and slope easements as required by Caltrans within the Project boundary for the widening of SR 76 to four lanes for the County of San Diego Circulation Element, including a designated bike route and any required acceleration, deceleration or turn lanes.

Very truly yours,

Thomas F. Steinke / CR

Thomas F. Steinke, Esq.
Seltzer Caplan McMahon Vitek
A Law Corporation
Enclosure

TFS/cll
cc: Mr. Charles Corum (w/enclosure)

TABLE ES-1
SUMMARY TABLE OF PROJECT IMPACTS, MITIGATION MEASURES, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

POTENTIAL IMPACTS	PROPOSITION C MEASURES AND PROJECT MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	4.1 LAND USE AND RELATED PLANNING	
[No change is made to this section.]		
	4.2 GEOLOGY AND SOILS	
[No change is made to this section.]		
	4.3 HYDROGEOLOGY	
[No change is made to this section.]		
	4.4 SURFACE HYDROLOGY	
[No change is made to this section.]		
	4.5 TRAFFIC AND CIRCULATION	
This is a Proposition C mitigation measure	**MM 4.5.C5I:** In order to mitigate traffic impacts, the Applicant shall widen and realign State Route 76 on either side of the access road to improve sight distance and to facilitate truck movements. The realigned segment will provide approximately 1,000 feet of site distance in both directions for traffic leaving the landfill. The Applicant shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. Striping will be provided for acceleration/deceleration lanes and an over-take lane for trough traffic. These realignment plans may be modified as necessary to meet Caltrans requirements.	This is a Proposition C mitigation measure
Impact 4.5-1: *Project traffic could worsen sections of poor surface along SR 76 from Interstate 15 to project access.*	**MM 4.5-1:** The project applicant shall conduct a structural analysis of SR 76 and determine the structural requirements along SR 76 from the Rosemary Mountain Palomar Aggregates project to the proposed landfill entrance to determine whether the existing foundation can accommodate anticipated heavy truck loads. The applicant shall obtain certification from Caltrans for adequate	Less than significant

POTENTIAL IMPACTS	PROPOSITION C MEASURES AND PROJECT MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	pavement surface to be enforced by the County Department of Public Works. This analysis shall be extended west of the I-15 ramps if the Palomar Aggregate project is not implemented. Construction of the recommended pavement improvements, consistent with Caltrans requirements shall be implemented prior to operation of the landfill, if determined necessary and fair share contribution made by the applicant.	
Impact 4.5-2: If total project traffic exceeds 2085 PCE trips per day or 675 total trips from all sources, segments of SR 76 east of I-15 would exceed the acceptable LOS D criteria and the project would have a direct impact.	MM 4.5-2: Total project traffic from all sources on any day shall not exceed 2,085 PCE trips or maximum of 675 trips from all sources. The project shall maintain computerized daily records of total truck trips per day and total project traffic from all sources. These records shall be available for review by the Department of Environmental Health during operational hours. When the project traffic equals 2,085 PCE trips or 675 trips in any day, the landfill shall be shut down for the balance of that day. The facility will notify the LEA prior to closure. Once 95% of the maximum daily traffic limit is reached, the landfill operator shall immediately notify commercial waste haulers to curtail waste deliveries, pursuant to the contract arrangements described in MM 4.5-3, as needed to assure compliance with the maximum daily traffic limits. Notwithstanding the above, 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.	Less than significant
Impact 4.5-3: With the addition of project peak hour traffic between the hours of 2:00 P.M. and 5:00 P.M., SR 76 east of I-15 would exceed the acceptable LOS D criteria and the project would have a direct impact.	MM 4.5-3: Project traffic shall be limited to the following total trips: TIME — TOTAL TRIPS 2:00 P.M. – 3:00 P.M. — 215 PCE trips or 72 trucks 3:00 P.M. – 4:00 P.M. — 111 PCE trips or 37 trucks 4:00 P.M. – 5:00 P.M. — 111 PCE trips or 37 trucks These hourly restrictions shall terminate when SR 76 is widened to four lanes between 1-15 and the landfill access road. Each contract for waste delivery at the landfill shall notify the	Less than significant

POTENTIAL IMPACTS	PROPOSITION C MEASURES AND PROJECT MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	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. Compliance with peak hour traffic restrictions shall be monitored on the inbound lane of the landfill access road at a location as near as feasible to SR 76. Vehicle trips will be counted manually or, if feasible, electronically, and where appropriate converted into PCE. If traffic counts are obtained or complied electronically, and if feasible, traffic count data shall be made available to the Department of Environmental Health at its offices on a real-time basis. The landfill operator shall report traffic count information to the Department of Environmental Health weekly in writing. Once 75% of the peak hourly restriction is reached, the landfill operator shall immediately notify commercial waste haulers to curtail waste deliveries, pursuant to the contract arrangements described above, as needed to assure compliance with the peak hour traffic restrictions. Notwithstanding the above, 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.	
Impact 4.5-4: Even though the project does not have a direct impact requiring mitigation under County Guidelines or SANTEC criteria, SR 76 west of I-15 and I-15 between Carmel Mountain Road and Pomerado Road operate in an unacceptable LOS E or F condition with and without project	MM 4.5-4: At the commencement of operation, the project applicant shall pay the County's Transportation Impact Fee to fund its fair share of improvements to address cumulative impacts. The Regional Transportation Plan (RTP) adopted by SANDAG includes freeway build-out over the next 30 years	Significant

POTENTIAL IMPACTS	PROPOSITION C MEASURES AND PROJECT MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION
traffic.	including the necessary improvements to SR 76 and its intersections with Highway 395 and I-15. The project will receive a credit against this fee for dedicating the ultimate right of way for SR 76 described in Mitigation Measure 4.5-6b and for the improvements and realignment of approximately 1700 linear feet of SR 76 described in the design features or other improvements performed by the project, in accordance with County policies and procedures.	
Impact 4.5-5: *For the existing plus other development plus project scenario, the I-15/SR 76 northbound ramp will be adversely impacted by the proposed project and exceed the acceptable LOS D criteria.*	**MM 4.5-5:** At the commencement of operation, the project 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.	Less than significant
Impact 4.5-6: The project contributes to near term cumulative impacts on SR 76 that will cause SR 76 to operate below the acceptable LOS D standard. By the year 2030, the project contributes to cumulative traffic conditions that will cause all segments of SR 76 and I-15 to operate at unacceptable levels of service and that will cause the intersections of SR 76 and Old Highway 395, SR 76 and Interstate 15 south, and SR 76 and Interstate 15 north to operate at unacceptable levels of service.	**MM 4.5-6a:** At the commencement of operation, the project applicant shall pay the County's Transportation Impact Fee to fund its fair share of cumulative impacts to SR 76 and the intersections subject to the credits described in Mitigation Measure 4.5-4. **MM 4.5-6b:** The Project Applicant shall make an irrevocable offer of dedication for right-of-way to 108 feet in width within the Project boundary for the widening of SR 76 to four lanes for the County of San Diego Circulation Element, including a designated bike route.	Significant due to uncertainty of timing of road improvements
	4.6 NOISE AND VIBRATION	
[No change is made to this section.]		
	4.7 AIR QUALITY	
[No change is made to this section.]		
	4.8 AGRICULTURAL RESOURCES	
[No change is made to this section.]		
	4.9 BIOLOGICAL RESOURCES	

LETTER NO. 034

Seltzer Caplan McMahon Vitek
Thomas F. Steinke, Esq.
2100 Symphony Towers, 750 B Street
San Diego, CA 92101

RESPONSE 034-1

This comment provides general information about the commenter and the scope of the review. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

As noted in Section 4.5 of the Revised Partial Draft EIR, there are no direct project-related traffic impacts that require improvements to road segments. However, the project would contribute to significant cumulative traffic impacts along SR 76, I-15 and certain identified intersections, and would contribute to existing unacceptable traffic conditions on SR 76 west of I-15 and on I-15 between Carmel Mountain and Pomerado Road. Because of the absence of direct project-related impacts requiring improvements to those road segments, these traffic impacts are best characterized and mitigated as cumulative impacts. The mitigation measure proposed is the payment of the Transportation Impact Fee (TIF) (see Mitigation Measure 4.5-4). All applicable County TIF fees would apply to this project, with respect to impacted road segments. Please refer to Response to Comment No. 022-66 for additional information regarding the TIF.

The comment requests clarification regarding the scope of the traffic mitigation measures that are subject to review and 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. As a result, County DEH staff's responses would not address text, tables, figures or mitigations that were not changed from the 2003 Draft EIR.

RESPONSE 034-2

The text of Mitigation Measure 4.5-1 of the 2003 Draft EIR was not changed in the Revised Partial Draft EIR and was not overturned by the Court or included in its writ. 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. Based on a

review of Mitigation Measure 4.5-1 from the 2003 Draft EIR, the County confirms that Caltrans would determine whether the structural section could accommodate anticipated heavy truck loads. The Mitigation Monitoring and Reporting Program identifies Caltrans and the County Department of Public Works as responsible parties. Mitigation Measure 4.5-1 addresses the structural integrity of SR 76 and as such the addition of language regarding payment of the TIF as requested in the comment is not appropriate. Mitigation Measure 4.5-4 has been revised in the Revised Final EIR regarding the payment of the TIF. Please see Response to Comment No. 034-1.

RESPONSE 034-3

The comment suggests that the threshold for notification to waste haulers in MM 4.5-2 be reduced from 95 percent of the maximum daily trips to 75 percent. With the proposed 95 percent threshold in place, 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 would 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. County DEH staff believes the early warning system based on a 95 percent threshold provides a sufficient margin of safety to assure that the maximum daily traffic limit will not be exceeded. If this proves not to be the case, County DEH staff would reevaluate and adjust the permit conditions as necessary.

RESPONSE 034-4

This comment restates Mitigation Measure 4.5-3 as it appears in the Revised Partial Draft EIR, except to correct some typographical errors. MM 4.5-3 has been revised in the Revised Final EIR to incorporate the corrections.

RESPONSE 034-5

This comment suggests revisions to mitigation measure MM 4.5-2, which was incorporated as a proposed new mitigation in the Revised Partial Draft EIR. The first revision would make a specific reference to the SANDAG Regional Transportation Plan. This same text is included in the Revised Partial Draft EIR analysis, and for this reason County DEH staff does not believe it is necessary to incorporate it into the mitigation measure. The second proposed revision relates to the potential credits against the TIF payment. This same topic was addressed in Response to Comment No. 022-66. In order to avoid any confusion, the last sentence of MM 4.5-4 in the Revised 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 034-6

This comment suggests revisions to Mitigation Measures 4.5-6a and 4.5-6b. The proposed revision to MM 4.5-6a raises the same issue as was addressed in Comment Nos. 034-1 and 034-2.

All applicable County TIF fees would apply to this project, with respect to impacted road segments. For this reason, the County believes that the requirements imposed on the project are sufficiently clear, and this mitigation measure does not require revision.

MM 4.5-6b in the Revised Partial Draft EIR was incorporated without revision from the first sentence of MM 4.5-3 of the 2003 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 mitigation measure from the 2003 Draft EIR was not changed in the Revised Partial Draft EIR, and was not overturned by the Court or included in its writ.

The County has concluded that the 108-foot right of way on SR 76 will be adequate for construction of a 4-lane major highway with a bike lane, provided there is no parking. The County has also concluded 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. Please refer to Response to Comment No. 005-5 for additional information regarding the irrevocable offer of dedication.

Letter 035

SIERRA CLUB
FOUNDED 1892
San Diego Chapter
http://sandiego.sierraclub.org

3820 Ray Street, San Diego, CA 92104-3623
Chapter Chair: Joe Zechman: 619-709-6268
joezechman@hotmail.com
Chapter Coordinator: Cheryl Reiff 619-299-1741
creiff@sierraclubsandiego.org
Administrative Assistant: Martha Bertles 619-299-1743
mbertles@sierraclubsandiego.org

September 21, 2006

Mr. Gary Erbeck, Director
San Diego County
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:

The Sierra Club, San Diego Chapter has opposed the siting of a landfill in Gregory Canyon for environmental reasons since before Prop "C" of 1994; and we thank you for the opportunity to comment. We respectfully submit the following comments to the Revised Partial Draft Environmental Impact Report (RPDEIR) for the proposed Gregory Canyon Landfill. 035-1

The establishment of this unnecessary landfill in Gregory Canyon is such a bad idea and so potentially damaging and expensive that it should be a non issue. It would not be an issue except for a gross and perpetuated misuse of our initiative process and the repeated deception of the public. The Sierra Club, San Diego Chapter requests reconsideration of this ill-conceived project and reconsideration of the healthier alternatives available to the county. We recommend rejection of this project because this landfill is not needed by the county. In addition to its not being needed it will have many severe and unmitigable impacts to humans and other species. We are recommending that the no project alternative be adopted for this site. 035-2

The establishment of a landfill in Gregory Canyon is a probable and expensive catastrophe to the San Luis Rey River watershed and to water resources for San Diego County. What we are considering here is the sacrificing of one of San Diego's most important watersheds for private gain. 035-3

Sierra Club's opposition to a landfill in Gregory Canyon pertains to projected impacts to:

*the water quality of the San Luis Rey River area and groundwater beneath the proposed site,
*San Diego County water resources in general
*the many endangered and threatened species and habitat contained on or near the site,
*the historical and cultural resources on and near the site,

*community character, pollution, and quality of life, and
*project history, landfill capacity, siting criteria and the need for sustainable waste management alternatives: 035-3 continued

.

Water Quality:

The proposed landfill would be located on the banks of the San Luis Rey River, and would overlie a fractured bedrock aquifer that is hydrologically connected to aquifers that provide drinking water to local residents and to San Diego County municipalities, including the City of Oceanside. The project would also involve aqueduct relocation. 035-4

It is essential to stress the importance of protecting the precious water source that is the San Luis Rey River. It is one of our few untainted and free-flowing Rivers with an aquifer suitable for major water storage. The aquifer is the sole source of groundwater for the entire Pala Band of Mission Indians, farmers, ranchers, and residents in the rural areas along the San Luis Rey. It also provides a significant amount of drinking water to communities downstream, including some coastal cities. Contamination of this resource would cause significant, even catastrophic, strain on our other San Diego County water resources. Potential impacts to the San Luis Rey River and local groundwater simply are not sufficiently mitigable. Fractured bedrock compounds any water pollution concerns. 035-5

The proposed landfill will use a state of the art liner, but even the EPA has stated that all liners eventually fail. Despite improvements to the landfill liner there is no way to guarantee safety from leachates. Even vegetable oil will dissolve plastics. The inevitable soup of mixed chemical in a landfill would certainly do so, sooner or later. How would any leachates be retrieved or even stopped should the collection system fail? How would this failure be remediated? How would this water be cleaned up? Where would more water come from? Who will pay for cleanup once the landfill is closed? Is cleanup really possible? 035-6

Groundwater monitoring wells should not be used as production wells. This is a potential introduction of contaminated water into important potable water supplies. 035-7

How will contaminated water from leachate holding tanks and the subdrain water tank be managed? What secondary containment is proposed? 035-8

There is a conflict in calculation of overhead storage tank capacity and in the maximum recycled water usage gallons per day (GPD). 035-9

Significant increase to the population of the San Luis Rey River Valley is expected in light of proposed and approved housing projects in the valley. Thousands of new requirements for existing water resources will occur as a result, increasing the need for protection of these water resources and the strain on other water resources in event of a catastrophe. 035-10

New projections related to climate change suggest that increasing salinity to our rivers and groundwater will occur as sea level rises and salt water mixes upstream and inland into fresh river and groundwater resources. This could further reduce water availability for San Diego County. Climate changes could 035-11

also bring catastrophic or 100 year flooding that would wash pollutants and debris into the river despite any efforts to prevent this from happening. The risk is too high. 035-11 continued

Disturbance and fill to the steep hillsides involved in this project could easily result in highly toxic landslides during flooding or earthquake, resulting in irreparable damage to river and ground water, species (including humans), and habitat. It boggles the mind to think that while a single septic tank must have a required setback from a well, we are considering location of a highly toxic operation right on this important water source that is critical to so many and so much. Siting of a landfill in a floodplain or on a potable water resource is not mitigable and certainly not wise. 035-12

To jeopardize any source of water in Southern California, which is already dependant on supplemental imported water, would be absurd, unconscionable and downright stupid; especially one such as The San Luis Rey, and especially in the face of the likelihood of erratic weather due to climate change and long term drought and population increase in the areas from which we import water. Our imported sources may not continue to provide for our excesses. If anything, and in light of rising sea level, the county should be considering emergency moves of coastal and watershed industry to prevent escape of toxics into our environment, not adding more. 035-13

Species and Habitat:

The proposed mitigations to biological impacts of this project are unacceptable and insufficient. Too many of the more-than-a-few endangered species and habitat in and around the project area will be lost in spite of proposed mitigation efforts (see species and habitat mentioned in 4.9-1, 2, 3, 4, 8, 10, 11, 14, 16, and 17). The effect of the many proposals for mitigation would <u>not</u> be "less than significant". Contiguous habitat would be piece-mealed and there is a potential for questionable manipulation in the overlapping mitigation for Engelman and Live Oak habitat. In many cases there is no arrangement discussed for long-term management. Success in "creation" of habitat cannot be guaranteed. Inappropriate location could make "creation" of habitat insufficient and not successful. Impacts of noise, light, various aspects of pollution and intrusion to the species and the habitat in the area are many, severe, and long-term and not sufficiently mitigable. 035-14 Air pollution impacts have not been adequately addressed. 035-15

The current proposal does not insure that many aspects of mitigation will ever occur. All possible species and habitat mitigation should occur ahead of construction to insure that it does indeed occur. Every phased or delayed habitat or mitigation plan should have a timeline and significant penalties for failure to comply, more than the cost of implementation, in order to guarantee mitigation. It is difficult to believe that we can trust in compliance by an outfit that has already broken land use laws on the site, even before permitting has occurred. Fail-safes should be imposed. 035-16

Some of the calculations of open space are inconsistent. 035-17

Is any of the new habitat contiguous to the old? Can new habitat be created prior to construction and contiguous to the old in order to encourage natural migration of species into the new areas? 035-18

Statements that, "offsite acquisitions may occur anywhere...", should be qualified to demand that the acquisition be suitable for the purpose and that it be contiguous. Perpetual management and funding should also be guaranteed. 035-19

We have already lost too much important watershed as well as coastal sage scrub and coastal sage scrub/chaparral habitat; and we should be protecting what is left of these unique and critical habitat areas. Why risk so much for an unnecessary and dangerous enterprise? Most of the impacts mentioned in 4.9 remain highly significant in spite of mitigation. 035-20

Historical and Cultural Resources:

Sacred religious sites, resources and surrounding area of Gregory Mountain and Medicine Rock would be severely impacted by this project. The character of the entire area will be changed from sacred to industrial. Any mitigation should be guaranteed in perpetuity. However, there are no existing circumstances strong enough to allow disrespect for the sacred traditions of Native Americans, including the Luiseño people, or for desecration of their sacred spaces and resources. It is unconscionable and simply not necessary. The county of San Diego should determine that there are no overriding considerations that would allow such actions. 035-21

Community Character, Pollution, and Quality of Life:

Traffic impacts to affected areas are already considered to be above acceptable levels. How can the county recommend making a bad situation even worse? Quality of life for residents even as far as Rancho Bernardo and along SR 76 (with segments already operating in LOS E condition) both east and west of I-15 would be negatively impacted. 035-22

Impacts from noise, light, air and water pollution would significantly affect residents in the San Luis Rey River Valley and all along the travel routes. 035-23 Air pollution, especially particulate matter from diesel engines would significantly worsen in the valley and along certain affected travel routes and has not been adequately addressed. Diesel particulates are carcinogenic and should be a major concern in light of projected population increase. 035-24

Community character would change from rural to industrial and certainly impact quality of life. 035-25

Truck traffic would be constant with little interval (2.5 minutes) between trucks. 035-26

Accidents due to alcohol would be significantly more severe and have wider impacts with large trucks and toxic loads involved. Disposition of such accidents and of their impacts needs to be adequately addressed. 035-27

Proposed developments will increase even the considered impacts which are already deemed significant and unmitigable. 035-28

The error in recycled water usage GPD results in approximately 34 additional water truck trips 035-29

Project History, County Landfill Capacity, Siting Criteria and the Need for Sustainable Waste Management Alternatives: 035-30

"The integrated Waste Management Act of 1989 (AB939) was enacted by the California Legislature to reduce the landfilling of solid waste, and to ensure an effective and integrated approach to safe management of all solid waste

generated within the state. AB939 changed the State's focus from 'solid waste management' primarily dependant on landfilling to 'integrate waste management' emphasizing source reduction, recycling, and composting to preserve irreplaceable landfill space." From the City of San Diego Manager's Report, July 28, 2004 035-30 continued

So how did the Gregory Canyon move from not even being a considered site to now being part of the 2005 siting element? This has not been a process of safe or integrated management. And what became of the 2004 recommendation by the County of San Diego and SANDAG for a moratorium on new landfills? 035-31

In spite of failing almost all siting criteria, Gregory Canyon was added to considered sites through lobbying and questionable monetary procedures and even then was repeatedly rejected in various stages of the county siting process. Only when taken to the voters, who were summarily deceived, twice, did Gregory Canyon gain it's current status. Since, the new (2005) siting criteria do not apply to Gregory Canyon, the former criteria do apply and Gregory Canyon still fails to qualify under those standards. 035-32

The Sierra Club, San Diego Chapter believes that true integrated waste management with more aggressive source reduction, reuse and recycling mandates, by both the County and City of San Diego, should apply as an alternative to this dangerous landfill. Furthermore, we proposed that this facility is not needed in the first place. We question both the capacity of the Gregory Cyn Landfill, which was originally projected to have only a 14 year lifespan, and the stated existing county landfill capacity. We believe that as of May, 2004, there was a permitted capacity of at least 60-80 years remaining between Miramar and Sycamore Canyon Landfills. Additionally, per the aforementioned City Manger's report, Page 3, "Each 10% increase in diversion after 2005 translates into four to six years of landfill capacity. This stated, recent increases in C&D recycling alone should increase even the capacity that we believe exists. 035-33

The probable consequences to public and environmental health and taxpayer expense far outweigh the benefits of an unnecessary and risky landfill that will serve only to fill the pockets of its proponents.
Again we recommend that the no project alternative be adopted by the county and we demand consideration of public health and welfare over private gain. 035-34

Sincerely,

Cheryl A. Reiff
Chapter Coordinator

From: Cheryl Reiff [creiff@sierraclubsandiego.org]
Sent: Thursday, August 24, 2006 2:32 PM
To: LUEG, DEHComments
Subject: Sierra Club Comments to Gregory Cyn Landfill RPDEIR

Sierra Club Comments to Gregory Cyn Landfill RPDEIR attached.
Please contact me if there is any problem in receiving this message.
Thank you!

Cheryl Reiff
Chapter Coordinator
Sierra Club, San Diego Chapter
3820 Ray Street
San Diego, CA 92104-3623
619-299-1741
creiff@sierraclubsandiego.org
http://sandiego.sierraclub.org

Don't just think outside the box --
find a way to tear the walls down.

LETTER NO. 035

Sierra Club - San Diego Chapter
Cheryl A. Reiff
3820 Ray Street
San Diego, CA 92104-3623

RESPONSE 035-1

The comment expresses opposition to the project, but 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 035-2

The comment expresses opposition to the project and requests that a No Project Alternative be adopted. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

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 waste disposal capacity required by state solid waste law.

RESPONSE 035-3

The comment expresses opposition to the project and provides a summary of concerns. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The specific issues related to water quality, water resources, endangered and threatened species, historical and cultural resources, project history, landfill capacity, siting criteria and the need for sustainable waste management alternatives are addressed in detail below. Please see Response to Comment Nos. 035-4 through 035-33.

RESPONSE 035-4

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. County DEH staff concurs that the proposed landfill is located over a fractured bedrock formation that is tributary to the Pala Basin, which is used for water supply and is upgradient of the City of Oceanside. County DEH staff concurs that the project includes measures for the protection or relocation of the existing aqueduct pipelines.

RESPONSE 035-5

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.

Section 4.3 of the 2003 Draft EIR contains a detailed analysis of potential degradation of groundwater arising from releases from the landfill, and concludes that with the incorporation of mitigation measures there would be no significant impacts to groundwater. Moreover, the project now includes the even more protective double composite liner system described in Section 3 of the Revised Partial Draft EIR, which would provide even greater protection to water resources. The 2003 Draft EIR contained a fate and transport analysis of a hypothetical release. The analysis indicated that it would take about five years for any such release to reach the boundary of the landfill property, which would provide ample time to implement a remediation program. The proposed use of monitoring wells for water production would intercept any flows, and would minimize or eliminate any downgradient transport of contaminants. Also, the project includes installation a reverse osmosis treatment plant. Finally, the 2003 Draft EIR includes an analysis of the potential use of the Pala Basin aquifer for water storage. These portions of the 2003 Draft EIR were challenged by petitioners in the prior litigation, but were not overturned by the Court or included in its writ.

The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 035-6

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.

Section 4.3 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 there would be no significant impacts to groundwater. This portion of the 2003 Draft EIR was challenged by petitioners in the prior litigation, but was not overturned by the Court

or included in its writ. Moreover, the project now includes an even more protective double composite liner system, which is described in Chapter 3 of the Revised Partial Draft EIR. The modifications to the liner would provide even greater assurance that there would be no leakage from the landfill.

County DEH staff does not concur with the statements purporting to describe the position of the United States Environmental Protection Agency (U.S. EPA) regarding the suitability of modern liner systems to project water resources. In promulgating its Subtitle D Regulations (40 CFR Part 258) in 1991, U.S. EPA strived to provide broadly-applicable requirements that would be protective in any environmental setting. U.S. EPA stated: "The composite liner system is designed to be protective in all locations, including poor locations." 56 Federal Register at 51009. This determination would relate to the single composite liner system initially proposed for the project. However, as indicated above the double composite liner proposed for the project described in Chapter 3 of the Revised Partial Draft EIR would provide even greater protection.

U.S. EPA later commissioned a study to assess the performance of modern liner systems. The findings can be found in Bonaparte, Daniel and Koerner (2002), Assessment and Recommendations for Improving the Performance of Waste Containment Systems. 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. A copy of this study is incorporated by reference into the Revised Final EIR 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 percent to more than 99.9 percent.
- [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.
- 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 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. In addition, pursuant to a 1996 agreement between the project 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. A copy of the 2004 supplement to the SLRMWD agreement is included as Appendix H to the Revised Final EIR. County DEH staff continues to believe that any potential impacts to water quality and water resources from the project are less than significant.

RESPONSE 035-7

County DEH staff does not concur that the proposed use of monitoring wells for production purposes would potentially introduce contamination into other potable water supplies. To the contrary, in the unlikely event a release from the landfill were to occur, the pumping would intercept the transport of contaminants from the fractured bedrock formation to the Pala Basin aquifer, and would in effect serve as a pre-installed remedial measure. Please refer to Response to Comment No. 007-5 for additional information regarding the feasibility of using groundwater monitoring wells for pumping water from the fractured bedrock formation for use by the project.

RESPONSE 035-8

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 leachate and subdrain water storage tanks consistently have been included as part of the project and were described in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

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 035-9

The comment is not clear, and as a result, no specific response is possible. Please see Response to Comment No. 022-17 for a discussion regarding operational procedures for the use of up to 205,000 gallons per day of recycled water. Please note that Exhibit 3-8c has been revised in the Revised Final EIR to clarify that the tank is 20,000 gallons.

RESPONSE 035-10

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.

Chapter 5 of the 2003 Draft EIR contains a discussion of cumulative impacts from the project, including a discussion of cumulative impacts to hydrogeology. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In addition, County DEH staff notes that as described in the Revised Partial Draft EIR, the projected amount of pumping from the fractured bedrock formation for water production at the landfill site is reduced from up to 193 AFY to approximately 43.55 AFY.

RESPONSE 035-11

This comment is related to projections of future impacts to water resources from global climate change. With regard to the intrusion of sea water into fresh river and groundwater resources, County DEH staff notes that the landfill site is located many miles from the Pacific Ocean. Therefore, such intrusion is unlikely.

With regard to the potential for a 100-year storm event that could wash pollutants into the river, Chapter 3 and Section 4.4 of the 2003 Draft EIR include a discussion of project components designed to prevent significant impacts from large rainfall events. As indicated in Response to Comment No. I-019 of the 2003 Draft EIR, the perimeter drainage channel is designed to accommodate a worst-case scenario rupture of Pipelines 1, 2, and (proposed) 6 in combination with a 100-year, 24-hour storm event. The 2003 Draft EIR concludes that with implementation of project design features, such as drainage controls and the use of Best Management Practices, the project would not have a significant impact on surface water hydrology or water quality. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The 2003 Draft EIR also indicates that the landfill and borrow/stockpile areas are located outside of the 100-year floodplain of the river.

Chapter 6 of the 2003 Draft EIR includes a discussion of the impact on vehicle miles traveled in San Diego County for purposes of solid waste disposal with and without the project. The analysis concludes that the project would result in fewer vehicle miles traveled.

RESPONSE 035-12

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.

Chapter 3 and Section 4.4 of the 2003 Draft EIR include a discussion of project components designed to prevent significant impacts from large rainfall events. The 2003 Draft EIR concludes that with implementation of project design features, such as drainage controls and the use of Best Management Practices, the project would not have a significant impact on surface water hydrology or water quality. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The 2003 Draft EIR also indicates that the landfill and borrow/stockpile areas are located outside of the 100-year floodplain of the river.

Section 4.2 of the 2003 Draft EIR includes a discussion of potential impacts from earthquake events, including landslides, rockfalls, debris flows, ground rupture, seismic shaking, soil liquefaction, slope stability of the liner system, aqueduct stability, mineral resources, stability of the refuse fill, stability of the final cover, and stability of the borrow/stockpile areas. The 2003 Draft EIR concludes that with implementation 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.

In the prior litigation, petitioners challenged the analysis of liner stability for the double composite liner alterative selected for the project as described in Chapter 3 of the Revised Partial Draft EIR. The Court rejected this challenge. Please refer to Response to Comment No. 022-8 for additional information.

The opinions expressed with regard to the landfill location are acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 035-13

This comment presents general concerns related to water resources. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. County

DEH staff does not concur that the landfill site and the location of the landfill, ancillary facilities and borrow/stockpile areas would be considered coastal or watershed industry. In addition, the 2003 Draft EIR contains detailed analyses with regard to potential impacts to groundwater and surface water. As indicated in the 2003 Draft EIR the project would not result in significant impacts to water resources. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 035-14

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.

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.

Please refer to Response to Comment Nos. 001-6, 022-86, 022-95, 022-152, and 022-158 for additional information regarding the reevaluation of impacts to biological resources and establishment of revised mitigation measures required to reduce impacts to a less than significant level. Please refer to Response to Comment No. 001-8 for additional information regarding County criteria for selection of off-site mitigation areas. Please refer to Response to Comment No. 004-7 for additional information regarding mitigation for impacts to Englemann Oak. Please refer to Response to Comment Nos. 001-13 and 022-118 for additional information regarding long term management of off-site mitigation areas. Please refer to Response to Comment Nos. 130-17, 022-103 and 022-162 for additional information regarding the likelihood of success of on-site habitat creation or enhancement. Please refer to Response to Comment Nos. 022-105, 022-154 through 022-156, and 022-161 for a discussion of indirect impacts to biological resources and proposed mitigation measures.

RESPONSE 035-15

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.

Section 4.7 of the 2003 Draft EIR includes an analysis of potential air quality impacts, and concludes the project would have a significant and unavoidable impact on regional air quality. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 035-16

County DEH staff does not concur that the Revised Partial Draft EIR improperly defers 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." The incorporation of mitigation measures is required prior to any disturbance. Project mitigation measures are incorporated into the Solid Waste Facility Permit for the project, which is an allowable method of enforcing compliance with mitigation requirements under CEQA Guidelines. The County fully intends to vigorously enforce permit requirements. The comment does not provide any specific information as to how land use laws allegedly have been violated at the landfill site, and in any event, the County does not concur that land use laws have been violated at the landfill site.

RESPONSE 035-17

The comment does not provide any specifics as to how calculations of open space are inconsistent. Please refer to Response to Comment Nos. 001-6, 022-86 and 022-152 for information regarding the reevaluation of impacts to vegetative communities and arroyo toad.

RESPONSE 035-18

The areas on the landfill site designated for habitat creation and habitat enhancement are depicted on Exhibit 4.9-6 of the Revised Partial Draft EIR. The areas are within the 1,313 acres of open space that would be preserved on site in accordance with Proposition C. Please refer to Response to Comment Nos. 022-93 and 022-103 for additional information regarding on-site habitat creation and habitat enhancement areas. Please refer to Response to Comment No. 001-8 for additional information regarding County criteria for selection of off-site mitigation areas.

RESPONSE 035-19

Please refer to Response to Comment No. 001-8 for information regarding County criteria for selection of off-site mitigation areas. Please refer to Response to Comment Nos. 001-13 and

022-118 for information regarding long term management of off-site mitigation areas and funding requirements.

RESPONSE 035-20

The comment contains opinions with regard to the level of significance of impacts to biological resources. The opinions are acknowledged and will be forwarded to the decisionmaker for review and consideration. The County has determined that the Habitat Enhancement Plan would improve the San Luis Rey River and would benefit the goal of sustainability of the arroyo toad, least Bell's vireo and southwestern willow flycatcher. Please refer to Response to Comment No. 022-115 for information regarding the project's contribution to the sustainability of these species. Both the 2003 Draft EIR and the Revised Partial Draft EIR conclude that with the incorporation of mitigation measures, impacts to biological resources 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.

RESPONSE 035-21

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.

As indicated in Response to Comment No. 028-15, 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 after implementation, 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 of included in its writ.

In the prior litigation the petitioners raised certain issues related to the adequacy of mitigation for historic resources and the adequacy of the statement of overriding considerations in their briefing to the Court. Both claims were rejected by the Court. 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 these locations as ethnohistorical resources.

County DEH staff does not concur that the character of the entire area would be transformed from sacred to industrial, since the majority of Gregory Mountain, including its summit, would be preserved as open space in accordance with Proposition C. In addition, as indicated in Section 4.1, Land Use and Planning, of the 2003 Draft EIR, the landfill site is located in a mixed use area.

The comment presents an opinion with regard to a statement of overriding considerations for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 035-22

The Revised Partial Draft EIR and the 2006 Traffic Study evaluate project-related and cumulative traffic impacts. The Traffic Study indicates that some road segments currently operate at an unacceptable level, and that cumulative traffic would result in unacceptable levels of service on other road segments. The opinions expressed in the comment regarding whether the benefits of the project outweigh these identified significant and unavoidable impacts are acknowledged and will be forwarded to the decisionmaker for review and consideration.

Section 4.1, Land Use and Planning, of the 2003 Draft EIR contains a detailed analysis of the potential impacts to the quality of life in the vicinity of the landfill site. The analysis concludes that the project would not result in a significant land use impact. Please refer to Response to Comment No. 030-2 for an analysis of impacts from the project to quality of life in the vicinity of the Olivenhain Reservoir Site. Section 4.15, Appendix A and Appendix D of the Revised Partial Draft EIR contains an analysis of traffic, noise and air quality impacts, which are elements of quality of life.

RESPONSE 035-23

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 deficiencies noted by Judge Anello in a final order and judgment issued on January 20, 2006. Section 1.1.1 of the Revised Partial Draft EIR provides a summary of the revisions contained in the document. Additional or supplemental analyses have been conducted as appropriate. For example, an updated traffic study was conducted. This necessitated an update to the traffic noise analysis in order to adequately reflect the 2006 Traffic Study.

The Revised Partial Draft EIR concludes that there would be significant and unavoidable noise and air quality impacts. Please refer to Response to Comment No. 028-10 for additional information regarding the revised noise analysis included in the Revised Partial Draft EIR.

Section 4.3 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. Moreover, the project now includes the even more protective double composite liner system described in Chapter 3 of the Revised Partial Draft EIR, providing even greater assurance there would be no leakage from the landfill. With regard to light, given landfill 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, County DEH staff does not concur that the project would create significant light impacts to area residences.

RESPONSE 035-24

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 diesel particulate matter (DPM) and the landfill is necessary. Section 4.15 and Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum of the Revised Partial Draft EIR contains an analysis of air quality impacts from the additional project activities described in Chapter 3. Appendix D to the Revised Partial Draft EIR includes 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, a detailed health risk assessment was prepared, which accounted for diesel exhaust emissions associated with truck activity at and near the Olivenhain Reservoir Site. Potential health risk impacts related to the trucks carrying recycled water from the OMWD facility 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 see Response to Comment No. 017-4 for additional discussion regarding diesel particulates.

RESPONSE 035-25

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.

As indicated in Response to Comment No. 035-22, Section 4.1 of the 2003 Draft EIR includes an analysis of the impacts of the project on community character and land use compatibility issues. This analysis concludes that while the area was generally rural in character, there were pockets of intensive extractive, commercial and infrastructure uses. The 2003 Draft EIR concludes that with the incorporation of mitigation measures, project impacts on land use 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 project would change the character in the area from rural to industrial. As indicated in Section 4.1 of the 2003 Draft EIR, the landfill site is located in a mixed use area.

RESPONSE 035-26

Table 4.5-7 of the Revised Partial Draft EIR contains an hourly trip generation analysis for the project under two scenarios. The table includes the worst case scenario of 5,000 tons per day of solid waste and the average scenario of 3,200 tons per day. The number of trips per hour varies throughout the day. The 2006 Traffic Study is based on the trip generation provided in Table 4.5-7 and is based on a worst-case daily intake of 5,000 tpd of solid waste. MM 4.5-2 of the Revised Partial Draft EIR places restrictions on hourly truck trips during the afternoon peak hours to maintain an acceptable level of service of LOS D on SR 76 from I-15 east to the landfill access road.

RESPONSE 035-27

The 2003 Draft EIR contained an analysis of accidents on SR 76. The accident analysis was updated 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 number of trucks is related to the accident rate, which is consistent with the conclusions reached in the 2003 Draft EIR. The comment does not provide any specific information as to how increased truck traffic related to the project would make alcohol-related accidents more severe and create wider impacts, and thus, no further response is needed.

RESPONSE 035-28

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.

Chapter 5 of the 2003 Draft EIR contains a detailed cumulative analysis by issue area. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. In the prior litigation the petitioners did not raise the adequacy or conclusions of the cumulative impacts analyses in their briefing to the Court. However, the 2006 Traffic Study contains an updated cumulative analysis. In addition, the cumulative noise analysis was also updated. Please refer to Response to Comment No. 028-19 for information regarding the analysis of cumulative impacts from new project features included in the Revised Partial Draft EIR.

RESPONSE 035-29

County DEH staff does not concur with the comment. As indicated in the Revised Partial Draft EIR, the maximum use of recycled water would be 205,000 gallons per day. The transport of 205,000 gallons of water in a day would result in 89 one-way or 178 two-way recycled water truck trips. The analysis of the impacts in the Revised Partial Draft EIR is accurate.

RESPONSE 035-30

County DEH staff acknowledges the comment regarding AB 939. However, County DEH staff notes that AB 939 recognizes that waste disposal is also required for that portion of the waste stream that cannot be diverted. Therefore, AB 939 requires the preparation of a Siting Element of the Integrated Waste Management Plan, which consists of a plan to demonstrate availability of at least 15 years of waste disposal capacity. 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 proposed project was an important component of the County's ability to achieve the 15 years of waste disposal capacity required by solid waste law.

RESPONSE 035-31

As indicated in Section 4.1, Land Use and Planning, of the Revised Partial Draft EIR, the project was identified as a tentatively reserved site in the 1996 Siting Element. The landfill site is designated a reserved or proposed landfill site in the 2005 Siting Element because the Solid Waste Facility Permit found the project to be in compliance with the County General Plan. County DEH staff does not concur that there is a moratorium against the development of landfills in the County. The County has made the policy decision that the County will no longer engage in the development of solid waste landfills. Development of solid waste landfills will be left to private developers such as the project.

RESPONSE 035-32

County DEH staff does not concur with the assertion that since the siting criteria in the 2005 Siting Element are not applicable, the siting criteria in the older 1996 Siting Element become applicable. However, Response to Comment No. 2E-121 of the 2003 Draft EIR contains a detailed analysis of the siting criteria contained in the 1996 Siting Element. As indicated in Response to Comment No. 2E-121, although the siting criteria of the adopted Plan do not apply to the Gregory Canyon project, the project is consistent with all of the siting criteria contained in the 1996 Integrated Waste Management Plan. In addition, in the prior litigation, the Court held that those siting criteria did not apply to the project. As indicated in Section 4.1, Land Use and Planning of the Revised Partial Draft EIR, the project is consistent with the updated and applicable 2005 Siting Element.

RESPONSE 035-33

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 6, Alternatives, of the 2003 Draft EIR contains an analysis of a Waste Reduction and Recycling Alternative. While this alternative was feasible in part, the 2003 Draft EIR concludes that waste reduction would not eliminate the need for landfills. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

The disposal capacity projections provided in the comment are at odds with the projections contained in the 2005 Siting Element, which was approved by the County and a majority of cities with a majority of the population within the County. The County acknowledges the statements contained in the City of San Diego Manager's report, and notes that the 2005 Siting Element contained a similar discussion. Nonetheless, the 2005 Siting Element concludes that the proposed project is an integral element in the County's ability to meet the requirement of securing the 15 years of waste disposal capacity required by solid waste law.

RESPONSE 035-34

The comment expresses opposition to the project. The comment indicates that the County should select the No Project Alternative. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 037

August 14, 2006

Suzanne M. Michel
Southern California Watershed Alliance
9342 Goyette Place
Santee, CA 92071

Received
AUG 14 2006
DEH / LEA

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

Subject: Environmental Impact Report Gregory Canyon Landfill Project LOG NO. 98-02-025

Thank you so much for the opportunity to comment on this Environmental Impact Report. A comment on your public hearing location and timing. The Gregory Canyon Landfill impacts County of San Diego residents throughout the entire San Diego County. A single hearing in Escondido right after rush hour traffic, does preclude residents living in the Central, Eastern and Southern portions of the County their right to speak at a public hearing, including myself. I am a stay at home mother with a special needs child, who understands the significance of the project for the future of the San Luis Rey River watershed, and who wants to participate in CEQA's public review process. I could not attend this hearing due to the time it would take to: 1) fight rush hour traffic from Santee to Escondido, 2) wait to speak at the hearing and 3) make the long commute home. In addition, it would cost at least fifteen dollars for the gas to make this trip, funds that I don't have since I am commenting as a volunteer not a paid consultant. I along with other San Diego County residents should be afforded an opportunity to speak, and not pay such an unreasonable price in time commitment and gas.

037-1

CEQA guidelines state that *public participation is an essential part of the CEQA process.* Whereas the landfill may serve North County residents, issues of traffic, air quality, water quality and wetlands with their significant environmental impacts are of interest to San Diego County residents who do not live in North County. I am pretty confident other South, East and Central San Diego County residents will not be able to attend this one public hearing, due to the location and timing of the hearing. Hence I request that a second public hearing be held at a more central location in San Diego County, such as the County administration building in downtown San Diego. Your office should document where all the written comments originate, and if a substantial amount of comments come from South, East and Central portions of the County, then you should afford us the opportunity to speak in public. Please delineate how many comments you have received south of State Route 56, explain if your office chooses to conduct a second public hearing, and explain why or why not a second public hearing is merited. Besides my comments concerning the County's failure to do outreach in the entire County of San Diego, below are my comments of the written EIR, as the San Diego County representative for the Southern California Watershed Alliance.

Water quality

The EIR does not address the problem of household hazardous waste, and the potential of contamination in the groundwater basin from toxins such as mercury (found in batteries and older thermometers), lead and pesticides. Household hazardous waste is of vital concern, since there will be no pre-screening of municipal solid waste to remove hazardous waste. According to the EPA, each household on the average stores (and eventually disposes of) over 100 pounds of household hazardous waste. I have included the EPA list of household hazardous waste that would be deposited into the landfill, and potentially enter the groundwater basin. Please provide to the public a listing of potential household/small business hazardous waste that will be deposited into the Gregory Canyon landfill and how will the public be alerted and protected from the risk of household hazardous waste.

The EIR delineates computer models of landfill failure and flows of a few contaminants, but these models do not address how household hazardous waste can enter and disperse within the groundwater system. It is relatively simple to develop computer models that superficially appear to have predictive capability of landfill management system failure. However reliable models require an understanding of the type of waste entering the landfill, the management system and the ability to develop site specific information on the landfill containment system characteristics. In terms of household hazardous waste it is unsure whether it is possible to formulate models and develop the site-specific data, because it is unknown as to what type and how much household hazardous waste will enter the landfill. In addition, EIR models did not address significant landfill failure components such as the adequacy of maintenance of the system, and the effectiveness of groundwater and gas monitoring wells over long periods of time (thousands of years since household hazardous waste can remain a hazard for thousands of years). 037-2

In addition, it is unclear in the EIR if there is adequate research and analysis to obtain permits under the Clean Water Act, Safe Drinking Water Act and the Porter-Cologne Water Quality Act. Please delineate necessary permits and applicable requirements, and where or what sections in the EIR address specific permit requirements. In addition, we request that the County of San Diego request a review of this EIR, during the comment period, by the San Diego Regional Water Quality Control Board and the EPA. This review would assure the public that the environmental assessment is adequate for agency actions such as the approval and issuance of permits (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Ca.3d 259, 262 [104 ca.Rptr.761]). 037-3

Wetlands

In terms of the wetlands analysis, it is unclear whether the methods for wetlands mapping, habitat analysis and species counts/richness in the EIR, are those approved by California Department of Fish and Game, U.S. Fish and Wildlife, CA Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. Please note the methods utilized and how these methods concur or differ from those approved by the aforementioned agencies. 037-4

In terms of cumulative impacts, the wetlands analysis does not utilize the most appropriate scale of analysis, the scale of the watershed. In other words site-specific wetlands and water quality analysis are inadequate, since environmental effects from wetlands loss occur not only on-site, but also downstream in the watershed. These adverse environmental effects include: flooding, 037-5

water quality degradation, habitat loss/degradation, sedimentation, and stormwater velocity/peak flow alteration. Please address from the scale of the watershed, the cumulative impacts of wetlands loss and any other on-site hydrological modifications. 037-5 cont'd

In addition, I could not find the Wetlands Mitigation and Habitat Environment Plan. I called the San Diego County, DEH, project manager, and she said she did not receive it. This plan is referenced numerous times in the EIR, and is necessary to evaluate mitigation measures. Each mitigation measure (for each species or habitat) must be discussed in detail separately, and the reasons for choosing one over the others should be stated. Both on and off site mitigation must be discussed and mapped in detail. Again a review by the agencies required for wetlands permitting during the comment period would assure the public that the environmental assessment is adequate for agency actions such as the approval and issuance of permits (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Ca.3d 259, 262 [104 ca.Rptr.761]). 037-6

Thank you in advance for your time and efforts on this project and I look forward to hearing from you soon.

Sincerely,

Suzanne M. Michel

Suzanne M. Michel, Ph.D. Environmental Geography
Southern California Watershed Alliance

U.S. Environmental Protection Agency

Municipal Solid Waste

Home
Basic Facts
Frequently Asked Questions
Reduce, Reuse, and Recycle
MSW Commodities
MSW Disposal
MSW Programs
MSW State Data
MSW Topics
MSW Publications

List of Common HHW Products

The following list shows common household items containing potentially hazardous ingredients that might be found in your garage, basement, or other storage space in your home.

Cleaning Products

- Oven cleaners
- Drain cleaners
- Wood and metal cleaners and polishes
- Toilet cleaners
- Tub, tile, shower cleaners
- Bleach (laundry)
- Pool chemicals

Indoor Pesticides

- Ant sprays and baits
- Cockroach sprays and baits
- Flea repellents and shampoos
- Bug sprays
- Houseplant insecticides
- Moth repellents
- Mouse and rat poisons and baits

Automotive Products

- Motor oil
- Fuel additives
- Carburetor and fuel injection cleaners
- Air conditioning refrigerants
- Starter fluids
- Automotive batteries
- Transmission and brake fluid
- Antifreeze

Workshop/Painting Supplies

- Adhesives and glues
- Furniture strippers
- Oil or enamel based paint
- Stains and finishes
- Paint thinners and turpentine
- Paint strippers and removers
- Photographic chemicals
- Fixatives and other solvents

Lawn and Garden Products

- Herbicides
- Insecticides
- Fungicides/wood preservatives

Miscellaneous

- Batteries
- Mercury thermostats or thermometers
- Fluorescent light bulbs
- Driveway sealer

Other Flammable Products

- Propane tanks and other compressed gas cylinders
- Kerosene

- Home heating oil
- Diesel fuel
- Gas/oil mix
- Lighter fluid

Back to top

EPA Home | Privacy and Security Notice | Contact Us

Last updated on Wednesday, February 22nd, 2006
URL: http://www.epa.gov/msw/hhw-list.htm

LETTER NO. 037

Southern California Watershed Alliance
Suzanne M. Michel, PhD

RESPONSE 037-1

The comment addresses the location and timing of the public meeting that was held by County DEH staff on the Revised Partial Draft EIR. 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.

With regard to process, the County has followed the CEQA process as required by state law. Section 15087 of the CEQA Guidelines addresses the public review of a draft EIR. The section requires that notice of the availability of a draft EIR shall be provided by the lead agency at the same time as the lead agency sends a notice of completion to the Office of Planning and Research. Section 15087 of the CEQA Guidelines addresses various methods to provide the requisite notice to the public. Section 15087(c) also addresses the content of the notice and requires that the notice include a brief description of the project and its location; the dates for the comment period; the date, time and place of any scheduled public meetings or hearings; a list of significant environmental effects; the address where the document is available for public review; and the presence of any site enumerated under Section 65962.5 of the Government Code, including but not limited to lists of hazardous waste facilities, land designated as hazardous property, etc. While public notice of a public meeting is to be included in the Notice of Availability, CEQA Guidelines do not require that a public meeting be held during the comment period. The public meeting date, time, and location was included in the Notice of Availability.

RESPONSE 037-2

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 of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concludes that with mitigation there would be no significant impacts to groundwater. Moreover, the project now includes the even more protective double composite liner system described in Section 3 of the Revised Partial Draft EIR,

providing even greater assurance there would be no leakage from the landfill. This portion of the 2003 Draft EIR was challenged by petitioners in the prior litigation, but was not overturned by the Court or included in its writ.

Section 4.3 of the 2003 Draft EIR includes an analysis of potential impacts to water quality from placement of solid waste into the landfill. The analysis considered a typical leachate, which would include small concentrations of volatile organic compounds and metals like those found in household hazardous waste. Typical landfill leachate constituents and concentrations used for purposes of the analysis were obtained from the United States Environmental Protection Agency.

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 regional HHW program efforts, which is a multifaceted program to reduce illegal and harmful disposal of HHW. 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. Please see Response to Comment No. 011-9 for a more detailed discussion regarding the County's HHW program.

Please refer to Response to Comment No. 035-6 for additional information regarding the performance of modern liner systems. In a recent study by USEPA of modern liner systems, one of the conclusions reached is that “[geomembrane/compacted clay] composite liners are capable of substantially preventing leachate migration over the entire period of significant leachate generation.” This would encompass the entire period of time in which any household hazardous wastes would remain a threat to groundwater quality.

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 site, more than ample time to implement a remedial program. That model was based on typical leachate constituents discussed above, and County DEH staff believes that it is adequate to provide a "worst case" prediction of the movement of any releases and to assess any potential impacts to water quality. The model does not consider the pumping of monitoring wells for water supply, which would intercept flows.

RESPONSE 037-3

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. Table 3-6 of the 2003 Draft EIR provides a summary of the necessary permits required for the landfill. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

County DEH staff notes that the DEH is the lead agency for this project under CEQA. The Revised Partial Draft EIR was made available for review by other state and federal agencies. The RWQCB has reviewed the Revised Partial Draft EIR and provided comments (See Comment Letter No. 007). As indicated in Chapter 1 of the 2003 Draft EIR, the Final EIR will be used by other state or local agencies in connection with any approvals or permits necessary for the construction and operation of the proposed project. Therefore, it is not necessary for RWQCB or other agencies that would issue permits, as shown on Table 3-6, to conduct a separate environmental review. In addition, County DEH staff has determined that the Final EIR is adequate and has been prepared in accordance with CEQA Guidelines.

RESPONSE 037-4

This comment appears to confuse the distinction between wetlands and non-wetland 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) and the Army Corps of Engineers (ACOE) letter confirming the jurisdictional delineation (cited as references in Appendix B of the Revised Partial Draft EIR) did confirm the existence of wetlands on the landfill site, along the south side of the San Luis Rey River. The Field Report is included as Appendix L of the Revised Final EIR. This finding is consistent with Appendix L of the 2003 Draft EIR, which identifies 2.35 acres of ACOE wetlands. For this reason, there has been no change in potential impacts to wetlands from those described and analyzed in the 2003 Draft EIR. Table 5.2-3 of the 2003 Draft EIR notes that with incorporation of mitigation measures, there would be no loss of freshwater wetlands due to the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Field Report included a discussion of the criteria used for determining the existence and extent of wetlands, which were based on a U.S. Army Corps of Engineers guidance document.

RESPONSE 037-5

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.

Chapter 5 of the 2003 Draft EIR contains a discussion of cumulative impacts from the project, including a discussion of cumulative impacts to biological resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Also, as noted above, there has been no change in potential impacts to wetlands from those described and analyzed in the 2003 Draft EIR, and consequently no change in potential cumulative impacts. Table 5.2-3 of the 2003 Draft EIR notes that with incorporation of mitigation measures, there would be no loss of freshwater wetlands due to the project. That determination remains unchanged.

Section 4.4, Surface Hydrology, of the 2003 Draft EIR contains a detailed analysis of potential impacts due to storm run-off and erosion. As indicated in Section 4.4, the project includes the installation of a landfill perimeter drainage network that would collect all surface water run-on from the surrounding areas and from the undisturbed areas within the refuse footprint. In addition, two desilting basins would collect run-off from the disturbed areas within the landfill footprint. The desilting basins serve to provide sediment control by removing silt from the stormwater flows. In addition, the landfill footprint and borrow/stockpile areas are located outside the 100 year floodplain. The analysis concludes that no significant impacts would result from the new drainage patterns and the surface run-off that would occur on site. This portion of the EIR was not overturned by the Court or included in its writ.

RESPONSE 037-6

The Draft Wetlands Mitigation and Habitat Enhancement Plan is included in 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. The Plan would be updated as part of the permitting process and would be reviewed by 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. Section 15126.4 of the CEQA Guidelines addresses the consideration and discussion of mitigation measures proposed to minimize significant effects. The CEQA Guidelines indicate that where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. However, in the case of the mitigation measures relative to biological resources, various measures were not available to mitigate the impact. Therefore, discussion of alternate measures need not be included in the EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

With regard to a map showing on and off-site mitigation, the areas designated for on-site habitat creation or habitat enhancement are depicted in Exhibit 4.9-6 of the Revised Partial 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 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). 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.

As indicated in Response to Comment No. 037-3, the Revised Partial Draft EIR was made available for review by other state and federal agencies. Among the agencies that submitted comments related to biological resources were the U.S. Fish & Wildlife Service (See Comment Letter No. 001), the California Department of Fish and Game (See Comment Letter No. 004) and the Regional Water Quality Control Board (See Comment Letter No. 007). The Final EIR is used by other agencies in their review process.

Letter 038

WERTZ MCDADE WALLACE MOOT & BROWER

LAWYERS | A PROFESSIONAL CORPORATION

Lynn M. Beekman
Sandra J. Brower
Julie A. Delahunt
Richard T. Forsyth
Jenny K. Goodman
Bonny Hsu
Sarah H. Lanham
Joseph C. Lavelle
Larry L. Marshall
J. Michael McDade
Kathleen J. McKee
John S. Moot
Elaine A. Rogers
John H. Stephens
Robert A. Vacchi
Bruce R. Wallace
John Ross Wertz
Pamela Lawton Wilson

Of Counsel
Rebecca Michael
Evan S. Ravich

Administrator
Jeri O'Keefe

August 24, 2006

Received
AUG 24 2006
DEH / LEA

VIA MESSENGER AND EMAIL

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

Re: Revised Partial Draft Environmental Impact Report
Gregory Canyon Landfill
Environmental Lot No. 98-02-025

To Whom It May Concern:

We represent Maranatha Chapel which is about to complete the first phase of its Elementary, Junior High and Senior High School authorized by Major Use Permit P00-020. Conditions of the MUP include construction of Maranatha Way and a portion of Camino del Sur. The MUP's traffic study anticipated trips generated by the Olivenhain Municipal Water District's Santa Fe Valley Reservoir and Pump Station (Water District Reservoir), however, the number of trips was extremely small compared to the proposed 178 truck trips to and from the Gregory Canyon Landfill. 038-1

Maranatha Chapel is opposed to the use of Maranatha Way and Camino del Sur by the recycled water trucks due do the trucks' traffic, noise and air pollution. The large and heavy trucks will be a traffic hazard to the students, the noise generated by the trucks will adversely impact the students' education as well as necessitate the closing of operable windows installed with the intent to conserve energy, and the diesel particulates will present a significant health hazard to the students and staff.

The following are our comments on the Revised Partial Draft Environmental Impact Report (RPDEIR):

4.1 Land Use and Related Planning. RPDEIR contains no discussion regarding the project's use of recycled water on the Santa Fe Valley Specific Plan. Nor does it 038-2

945 Fourth Avenue, San Diego, California 92101
Telephone 619-233-1888 • Facsimile 619-696-9476 • www.wertzmcdade.com

discuss the authority under which the Water District is entitled to truck recycled water to the Landfill.

The Santa Fe Valley Specific Plan states that reclaimed water must be included as a required service for Santa Fe Valley Specific Plan Area due to the golf courses within the Plan Area. If the reclaimed/recycled water from the Water District Reservoir is to be diverted to the Gregory Canyon Landfill, an amendment to the Santa Fe Valley Specific Plan is needed and the RPDEIR should address the amendment's impacts. The same is true for the reservoir's entitlements, an amendment and an environmental analysis. 038-2 cont'd

4.5 Traffic and Circulation. The following are comments provided by J. Arnold Torma of Katz, Okitsu & Associates: The RPDEIR's technical study for traffic impacts has a discussion of the estimated daily volume of trucks that would use Maranatha Way for transporting recycled water to the Landfill. While it correctly states that Maranatha Way is to become a dedicated public street, it would seem that the type of roadway envisioned is inconsistent with the ongoing use for truck hauling activity and an industrial use. Maranatha Way was built and planned for a different use entirely – a school and minor use by the Water District. 038-3

Also, the traffic study speaks to traffic volumes only without considering the long-term implications of the added burden due to the weight of the trucks on the type of roadway that is now finishing construction. If this roadway is not designed to handle these long-term, accumulative effects from a pavement and soil section perspective, the roadway may need to be completely reconstructed to accommodate such loadings. A location designated as the water loading point that is consistent with the type and construction of roadway serving it needs to be identified as an alternative, even if the water needs to be piped to that location. 038-4

The RPDEIR proposes, as mitigation, that recycled water trucks will be prohibited from using Maranatha Way from 7:30 A.M. to 8:30 A.M. and from 2:00 P.M. to 3:00 P.M. daily while the school is in session. Please be advised that students may be dropped off at the school beginning at 7:00 A.M., thereby generating traffic before 7:00 A.M., and classes begin at 8:00 A.M. Students begin departing school at 2:45 P.M. with the bulk of the students departing by 4:00 P.M. Students arrive and depart by car, bike and foot. Again, Maranatha is opposed to any use of Maranatha Way by recycled water trucks, but if such use were to be permitted by the County, Maranatha requests the prohibited hours be from 6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M. 038-5

4.6 Noise and Vibration. See enclosed letter dated August 23, 2006 from Charles Bull of RECON Environmental, Inc. 038-6

4.15 Public Services and Facilities. The project proposes improvements to the Reservoir site. The RPDEIR estimates that the construction activities associated with these improvements will result in approximately 8 to 10 round trips for approximately three weeks. The construction traffic, however, is not prohibited from using Maranatha Way during the school's arrival and departure hours (see discussion above). 038-7

Also see enclosed letter dated August 23, 2006 from Charles Bull of RECON Environmental, Inc.

Other Issues. In addition to Mr. Bull's comments regarding air quality, Maranatha is concerned that the RPDEIR does not address the amount of time required to fill each truck. Could the length of time to fill each truck result in trucks idling for long periods of time thereby increasing the diesel particulate health risk? 038-8

Also, the RPEIR states that the expected daily Landfill demand for the recycled water will be 204,000 gallons, 39,000 gallons over that contracted (Page 4.15-9). The RPDEIR goes on to state that approximately four to five 2,300 gallon water trucks would be used to transport the recycled water from the Reservoir Site to the Landfill (Page 4.15-15). Yet the RPDEIR does not address the amount of time to load and unload the recycled water nor the transportation time from the Reservoir to the Landfill and back. How many hours will it take for four to five 2,300 gallon water trucks to load, transport, unload and return? 038-9

Lastly, Maranatha is concerned that the truck traffic, noise and pollution will have a negative impact on the community character of the neighborhood. The use of the Reservoir Site as a staging point for the transport of major quanities of recycled water by truck and the constant and heavy use of Maranatha Way by recycled water trucks was never envisioned for Santa Fe Valley. 038-10

Very truly yours,

Rebecca Michael
Of Counsel

Enclosure

cc: Charles Bull, RECON Environmental, Inc.
Mark Childers, Maranatha Chapel
Pam Slater, Supervisor
Arnold Torma, Katz, Okitsu & Associates

1927 Fifth Avenue
San Diego, CA 92101-2358
P 619.308.9333 F 619.308.9334
www.recon-us.com

525 W. Wetmore Road, Suite 111
Tucson, AZ 85705
P 520.325.9977 F 520.293.3051

RECON

August 23, 2006

Ms. Rebecca Michael
Sullivan, Wertz, McDade & Wallace
945 Fourth Avenue
San Diego, CA 92101

Reference: Gregory Canyon Landfill Water Transport Review (RECON Number 4368n)

Dear Ms. Michael:

This letter summarizes my review of the noise analysis for the water delivery trucks associated with the proposed Gregory Canyon Landfill, as presented in the Revised Partial Draft EIR (RPDEIR) for the Gregory Canyon Landfill. I have also made some observations about the air analysis. 038-11

Based on my review, it appears that the RPDEIR underestimates the noise levels that the water trucks will cause at the school. I reviewed the RPDEIR and Appendix D Air Quality, Health Risk, and Noise Technical Memorandum. My biggest concern is the lack of detailed information about the analysis. There is some information provided in Attachment 2 and Attachment 3 of Appendix D, but it is insufficient to permit assessment of the results. Here are several points that need resolution: 038-12

- The noise analysis conducted for the access road to the reservoir assumed that there would be an average of 10 truck trips per hour. (Appendix D: page 11) This is 90 trips per day assuming a 9 hour day. The basis for this projection is the requirement that 89 trucks are required to transport reclaimed water. The noise analysis erred in that each of these trips represents two pass-bys on Maranatha Way. There would actually be 178 pass-bys or 17.8 trips per hour. This would represent a three decibel difference in the presented results.

- There is no information on several variables used in completing the analysis. There are two main grades on Maranatha Way, one accessing Camino Del Sur and one leading to the proposed water facility. Truck noise is notably louder when under load on a grade. This is not discussed in the report. Also, the report does not indicate the speed of the trucks on this roadway. 038-13

- The report indicates that they have contracted for 244,000 gpd but assumed they would use a maximum of 205,000 gpd. If 244,000 gpd were used, an additional 17 round trips or 34 trips would pass by the school. 038-14

- The report notes that the City sets a 50 decibel hourly L_{eq} standard for the interior of a school, and assumes that typical construction will provide a 20 decibel reduction. It thereby concludes that interior noise levels will not exceed the standard. The Maranatha School has operable windows facing the road. If these windows are open, there will not be a 20 decibel transmission loss. 038-15

As with the noise analysis, my primary concern with the air quality discussion is the lack of detailed information. The appendix provides conclusions regarding health risks associated with diesel particulates, and indicates that there would be a "maximum exposed residential use" of about 1.3×10^{-6} or about one in one million (Appendix D: page 6). The appendix states that an ISCST3 air dispersion model was used in the analysis. Attachment 2 to that appendix provides a table that presents some calculation of emissions factors, but does not provide details about the ISCST3 air modeling. As a result, an assessment of its accuracy can not be made. 038-16

There are several questions regarding the table in the attachment. The table indicates that the "school zone" roadway length is 525 feet. Maranatha Way is about 1,000 feet in length. The speed reported for this roadway is 20 mph. This seems high given the grades, the location next to a school, the existence of a light at the southern end of the road, and the grades of the roadway both to the water facility and at Camino del Sur. Finally, there is no information about the assumptions used in the calculations of the emissions factors (those used in the Emfac model) for diesel particulates presented in the table. 038-17

Finally, I do not understand why there is a discussion of air quality and diesel particulates in Appendix D, but no apparent mention of air quality in the body of the RPDEIR. 038-18

Sincerely,

Charles Bull
President

CSB:jlw

LETTER NO. 038

Wertz McDade Wallace Moot and Brower PC
Rebecca Michael, Esq.
945 Fourth Avenue
San Diego, CA 92101

RESPONSE 038-1

This comment indicates that the letter is written on behalf of Maranatha Chapel. The comment indicates that a traffic study was completed for the school, which was under construction in August 2006, but did not include the 178 truck trips that would occur as a result of water being transported from the Santa Fe Valley Reservoir Site to the landfill site. Section 4.5, Transportation and Circulation, of the Revised Partial Draft EIR contains a detailed traffic analysis of the potential impacts of the truck trips on Maranatha Drive and Camino del Sur. As indicated in Section 4.5 of the Revised Partial Draft EIR, with the implementation of project design features and mitigation measures, the project would result in less than significant traffic impacts on Maranatha Drive and Camino del Sur. However, the segment of I-15 between Pomerado Road and Carmel Mountain Road currently operates at an unacceptable LOS F condition, with and without the project traffic. Although the project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition, because of the uncertainty of the implementation of future improvements to I-15, the project-related traffic impact is considered significant and unavoidable.

With regard to air quality and noise, Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Partial Draft EIR contains an analysis of the potential air quality and noise impacts that could result from the recycled water truck trips. As indicated in the technical memorandum and as summarized in Section 4.15.3.10 of the Revised Partial Draft EIR, no significant air quality emissions would result from construction activities at the Reservoir Site. In addition, the project would not result in a significant health risk from the recycled water trucks. With regard to traffic noise, 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. Therefore, the project would result in a significant project impact and would contribute to a significant cumulative traffic noise impact to the existing residences. With regard to potential traffic noise impacts along Maranatha Drive, as indicated in Section 4.6 of the Revised Partial Draft EIR, no significant traffic noise impacts would occur to the school or nearby residential uses from the recycled water trucks along Maranatha Drive. The comment, which expresses opposition to the use of Maranatha Drive and Camino del Sur by the recycled water trucks due to potential impacts with regard to traffic, air quality and noise, is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 038-2

County DEH staff concurs that the Santa Fe Valley Reservoir and Pump Station site, where recycled water from the Olivenhain Municipal Water District (OMWD) will be transferred to water trucks, falls within the Santa Fe Valley Specific Plan (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, as well as the Santa Fe Valley Specific Plan Final EIR and Addendum to the Previously Certified EIR for the Santa Fe Valley Specific Plan are hereby incorporated by reference into the Revised Final EIR. 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. Moreover, recycled water from OMWD would still be available for golf course uses, since projected water needs for the landfill project are at most only 205,000 gpd from a 2,000,000 gpd wastewater treatment plant. Because the Specific Plan does not prohibit the proposed type of use, and the use of recycled water for the project is a similar use, there is no need for a specific plan amendment. County DEH staff acknowledges that additional requirements may be imposed through the RWQCB permitting process that would be undertaken by OMWD. Please refer to Response to Comment No. 007-22 for additional information regarding permitting requirements related to the use of OMWD recycled water.

RESPONSE 038-3

The comment is acknowledged. However, the 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR, contains an analysis of the use of Maranatha Drive for the recycled water trucks. As indicated in the 2006 Traffic Study and in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, conditions of approval on the Maranatha School project require the dedication of Maranatha Drive as a public road and the widening of Maranatha Drive to 40 feet of paved surface on 60 feet of graded width. Maximum daily trips on Maranatha Drive for the Maranatha School project, recycled water trips for the project and public agency personnel is 4,717 daily trips. This equates to LOS C traffic flow conditions on Maranatha Drive under worst-case expected traffic conditions at build out of the Maranatha School project and assuming no percolating groundwater is used to serve the landfill project. With the improvements required on Maranatha Drive for the Maranatha School project, Maranatha Drive is able to accommodate peak traffic demand expected and will maintain adequate service levels under County road standards. The addition of recycled water trips for the project in the 2020 build out condition does not create a deficit condition and no additional roadway improvements or widening is required on Maranatha Drive.

RESPONSE 038-4

The improvements made at the OMWD Reservoir Site would be completed to structurally accommodate the proposed level of activity. The comment raises an issue with regard to the

structural integrity of Maranatha Drive, a recently constructed roadway. Although it is likely that the roadway has been built structurally to accommodate the trucks, the comment asserts that the structure of the roadway cannot accommodate the trucks. Therefore, to ensure the structural integrity of Maranatha Drive, a mitigation measure has been added to Section 4.5, Traffic and Circulation, of the Final EIR to ensure that the structural integrity of Maranatha Drive is sufficient to accommodate the trucks associated with transportation of recycled water to the landfill site. Mitigation Measure 4.5-7 has been added to the Revised Final EIR and reads as follows: "The applicant shall conduct a structural integrity test on the Maranatha Drive pavement to determine ultimate load bearing of the roadway. If necessary, the applicant shall provide the required pavement overlay to support the heavy vehicle loads that would occur on Maranatha Drive. Any necessary repaving or construction along Maranatha Drive shall be done outside of the operation of the school (i.e., weekends or school breaks) so as to not disrupt school activities." The construction of any necessary improvements that might result from the implementation of MM 4.5-7 would not result in secondary effects as the construction would be a few days and would be conducted when school is not in session.

As the structural integrity of the roadway can be determined and maintained to support the water trucks, there is no need to identify an alternative such as piping water to another location.

RESPONSE 038-5

County DEH staff acknowledges the opposition to the use of the road for recycled water trucks. County DEH staff had accepted the traffic limitations placed on the project by OMWD. However, based on the information provided regarding student drop-off and pick-up, County DEH staff has determined that an extension of the restricted hours, which are included as a project design feature, would be appropriate to provide even more protection to students. Based on the restrictions presented in the comment of 6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M., 7.5 allowable hours of operation for the water trucks would result along Maranatha Drive. As such, 267 trips would generate 36 trips (includes PCE) per hour or 12 trucks per hour (a worst case scenario of 1 truck every 5 minutes). This adjustment in the times would not create traffic impacts based on capacity of the street and the circulation network.

With regard to noise, a revised noise analysis has been conducted for truck trips along Maranatha Drive to account for 7.5 hours of allowable operation time that would result from the further restriction of hours. Table 1 on page 038-4 provides the results of the revised noise analysis. As a result of 12 trucks per hour, noise levels at the school during the school off peak hours would increase from 56.7 to 57.4 in the near term cumulative scenario. The noise levels at the school during the non-peak school hours would increase from 57.1 dBA to 58.0 dBA in the cumulative scenario. With incorporation of the restrictions presented above, the project would not contribute to significant traffic noise during the School peak hours along Maranatha Drive.

Table 1

Traffic Noise Levels Along Maranatha Drive

SCENARIO	Leq (dBA)[a]	LDA[b]	MDT[b]	HDT[b]
Future Near Term (AM School Peak)	56.3	652	4	10
Future Near Term (PM School Peak)	54.1	401	3	6
Future Near Term No Project (Off School Peak Hour)	49.3	119	2	2
Future Near Term With Project (Off School Peak Hour)[c]	57.4	119	2	26
Cumulative (AM School Peak)	59.4	1348	8	21
Cumulative (PM School Peak)	57.3	827	5	13
Cumulative No Project (Off School Peak Hour)	52.2	243	2	4
Cumulative With Project (Off School Peak Hour)[c]	58.0	243	2	28

[a] *Receiver at 260 ft. from centerline*

[b] *LDA – Light Duty Auto, MDT – Medium Duty Truck, HDT – Heavy Duty Truck*

[c] *The off peak analysis includes the increased restriction in hours of trucking. The analysis assumes no truck hauling along Maranatha Drive between 6:45 A.M .and 8:15 A.M. as well as 2:30 P.M. and 4:15 P.M, resulting in 7.5 hours of operation.*

Note: See Technical Appendix in Air Quality, Health Risk, and Noise Technical Memorandum (Appendix D of the Revised Final EIR) for worksheets.

Source: PCR Services Corporation, 2006

According to the Federal Highway Administration, U.S. Department of Transportation: Highway Traffic Noise Analysis and Abatement Policy and Guidance (1995), outdoor to indoor noise reduction for schools with open windows is 10 dBA. With a noise level of 58.0 dBA outside of the school, interior noise would be approximately 48.0 dBA with the windows open which is below the threshold of 50 dBA for a one hour average sound level of interior noise.

RESPONSE 038-6

The comment refers to an attached letter, which contains technical comments on the noise and vibration analyses. Please see Response to Comment Nos. 038-11 through 038-18 for detailed responses to the comments raised in the letter prepared by Charles Bull of RECON Environmental, Inc.

RESPONSE 038-7

The Revised Final EIR has been revised to include a new project design feature applying the same restrictions on construction traffic from using Maranatha Drive between 6:45 A.M. to 8:15 A.M. and from 2:30 P.M. to 4:15 P.M., which incorporates the extended time restrictions addressed in Response to Comment No. 038-5 discussed above.

With regard to the attached letter, please see Response to Comment Nos. 038-11 through 038-18 for detailed responses to the technical comments provided by RECON Environmental, Inc.

RESPONSE 038-8

In 2003, CARB adopted an Airborne Toxic Control Measure (ATCM) to limit heavy duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter. The measure applies to diesel-fueled commercial vehicles with gross weight ratings greater than 10,000 lbs. which are licensed to operate on highways, regardless of where they are registered. With some exceptions, the driver of a vehicle may not idle the vehicle's primary engine or operate its diesel fueled auxiliary power system (APS) for more than 5 minutes at any one location. Consistent with the ATCM, the diesel particulate health risk assessment provided in Appendix D of the Revised Partial Draft EIR assumes that all trucks picking up water would idle for 5 minutes. If trucks require more time to load water, then the engines would be turned off. As indicated in Response to Comment No. 022-14, the time it takes for water to pump into a water truck is a function of the number of valves as well as the pump capacity. If the pump has a 450 gpm capacity, it would take approximately five minutes to fill a 2,300 gallon water truck. Additional filling valves could be installed to allow more trucks to fill at the same time, if needed to facilitate smooth operations at the Reservoir Site.

RESPONSE 038-9

As indicated in the 2003 Draft EIR and the Revised Partial Draft EIR, the maximum water usage for the project is 205,000 gallons per day (not 204,000 gallons per day as indicated in the comment). It is estimated that four to five trucks running a round trip would be sufficient to deliver this volume of water, given an estimated fill time of five minutes. Travel time between the Reservoir Site and the landfill site will vary in accordance with the time of day and traffic conditions. It is important to note that the impacts analysis performed in the 2006 Traffic Study is not dependent on the actual number of physical trucks providing recycled water transportation. The number of truck trips would be the same, up to 89 each way, regardless of the number of trucks actually utilized.

RESPONSE 038-10

Please refer to Response to Comment No. 038-2 for a discussion regarding the transportation of water from the Reservoir Site. Based on a review of the Santa Fe Valley Specific Plan, as well as the Santa Fe Valley Specific Plan Final EIR and Addendum to the Previously Certified EIR for the Santa Fe Valley Specific Plan, there are no restrictions on the use of recycled water included in the Specific Plan, the Specific Plan does not prohibit the proposed type of use, and the use of recycled water for the project is a similar use to that considered in the Specific Plan. In addition, please see Response to Comment No. 030-2 for a discussion regarding the quality of life.

RESPONSE 038-11

The comment is introductory and 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. 038-12 through 038-18 for detailed responses to the comments raised in the letter.

RESPONSE 038-12

County DEH staff concurs with the comment with regard to the number of trips assumed along Maranatha Drive. However, as a point of clarification, the commentor incorrectly states that a doubling of truck traffic would increase noise levels by 3 dBA. Instead, a doubling of overall traffic (i.e., an acoustically equivalent vehicle mix) would generally result in a 3 dBA increase in traffic noise levels. The analysis in Appendix D takes into account non-project related trips, including trips related to the school and surrounding residential uses, when calculating existing and future noise levels. With that being said, the analysis in the Revised Final EIR has been corrected to account for two pass-by trips for each truck along Maranatha Drive. In addition, the analysis incorporates further restrictions provided in Response to Comment No. 038-5 that would reduce the allowable operation time of the recycled water trucks on Maranatha Drvie to 7.5 hours. As a result of the restriction there would be 12 trucks per hour (a worst case scenario of 1 truck every 5 minutes).

As a result of the correction to the analysis and the further restriction to the operation time of the recycled water trucks, the future near term with project traffic noise level would increase from 54.5 dBA to 57.4 dBA and cumulative with project noise levels would increase from 55.5 dBA to 58.0 dBA. While the overall traffic-related noise level would increase by 2.5 dBA, potential noise impacts would remain below the significance threshold. The recycled water trucks would result in a less than significant noise impact along Maranatha Drive. Therefore, there is no change in the conclusions reached in the Revised Partial Draft EIR. Please refer to Response to Comment No. 038-5 for a discussion and analysis regarding restrictions on the hours in which the recycled water trucks can be on Maranatha Drvie.

RESPONSE 038-13

The grade change along Maranatha Drive and Camino Del Sur was taken into consideration when performing the traffic noise analysis. However, consistent with Caltrans guidance (FHWA/CA/TL-87/03, titled California Vehicle Noise Emission Levels (Final Report), Office of Transportation Laboratory, Caltrans, Sacramento, CA, January 1987) no grade “correction” was needed based on the distance and speed of travel along these segments. Caltrans' Sound2000 model applies grade-dependent sound profiles for uphill heavy trucks. Heavy trucks traveling along a level road, beginning a sustained grade, slowing down to a sustained "crawl speed", implies that the grade must be long enough before the uphill sound profile (REMEL) should be used. The minimum grade lengths are: 2.0 miles for a +2 percent grade; 1.7 miles for a +3 percent grade; 1.4 miles for a +4 percent grade; 1.2 miles for +5 percent grade; 1.0 miles for a +6 percent grade; and 0.8 miles for a +7 percent grade. As the grade along Maranatha Drive and Camino Del Sur is less than 3 percent and less than 1.7 miles, no grade correction factor was applicable. With regard to truck speeds along Maranatha Drive, it was assumed that vehicles traveling through the school zone would be

less than 25 miles per hour (mph). However, the speed of the trucks was modeled at a conservative 30 mph, which is the minimum speed possible for Caltrans' Sound2000 model. Vehicle traffic noise levels would be less at lower speeds. In fact, heavy duty truck noise levels diminish by 5.4 dBA decreasing from 30 mph to 25 mph (Figure N-5511.1-California Vehicle Noise-Reference Energy Mean Emissions Levels, Caltrans Technical Noise Supplement, October 1998). In response to this comment, the vehicle speed of travel along the roadway segments has been included in Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, of the Revised Final EIR.

RESPONSE 038-14

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 of recycled water that would be hauled between the Reservoir Site and the landfill site. In addition, the analysis incorporates further restrictions provided in Response to Comment No. 038-5 that would reduce the allowable operation time of the recycled water trucks on Maranatha Drvie to 7.5 hours. As a result of the restriction there would be 12 trucks per hour (a worst case scenario of 1 truck every 5 minutes). Nevertheless, even if the maximum contracted amount was taken including the further restrictions, and if it is assumed that an additional 34 truck trips would pass by the school to accommodate daily deliveries of 244,000 gallons of recycled water, noise levels would increase during the off-peak hour by 0.8 dBA and the cumulative noise level would increase to 58.8 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 038-15

As discussed in Response to Comment No. 038-5, the project incorporates further restrictions that would reduce the allowable operation time of the recycled water trucks on Maranatha Drvie to 7.5 hours. As a result of the restriction there would be 12 trucks per hour (a worst case scenario of 1 truck every 5 minutes).

According to the Federal Highway Administration, U.S. Department of Transportation: Highway Traffic Noise Analysis and Abatement Policy and Guidance (1995), outdoor to indoor noise reduction for schools with open windows is 10 dBA. With a noise level of 58.0 dBA outside of the school including the further restrictions, interior noise would be approximately 48.0 dB with the windows open. As indicated in Appendix D of the Revised Partial Draft EIR, 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. Even after taking into account the

operable windows, no significant traffic noise impacts would occur to the school based on the County's standard and no mitigation measures for operational noise would be required. Please see Response to Comment No. 038-5 for a discussion regarding a further restriction of hours for recycled water trucks along Maranatha Drive and the associated noise impacts from the restriction.

RESPONSE 038-16

Sufficient detailed information was included in Appendix D to demonstrate how the health risk impacts were calculated. In response to this comment, the ISCST output file and additional documentation of emission factors and assumptions have been added to Appendix D in the Revised Final EIR. Regarding haul truck assumptions used to calculate potential health risk impacts, the trip length provided in Appendix D of the Revised Partial Draft EIR reports incorrect units. This has been corrected in the Revised Final EIR. While the posted speed limit of 20 mph is acceptable for use in the HRA, the analysis has been modified to account for roadway conditions by using an average speed of 15 mph. As a result of these changes, maximum cancer risk is approximately 4.2×10^{-6} or 4.2 in one million at residential uses located east of Maranatha Drive. This maximum risk value is below the significance threshold of 10 in one million.

RESPONSE 038-17

The trip length provided in Appendix D of the Revised Partial Draft EIR reports incorrect units. This has been corrected in the Revised Final EIR. While the posted speed limit of 20 mph is acceptable for use in the HRA, the analysis has been modified to account for roadway conditions by using an average speed of 15 mph. As a result of these changes, the maximum cancer risk is approximately 4.2×10^{-6} or 4.2 in one million at residential uses located east of Maranatha Drive. This maximum risk value is below the significance threshold of 10 in one million. Please note that additional documentation of emission factors and assumptions has been included in Appendix D of the Revised Final EIR.

RESPONSE 038-18

Section 1.1.1, Summary of Revisions, of the Revised Partial Draft EIR indicates the revisions to the 2003 Draft EIR that are contained in the Revised Partial Draft EIR. The Revised Partial Draft EIR includes an updated traffic study (2006 Traffic Study). The 2003 Draft EIR included analyses of traffic noise and air quality using the data from the traffic study. Therefore, since the traffic study was updated, the noise and air quality technical analyses also needed to be reevaluated. Section 4.6, Noise, of the Revised Partial Draft EIR contains the revisions to the traffic noise analysis. As the technical analysis contained in Appendix D did not indicate any revisions, Section 4.7, Air Quality and Air Toxics Health Risks, of the 2003 Draft EIR was not revised. However, with regard to construction, since the modifications to the project include construction (i.e., installation of the recycled water tank at the landfill site and the improvements to the Reservoir Site), an air quality analysis was completed as is contained in Appendix D of the Revised Partial Draft EIR.

Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR contains a summary of the air quality technical analysis with regard to local CO hotspot analysis, diesel particulate health risk assessment, and short-term construction impacts. As indicated in Section 4.15, no significant air quality emissions would result from construction activities at Olivenhain's Reservoir Site. However, 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.

Letter 039

From: THERESA ACERRO [thacerro@yahoo.com]
Sent: Wednesday, August 23, 2006 3:02 PM
To: LUEG, DEHComments
Subject: proposed gregory landfill

August 23, 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:

There are no over riding concerns that could possibly justify building a landfill next to the San Luis River. The present and future citizens of Oceanside and adjoining areas now depend and in the future will depend upon this river as an important source of drinking water. There are also sacred Native American sites in the location of the proposed landfill. Both of these are very, very significant unmitigatable impacts of this proposed landfill, and clearly should sway the Board of Supervisors to reject it. 039-1

The water supply report is highly questionable. The writers do not make clear the period of time they are analyzing. Certainly it is not the amount of time trash will sit in this landfill. As we all know trash does not biodegrade under landfill conditions. This site could be a problem for numerous future generations. Even the project authors, in their disclaimer (p. 19), have no confidence in their findings: " 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." 039-2

The county must analyze the significant cumulative impacts that the proposed and approved projects in the San Luis Rey watershed will have upon the environment. These new residents will negatively effect the air quality, roads, ground water and landforms of the area. The proposed landfill will increase these negative effects. The current EIR analyzes the existing rural conditions without taking these cumulative impacts into account. This is inadequate. 039-3

The Gregory landfill would be a privately run operation that essentially will strive to maximize its earnings by accepting trash from whomever will pay the most. This would most likely be San Bernardino, Los Angeles and Riverside Counties. This huge increase in truck traffic on our roads for the benefit of other counties should make the landfill unacceptable. The increased emissions and congestion on our roads will negatively impact all the residents of San Diego County in order to enrich a private company. 039-4

The Board of Supervisors has the responsibility to protect the health of the citizens of San Diego County by protecting the environment. The mission of DEH as stated on the county's website is: Protecting the environment and enhancing public health by preventing disease, promoting environmental responsibility and, when necessary, enforcing environmental and public health laws. Our goal is "Healthy People in Healthy Communities Free from Disease due to the Environment." The County needs to show its commitment to this mission by rejecting this unwise landfill and refusing to certify the RPDEIR. The protection of the water resources of the San Luis River Watershed and the sacred sites of Native Americans for future generations of San Diego residents must be put before private profit and short-term benefits. 039-5

Sincerely,
Theresa Acerro
3730 Festival Court

Chula Vista, CA 91911

Get your email and more, right on the new Yahoo.com

LETTER NO. 039

Theresa Accerro
thacerro@yahoo.com

RESPONSE 039-1

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.

Potential water quality impacts were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. 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 to the National Register of Historic Places. The 2003 Draft EIR includes a detailed analysis regarding cultural resources. The analysis concludes that with the incorporation of mitigation measures, the project would not result in significant impacts to archaeological resources. However, Section 4.12 of the 2003 Draft EIR concludes that the project would have significant unmitigable impacts to Ethnohistory and Native American resources.

RESPONSE 039-2

CEQA requires that the environmental analysis address the whole of the project. In the case of the proposed landfill, the project includes the construction, operation, and closure. The comment seems to raise concerns with regard to the protection of water resources. As indicated in Response to Comment No. 039-1, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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.

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 039-3

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.

Chapter 5, Cumulative Analysis, is not a subject of the Revised Partial Draft EIR and Chapter 5 of the 2003 Draft EIR was not overturned by the Court or included in its writ. However, the Revised Partial Draft EIR contains an updated cumulative analysis relative to the issue areas contained in the document, including traffic, biological resources, air quality, and noise. Please refer to Response to Comment No. 028-19 for a discussion regarding cumulative impacts.

RESPONSE 039-4

As indicated in Response to Comment No. 2E.192 of the 2003 Draft EIR, the suggestion in this comment that delivery of waste from outside of San Diego County should be expected at Gregory Canyon is speculative. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 039-5

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 040

From: evelyn alemanni [alemanni@allea.com]
Sent: Monday, August 21, 2006 8:15 PM
To: E-Slate_editor@adelphia.net
Cc: LUEG, DEHComments
Subject: RE: E-Slate No. 18: Make Your Voice Heard On Gregory Canyon Landfill EIR

No offense, but it might be a good idea to get someone to proofread before you send these. See corrections below. BTW, I saw an outstanding project in Canada where they use poplar trees to remediate the leachate from landfills. Let me know if you want details. 040-1

Evelyn

-----Original Message-----
From: E-Slate_editor@adelphia.net [mailto:E-Slate_editor@adelphia.net]
Sent: Monday, August 21, 2006 8:02 PM
To: alemanni@allea.com
Subject: E-Slate No. 18: Make Your Voice Heard On Gregory Canyon Landfill EIR

Time Left To Add Your Voice

To Gregory Canyon Debate

Less than six days remain for you to voice your objections to the siting of a privately run landfill in Gregory Canyon, a pristine, ecologically sensitive area that is culturally and historically significant. Gregory Canyon borders the free-flowing San Luis Rey River and its increasingly important aquifer.

On court order, the county Department of Environmental Health is recirculating the revised partial draft environmental impact report for the Gregory Canyon landfill, a proposed Class III landfill about 3 miles southeast of SR 76 and Interstate 15. Citing numerous concerns that water, air, traffic and environmental issues were in violation of the California Environmental Quality Act, a judge invalidated the EIR originally presented by the project developer, Gregory Canyon Ltd. 040-2

I find it peculiar that Gregory Canyon Ltd. is continuing this expensive folly. San Diego County does not need this landfill to handle its refuge. (refuse) The cities of Oceanside, Encinitas and others have declared they will not send their waste stream to Gregory Canyon because of potential liability issues if and when the "high-tech" linear (liner)– but doesn't the San Marcos landfill have a similar "high tech" liner, installed ten years ago? In ten 040-3

years, you'd hope there would be some progress in the technology.) fails, leaching a toxic brew of chemicals into the San Luis Rey River and aquifer. 040-3 Cont'd

One speculation is, since Gregory Canyon is a **private** landfill, it can and will accept trash shipped in from Riverside, San Bernardino and Los Angeles counties. This is unacceptable; envision truck after truck after truck of trash zooming down Interstate 15, endangering traffic and adding to air pollution.

The City of Los Angeles will be sending trash out of town to Corona, too. 040-4

Riverside County last year imported 1.3 million tons of trash, worth $4 million. The El Sobrante Landfill southeast of Corona is considered one of the state-of-the-art "super landfills." The 495-acre site (vs. Gregory Canyon's 300 acres, which is one of the issues under debate in the EIR) has more than 165 million cubic yards of capacity. The El Sobrante Landfill accepts up to 10,000 tons per day of waste from five counties.

Another valid concern that is being downplayed by the project supporters is the potential of damage to the liner due to earthquake. They like to claim the liner is "state of the art" and "guaranteed." The guarantee, it should be noted, is that any rip will be fixed by the manufacturer. It does not guarantee the liner from ripping or leaking. The San Diego County Water Authority has several of its large pipelines crossing under the landfill. An earthquake could rupture the concrete pipes, forcing thousands of gallons of water into the landfill with enough pressure to rip the liner, which then will leak into the aquifer and river. (same arguments apply to the San Marcos landfill "high tech" liner.What's the county's position on that?) 040-5

These are just two of the issues that need to be honestly and openly addressed during the review period before any permit is considered.

Written comments referencing the project name should be sent to:

Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Or you can fax your comments to (858) 495-5004 or, by e-mail sent to dehcomments@sdcounty.ca.gov. All written comments **MUST** be received by the county no later than 4 p.m. Aug. 24, 2006. 040-6

Copies of the revised EIR, along with the 2003 decertified EIR, are available online at http://www.sdcounty.ca.gov/deh. A hard copy can be researched at the county extension at 151 Carmel St. in San Marcos or at the public libraries in Escondido (239 S. Kalmia St.), Fallbrook (124 S. Mission Road) or Valley Center (29200 Cole Grade Road).

A SAD DAY ... One cannot know the grief of losing a daughter so young, so full of promise. My heart and condolences go out to the Strang family of Carmel Valley, whose 20-year-old daughter, Autumn, died in a tragic vehicle accident last week on Highway 78 in Vista. Judi Strang is a longtime leader of San Dieguito Alliance for Drug-Free Youth. Daughter Autumn was attending MiraCosta College majoring in computer animation. 040-7

Autumn and her friends were returning from a birthday party at The Wave water park in Vista when the vehicle in which she was riding was sideswiped, forcing it off the freeway near Emerald Drive. Autumn and another occupant, 17-year-old Jose Ayala of Solana Beach, were killed, and four others were injured.

AT THE COUNTY ... Join me in welcoming Bob Atkins, who is joining the county as agricultural commissioner and sealer of weights and measures. Bob will instruct 140 inspectors who maintain standards for food, animal and flower crops; promote farming; and compile statistics on the various crops produced in San Diego County. In his second capacity, Bob administers a staff that promotes consumers from unfair pricing and overcharging for such products as gasoline, water and electricity. The 58-year-old has a degree in entomology from CSU Long Beach and a master's in public administration. Bob and his family will live in Fallbrook. ...

... And More News from the Third District!

I am wishing a speedy and complete recovery for Encinitas Councilwoman and longtime friend **Maggie Houlihan**, who is about to undergo cancer surgery. I have worked closely with Maggie and know she will be back as soon as humanly possible. This is her second term on the Encinitas council. ... Congratulations to **Nadine O'Connor** of Del Mar, who recently was honored as "Athlete of the Week" by the USA Track & Field Association. Nadine won national titles in the 100 meters, 200 meters, short hurdles and pole vault in the 60- to 64-years-old age category. Her wins in the hurdles and pole vault set meet records. Her dominance in her sport at an age when many people become sedentary serves as in inspiration for parents and teens alike. Nadine proves that there is no age limit to being fit and competitive. ...

040-7 Cont'd

Institutions throughout San Diego County are mourning the loss of two patrons long known for their generous philanthropy. Believing in anonymity, **Margaret Anne Cargill** of La Jolla helped fund millions of dollars of improvements for such varied causes as the San Diego Humane Society and St. Paul's Episcopal Cathedral. Ms. Cargill was 85. **Joseph Jessop Jr**. was another patron of San Diego causes, helping to develop Mission Bay and the downtown San Diego Community Concourse. His passion for sailing and aquatic adventures led to the creation of the San Diego Crew Classic, which today is one of the premiere events on the West Coast. Mr. Jessop also served on the boards for the Old Globe Theatre, Rady Children's Hospital, San Diego Opera, San Diego Symphony and Mericos Eye Institute at Scripps Hospital-La Jolla. He was 75. Countless San Diegans have been touched by the contributions made by these two civic titans.

Distributed by Lhota INK, 405 Arjuna Court, Encinitas CA 92024

To unsubscribe/change profile: click here.
To subscribe: click here.
Lhota INK
405 Arjuna Court
Encinitas, California 92024

Email list management powered by http://MailerMailer.com

LETTER NO. 040

Evelyn Alemanni
alemanni@allea.com

RESPONSE 040-1

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 040-2

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment provides general information regarding the project and its history.

RESPONSE 040-3

Chapter 3, Project Description, of the Revised Partial Draft EIR provides a description of the proposed liner for the landfill. 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. Please refer to Response to Comment No. 035-6 for a discussion regarding impacts to water resources, the proposed liner system for the project, and the performance of modern liner systems.

RESPONSE 040-4

Please refer to Response to Comment No. 039-4 of the Revised Partial Draft EIR and Response to Comment No. 2E.192 of the 2003 Draft EIR.

RESPONSE 040-5

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 of the effectiveness and stability of the liner and the potential impacts to the SDCWA pipelines on the landfill site are not subjects of the Revised Partial Draft EIR. These issues were addressed in Section 4.2, Geology and Soils, Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These portions of the 2003 Draft EIR was not overturned by the Court or included in its writ. However, please refer to Response to Comment No. 035-6 for additional information.

RESPONSE 040-6

The comment provides information on the availability of the document as well as the method by which comments were accepted on 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. No further response is necessary.

RESPONSE 040-7

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment raises issues that are not relevant to the project or the environmental document, and as such, no additional response is required.

Letter 041

-----Original Message-----
From: Carolin Atchison [mailto:carolinatchison@hotmail.com]
Sent: Thursday, August 10, 2006 9:56 AM
To: LUEG, DEHComments
Cc: Corktoo@aol.com
Subject: Re: Revised EIR on Gregory Canyon Landfill

To whom it may concern:

I'm in the process of helping my mother move from LA to Phoenix, so I don't have much time to say everything I wish to say regaring this matter, since I'm literally sitting between boxes, but I just urge you to please seriously reconsider approving the revised version of the FEIR for the Gregory Canyon Landfill.

When the County did their landfill siting studies back in the late eighties and early nineties, Gregory Canyon was rejected on several occasions as a site for a landfill - for good reasons. Lester Snow, then ED of the SDRWA, even threatened with a lawsuit - for good reasons. 041-1

Yesterday SB 1835 unanimously passed the appropriations committee - for good reasons.

You have so many good reasons to turn down this project - please do so!
There are so many better choices than the Gregory Canyon Landfill.
Please,
don't put the public's health at risk.

Thank you.

Sincerely,

Carolin H. Atchison
Encinitas, CA

LETTER NO. 041

Carolin Atchison
carolinatchison@hotmail.com

RESPONSE 041-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. SB 1835 was vetoed by the Governor on September 29, 2006 and did not become law. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 042

From: Charlene Ayers [char.ayers@worldnet.att.net]
Sent: Tuesday, August 22, 2006 9:50 AM
To: Ranters Roost
Subject: NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, board finds

Tuesday, August 22, 2006
Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds
By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated. 042-1

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

042-1 cont'd

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

042-1 Cont'd

LETTER NO. 042

Charlene Ayers
char.ayers@worldnet.com

RESPONSE 042-1

The comment provides a newspaper article from the North County Times dated August 21, 2006 regarding discharges found in a San Marcos park developed over a closed landfill. The closed landfill, Bradley Park/Linda Vista Landfill, was closed in 1969. The landfill is unlined and does not contain the engineering systems that are found in modern landfills. This 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.

Letter 043

From: info@liteinc.com [mailto:info@liteinc.com]
Sent: Tuesday, August 22, 2006 10:56 PM
To: Jimmy Knott III
Cc: LUEG, DEHComments; Carolnoceanside@cs.com; Coast News Ken Leighton; DOLORES SKOLIMOWSKA; George Barrante; George Mc Neil; IWC Burke Belknap; IWC Mick Healey; Kay and Dick Parker; Kathleen Sterling; Keith Battle; Koct Tom Reeser; La Salina Daniel Jones; La Salinaa Morris Dean; Larry Barry; Larry Sosna; Lawson Chadwick; Leon Page; Margeret Hernandez; Melba Bishop; 'Mary Azevedo'; deannie550@sbcglobal.net; council@ci.oceanside.ca.us; Oside Barry Martin; Oside City Clerk Barbara Wayne; Oside Debi Pavan; Oside Ester Beatty; Osice Greg Blakely; Oside Judith Ludlow; Oside Lonnie Thibodeaux; Oside Mike McGrath; Oside Treasurer Rosemary Jones; Randy Horton; Richard Fox; Roy Youngblood; Seior Comm Chair Joe Barreras; Senior Commission Dick Olsen; Shelby Jacobs; Slr Luiseno Mel Vernon; Telecom Charles Paige; Telecom Joe Weiner; Tom Demsey; schurmeier@earthlink.net; Uc Cac Joe Hess; uc cac Maria Kwong; Uc Cac Michael Mellano; UC CAC Richard Miro; Uc Cac Staff Dennis Wood; Uc Cac Staff Howard Arnold; Uc Cac Staff Robb Grantham; Uc Cac Terence Cagan; uc cac Thomas David; UC Chuck Rady; reyoldjr@aol.com
Subject: Re: Gregory Canyon Landfill Comment due by Aug 24th

Hi All,
This is an issue that will effect us all. In addition to the obvious mistakes, the very location will assure contamination of San Luis river. Suggest we send letters against the approval. Pam Slater has an excellent comment letter. Her last two paragraphs are particularly effective. I am attaching it for your information.

George Barrante

043-1

Jimmy Knott III wrote:

Folks,

I object to any landfill being placed in the vicinity or proximity of the San Luis Rey River as it is

my Drinking water.

Below is an article that shows beyond question that leaves no questions unanswered or in doubt that landfills no mater how many promises are made and systems are installed they do eventually leak. Science has proven that bleach type compounds in combination with other elements and the natural acidic layering that commonly develop after time common in waste systems will degrade the linings or even concrete, plastic or steel for that case most any metal barriers being proposed. It is way to risky being this close to a major drinking water source. This is primary argument one, however if it was a total recycling center where all incoming materials were separated and recycled and or composted and where say out of this facility a small daily amount of un-recyclable material was trucked to an appropriate location, this could be acceptable but this is not what the developers want to do, they want to bury the garbage for a few decades make tens of millions of dollars and move on and then leave the problem to someone else.

Now if this land fill does happen and it is forced down our throat depriving us of our water resource (that state researchers say will dwindle in the next 50 years) even for one day here in north county, which it appears it may be by the weight of voters from the south might occur, the voters from the south have to realize they will have to bare the true costs in perpetuity for our water. Therefore if the landfill is built all regional parties contributing refuse to this landfill must guarantee by documents willfully signed and legally acknowledged that they will provide us that replacement quality drinking water free in perpetuity from their allocations from whatever sources. I repeat, if one ounce is contaminated by say refuse from any jurisdiction then that jurisdiction must replace the entire water and its costs for our people, families and businesses ounce for ounce FREE. And all refuse should be traceable to be made that tacking capable. Otherwise this contamination potential would impose an undue burden upon our poor, disabled, seniors, low income, children, families and businesses. 043-1 cont'd

I implore you and beseech you do not let this monster be developed next to my communities drinking water come into existence. If it was a total recycling facility it would have been acceptable but it is not, it is a purposeful ticking landmine that will leak without question its just that some folks are blinded by dollar bills and wanting to shift their problems to someone else. Garbage dumps should be made a thing of our past, we know that all our waste-refuse is recyclable. So instead of having petrified hot dogs mixed with those leaking acids and organics contaminant waiting for the barriers to break with incoming rains like happened in San Marcos and a thousand other communities mandate that this facility can only come into existence if it is a total recycling facility with composting and sorting to transferring to full recycling vendors. Then the barriers would work as it would be temporary in and out and contained on premises. Otherwise you condemn future generation who will remember your names and list them with other felons and environmental criminals – do you want to be remembered as the next Exxon Valdez for your decision?

Thank You,

Jimmy Knott III

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed

contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said. 043-1 Cont'd

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

043-1 cont'd

Related links:

Regional Water Quality Control Board:

http://www.swrcb.ca.gov/rwqcb9/

--
GEORGE BARRANTE
For Oceanside City Council
Visit http://georgebarrante.com

LETTER NO. 043

George Barrante
infor@liteinc.com

RESPONSE 043-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Please refer to responses to Comment Letter No. 095 for the letter by Mr. Jimmy Knott III, which was included in its entirety in this email. In addition, please see responses to Comment Letter Nos. 011 and 012 for responses to letters provided by Board of Supervisor Pam Slater-Price of the San Diego County Board of Supervisors. 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). The issue regarding potential impacts to the San Luis Rey River is not included in the Revised Partial Draft EIR and was not overturned by the Court or included in its writ.

Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR contain detailed analyses with regard to the protection of water resources. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. This comment, which expresses opposition to the project, is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 044

-----Original Message-----
From: Maxim [mailto:max90034@yahoo.com]
Sent: Sunday, July 30, 2006 2:07 PM
To: LUEG, DEHComments
Cc: max90034@yahoo.com
Subject: vote against water tank route on Camino del Norte in 4S Ranch

Dear Sir or Madame,

We would like to rise our voice against planned water tank route between OMWD pump station on Maranatha Way to the North County landfill. The traffic situation on Camino del Norte is extremely bad already with traffic delays reaching 10-15 min near the entrance to I-15 during rush hours. The 4S Ranch area is rapidly expanding with 100s of new homes build every year. We can not imagine how desperate traffic situation will become with addition of large and slow tracks coming every few minutes in both directions on this route. 044-1

Road noise is another issue. Even now the houses around Camino del Norte experience the road noise exceeding the County's Noise Element limit. Again large and noisy tracks will tremendously increase the noise problem. 044-2

In sum, we do not believe that improving one area of the city (North County landfill) at the expense of living conditions of another areas (4S Ranch) is a right way to develop our beautiful city. 044-3

Sincerely Yours,

Maxim Bazhenov
Lyudmila Bazhenova

4S Ranch residents
ph: 858-613-1414

LETTER NO. 044

Maxim Bazhenov
max90034@yahoo.com

RESPONSE 044-1

Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR provides an updated and detailed traffic analysis for the project, including an analysis of traffic from the hauling of recycled water. Section 4.5.3.7 of the Revised Partial Draft EIR contains an analysis of the recycled water trips. Recycled water truck trips would not have a significant impact on 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 two percent of traffic volumes on I-15, project traffic would incrementally add to the existing and future failing conditions on I-15. Therefore, the project would result in a significant and unavoidable traffic impact on I-15 based upon both existing conditions and cumulative conditions.

RESPONSE 044-2

Section 4.6, Noise, of the Revised Partial Draft EIR provides an updated and detailed noise analysis, including a noise analysis with regard to trucking of recycled water. As indicated in Section 4.6.3.2 of the Revised Partial Draft EIR, based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit. The project's incremental noise increase on Camino del Sur and Camino del Norte would be a maximum of 0.1 dBA from project-generated trips. Project-generated traffic would extend the existing 60 dBA CNEL contour outward from four to six feet along the recycled water haul route. Future near-term cumulative traffic would extend the existing 60 dBA CNEL outward a maximum of 61 feet along the haul route. Because community noise environments are not immediate comparisons of noise levels, oftentimes a 3 dBA noise increase is considered as a significance threshold for human perception of noise increase. The incremental noise increase from recycled water trips falls well below that significance threshold. However, 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 impacts to residents along these roadway segments.

RESPONSE 044-3

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 045

From: shahuna@dslextreme.com
Sent: Wednesday, August 23, 2006 1:53 AM
To: info@liteinc.com
Cc: Jimmy Knott III; LUEG, DEHComments; carolnoceanside@cs.com; Coast News Ken Leighton; DOLORES SKOLIMOWSKA; George Barrante; George Mc Neil; IWC Burke Belknap; IWC Mick Healey; Kay and Dick Parker; Kathleen Sterling; Keith Battle; Koct Tom Reeser; La Salina Daniel Jones; La Salinaa Morris Dean; Larry Barry; Larry Sosna; Lawson Chadwick; Leon Page; Margeret Hernandez; Melba Bishop; 'Mary Azevedo'; deannie550 @sbcglobal.net; council@ci.oceanside.ca.us; Oside Barry Martin; Oside City Clerk Barbara Wayne; Oside Debi Pavan; Oside Ester Beatty; Osice Greg Blakely; Oside Judith Ludlow; Oside Lonnie Thibodeaux; Oside Mike McGrath; Oside Treasurer Rosemary Jones; Randy Horton; Richard Fox; Roy Youngblood; Seior Comm Chair Joe Barreras; Senior Commission Dick Olsen; Shelby Jacobs; Slr Luiseno Mel Vernon; Telecom Charles Paige; Telecom Joe Weiner; Tom Demsey; schurmeier@earthlink.net; Uc Cac Joe Hess; uc cac Maria Kwong; Uc Cac Michael Mellano; UC CAC Richard Miro; Uc Cac Staff Dennis Wood; Uc Cac Staff Howard Arnold; Uc Cac Staff Robb Grantham; Uc Cac Terence Cagan; uc cac Thomas David; UC Chuck Rady; reyoldjr@aol.com
Subject: Re: Gregory Canyon Landfill Comment due by Aug 24th

As indicated in the two letters here the Gregory Landfill is a disaster waiting to happen--a disaster principally to the City of Oceanside. Taking all this into account I fail to see how any responsible government body could approve this project.

Burke Belknap, Oceanside Integrated Waste Commission

info@liteinc.com
> Hi All,
> This is an issue that will effect us all. In addition to the obvious
> mistakes, the very location will assure contamination of San Luis river.
> Suggest we send letters against the approval. Pam Slater has an
> excellent comment letter. Her last two paragraphs are particularly
> effective. I am attaching it for your information. 045-1
>
> George Barrante
>
>
> Jimmy Knott III wrote:
>
>> *Folks,*
>>
>> *I object to any landfill being placed in the vicinity or proximity of
>> the San Luis Rey River as it is my Drinking water. *
>>
>> *Below is an article that shows beyond question that leaves no
>> questions unanswered or in doubt that landfills no mater how many
>> promises are made and systems are installed they do eventually leak.
>> Science has proven that bleach type compounds in combination with
>> other elements and the natural acidic layering that commonly develop
>> after time common in waste systems will degrade the linings or even
>> concrete, plastic or steel for that case most any metal barriers being

>> proposed. It is way to risky being this close to a major drinking
>> water source. This is primary argument one, however if it was a total
>> recycling center where all incoming materials were separated and
>> recycled and or composted and where say out of this facility a small
>> daily amount of un-recyclable material was trucked to an appropriate
>> location, this could be acceptable but this is not what the developers
>> want to do, they want to bury the garbage for a few decades make tens
>> of millions of dollars and move on and then leave the problem to
>> someone else. *
>>
>> *Now if this land fill does happen and it is forced down our throat
>> depriving us of our water resource (that state researchers say will
>> dwindle in the next 50 years) even for one day here in north county,
>> which it appears it may be by the weight of voters from the south
>> might occur, the voters from the south have to realize they will have
>> to bare the true costs in perpetuity for our water. Therefore if the
>> landfill is built all regional parties contributing refuse to this
>> landfill must guarantee by documents willfully signed and legally
>> acknowledged that they will provide us that replacement quality
>> drinking water free in perpetuity from their allocations from whatever
>> sources. I repeat, if one ounce is contaminated by say refuse from any
>> jurisdiction then that jurisdiction must replace the entire water and
>> its costs for our people, families and businesses ounce for ounce
>> FREE. And all refuse should be traceable to be made that tacking
>> capable. Otherwise this contamination potential would impose an undue
>> burden upon our poor, disabled, seniors, low income, children,
>> families and businesses. *
>>
>> *I implore you and beseech you do not let this monster be developed
>> next to my communities drinking water come into existence. If it was a
>> total recycling facility it would have been acceptable but it is not,
>> it is a purposeful ticking landmine that will leak without question
>> its just that some folks are blinded by dollar bills and wanting to
>> shift their problems to someone else. Garbage dumps should be made a
>> thing of our past, we know that all our waste-refuse is recyclable. So
>> instead of having petrified hot dogs mixed with those leaking acids
>> and organics contaminant waiting for the barriers to break with
>> incoming rains like happened in **San Marcos** and a thousand other
>> communities mandate that this facility can only come into existence if
>> it is a total recycling facility with composting and sorting to
>> transferring to full recycling vendors. Then the barriers would work
>> as it would be temporary in and out and contained on premises.
>> Otherwise you condemn future generation who will remember your names
>> and list them with other felons and environmental criminals - do you
>> want to be remembered as the next Exxon Valdez for your decision?*
>>
>> *Thank You,*
>>
>> *Jimmy Knott III *
>>
>> *Leakage at **San Marcos** park contaminated by landfill, board finds*
>>

045-1 cont'd

>> /By: NED RANDOLPH - Staff Writer/
>>
>> SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park
>> drainage ditch was indeed contaminated by the closed landfill beneath
>> the park, according to a letter received by the city Monday from the
>> Regional Water Quality Control Board.
>>
>> The letter, a copy of which was obtained by The North County Times,
>> orders the city to conduct further soil and water quality samples
>> around the soccer field where the discharge occurred.
>>
>> The Linda Vista Landfill was closed by the county in 1969, and lies
>> under a portion of Bradley Park owned by the city of San Marcos.
>>
>>
>>
>> To prevent rainwater and other irrigation from percolating into the
>> landfill, the city installed an underground drainage system of slotted
>> "burrito" pipes that absorb the water and direct it toward a drainage
>> ditch that runs into Bradley Creek.
>>
>> After two heavy rains in 2005 and 2006, rusty-colored water was
>> discovered in the ditch, prompting fears that the water was
>> contaminated.
>>
>> But in follow-up investigations, the city concluded there was no
>> relationship between the run-off and the landfill below.
>>
>> In the letter received Monday, however, the regional board's executive
>> officer John Robertus states: "The regional board does not agree with
>> the (city's) conclusion" that there is no relationship between the
>> discharge from the sub-drain pipe and the landfill.
>>
>> The letter says that materials discovered in the pipe are consistent
>> with "our conclusion that there has been a release of waste
>> (materials) from the municipal solid wastes located in the landfill."
>>
>> The city has until Sept. 30 to submit a revised work plan for a
>> complete investigation of the landfill site, including groundwater and
>> oil vapor samples from a monitoring network of soil vapor wells,
>> according to the letter.
>>
>> And by Dec. 18, the city must have a developed a "corrective action
>> plan" approved by the board that includes the removal or containment
>> of all identified solid wastes, the letter said.
>>
>> It wasn't clear why the regional board's data differed from the
>> city's. Calls to the board's geological engineer Amy Grove were not
>> returned on Monday.
>>
>> City Public Works Director, Mike Mercereau, said city officials will
>> review the new orders and schedule a meeting with the regional control

045-1
cont'd

>> board.
>>
>> "I think it would be best if we met with them to figure out what they
>> see is the connection between the soccer field, under-drain, and the
>> landfill," he said. "I don't see any connection myself, but it does
>> appear that they want an extensive survey of the old landfill to
>> determine impacts to groundwater and where the waste lies."
>>
>> He said the county would probably share responsibility with the city
>> since the county owns and monitors the landfill.
>>
>> "These are all things that the county is responsible for, so I'm sure
>> any ongoing discussions relative to this would include the county," he
>> said.
>>
>> "The water quality control board is asking the city apparently to
>> expand upon what the county is doing. We need to have some further
>> discussions with them to figure out why they're coming to the city and
>> not going to the county for this," he said.
>>
>> The county's Director of Landfill Management, Candace Gibson, said she
>> also received a copy of the letter on Monday and will have to meet
>> with the department's attorney, who is out all week.
>>
>> In the past, she has suggested that the issue of responsibility for
>> the landfill would require litigation.
>>
>> "I don't think a decision has been made," she said Monday. "We've been
>> in discussions with the city to negotiate an agreement with them over
>> responsibility for the site, and that hasn't been resolved. We'll have
>> to sit down and look at everything they're asking."
>>
>> The first leak at the park was observed by a county agent in late
>> 2004. In May 2005, the city was ordered to stop the seepage, which it
>> did by capping a drainage pipe. Heavy rains in March this year caused
>> the capped pipe to back up with water, which seeped through a joint
>> seal.
>>
>> The city was then ordered by the regional water board on April 17 to
>> investigate that leak and submit a work plan for removing the materials.
>>
>> On July 17, the city submitted its report, which argued that the
>> drainage water did not come from the closed dump but from the
>> sub-drainage system above it.
>>
>> The report found a single occurrence of benzene above water quality
>> standards. Mercereau proposed removing the contents, estimated to be
>> between 30 to 50 gallons, from the capped pipe.
>>
>> Neither Mercereau nor Gibson could say with certainty what data the
>> regional control board was using to dispute the city's conclusion.
>>

045-1 cont'd

>> "We'll certainly continue to work with the county and regional board
>> to address their concerns," Mercereau said. "It's a park now, and
>> we're in it for the long haul. We want to make sure that things are
>> the way they are supposed to be."
>>
>> -- Contact staff writer Ned Randolph at (760) 761-4411 or
>> nrandolph@nctimes.com <mailto:nrandolph@nctimes.com>.
>>
>> *Related links:*
>>
>> Regional Water Quality Control Board:
>>
>> http://www.swrcb.ca.gov/rwqcb9/
>>
>>
>>
>
> --
> GEORGE BARRANTE
> For Oceanside City Council
> Visit http://georgebarrante.com
>
>
>

045-1 cont'd

LETTER NO. 045

Burke Belknap
shahuna@dslextreme.com

RESPONSE 045-1

The comment includes two comment letters presented by others. Please see Comment Letter Nos. 043 and 095 for the letter as well as the associated responses.

Letter 047

From: louis bispo [louis_bispo@yahoo.com]
Sent: Wednesday, August 23, 2006 9:58 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

To the Department of Environmental Health:

Building a new landfill so near a water aquifer is downright foolish. There is a global water crisis brewing, and the last thing we want to do at this point is poison what few remaining drinkable water sources we possess. San Diego is a semiarid place, and will need every drop in the future. I understand that we need somewhere to put our garbage but for goodness sake find a better place, away from our future water supply. Thank you -- Louis Bispo. 047-1

LETTER NO. 047

Louis Bispo
louis_bispo@yahoo.com

RESPONSE 047-1

The comment is general in nature with regard to the location of the project. The comment focuses on water quality. 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 thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

Letter 048

-----Original Message-----
From: samantha bowman [mailto:samantha@bereem.com]
Sent: Monday, August 07, 2006 7:49 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Support

I am in full support of the new Gregory Canyon Landfill...

please see that it is built in a timely manner

s. samantha bowman
619-200-4224

619-437-4183 fax

048-1

LETTER NO. 048

S. Samantha Bowman
samantha@bereem.com

RESPONSE 048-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 049

From: Hbrazier@aol.com

Sent: Thursday, August 24, 2006 12:20 AM

To: LUEG, DEHComments

Subject: Comments on the Revised Partial Draft Environmental Impact Report-Gregory Canyon

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 RPEIR for the Proposed Gregory Canyon Landfill fails to demonstrate adequate provision for the water needed for the operation of the landfill. The one solution, trucking recycled water from the Olivenhain Municipal Water District's facility, creates additional problems wirh traffic, another area of concern the RPDEIR is required to address. The lack of a reliable local source of water is a serious flaw in planning. The interrubtibility of delivery (by accidents blocking roads, weather, or natural disaster) and the need for storage as a hedge against this possibility, will necessitate an increase in the cost of doing business, ultimately raising costs to the consumer. 049-1

The figures in two parts of the EIR listing the amount of water required per day do not agree. 205,000 gallons per day in one place and 244,000 in another. The difference results in an additional 17 trucks per day required. This demonstrates that traffic figures are not reliable, and that the traffic will be greater. How do we know that other traffic related projections are not also flawed? 049-2

The recent decisions regarding SR 76 mean that the current level of lack of service on that road will only get worse with the addition not only of trash trucks, and water trucks, but all the vehicles required to operate the landfill. This will result in increased danger of accidents on the already crowded and inadequate two lane road, and an even higher level of the choking fumes resulting from that traffic. Anyone who travels that road at all knows that often on curves larger trucks round them outside their own lanes; cars and their occupants are in jeopardy. The frequency of accidents continues to climb. Increasing the number of heavy vehicles will exacerbate that problem. 049-3

The amount of land to be put in permanent open space as required by Proposition C was 1,313 acres. I know a number of voters whose votes were influenced by this provision. The RPDEIR states that the land destroyed by the project, some 224 acres, will be replaced by 384.4 acres offsite.

There are two problems: 1. There is no clear statement that the 384.4 acres are in addition to the 1,313 acres voters were presented. That leaves the possibility of double counting...counting those 384.4 acres as both open space and mitigation land. That would appear to be contrary to the intent of the proposition, and possibly the law. 2. There is no requirement that the land used for mitigation be contiguous, as is the pristine coastal sage scrub and chaparral land to be destroyed. That failure will reduce the quality of the habitat and make encouraging and maintaining the endangered species more difficult, if possible at all. If the replacement land is chopped up, the result will probably indicate no meaningful mitigation, just a paper exercise. 049-4

I am concerned about this project for many reasons, including those listed above. I ask that you not certify this RPDEIR since it does not correct the problems in the corresponding sections of the original document. Thank you. 049-5

Sincerely yours,

Helene Brazier
8258 Via Urner Way
Bonsall, CA 92003

LETTER NO. 049

H Brazier
hbrazier@aol.com

RESPONSE 049-1

As indicated in the 2003 Draft EIR and the Revised Partial Draft EIR, the maximum water usage for the project would be 205,000 gallons per day at times when operation occurs simultaneously with periodic construction. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD to obtain up to 244,000 gallons of recycled water per day for a 60 year timeframe. Therefore, sufficient water is available to meet the maximum demand that would occur from the project. Please refer to Response to Comment No. 007-22 for additional information regarding the adequacy of this water source. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an analysis of the potential impacts that could occur from the transport of recycled water. As indicated in Chapter 3 of the Revised Partial Draft EIR, the project would provide water storage tanks on-site. A 20,000 gallon recycled water storage tank would be located adjacent to the ancillary facilities area. In addition, a 20,000 gallon water storage tank, which would contain water from the bedrock wells, would be located just north of the ancillary facilities area. Therefore, sufficient water would be available and delivery of the recycled water is not expected to be interrupted. The issue of cost is outside the scope of the EIR. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 049-2

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 hauled between the Reservoir Site and the landfill site.

RESPONSE 049-3

The 2006 Traffic Study contains an update of the accident analysis contained in the 2003 Draft EIR. The 2006 Traffic Study summarized accident information contained in the previous Traffic Study, which is contained in Appendix I of the 2003 Draft EIR. The information was updated in order to compare the previous conclusions with regard to accidents on SR 76 relative to the increase in volume on the roadway. As indicated in Section 4.5 of the Revised Partial Draft EIR, accident data compiled on SR 76 continues to show accidents are caused by driver behavior and not truck trips.

With regard to air quality, 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 analysis of air quality impacts. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 049-4

Please refer to Response to Comment No. 022-93 for a discussion of the ability to use habitat creation or habitat enhancement within the 1,313 acres of dedicated open space to mitigate impacts to biological resources. Please refer to Response to Comment No. 001-8 for a discussion of County criteria related to the selection of off-site mitigation lands.

RESPONSE 049-5

The comment expresses concern with regard to the project 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.

Letter 050

A Special Note —

Hazard Way? — Indeed!

To keep it short.
A very definite, absolute "No"
To the proposed landfill.

Sincerely
Nancy Breining.

050-1

LETTER NO. 050

Nancy Breining
none provided

RESPONSE 050-1

The comment expresses opposition 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 051

Mrs. Justine Broberg
9215 Fostoria Court
San Diego, CA 92127
(858) 735-4431

August 24, 2006

VIA FACSIMILE
DEH Local Enforcement Agency
Attention: Kerry McNeill
9325 Hazard Way
San Diego, California 92123-1217

Re: Olivenhain Municipal Water District (OMWD)\Gregory Landfill Project
Bel Etage Homeowners

Dear Ms. McNeill:

The below information contains my position on the above referenced matter.

Summary

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site off State Route 76. 051-1

Objection

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site. 051-2

As residents living along "the roadways that serve the project", we object to this project for several reasons. 051-3

1) The new Traffic and Noise studies did not address the fact that the portion of Camino Del Norte/Camino Del Sur from Rancho Bernardo Road to Maranatha Way is a 2 lane, rural country road. 051-3 cont'd

2) A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan filed with the county and never disclosed to Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino Del Norte/Camino Del Sur. 051-4

3) The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue. 051-5

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1. As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino Del Norte/Camino Del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected. 051-6

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be *significant and unavoidable*."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte/Camino Del Sur.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the

project including the recycled haul route and would thus result in a cumulative traffic noise impact." 051-6 cont'd

7. The report states that OMWD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby. 051-7

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period. 051-8

Thank you for your consideration in this matter. Please add me to the mailing list for any future hearings or meetings concerning this matter. I will continue to fight this unreasonable and inconsiderate business arrangement between Gregory Canyon and OMWD. You should know that the Camino Del Norte/Camino Del Sur portion of the road that these trucks will be accessing is already breaking down because of overuse by local traffic, including the traffic caused by the Black Mountain Ranch development which uses this road instead of the access point to the Highway 56. 051-9

Justine Broberg/Homeowner

LETTER NO. 051

Justine Broberg
9215 Fostoria Court
San Diego, CA 92127

RESPONSE 051-1

The comment summarizes information regarding the project 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 051-2

The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. Please refer to Response to Comment No. 007-22 for a discussion of the adequacy of this water source. As a source of water has been identified, it is not necessary to identify and analyze other possible water supply options.

RESPONSE 051-3

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. At the time of the preparation of the analysis, as indicated in the 2006 Traffic Study, Camino del Sur and Camino del Norte were under construction to build these roadways to their ultimate classifications. Camino del Sur was being constructed to 4-lane major standards and Camino del Norte was being improved to six-lane prime arterial standards. 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 051-4

The Reservoir Site is located in the Santa Fe Valley Specific Plan area. The Santa Fe Valley Specific Plan, which was prepared by the County in December 1995 and amended in April 2003, provides the long range vision for the area and the land use pattern and intensity of development. 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. Please see Response to Comment No. 030-2 for a detailed discussion regarding potential impacts from the recycled water trucks relative to the quality of life.

RESPONSE 051-5

The Revised Partial Draft EIR contains a detailed analysis of potential impacts from construction of the improvements at the Reservoir Site as well as the recycled water trucks on the Maranatha School. Section 4.5 contains an analysis of traffic and safety impacts. Section 4.6 contains a detailed noise analysis. Section 4.15 contains a summary of the potential air quality and health risk impacts. As indicated in the Revised Partial Draft EIR, the construction of the improvements as well as the transport of recycled water from the Reservoir Site to the landfill site would not result in impacts to the Maranatha School. A comment letter was submitted on behalf of Maranatha Chapel. Please see Comment Letter No. 038 and the associated responses which address the issues raised on behalf of the Maranatha Chapel. Maranatha Chapel is not a party to the lawsuit challenging the OMWD water supply agreement.

RESPONSE 051-6

The majority of the comment summarizes the conclusions reached in the Revised Partial Draft EIR. With regard to the segment of Camino del Norte/Camino del Sur between Rancho Bernardo Road to Maranatha Drive, existing average daily traffic volumes were not available for use in the noise analysis. The future volumes in this segment were equal to or less than the volumes in the segments analyzed. Therefore, the conclusion for the segment is the same as for the segments presented in the tables in the Revised Partial Draft EIR. As indicated in the Revised Partial Draft EIR, the project would result in 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 Camino del Norte/Camino del Sur, including residences in the segment between Rancho Bernardo Road to Maranatha Drive.

RESPONSE 051-7

The recycled water truck route and the limitations on the use of Maranatha Drive are project design features. The project design features will be incorporated into the Solid Waste Facility Permit (SWFP). As such, the County Department of Environmental Health (DEH) will be responsible for enforcement of the conditions.

RESPONSE 051-8

The comments raised in this comment letter have been addressed. Please see Response to Comment Nos. 051-1 through 051-7. The 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 051-9

The comment expresses opposition to a portion of the project, the transport of recycled water from the Reservoir Site to the landfill site. People that have commented on the Revised Partial Draft EIR will be added to the DEH mailing list for future hearings or meetings concerning the project. The portion of the comment regarding breaking down is not clear. As indicated previously, Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the use of the roadway. With regard to structural integrity, the roadway has been designed to accommodate all types of vehicles.

Letter 051.1

From: Justine Broberg [justinebroberg@yahoo.com]
Sent: Thursday, August 24, 2006 9:00 AM
To: LUEG, DEHComments
Subject: Objection to OMWD/Gregory Canyon Water Agreement

Dear Ms. McNeill:
Below are my objections to the OMWD/Gregory Canyon Water Agreement. We spoke on the phone last week and I want you to know how much I appreciate your kindness and consideration during our conversation.

Summary

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site off State Route 76.

Objection

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.

As residents living along "the roadways that serve the project", we object to this project for several reasons.

1) The new Traffic and Noise studies did not address the fact that the portion of Camino Del Norte/Camino Del Sur from Rancho Bernardo Road to Maranatha Way is a 2 lane, rural country road. 051.1-1

2) A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan filed with the county and never disclosed to Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte/Camino Del Sur.

3) The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1. As stated in the RPDEIR, p. 20, "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."
2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino Del Norte/Camino Del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.
3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.
4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be *significant and unavoidable*."
5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho

Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte/Camino Del Sur.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMWD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

051.1-1 Cont'd

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Thank you for your consideration in this matter. Please add me to the mailing list for any future hearings or meetings concerning this matter. I will continue to fight this unreasonable and inconsiderate business arrangement between Gregory Canyon and OMWD. You should know that the Camino Del Norte/Camino Del Sur portion of the road that these trucks will be accessing is already breaking down because of overuse by local traffic, including the traffic caused by the Black Mountain Ranch development which uses this road instead of the access point to the Highway 56.

Justine Broberg/Homeowner
9215 Fostoria Court, San Diego, CA 92127 Cell Phone: (858) 735-4431

Justine Broberg

9/21/2006

LETTER NO. 051.1

Justine Broberg
justinebroberg@yahoo.com

RESPONSE 051.1-1

The letter is the same as Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9 for detailed responses.

Letter 052

From: Kathryn Burton [kburton@san.rr.com]
Sent: Monday, August 21, 2006 9:14 PM
To: LUEG, DEHComments
Subject: No Landfill at Gregory Canyon

A landfill does not belong at Gregory Canyon, an ecologically sensitive area with cultural and historical significance.

San Diego does not need this landfill to handle its refuse. Gregory Canyon is a private landfill that will accept trash from other cities. This is unacceptable. Their refuse can be deposited at El Sobranted Landfill and preserve the area of Gregory Canyon.

Refuse to site a landfill at Gregory Canyon.

Thank you.

052-1

Kathryn Burton
4106 Via Mar de Delfinas
SD CA 92130
--
Kathryn Burton

Tel. (858) 755-2128

LETTER NO. 052

Kathryn Burton
kburon@san.rr.com

RESPONSE 052-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to biological resources, Section 4.9 of the 2003 Draft EIR and Revised Partial Draft EIR contain a detailed analysis of direct and indirect impacts to biological resources. With the incorporation of mitigation measures, the project would result in a less than significant impact with regard to biological resources. With regard to cultural resources, Section 4.11, Archaeological Resources, and 4.12, Ethnohistory and Native American Interests of the 2003 Draft EIR, addresses potential impacts to cultural resources. The analysis concludes that with the incorporation of mitigation measures, the project would not result in significant impacts to archaeological resources, but would have significant and unavoidable impacts to historical, cultural and ethnohistorical resources in the event that Gregory Mountain was listed in the National Register of Historic Places. However, the 2003 Draft EIR concludes that the project would have significant unmitigable impacts to Ethnohistory and Native American resources.

Letter 053

From: cahillbilly@gmail.com
Sent: Thursday, August 24, 2006 7:29 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Dump

To Whom It May Concern:

From the various sources of news I have read concerning the Gregory Canyon Dump it seems that once again, that big business is getting their way. It makes NO SENSE what so ever to place a dump so very close to a water source. I ask you to please say NO to this travesty and give us all (especially nature) a break. As it has been demonstrated time and time again, all that big business has an interest in is THEIR bottom line. It's time for us all to care enough to stop the pillage. 053-1

Respectfully,
Vicki Caldwell
Fallbrook, CA

LETTER NO. 053

Vicki Caldwall
cahillbilly@gmail.com

RESPONSE 053-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The potential impacts of the project relative to water quality is not a section that was included in the Revised Partial Draft EIR. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please refer to Response to Comment No. 035-6 for additional discussion regarding the performance of modern liner systems.

Letter 054

From: Raptis, Pam [Pam.Raptis@sdcounty.ca.gov] on behalf of LUEG, DEHComments [DEHComments@sdcounty.ca.gov]
Sent: Friday, July 21, 2006 12:55 PM
To: Luci Hise
Cc: McNeill, Kerry
Subject: FW: Gregory Canyon Landfill

-----Original Message-----
From: Kathleen Camp [mailto:kathleen@benji.com]
Sent: Friday, July 21, 2006 10:10 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

Dear County Representatives,

My family moved to the lovely Valley Center-Pauma area four years ago. We moved so that our children could grow up in a more natural environment that the fast pace of the city. Part of what drew us to this area is the beautiful countryside. Taking part of that countryside for a landfill is outrageous. There is very little undisturbed land in all o Southern California. While it is understandable that the trash has to go somewhere, why would it not be more prudent to locate the toxic ooze in an area which does not have the beauty of Pauma Valley.

Furthermore, to locate a dump so close to the San Luis Rey watershed seems very poorly planned. Certainly your experts have been paid to say that it's all safe but look at the nightmares which continue to happen along the beaches which are regularly contaminated. With the proximity to the ocean along with the recent disturbing statistics about the millions of Californian's being made ill by polluted beach water, please be responsible and locate this dump in a more logical location. 054-1

The health and wellbeing of not only the people who live in the proposed area of the dump but also of those who will be impacted by the toxins which will be carried to the ocean must be of paramount concern.

Preserving a pristine area of country which is rare should also be a strong motivator to locate this dump elsewhere.

The negative environmental impact will ipso facto lead to a negative economic impact whicl cannot be undone. With property values stabilizing in San Diego, the last thing homeowners (and taxpayers) need is a dump to further devalue their investments.

For the foregoing, we entreat the decision makers to locate this dump elsewhere. Sincerely, Kathleen & Joe Camp 29067 Aerie Road, Valley Center,
Ca. 92082 749-8410

LETTER NO. 054

Kathleen and Joe Camp
kathleen@benji.com

RESPONSE 054-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to water quality, Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR provide a detailed analysis of the potential impacts to groundwater and surface water, respectively. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. Please refer to Response to Comment No. 035-6 for additional discussion.

Letter 054.1

From: Kathleen Camp [kathleen@benji.com]

Sent: Thursday, August 24, 2006 1:38 PM

To: LUEG, DEHComments; Graham, David

Cc: lael@s067mail2.co.san-diego.ca.us; Joe Camp; Sandy_Smith@casb.uscourts.gov; Scott Bergquist; Ellie Newcomb; Morgan Rogers

Subject: Gregory Canyon Landfill Project LOG No. 98-02-025

Dear County Officials,

Please consider this correspondence to be staunch support for the re-location of the proposed Gregory Canyon landfill. You have undoubtedly received a plethora of correspondence outlining the major problems with this short sighted proposed landfill and I will not bother to reiterate them herein.

If the people for whom livelihoods are made from my tax dollars can step back and think beyond their own political agendas for a moment, I would expect logic and reason to prevail. The proposed location of this project defies common sense and exposes the people in North County to serious health risks, not exclusively from the garbage being dumped. The impact on traffic, on roads that are already failing, on roads that are already death traps causes me to shudder. Responsibility for our safety should be your top priority. If it's not, please let me know so that I can get somebody else to do the job correctly. As Kenny Rogers sings: "maybe that somebody's me."

Kathleen Camp, Esq.

054.1-1

LETTER NO. 054.1

Kathleen Camp
kathleen@benji.com

RESPONSE 054.1-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to health risk, 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 analysis of the potential health risks that could occur from the landfill. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Although the project is not required to mitigate the project's minimal impact to SR 76 west of I-15 based upon the County's significance criteria, the project incrementally adds 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 SR 76 and 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. 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.

Letter 055

From: Wallace Carlson [carlson-bud@sbcglobal.net]
Sent: Friday, August 11, 2006 5:42 PM
To: LUEG, DEHComments
Cc: Wallace Carlson
Subject: Gregory Canyon Landfill

I am opposed to the Gregory Canyon Landfill. I do not think a liner can be made that will not leak in time. Oceanside will be here for a lot longer than 20 to 50 years. I cannot quote details and statistics to back up my reasoning, but I am 74 years old and common sense says not to build a dump next to the river. 055-1

Wallace Carlson
276 N. El Camino Real
Space 243
Oceanside, CA 92054

LETTER NO. 055

Wallace Carlson
carlson-bud@sbcglobal.net

RESPONSE 055-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The issue of the proposed landfill liner was thoroughly analyzed in the 2003 Draft EIR. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. Please refer to Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems.

Letter 056

From: Anthony Carr [crarsf@cox.net]

Sent: Monday, August 14, 2006 9:06 AM

To: LUEG, DEHComments

Subject: gregory canyon support

Dear Sirs,

As a resident of San Diego County, I would like to state my complete support for the Gregory Canyon Landfill project. Time is of the essence. This site has been approved by the voters of San Diego County after a thorough review by knowledgeable and responsible authorities. 056-1

Jamie and Tony Carr

LETTER NO. 056

Anthony Carr
craresf@cox.net

RESPONSE 056-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 057

From: Lawson Chadwick [llchad@cox.net]

Sent: Tuesday, August 22, 2006 12:24 PM

To: Jimmy Knott III; LUEG, DEHComments

Cc: Carolnoceanside@cs.com; Coast News Ken Leighton; DOLORES SKOLIMOWSKA; George Barrante; George Mc Neil; IWC Burke Belknap; IWC Mick Healey; Kay and Dick Parker; Kathleen Sterling; Keith Battle; Koct Tom Reeser; La Salina Daniel Jones; La Salinaa Morris Dean; Larry Barry; Larry Sosna; Leon Page; Margeret Hernandez; Melba Bishop; 'Mary Azevedo'; deannie550@sbcglobal.net; council@ci.oceanside.ca.us; Oside Barry Martin; Oside City Clerk Barbara Wayne; Oside Debi Pavan; Oside Ester Beatty; Osice Greg Blakely; Oside Judith Ludlow; Oside Lonnie Thibodeaux; Oside Mike McGrath; Oside Treasurer Rosemary Jones; Randy Horton; Richard Fox; Roy Youngblood; Seior Comm Chair Joe Barreras; Senior Commission Dick Olsen; Shelby Jacobs; Slr Luiseno Mel Vernon; Telecom Charles Paige; Telecom Joe Weiner; Tom Demsey; schurmeier@earthlink.net; Uc Cac Joe Hess; uc cac Maria Kwong; Uc Cac Michael Mellano; UC CAC Richard Miro; Uc Cac Staff Dennis Wood; Uc Cac Staff Howard Arnold; Uc Cac Staff Robb Grantham; Uc Cac Terence Cagan; uc cac Thomas David; UC Chuck Rady; reyoldjr@aol.com

Subject: Re: Gregory Canyon Landfill Comment due by Aug 24th

Importance: High

Hi Jimmy!~Goooooood letter!.....Lawson

----- Original Message -----
From: Jimmy Knott III
To: dehcomments@sdcounty.ca.gov
Cc: Carolnoceanside@cs.com ; Coast News Ken Leighton ; DOLORES SKOLIMOWSKA ; George Barrante ; George Mc Neil ; IWC Burke Belknap ; IWC Mick Healey ; Kay and Dick Parker ; Kathleen Sterling ; Keith Battle ; Koct Tom Reeser ; La Salina Daniel Jones ; La Salinaa Morris Dean ; Larry Barry ; Larry Sosna ; Lawson Chadwick ; Leon Page ; Margeret Hernandez ; Melba Bishop ; 'Mary Azevedo' ; deannie550@sbcglobal.net ; council@ci.oceanside.ca.us ; Oside Barry Martin ; Oside City Clerk Barbara Wayne ; Oside Debi Pavan ; Oside Ester Beatty ; Osice Greg Blakely ; Oside Judith Ludlow ; Oside Lonnie Thibodeaux ; Oside Mike McGrath ; Oside Treasurer Rosemary Jones ; Randy Horton ; Richard Fox ; Roy Youngblood ; Seior Comm Chair Joe Barreras ; Senior Commission Dick Olsen ; Shelby Jacobs ; Slr Luiseno Mel Vernon ; Telecom Charles Paige ; Telecom Joe Weiner ; Tom Demsey ; schurmeier@earthlink.net ; Uc Cac Joe Hess ; uc cac Maria Kwong ; Uc Cac Michael Mellano ; UC CAC Richard Miro ; Uc Cac Staff Dennis Wood ; Uc Cac Staff Howard Arnold ; Uc Cac Staff Robb Grantham ; Uc Cac Terence Cagan ; uc cac Thomas David ; UC Chuck Rady ; reyoldjr@aol.com
Sent: Tuesday, August 22, 2006 11:20 AM
Subject: Gregory Canyon Landfill Comment due by Aug 24th

Folks,

I object to any landfill being placed in the vicinity or proximity of the San Luis Rey River as it is my Drinking water.

Below is an article that shows beyond question that leaves no questions unanswered or in doubt that landfills no mater how many promises are made and systems are installed they do eventually leak. Science has proven that bleach type compounds in combination with other elements and the natural acidic layering that commonly develop after time common in waste systems will degrade the linings or even concrete, plastic or steel for that case most any metal barriers being proposed. It is way to risky being this close to a major drinking water source. This is primary argument one, however if it was a total recycling center where all 057-1

incoming materials were separated and recycled and or composted and where say out of this facility a small daily amount of un-recyclable material was trucked to an appropriate location, this could be acceptable but this is not what the developers want to do, they want to bury the garbage for a few decades make tens of millions of dollars and move on and then leave the problem to someone else.

Now if this land fill does happen and it is forced down our throat depriving us of our water resource (that state researchers say will dwindle in the next 50 years) even for one day here in north county, which it appears it may be by the weight of voters from the south might occur, the voters from the south have to realize they will have to bare the true costs in perpetuity for our water. Therefore if the landfill is built all regional parties contributing refuse to this landfill must guarantee by documents willfully signed and legally acknowledged that they will provide us that replacement quality drinking water free in perpetuity from their allocations from whatever sources. I repeat, if one ounce is contaminated by say refuse from any jurisdiction then that jurisdiction must replace the entire water and its costs for our people, families and businesses ounce for ounce FREE. And all refuse should be traceable to be made that tacking capable. Otherwise this contamination potential would impose an undue burden upon our poor, disabled, seniors, low income, children, families and businesses.

I implore you and beseech you do not let this monster be developed next to my communities drinking water come into existence. If it was a total recycling facility it would have been acceptable but it is not, it is a purposeful ticking landmine that will leak without question its just that some folks are blinded by dollar bills and wanting to shift their problems to someone else. Garbage dumps should be made a thing of our past, we know that all our waste-refuse is recyclable. So instead of having petrified hot dogs mixed with those leaking acids and organics contaminant waiting for the barriers to break with incoming rains like happened in San Marcos and a thousand other communities mandate that this facility can only come into existence if it is a total recycling facility with composting and sorting to transferring to full recycling vendors. Then the barriers would work as it would be temporary in and out and contained on premises. Otherwise you condemn future generation who will remember your names and list them with other felons and environmental criminals – do you want to be remembered as the next Exxon Valdez for your decision?

057-1 cont'd

Thank You,

Jimmy Knott III

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground

drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

057-1 cont'd

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

057-1 cont'd

Related links:

Regional Water Quality Control Board:

http://www.swrcb.ca.gov/rwqcb9/

LETTER NO. 057

Lawson Chadwick
llcahd@cox.net

RESPONSE 057-1

The comment incorporates in full a comment letter presented by another person. Please see Comment Letter No. 095 for the letter as well as the associated responses.

Letter 058

From: Lucy Chard [lucyc@san.rr.com]

Sent: Wednesday, August 23, 2006 8:59 PM

To: LUEG, DEHComments

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.
The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection
We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.
As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

058-1

Points of Objection:
These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report

states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

058-1 Cont'd

Sincerely,

Lucy Chard

LETTER NO. 058

Lucy Chard
lucyc@san.rr.com

RESPONSE 058-1

The comment expresses opposition to the project with regard to the off-site water supply. This letter is similar to Comment Letter No. 051 and does not raise any issues beyond those raised in Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9.

Letter 059

From: John Choisser [jchoisser@san.rr.com]

Sent: Wednesday, August 16, 2006 2:03 PM

To: LUEG, DEHComments

Cc: Sandy Desser

Subject: Gregory Canyon Water Trucks

I have become aware that water may be hauled from west of Rancho Bernardo all the way up north to the Gregory Canyon landfill, because the landfill does not have its own water. If it is true that ten trucks per hour are going to be needed, which probably means ten full going one way and ten empty going the other way through our neighborhood, I object very strenously. 059-1

If the landfill had been voted on with this knowledge, a great many people would have voted differently, after realizing that neighborhood streets were going to be affected in addition to the freeways and highways.

If the landfill doesn't have the necessary water, perhaps it shouldn't be built. Tankers roaring through our neighborhood every three to six minutes can't be tolerated; the residents won't be able to stand it, the roads aren't built to take it, and the noise, pollution, and safety issues are numerous. 059-2

Please let me know what can be done. I also encourage you to make these facts known more widely throughout the affected areas. 059-3

Thank you,

John Choisser
17005 Castello Circle
San Diego, CA 92127
858-759-2665 fax
858-414-1007 cell

LETTER NO. 059

John Choisser
17005 Castello Circle
San Diego, CA 92127

RESPONSE 059-1

The comment expresses opposition to the transport of recycled water. Section 4.5 of the Revised Partial Draft EIR contains a detailed analysis of the potential traffic impacts from the recycled water trucks. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 059-2

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD to obtain recycled water for use at the landfill site. Section 4.5 contains a detailed traffic and safety analysis. With regard to the structural integrity of the roadway, 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. Section 4.6 contains a noise analysis. Section 4.15 and Appendix D contain an air quality and health risk assessment of the use of recycled water trucks.

RESPONSE 059-3

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 060

From: Tim Clifton [mailto:tcclifton2000@yahoo.com]
Sent: Thursday, August 10, 2006 8:25 AM
To: LUEG, DEHComments
Cc: tcclifton2000@yahoo.com
Subject: Water Trucks in 4S Ranch

I read with great concern the neighborhood impact of water trucks along Dove Canyon and 4S Ranch parkway. I live right off Dove Canyon. I wish the county should reconsider alternative routes to minimize the negative impact to the community in which I live in, not to mention the excessive congestion that will occur with the commerical places at Dove Canyon/Camino Del Norte and the soon to open major shopping areas between Camino del Norte and Rancho Bernardo Road on Dove Canyon. Please rethink this plan given the signficant changes and growth in our community. Thank you, Tim Clifton 4S Ranch Resident 060-1

LETTER NO. 060

Tim Clifton
tcclifton200@yahoo.com

RESPONSE 060-1

The comment expresses concern with the proposed recycled water truck route. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water trucks, including the portion of the route intersecting Dove Canyon and 4S Ranch Parkway. The route of recycled water trucks was chosen to minimize traffic impacts by utilizing road segments that are anticipated to operate at an acceptable level of service whenever possible. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 061

From: Catherine Coletta [catherinecoletta@yahoo.com]
Sent: Wednesday, August 16, 2006 7:29 PM
To: LUEG, DEHComments
Subject: A resident requesting to reconsider the water truck path.

To all concerned...
Hello,
This article was forwarded to me and to my shock I read that our community is going to have to make way for more Trucks taking over our thoroughfare in RB / 4S Ranch. We have had to put up with Black Mountain Ranch construction trucks ripping down Camino Del Norte, and now this?! Has anyone given a second thought to what the whole picture looks like for North County Inland? Not only do we... (that live how far from the 56?)... have to travel east on Camino Del Norte to go west, now this? (Yes, I know ways to go through Santa Luz, but it is not exactly inviting with the signs and the single lane road). 061-1

I am very concerned and wish that this issue would presented to the people that live here for a decision as to if they want to tolerate this ridiculous notion of trucks trampling through our community all day!

I hope this will help in making a better decision for our community.

Sincerely,

Catherine Coletta

LETTER NO. 061

Catherine Colletta
catherinecoletta@yahoo.com

RESPONSE 061-1

The comment expresses concern with the proposed recycled water truck route. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water trucks. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 062

From: Roxanne Conolly [roxc@cox.net]
Sent: Tuesday, August 22, 2006 3:34 PM
To: LUEG, DEHComments
Subject: Gregory Canyon

I wish to adamantly oppose the private development of this site. We have enough of our own trash.] 062-1

Roxanne Conolly, MA/MFT
Clinical Director
ACI, A Specialty Benefits Corporation
EAP, Wellness & Affinity Life Management Solutions
5414 Oberlin Drive, Suite 240
San Diego, CA 92121
Phone: (800) 932-0034 Fax: (858) 452-7819
rconolly@acieap.com
www.acieap.com

The information in this e-mail and in any attachments is confidential, privileged, and the property of ACI Enterprises, Inc. If you received this message in error, please destroy this message, delete any copies and attachments stored on your systems and notify the sender immediately. Any further distribution or copying of this message is strictly prohibited (061802).

LETTER NO. 062

Roxanne Conolly
roxc@cox.net

RESPONSE 062-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 063

August 24, 2006

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

RE: Revised Partial Draft Environmental Impact Report: Gregory Canyon Landfill

Mr. Erbeck:
Superior Court Judge Michael Anello has declared the discussion of a water supply for the proposed project – and resulting impacts - inadequate. Examination of the revised information presented by the County Department of Environmental Health (DEH) demonstrates a continued failure to inform the public, examine alternatives, or present complete and unbiased information on the potential impacts of the Gregory Canyon Landfill water supply.

The scope of the revised water supply report is diminutive, lacking in creativity and prone to self-serving conclusions. Together, these factors act to deprive the public of important project knowledge and reflect poorly on the credibility of the review process and Lead Agency. This disregard of the requirement for a comprehensive analysis of the water supply is disappointing and alarming; especially in light of Judge Anello's finding of inadequacy and resulting court order decertifying the initial final EIR. To this point, there is a question of whether the Lead Agency is taking seriously the responsibility entrusted to it by the state of California and required by Judge Anello. I ask that you personally review and fact-check this document for the benefit of the public. While mindful of the "draft" status, the contents persist in representing the views of the DPLU/DEH and project proponents. There is no inclusion of, or even reference to, the viewpoints already expressed in the public comments for the now-decertified FDEIR. CEQA requires meaningful public representation and expression. The DEH's failure to represent or address decade-old questions concerning public safety and safety of the water supply are inexplicable

063-1

My intention is to outline in broad terms the major omissions, conflicts and shortcomings of the Revised Partial Draft addressing water supply in an attempt to initiate a dynamic CEQA process that yields valid conclusions. The project advocacy and one-opinion views encountered in this RPDEIR are not beneficial to the publics' understanding of potential project impacts. The underlying goal is to remedy any obstacles to the public health and safety.

Project use of potable water and potential impacts to potable water supplies:

The following statements (bold) are taken from the Gregory Canyon RPDEIR:

Page 144 **"To further develop recycled water, the Legislature declared that the use of potable water for non-potable uses constitutes a waste and an unreasonable use of water thereby mandating use of recycled water for these uses. (Water Code §13550)."**

The RPDEIR clearly states that Gregory Canyon has no intention of avoiding the use of potable water. In fact potable water, derived from ground water extraction, is the basic water supply proposed for the project in the RPDEIR. Potable water is to be augmented with recycled water from Olivenhain. The Pala Basin Hydrologic unit, the historic source of drinking water for the San Luis Rey area, as well as the City of Oceanside, is the drinking water reservoir cited for project use. There are numerous RPDEIR legal citations and attempts to establish entitlement to potable groundwater for project use. Dust control, irrigation, liner installation, and on-going construction are some of many uses mentioned – all for which potable water has been specifically excluded by the California state legislature. Yet, the stated intent to utilize groundwater (and by definition of existing uses, POTABLE water, as in present and historic drinking water supplies) is repeatedly suggested. Consider:

063-2

Page145 **" The project site includes a number of bedrock wells located outside the Pala Basin aquifer that generate groundwater from percolation. Accordingly, water derived from this percolating groundwater may be utilized anywhere on the project site without issuance of a permit."**
Which is followed by:

Page 145 **"Under a worst-case scenario, all of the project's water needs would be provided through recycled water purchased from Olivenhain."**

Closing with:
Page 150 **"Bedrock wells located on the project site have the ability to provide a safe yield volume of approximately 38,880 gallons per day of water for project construction and operation."**

This unexplained "worst-case" scenario is preclusive and not expanded to involve the publics' reasoning or participation, but certainly indicates that ground water; despite repeated claims of wrongful use, is now viewed as the project's first choice; not a mere contingency. Advised or not, this message establishes the project's primary intent for water usage: To utilize potable groundwater for dust control of roads, grading and on-going construction through the life of the landfill. In essence, if well failure, or legal restrictions preclude the use of potable groundwater at that point the project will consider recycled water…With recycled water used for up to 100% of the proposal's operational requirements.

These contradictory positions, held simultaneously by the same development entity are typical of "Paper Water" supplies: Water supplies that exist on paper only, envisioned supplies that do not meet the criteria of an RPDEIR - or the public's consideration. Such agendas are speculative at best. These semantics exercises fail the test of fact Mr. Erbeck; water supplies are not a shell game. The public needs to know what the plan consists of. The public - and Judge Anello – must know the specifics of the water supply plan. Lacking specific information, the water supply issue is reduced to mere speculation on the part of the County of San Diego. As it is now stated, the water supply is in non-compliance with CEQA, which requires specificity for the benefit of environmental document reviewers and decision-makers. 063-2 Cont'd

A foremost concern of the RPDEIR are blanket statements that lack numerical certainty, any hint of County oversight; and by extension, control of the project. RPDEIRS are not intended for use as blank checks originated by the applicant and endorsed by the DEH. The role of DEH must be that of critical analysis and resulting protection for the citizens it serves. Acceptance, without verification, oversight or second professional opinions, is tantamount to abdication of DEH's responsibilities. For instance:

Page 150 **"Bedrock wells located on the project site have the ability to provide a safe yield volume of approximately 38,880 gallons per day of water for project construction and operation."**

This is an elusive statement that makes no promises or guarantees of maintaining this continuous water mining operation at the 38,880-gpd threshold. 063-3

- What is "safe", and by who's criteria?
- What quantity of groundwater extraction is considered "unsafe" – and by what standard?
- What are the limits of "safe" groundwater mining for this landfill?
- Where are the County controls?
- What are the penalties and remediation required to cure violations – and through what process and agency?
- How does the proposal's anticipated use of 38,880 gpd of potable water compare with a "real world" landfill operation?
- Where is the analysis of nearby wells and downstream well users that could be adversely impacted by that amount of daily extraction?

Project wells are not inventoried by number or capacity, or more importantly, restricted in number or water yield by this statement. Effectively, in the absence of a proper flow rate or underestimated demand, additional pumping durations, along with additional wells drilled could conceivably be employed to adapt to changes in circumstances related to operation of the Land Fill plan. <u>The effects of such production may have immediate results in both decreased quantities and quality of potable groundwater available to all other users of the Pala Basin. The publics' right to know this essential information, as well as their rights to drinking water, is critical and significant. These significant and critical effects have not been evaluated or explained to the public in this RPDEIR.</u> 063-4

Citizens' concerns would center on the use of their potable water drinking supply as a high volume dust suppressant medium. In fact, any use of potable water affecting the beneficial use of drinking water enjoyed by the City of Oceanside, as well as neighboring communities would be of widespread and significant interest to the public. At this juncture in the process it is simply not known if the estimates for water use are sufficient, the grading plans adequate or the geological features compatible with the grading plans. As an example, blasting may be required in far greater quantities than envisioned – a very common miscalculation in initial grading in San Diego County. Vast amounts of toxic silica dust are generated by modern high explosives, along with concomitant requirements for additional dust controlling water. The vast scale and duration of the proposed project require highly accurate analytical studies that are carried out independent of the project proponents. The responsibility for accurate information being relayed to the public cannot be overstated. The RPDEIR - in its present format - fails to accurately quantify or explore the impact to the Publics' continued beneficial use of groundwater in the Pala Basin by the proposed project. This potential for significant adverse impact is ignored in the RPDEIR and must be addressed.

The publics' right to know this essential information, as well as their rights to CONTINUED drinking water SUPPLY, ARE critical and significant. These significant and critical effects have not been evaluated or explained to the public in this RPDEIR as required by CEQA and reinforced by Judge Anello's court decision.

063-5

The inability of the County of San Diego to ameliorate, control or halt groundwater extractions is legendary. The County's documented history of failures to remedy groundwater issues should call into question the very standing of the County DEH's involvement in Gregory Canyon groundwater issues. At typical (and topical) example of the County's profound failures in groundwater control in the Old Barona Road community is attached from the August 20, 2006 Union Tribune feature. The fact that San Diego County has repeatedly demonstrated it is inept, unwilling or unable to represent the citizens of San Diego County in any meaningful control of groundwater use is in itself a significant issue for examination in the RPDEIR. San Diego County does not have a groundwater management plan in effect – or on the horizon - nor is there a regional integrated water management plan. Dry wells, contaminated aquifers, community-wide overdrafts of the groundwater…All of these events are commonplace and notorious, as is the impotence of the County in providing relief to home and property owners.

063-6

Consider Mr. Erbeck how the outcome of the proposed project would be affected if your Lead Agency possessed expertise in geochemistry, geophysics, GIS and remote sensing, geomorphology, bioremediation of organic/inorganic contaminants, community water resource planning, water quality engineering, advanced hydrologic prediction methods (AHPM), along with expertise in hydrological hazards. Conjunctively, these specializations would be combined with in-depth knowledge of California water law, Porter-Cologne Act, The Clean Water Act scores of other professional specialties that are affected by the Gregory Canyon proposal. It is my belief that expertise in these and

063-7

related fields are not only available, but also crucial to the realization of a safe and healthy drinking water supply.

It stands to reason that government organization with working knowledge, expertise and proven success in groundwater issues would almost reflexively be working in association with DEH to provide unbiased and factual information to the public. With such available resources as the San Diego Regional Water Quality Control Board, the California State Water Resources Control Board, the SWRCB Division of Water Rights, The California Department of Health Services, The Department of the Interior U.S. Geological Survey and The United States Environmental Protection Agency there is no supportable reason for the County DEH to embark on a water supply program without these expert resources to guide them. If allowed to move forward lacking the best science and oversight available, the Gregory Canyon proposal has potential to be the most dangerous site in San Diego County.

Please explain in detailed compendia or addendum the professional outreach that DEH has undertaken to bolster its expertise in the water sciences that have direct application to the Gregory Canyon proposal. Copies of written correspondence, telephone logs, e-mails, conferences and interviews should be available in the FEIR, along with billings, professional credentials, affiliations and present position of such water science and water law professionals. To maintain the integrity of the process and to avoid any appearance of impropriety or conflict, such professional resources should have no relationship to the project or proponents, and be selected on the merits and contributions to their field of water science or water law. 063-7 cont'd

Mr. Erbeck, should no institutional relationships, advisory panels, review boards or other means of non-affiliated, non-biased independent scientific inquiry exist, please explain your rationale in making such a decision. I feel it incumbent for you to discuss your reasoning with the citizens of the County of San Diego as required by CEQA for an adequate environmental document. As the individuals most affected by your decisions and oversight responsibilities Mr. Erbeck, the public has specific rights to know why you would preclude professional collaboration with governmental professionals on a project of such notoriety and magnitude, as well as the rationale that led to your conclusions.

To disregard expert government resources, and to instead rely on staff or proponent information is a conflict of interest to the responsibility of DEH to the citizens of San Diego County - and could be construed as a violation of the publics' trust.
Please consider that clearly a significant project impact is the potential for continuous contamination of a scarce regional drinking water resource. With the millions of cubic yards of contaminants proposed for confinement and storage, Gregory Canyon Landfill approaches a hierarchy of impacts that are "off the scale" in potential destruction. In the event of catastrophic failure due to earthquakes, floods or the rupture of the underlying California Aqueduct the amount of possible damage – and its duration - is nearly unimaginable. Such an event might only be comparable in scale of impact to a nuclear power plant accident. The potential for catastrophic failure of the proposed project is a significant adverse factor that must be explored in terms of human health, damage to the 063-8

drinking water aquifer, and the costs to the County of San Diego to return the project site to a safe status. A cataclysmic event occurring in an operational or post-operational project status could conceivably be the nation's next SUPERFUND site.
Please contact the USEPA concerning SUPERFUND cleanup site characteristics that might be anticipated from a major landfill being placed over the California Water Project aqueduct lines, adjacent to the already impaired SAN LUIS REY RIVER, atop a major drinking water aquifer - in close proximity to an active earthquake fault. Please request an evaluation from the SUPERFUND engineers concerning the wisdom of further exploration of this proposal - and what they anticipate clean up costs would be to return the site to its present, nearly pristine, status. 063-8 Cont'd

As you are well aware Mr. Erbeck, landfills are notorious sources of contamination and leakage. Two recent events in Poway and San Marcos are now causes of concern for the affected cities and the County. Please explain to the public the costs associated with cleanups, remediation, maintenance and HAZMAT procedures the County of San Diego budgets for out-of-service landfills. Please explain the total amount of liability that the County faces in the event of catastrophic failures – individually and collectively - in the event of a major earthquake or extreme and prolonged weather conditions that destroys the integrity of landfills where the has or shares liability. Should the dollar amounts exceed the current limits for self-insurance, provider insurance and re-insurance policies; please explain any contingency plans, or if none exist, the consequences to the County and its residents in the event of such catastrophes. 063-9

Due diligence by DEH is imperative for the health and welfare of the citizens of San Diego. Mr. Erbeck please describe the efforts undertaken by DEH to attain the highest standard of understanding of the potential impacts presented by the Gregory Canyon proposal. Please assure the citizens of San Diego County that only unbiased, professional and scientific peer-reviewed scrutiny has been applied to all statements contained in your Department's RPDEIR. Please understand that any less-than-rigorous attempt to evaluate the immediate and long-term impacts of Gregory Canyon to drinking water supplies will itself create a significant (and profoundly negative) project impact. Mr. Erbeck, your Department and the Citizens of San Diego County, have only this one opportunity to "get it right" and human perfection must be the standard.

In a related vein of potable water use is the running assertion that the described groundwater is the result of pooled percolating water. This assumption is highly significant Mr. Erbeck. The State of California's classification of underground water is relevant to proscribed uses. The close proximity of the SAN LUIS REY RIVER could potentially affect the state's description of what is presumed to be groundwater. If the described "groundwater" is found to be substantially related to subterranean flow of the SAN LUIS REY RIVER the classification of "groundwater" may not be supported. A subterranean river, as a subset of the aboveground river water flow is classified by the state of California as "waters of the state". As such, no claim to overlaying water rights may be made. Should this be the case with the San Luis Rey River, the intended "groundwater" supplies may be reduced or eliminated from consideration as water available to the proposed project, resulting in potential significant impact to the water 063-10

supply plan that must be carefully considered. Please refer to California Water Code section 1831. These issues and pertinent facts should have been thoroughly analyzed and discussed in the revised partial DEIR for the subject project.

063-10 cont'd

Mr. Erbeck I suggest contact with The State Water Resources Control Board, Division of Water Rights, 1001 I Street, Sacramento, Ca 95814 - P.O. Box 2000 Sacramento Ca. 95812 (916) 341-5300, for detailed discussions concerning the Gregory Canyon proposal.

With that subject in mind, please also refer to the following inference placed in your RPDEIR:
Page 145 **"As between overlying owners, the rights, like those of riparians, are correlative, i.e., they are mutual and reciprocal. This means that each landowner has a common right to take all that he can beneficially use on his land if the quantity is sufficient; if the quantity is insufficient, each is limited to his proportion or fair share of the total amount available based upon his reasonable need. (*Tehachapi-Cummings County Water Dist. v. Armstrong* (1975) 49 Cal.App.3d 992, 1001). The proportionate share of each owner is predicated "not on his past use over a specified period of time, nor on the time he commenced pumping, but solely on his current reasonable and beneficial need for water." (*Id.* p. 1001). The interest of an overlying landowner in groundwater is not lost by nonuse. (*Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489, 525; *Wright Goleta Water Dist.* (1985) 174 Cal.App.3d 74, 84)."**

063-11

Please consider that riparian/overlaying owners' claims in this ruling can only be made for "CURRENT RESONABLE AND BENEFICIAL NEED FOR WATER". Please simultaneously consult the Division of Water Rights concerning the descriptors "current", "reasonable" and most importantly "beneficial" need (and use) for this potable drinking water resource and how it may apply to Gregory Canyon.

Relevant comparisons of all watering need should be made with an on-going landfill operation. An example in point would be the City of San Diego Miramar Landfill, one of the largest in Southern Ca. Please examine the contrasts in use of potable water in the proposal v the reality of Miramar. Again, please consider:

Page 150 **"Bedrock wells located on the project site have the ability to provide a safe yield volume of approximately 38,880 gallons per day of water for project construction and operation."**

063-12

Miramar uses only 4,000 – 6,000 gallons of potable water per day, even under the highest volume operation schedules. At the lowest levels, this is nearly 10X LESS than the 38,880 gallons of potable water per day amount anticipated by Gregory Canyon. This is a striking incongruence. Miramar can accept 8,000 tons of trash a day, while Gregory Canyon is limited to 2740 tons a day (1,000,000 tons a year). Miramar has 470 acres for waste disposal, Gregory Canyon only 320. It would appear that Gregory Canyon's anticipated use of potable water is vastly out of proportion with the actual use experienced in the much larger Miramar facility. Gregory Canyon's planned use of

potable water appears unrealistic in contrast to the on-the-ground reality of Miramar. The anticipated volume of 38,880gpd of potable groundwater for daily dust control and on-going construction use is a significant impact to the supply of drinking water for the surrounding communities and must be reduced to a level below significance – and thoroughly examined in the FEIR. O63-12 Cont'd

In striking contrast to the proposed Gregory Canyon landfill, Miramar Landfill uses ZERO gallons of potable water for landfill operations. Potable water use is restricted to human requirements such as bathroom facilities and drinking water. Gregory Canyon's planned use of massive quantities of potable water contradicts the entirety of its recycled water argument, destroying any semblance of a coherent water supply plan. The oft-stated legislative prohibition of wasting potable water for non-potable uses is abruptly refuted in this quest for entitlements. The RPDEIR plainly identifies the intent to establish entitlement to a minimum 38,880 gallons per day of potable water for non-potable uses.

Page 144 **"To further develop recycled water, the Legislature declared that the use of potable water for non-potable uses constitutes a waste and an unreasonable use of water thereby mandating use of recycled water for these uses. (Water Code §13550)."** O63-13

The public and decision-makers must have real information, real plans and real credibility to evaluate the plans. The intended and stated misuse of potable water invalidates too much of the water supply plan to have it remain in the RPDEIR: To mention nothing of the above mandate from the California state Legislature. The project water supply plan must be completely re-thought and re-written to achieve the goal of no potable water use for non-potable uses. Mr. Erbeck, Rory Clay of the City of San Diego Miramar Landfill can address all the potable water and recycled water questions you may have (858) 492-6169.

Recycled water supply for Gregory Canyon

This summary statement is taken from the DPRDEIR
Page 144 **"The Legislature also determined that the use of recycled water had proven to be safe from a public health standpoint and that the use of recycled water was a cost-effective reliable method of helping to meet California's water supply needs. (Water Code §13576).**

It is difficult to image a more self-serving statement in a RPDEIR, or any public document. "**The Legislature also determined that the use of recycled water had proven to be safe from a public health standpoint…**" This so-called blanket endorsement can't be located in the legislative findings. Small wonder, finding of public health and safety are relegated to the California Department of Health Services, not the legislature. There simply is NO finding that recycled water is safe from a public health standpoint. In fact, humans (as in "public health") are urgently advised to avoid any contact with recycled water, and specifically prohibited from use as a drinking water. By definition, recycled water is non-potable, and considered dangerous to human health. The containments isolated from even the highest commercial gradient of recycled water are known human health risks. 063-14

The San Diego Regional Water Quality Control Board recently (August 16, 2006) made this public statement in relationship to the San Luis Rey River and the Fallbrook Public Utility District. It shows and determines that recycled water is not "safe".

"The Regional Board has long supported and encouraged the use of recycled water to supplement scarce potable water supplies. The Regional Board also recognizes that recycled water conveys pollutants not removed during the treatment process that can affect the quality of waters of the State. Effluent limitations contained in the tentative Order implement groundwater water quality objectives for Hydrologic Subareas (HSA) 2.13, 3.11 and 3.12 of the San Luis Rey Hydrologic Unit, where the majority of FPUD's recycled water users are located. Effluent limitations contained in the tentative Order also implement CCR Title 22 water recycling criteria for the protection of public health, safety, and welfare. Water recycling requirements are issued by the Regional Board in consultation with DHS in accordance with the 1996 Memorandum of Agreement between DHS and the Regional Board." 063-15

Salts, nitrate, organic carbon, disinfection by-products, endocrine disruptors and pharmaceutically active compounds are found in recycled water. Tests confirm elevated concentrations of n-nitrosodimethylamine, trihalomethanes as well as lindane present. The USEPA lists many contaminants that may be present in even potable waters. The

opportunity for concentration in recycled waters is even greater. Below is the USEPA list for the Unregulated Contaminate Monitoring Rule

Table UCMR Monitoring List

LIST 1 Assessment Monitoring of Contaminants with Available Methods	LIST 2 Screening Surveys of Contaminants with Methods Just Developed	LIST 3 Pre-Screen Testing of Contaminants Needing Research on Methods [2]
2,4-dinitrotoluene	1,2-diphenylhydrazine	Lead-210
2,6-dinitrotoluene	2-methyl-phenol	Polonium-210
Acetochlor	2,4-dichlorophenol	Cyanobacteria
DCPA mono-acid degradate	2,4-dinitrophenol	Echoviruses
DCPA di-acid degradate	2,4,6-trichlorophenol	Coxsackieviruses
4,4'-DDE	Diazinon	Helicobacter pylori
EPTC	Disulfoton	Microsporidia
Molinate	Diuron	Caliciviruses
MTBE	Fonofos	Adenoviruses
Nitrobenzene	Linuron	
Perchlorate	Nitrobenzene	
Terbacil	Prometon	
	Terbufos	
	Aeromonas [1]	
	Alachlor ESA [2]	
	RDX [2]	

063-15 cont'd

Significantly, since recycled waters are not intended for human consumption (or even contact) there is a dearth of knowledge surrounding what may be found in recycled waters. There is little reported testing, as the product is not intended for human consumption. Treatment standards for the end result of tertiary recycled water require it to pass through a staged battery of filter mechanisms that are known to remove targeted contaminates.

The following chemical contaminates are now under consideration by USEPA for testing DRINKING waters…It must be clearly stated that there is no required testing for these suspect items in recycled waters.

063-16

Chemical Contaminant Candidates

	CASRN[1]
1,1,2,2-tetrachloroethane	79-34-5
1,2,4-trimethylbenzene	95-63-6
1,1-dichloroethane	75-34-3
1,1-dichloropropene	563-58-6
1,2-diphenylhydrazine	122-66-7
1,3-dichloropropane	142-28-9
1,3-dichloropropene	542-75-6

2,4,6-trichlorophenol	88-06-2
2,2-dichloropropane	594-20-7
2,4-dichlorophenol	120-83-2
2,4-dinitrophenol	51-28-5
2,4-dinitrotoluene	121-14-2
2,6-dinitrotoluene	606-20-2
2-methyl-Phenol (o-cresol)	95-48-7
Acetochlor	34256-82-1
Alachlor ESA & other acetanilide pesticide degradation products	N/A
Aluminum	7429-90-5
Boron	7440-42-8
Bromobenzene	108-86-1
DCPA mono-acid degradate	887-54-7
DCPA di-acid degradate	2136-79-0
DDE	72-55-9
Diazinon	333-41-5
Disulfoton	298-04-4
Diuron	330-54-1
EPTC (s-ethyl-dipropylthiocarbamate)	759-94-4
Fonofos	944-22-9
p-Isopropyltoluene (p-cymene)	99-87-6
Linuron	330-55-2
Methyl bromide	74-83-9
Methyl-t-butyl ether (MTBE)	1634-04-4
Metolachlor	51218-45-2
Molinate	2212-67-1
Nitrobenzene	98-95-3
Organotins	N/A
Perchlorate	14797-73-0
Prometon	1610-18-0

063-16 cont'd

RDX	121-82-4
Terbacil	5902-51-2
Terbufos	13071-79-9
Triazines & degradation products of triazines	including, but not limited to Cyanazine 21725-46-2 and atrazine-desethyl 6190-65-4
Vanadium	7440-62-2

Microbial Contaminant Candidates

Adenoviruses
Aeromonas hydrophila
Caliciviruses
Coxsackieviruses
Cyanobacteria (blue-green algae), other freshwater algae, and their toxins
Echoviruses
Helicobacter pylori
Microsporidia (Enterocytozoon & Septata)
Mycobacterium avium intracellulare (MAC)

063-16 cont'd

A further look at 13550 shows clearly that the California State Legislature considers recycled water to have potential in strictly controlled and limited applications…But certainly nothing approaching SAFE for humans. To make such statements in this RPDEIR is irresponsible for the County of San Diego. The statements of the San Diego Regional Water Quality Control Board and the California State Legislature mesh precisely on the safety and required precautions under which recycled water may be used. Please note the specific references to water quality control (in bold).

13550. (a) The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions, as determined by the state board…

1) In addition, the state board shall **consider the effect of the use of recycled water in lieu of potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits.**

3) After concurrence with the State Department of Health Services, the use of recycled water from **the proposed source will not be detrimental to public health**.

(4) **The use of recycled water for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife.**

In simplest terms, water is the nearly perfect agent for the untold array of pathogens present in recycled water; either bacterial, viral, hormonal, pharmaceutical, metallic or other classifications. At this point in our understanding of recycled water, the basic problem with recycled water is that we do not know or understand the pollutant load that it carries, the compounds that form, the life spans of its inhabitants or the diseases that it can carry and transfer.

Wisely, human contact with recycled water has been forbidden by health regulations from inception. To this point in time, there is no known filtering methodology that can remove the ultra small microbes, viral life and molecules of pharmaceuticals that are concentrated in recycled water. There are efforts involving distillation that may someday prove beneficial. At this time, there is no way to determine or control the pollutant load in recycled water. We simply do not know enough about its characteristics or content.

063-16 cont'd

The deposition qualities of water increase the concentration of the recycled water's dangerous compounds and life forms. The Gregory Canyon plans would concentrate the deposition constituents of recycled water directly above a drinking water aquifer. The effects of such a dangerous experiment have never been tested - and rightfully so - drinking water aquifers are far too precious a resource to gamble with. Yet the plans call for Gregory Canyon to be not only the recipient of 30 million tons of garbage, the plan also requires up to 2,244,750,000 gallons of recycled water to deposit its contents on, above or through a drinking water aquifer. <u>This transfer of pollution-bearing water Is a severe and adverse significant impact that must be reviewed in the EIR.</u>

The Project proposes to use recycled water in vast quantities – from 165,000 gallons per day to 205,000 gpd. In contrast, Miramar Landfill uses only 150,000-gpd maximum, even with an elaborate road system of nearly 2 miles and a far larger area, 470 acres of containment area v 320 acres for Gregory Canyon. The reasoning and rationale for such quantities again calls into question the reliability of the water supply plan data. The risks of such a long-term, continuous and enormous amount of recycled water over a drinking water aquifer are simply too great to accept. The water supply plan is defective and dangerous as presented in the RPDEIR and should be abandoned entirely.

063-17

Review of the subject RPDEIR for the Gregory Canyon project reveals it to continue to be inadequate from a legal standpoint and dangerous from a public well being standpoint. This letter has demonstrated that the County continues to fail to inform the public,

063-18

examine alternatives, or present complete and unbiased information on the potential impacts of the Gregory Canyon Landfill water supply. There is no excuse for the County of San Diego to publish a document with such a dearth of analysis, discussion and rationale for such an important and potentially dangerous issue as the groundwater supply. Not only can the subject document not withstand legal scrutiny, neither could any decision maker approve it know the risks to human well being that such inadequacies pose.

063-18 Cont'd

This letter has given the County of San Diego guidelines as to where to begin to create an environmental document that serves its constituents to the best of its ability. In its present state the RPDEIR is an insult to the public, reviewers and decision makers and must not be allowed to go forward.

Thank you for the opportunity to assist in the remedy of this woefully inadequate document for the benefit of the general public of San Diego.

Sincerely,

George Courser
3142 Courser Avenue
San Diego, Ca 92117
858-274-0127

Attachments
Copy to John Robertus SDRWQCB

Neighbors seek water relief

Barona considers pipeline a 'very long-term' prospect

By Chet Barfield

UNION-TRIBUNE STAFF WRITER

August 20, 2006

LAKESIDE – The wells aren't as dry as a few years ago, but Frances Gesiakowski and her neighbors near the Barona Indian Reservation say they are squeezing every drop.

"I have marginal water," said the retired social-services worker. "I water my horses, I flush my toilet and I take a shower, and that's about it. I don't water any landscaping or anything else."

Frances Gesiakowski, who lives on Old Barona Road, blames Barona's casino, hotel and golf course for water shortages. Barona Valley Ranch Resort is shown in the background. "I have marginal water," she said. "I water my horses, I flush my toilet and I take a shower, and that's about it."

Gesiakowski is among 30 homeowners on Old Barona Road, on a ridge overlooking the Barona Valley Ranch Resort. In what has become a poster case of friction between a gaming tribe and its neighbors, Old Barona residents contend that the water shortages they've endured for more than five years are because of Barona's large casino, hotel and golf course.

Since 2002, when they found out the tribe was negotiating with San Diego officials for a pipeline to bring water to the reservation from the city's nearby San Vicente Reservoir, they've been hoping for some of that water to replace what they've lost.

But it appears that pipeline is many years away, if it gets built at all. Mired in complications, the tribe now considers the project a "very long-term" prospect, the Barona chairwoman says.

For a pipeline from San Vicente, Barona needs a formal deal with the city, and no negotiations have taken place since 2004. It also needs a water-transfer agreement with a Colorado River-area tribe to replenish the reservoir and a congressional bill to authorize that complex transaction.

"Although federal approval of a water-transfer agreement might eventually provide additional water for the Barona reservation and surrounding area, the mechanics of implementing such an agreement – including approvals from other impacted jurisdictions, environmental review and cost considerations – make this an option only for the very long term," Barona Chairwoman Rhonda Welch-Scalco wrote in a four-paragraph e-mail message to the *Union-Tribune,* declining interview requests.

"Recognizing this reality, the tribe has focused on strategies that can be implemented in the shorter term, such as our award-winning water reclamation facility, very aggressive water-conservation and water-management practices, and maintaining and upgrading our existing wells."

Rep. Duncan Hunter, R-Alpine, said in February that he wouldn't carry or support a bill for Barona until the tribe has an agreement with the neighbors to address their needs. A

spokesman recently said that remains unchanged, and no legislation is in the works.

Barona has long maintained that neighbors are on a separate aquifer and that their shortages aren't the tribe's fault.

County hydrologist Jim Bennett said the county has "no conclusive evidence" to dispute that assertion, in part because Barona refuses to share any of its data.

"We have no information whatsoever from the tribe on their groundwater production rates, where their wells are located, how much they're pumping and at what time the pumping occurs," Bennett said. "Without that information, we really can't make any links between the tribe's wells and what's happening on Old Barona Road."

The county has been monitoring two wells on Old Barona Road since 2000, Bennett said. Water levels there were at their lowest in 2002 and peaked last year, after winter rains of 2004-05.

The most recent measurements, taken in June, showed the well levels at 210 and 150 feet below ground, higher than in 2002 but lower than last year.

Bennett cautioned that water on the ridge comes from irregular fissures in fractured bedrock, not a uniform underground table. A well in one spot might produce at a few hundred feet, while another yards away could be drilled 10 times deeper and draw nothing, he said.

Welch-Scalco, who took office in January 2005, is viewed by the neighbors and county Supervisor Dianne Jacob as far more amenable than her predecessor, longtime Chairman Clifford LaChappa. But despite pledges to work with the neighbors, no proposals have been discussed. Meetings tentatively set for April, May and June were postponed, reportedly because Welch-Scalco was having medical problems.

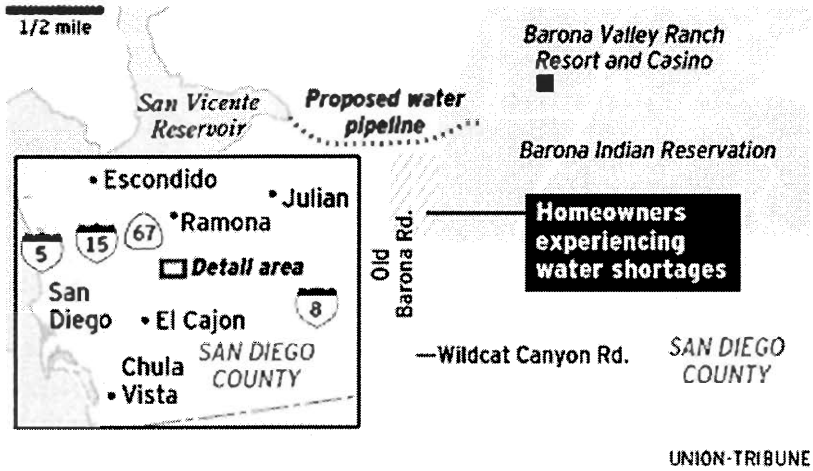
Jacob said she had lunch with Welch-Scalco in late July, and the chairwoman told her she intends to schedule a "town hall" meeting similar to one the tribe held with the homeowners in November.

"I truly believe that she wants to solve this water issue, and that she is concerned about the people who live adjacent to the reservation whose wells have been affected," Jacob said.

Bob Bowling, president of the Old Barona homeowners association, said neighbors want the tribe to provide them potable water at a reasonable price. He said they don't want more informal chats; they want to make a deal.

"When does something happen?" Bowling asked. "I think it's time they put something on the table."

▪Chet Barfield: (619) 542-4572; chet.barfield@uniontrib.com



Old Barona Road homeowners want the Barona tribe to sell and provide them potable water from the reservation if a proposed San Vicente Reservoir pipeline gets approved.

Channel 10 News
County To Hold Meeting Regarding Benzene Gas Levels

Mon Aug 21, 11:35 PM ET

Since the March 2006 10News investigation of deadly benzene gases seeping from a Poway landfill, officials from the San Diego County Department of Environmental Health completed testing and issued a 1,500-page report with the results.

“Benzene really attacks the bone marrow system of the body” said Dr. Ruth Markowitz Heifetz of University of California, San Diego Preventative Medicine.

It has been linked to leukemia and other bone marrow disorders. The benzene gases and solvents are also known to cause cancer.

The county installed 40 monitoring wells to determine the extent of the pollution.

"We realized, OK, there may be some issues that we may need to let the people in the neighborhood know about" said Bill Pollick of the San Diego County Department of Public Works.

The countys' report said health risks from short-term exposure to the pollutants are minimal. But it said the effects from long-term exposure are unknown.

The Department of Environmental Health now said it would meet with residents and discuss the report in a public meeting on Aug. 31.

The meeting is scheduled for 7 p.m. at the Poway Community Auditorium.

Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or **nrandolph@nctimes.com**.

LETTER NO. 063

George Courser
3142 Courser Avenue
San Diego, CA 92117

RESPONSE 063-1

The comment expresses general concerns regarding the adequacy of the water supply analysis in the Revised Partial Draft EIR. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

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, including water supply impacts. This analysis included potential impacts to water quality and public health from the use of recycled water. The analysis was made available to the public for independent review and comment in the Revised Partial Draft EIR.

County DEH staff does not concur that the analysis of water sources in the Revised Partial Draft EIR is inadequate. 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 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. Please refer to Response to Comment No. 007-22 for additional discussion regarding this issue.

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. The 2003 Draft EIR included an analysis of alternatives in Chapter 6. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Please see Response to Comment Nos. 063-2 through 063-18 for detailed responses to the comments provided in this letter.

RESPONSE 063-2

Water Code Section 13550 makes a legislative finding regarding the use of potable domestic water for nonpotable uses, but otherwise is not applicable to the project. This is because under Water Code Section 13550(a)(2), the term potable domestic water refers to water that is supplied, delivered and treated, such as would occur at a water treatment facility. The project does not propose the direct use of water that has been treated at a water treatment facility for domestic use.

County DEH staff does not concur with the statement in the comment that the "worst case" scenario, where all water needs would be met using OMWD recycled water, was "unexplained." Section 4.15 of the 2003 Draft EIR describes the water demand for the project. The water demand was not changed in the Revised Partial Draft EIR. As indicated in both the 2003 Draft EIR and the Revised Partial Draft EIR, the water demand would be highest during those periods where construction and operation of the landfill would occur simultaneously.

The water demand is specific to each landfill project, based on factors such as the amount of excavation, the number and length of roads, and applicable air quality control requirements. The analysis of potential impacts in the Revised Partial Draft EIR is based on up to 205,000 gallons per day of recycled water provided from OMWD, which reflects the highest anticipated water demand for this landfill. The contract between the project and OMWD requires OMWD to deliver this amount of recycled water.

For the reasons discussed in Response to Comment No. 007-22, County DEH staff does not concur that the sources of water identified for this project are "paper water." There is a binding, enforceable agreement with OMWD to supply all water needs of the project.

RESPONSE 063-3

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. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

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, including water supply impacts. This analysis included potential impacts to water quality and public health from the use of recycled water. The analysis was made available to the public for independent review and comment in the Revised Partial Draft EIR.

Appendix A of the Water Supply Report, included as Appendix C of the Revised Partial Draft EIR, contains a discussion of the methodologies employed in conducting a safe yield analysis. As stated in the Water Supply Report, the purpose of the safe yield analysis is to assess a reasonable

level of pumping that does not exceed the amount of groundwater flowing in, or surface water infiltration into the bedrock, within Gregory Canyon. The wells from which pumping would occur were specifically identified, and the safe yield analysis was based upon pumping tests and modeling output which estimated the yield of those wells. In addition, the Revised Partial Draft EIR contains a project design feature incorporating a controller to cycle the pump on and off at a rate that matches the well's production capacity, ensuring a safe yield. The project design features will be incorporated into the Solid Waste Facility Permit (SWFP). The County Department of Environmental Health (DEH) will be responsible for enforcement of the conditions.

Please refer to Response to Comment Nos. 022-121 through 022-124, 022-128 through 022-130 and 022-134 through 022-135 for additional information regarding the safe yield analysis and the inventory of groundwater monitoring wells.

Section 4.15 of the 2003 Draft EIR describes the water demand for the project. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The water demand was not changed in the Revised Partial Draft EIR. As indicated in both the 2003 Draft EIR and the Revised Partial Draft EIR, the water demand would be highest during those periods where construction and operation of the landfill would occur simultaneously. The 38,880 gallons per day of percolating groundwater pumped from the fractured bedrock formation would be approximately the same amount of water required for daily operational needs.

RESPONSE 063-4

The Revised Partial Draft EIR and the Water Supply Report contain an inventory of all wells on the landfill property, and yield information based on pumping tests for those wells that would be used for pumping percolating groundwater. The remaining water supply needs of the project would be met through the use of recycled water. Moreover, this commenter has asserted that actual water needs of the project may have been significantly overestimated, based on information obtained from the operators of the Miramar Landfill (see Comment Nos. 063-12 and 063-17). Please refer to Response to Comment Nos. 063-2 and 063-12 for additional information regarding water requirements for this project.

Based on the analysis in the Revised Partial Draft EIR, County DEH staff does not concur that the use of percolating groundwater from the fractured bedrock formation would have a significant impact on the quantities and quality of potable groundwater available to all other users within the Pala Basin. Please refer to Response to Comment Nos. 001-4 and 001-5 for additional discussion regarding these issues. In addition, please refer to Response to Comment Nos. 007-1 and 007-4 for a discussion of the rights of the project to use underlying percolating groundwater.

RESPONSE 063-5

Please refer to Response to Comment No 063-1 regarding the County DEH staff's independent evaluation of the Final EIR for this project, and the opportunity for independent public review and comment.

The water usage requirements for the project were established in the 2003 Draft EIR, and were not changed in the Revised Partial Draft EIR. Please refer to Response to Comment No. 063-2 for additional information regarding water requirements for this project.

The 2003 Draft EIR disclosed that blasting would occur as part of construction, and analyzed those impacts. The water usage requirements included the amount of water needed for dust control during initial and periodic construction. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, County DEH staff notes that the double composite liner alternative for the project selected by the County provides for less excavation under the landfill footprint, with less blasting required.

County DEH staff does not concur that the Revised Partial Draft EIR failed to adequately analyze the impacts from the use of the identified water sources, or failed to provide for public review and comment. That analysis was contained in Section 4.5 and Section 4.15 of the Revised Partial Draft EIR.

RESPONSE 063-6

The comment expresses a general concern about the County's past management of groundwater issues. The comment is general in nature and does not introduce new environmental information about the project or provide specific comments regarding information presented in the Revised Partial Draft EIR. County DEH staff concurs that the County does not have a groundwater management plan. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 063-7

The comment expresses a general concern about the technical capability of the County Department of Environmental Health. The comment is general in nature and does not introduce new environmental information about the project or provide specific comments regarding information presented in the Revised Partial Draft EIR. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration. However, the County does not concur that it does not have the required expertise to review and determine that adequacy of the analysis of potential impacts from the project. The County Department of Environmental Health employs a number of persons with expertise in technical areas such as hydrogeology and protection of public health. In addition, the Department of Environmental Health may consult with experts at other County Departments, as needed, including the Department of

Public Works and the Department of Land Use and Planning. 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, including water supply impacts.

Also, it is important to note that the Revised Partial Draft EIR was reviewed by and comments regarding the water supply analysis were received from the San Diego Regional Water Control Board (See Comment Letter No. 007).

RESPONSE 063-8

County DEH staff does not concur that utilization of internal staff resources or information provided by a project applicant constitutes a conflict of interest. Please see Response to Comment No. 063-7 for additional information regarding the County's review process. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration. 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, including water supply impacts. This analysis considered potential impacts to water quality and public health from the use of recycled water. The analysis was made available to the public for independent review and comment in 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.

Section 4.3 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 project now includes the even more protective double composite liner system described in Chapter 3 of the Revised Partial Draft EIR, providing even greater assurance there would be no leakage from the landfill. Please refer to Response to Comment No. 035-6 for additional information regarding the performance of modern liner systems. Also, Section 3 of the 2003 Draft EIR describes installation of a 50 gpm reverse osmosis treatment plant at the landfill site.

Section 4.2 of the 2003 Draft EIR contains a detailed discussion of potential geological impacts, and concludes that with incorporation of mitigation measures there would be no significant

impacts. Section 4.4 of the 2003 Draft EIR contains a discussion of potential impacts to surface water, and concludes that with incorporation of mitigation measures and project design features there would be no significant impacts. Please note that the perimeter drainage system for the landfill has been designed to accommodate flows generated from the simultaneous rupture of both existing aqueduct pipelines and proposed Pipeline No. 6 during a 100-year storm event. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

In addition to the financial assurance requirements for landfills mandated under state law, the project will also be required to obtain a $100,000,000 environmental liability insurance policy in accordance with its 2004 supplemental agreement with the San Luis Rey Water District (See Appendix H of the Revised Final EIR). Even though a release from the landfill site is highly unlikely for the reasons discussed above, the combination of financial assurance requirements and the insurance policy will ensure that adequate funds are available to address any remediation requirements, virtually eliminating the need for federal funding under CERCLA or state remedial programs.

RESPONSE 063-9

Please refer to Response to Comment No. 063-8 for information responding to this comment. Project design features and mitigation measures will be incorporated into the Solid Waste Facility Permit (SWFP). The County Department of Environmental Health (DEH) will be responsible for enforcement of the conditions. In addition to the financial assurance requirements for landfills mandated under state law, the project will also be required to obtain a $100,000,000 environmental liability insurance policy in accordance with its 2004 supplemental agreement with the San Luis Rey Water District. Even though a release from the landfill site is highly unlikely, the combination of financial assurance requirements and the insurance policy will ensure that adequate funds are available to address this situation, virtually eliminating the potential for liability to the County.

RESPONSE 063-10

As noted in Response to Comment Nos. 007-1 and 007-4, no permit is required for the pumping of percolating groundwater. As noted in the Revised Partial Draft EIR, the wells that will pump water from the fractured bedrock formation are all located outside of the Pala alluvial aquifer. Based on the safe yield analysis discussed in Response to Comment Nos. 022-121 through 022-124, 022-128 through 022-130, and 022-134 through 022-135, with incorporation of project design features the use of this percolating groundwater would not result in a significant impact to water supply. However, if for some reason percolating groundwater were not available as a water source, all of the project's water needs could met through the use of recycled water from OMWD.

RESPONSE 063-11

Disputes between users of percolating groundwater exercising the rights of overlying owners are resolved in the state courts. This is because, as noted in Response to Comment Nos. 007-1 and 007-4, the State Water Resources Control Board does not have jurisdiction over percolating groundwater. Likewise, the County would not be involved in any dispute between competing users, or analyze the criteria noted in the comment.

RESPONSE 063-12

Section 4.15 of the 2003 Draft EIR describes the water demand for the project. The water demand was not changed in the Revised Partial Draft EIR. As indicated in both the 2003 Draft EIR and the Revised Partial Draft EIR, the water demand would be highest during those periods where construction and operation of the landfill were occurring simultaneously. The water demand is specific to each landfill project, based on factors such as the amount of excavation, the number and length of roads, and applicable air quality control requirements.

This comment asserts that actual water needs of the project may have been significantly overestimated, based on information obtained from the operators of the Miramar Landfill. To the extent this is accurate, the water usage requirements for the landfill would be less, and the potential impacts from such usage would be reduced. Moreover, based on the predicted usage of 38,880 gpd of percolating groundwater, after incorporation of project design features impacts from usage of this percolating groundwater would be less than significant.

RESPONSE 063-13

Please refer to Response to Comment No. 063-2 for a discussion of legal requirements related to the use of domestic potable water for nonpotable purposes.

RESPONSE 063-14

The statutory citation contained in this comment is taken directly from Water Code Section 13576(b), and represents a finding of the legislature.

RESPONSE 063-15

The quotation from tentative Waste Discharge Requirements for the use of recycled water from the Fallbrook Public Utilities District (FPUD) wastewater treatment plant appears to be complete, and County DEH staff believes that revisions to the OMWD Master Reclamation Permit would impose standards required to implement the groundwater quality objectives for the Pala Basin consistent with the approach taken with respect to FPUD. Please refer to Response to Comment No. 007-22 for a discussion of anticipated water quality standards that might be imposed by the Regional Water Quality Control Board (RWQCB) for the use of OMWD recycled water at the landfill site, based on the criteria and formulas developed with respect to the FPUD and other

suppliers of recycled water. Response to Comment No. 007-22 also provides an analysis of the ability of the project to meet these proposed standards. The likelihood that this water supply would be available to the project is very substantial, since there is a valid and binding recycled water supply agreement between OMWD and the project (See Appendix I of the Revised Final EIR). The RWQCB would also establish monitoring requirements, which may include the constituents listed in the comment.

RESPONSE 063-16

County DEH staff acknowledges this comment, and notes the OMWD recycled water would have undergone tertiary treatment, would meet Title 22 standards, and would undergo continued monitoring. Operation of a wastewater treatment plant is a highly regulated activity. The Regional Water Quality Control Board would also establish monitoring requirements for the use of OMWD recycled water, which may include the constituents listed in the comment. The Revised Partial Draft EIR has incorporated a project design feature requiring the project to retain a recycled water supervisor at the landfill site to supervise and educate all personnel of the proper use of recycled water.

Please refer to Response to Comment Nos. 009-6, 063-1 and 063-2 for a discussion of the adequacy of the analysis of potential impacts from the use of recycled water. Section 4.15 of the Revised Partial Draft EIR concluded that with incorporation of project design features, potential impacts would be less than significant.

RESPONSE 063-17

Please refer to Response to Comment Nos. 063-2 for additional information regarding water requirements for this project. Please refer to Response to Comment Nos. 063-1 and 063-2 for a discussion of the adequacy of the water supply analysis. Please refer to Response to Comment No. 063-12 for a discussion of the reduced impacts should less water be required for the project. The opinions expressed in this comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 063-18

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. Please refer to Response to Comment Nos. 009-6, 063-1 and 063-2 for a discussion of the adequacy of the water supply analysis, and the lack of a need for a new alternatives analysis. 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, including water supply impacts. This analysis included potential impacts to water quality and public health from the use of recycled water. This analysis was made available to the public for independent review and comment in the Revised Partial Draft EIR.

The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 063.1

From: George Courser [gcourser@hotmail.com]
Sent: Monday, August 14, 2006 5:50 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill comments

San Diego County Department of Environmental Health: Gregory Canyon Landfill

Please consider my family adamantly opposed to the proposed Gregory Canyon landfill. The inherent dangers of the this landfill have been defined as among the most dangerous projects ever under consideration in San Diego County. The potential threats to water quality alone relegate Gregory Canyon to a category of threat that can only be described as perpetual, unacceptable, and dangerous beyond imagination. The County Department of Environmental Health's action to again move forward with this proposal undermines all the beneficial work of the Department, your staff and the County of San Diego.

We find it amazing that a project so antithetical to Public Health would be allowed to proceed beyond mere discussion. We urge you to please re-examine the Department's mission with consideration to the future generations dependent on the San Luis Rey River for drinking water supplies. We trust that on thorough examination of the threats to Public Health that the Department will join the hundreds of thousands of citizens opposing Gregory Canyon landfill. 063.1-1

It is truly astounding that recycled water is being proposed for use in this landfill. Use of water as a dust control agent can only lead to further contamination, concentration and dissemination of the pollutants meant to be controlled. The use of water to control hazardous materials is an ill-conceived and dangerous concept that deserves no consideration in a geological formation above drinking water supplies.

We urge your immediate rejection of the FEIR and any plans to site a landfill in Gregory Canyon. 063.1-2

Sincerely,

George and Karen Courser

3142 Courser Avenue

San Diego, Ca 92117

858-274-0127

8/15/2006

LETTER NO. 063.1

George Courser
gcourser@hotmail.com

RESPONSE 063.1-1

The comment expresses opposition to the project. The comment expresses general concern regarding water quality. The potential impacts of the project relative to water quality is not a section that was included in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 063.1-2

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD regarding recycled water. The Revised Partial Draft EIR contains a detailed analysis of the potential impacts from the use of recycled water, including water quality on the landfill site. As indicated in Section 4.15 of the Revised Partial Draft EIR, the portion of the recycled water from OMWD used on the landfill site that might reach the Pala Basin is negligible and would not impact groundwater quality within the Pala Basin.

Letter 064

RBRiggan and Associates

24 August 2006

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

By email to: dehcomments@sdcoutny.ca.gov

Reference: Comments on the Gregory Canyon Landfill project (San Diego County Environmental Log No. ER 98-02-025; State Clearinghouse No. 1995061007)

To Whom It May Concern:

It has come to my attention that the public review period for the Revised Partial Draft Environmental Impact Report (RPDEIR) for the Gregory Canyon Landfill ends today. As a member of the local scientific community (and more specifically a biological consultant in San Diego County, whose daily job it is to survey biological resources, assess impacts, and suggest mitigation recommendations), I can not remain silent while the mitigation standards I (and my clients) must adhere to are significantly altered or ignored for this project. Specifically:

1. When my clients propose a project that requires mitigation for impacts to habitats, fulfillment of the mitigation requirements is mandated as a condition of issuance of the permit they are attempting to obtain. In other words, pay up or you don't get your permit, simple as that. The language in the RPDEIR pertaining to mitigation for impacts to all of the habitats on-site states that the mitigation requirement may be fulfilled prior to disturbance OR not until there is actual disturbance to the habitat type specified. For example, the mitigation measure for impacts to sage scrub reads, "The implementation of this mitigation shall be prior to or concurrent with the first construction that disturbs the coastal sage scrub habitat on site or as determined in consultation with the resource agencies." This same sentence (with the habitat type modified) is inserted in the mitigation measures for each of the habitat impacts. This implies that the permit for the landfill can be issued, but until that bulldozer reaches sage scrub habitat, the mitigation for the loss of sage scrub does not need to be purchased. Several of my clients would be thrilled if this were the standard, since the actual purchase of mitigation, or even being able to locate a suitable mitigation site is often a hold-up in obtaining their permit. 064-1

2. When impacts to the habitat of a listed bird species are proposed, a condition is usually attached to the grading permit, such that impacts to the habitat must occur outside of the breeding habitat of the species. I did not read that stipulation anywhere in the RPDEIR. I think this would be especially pertinent given that there is an established nesting pair of Golden Eagles on the site, not to mention at least some utilization by California Gnatcatchers, Southwestern Willow Flycatchers, and Least Bell's Vireo. 064-2

3. In my dealings with the loss of Oak trees, the mitigation required for their loss is based upon the number of individual Oak trees, not the canopy area (as is identified in MM 4.9-2 of the RPDEIR). 064-3

10646 Marbury Avenue, San Diego, CA 92126 • San Diego Office: (619)233-5454
FAX: (858) 586-0455 • E-mail: rbriggan@SBCglobal.net
professional environmental services

4. Lastly, when making mitigation recommendations in our biological assessments, the County of San Diego requires the specific identification of mitigation sites, how they will be preserved and who will manage them (if not in an established mitigation bank). The language in the RPDEIR was written in an ambiguous manner stating that if allowed by the courts, then mitigation would be accomplished on-site. If not, then mitigation would be acquired *somewhere* in San Diego County. Using the sage scrub mitigation measure 4.9-1a example again, "Off-site acquisitions may occur anywhere within the unincorporated area of San Diego County and a conservation easement shall be placed across the mitigation area to permanently protect the resource." Once again, my clients would be thrilled if this were the standard, because then they could turn around and sell an approved map without having to identify any specifics about mitigation (which can sometimes be a deal breaker). 064-4

Aside from veering away from the standards I am used to as a biological consultant within the County of San Diego, the RPDEIR does not comply with Proposition C which is one of the requirements of the Peremptory Writ of Mandate. Proposition C is clear that, "At least 1,313 acres will be dedicated as permanent open space to provide an important habitat and sensitive species preserve." Section 5.R. of Proposition C provides further clarity that, "Mitigation measures included as part of any subsequent environmental review of the Project shall be included as *additional* mitigation measures for the Project" (italics added). The RPDEIR continually suggests that the loss of habitat will be mitigated on-site. However, it seems very straight forward that the set aside of 1,313 acres is separate from any required mitigation. The amount of undisturbed land on-site minus the 1,313 acres can be used for mitigation, but once that acreage is allocated, then off-site mitigation must be *specifically* identified (as mentioned in the above point number four). To comply with the Peremptory Writ of Mandate, I believe the on-site lands to be used for mitigation must be specifically identified by habitat type and acreage amount, in addition to the identification of an off-site mitigation site for the outstanding mitigation requirements. 064-5

Thank you for this opportunity to comment on the Gregory Canyon Landfill project.

Sincerely,

Gretchen Cummings

Gretchen Cummings
Consulting Biologist

[2006misc-let-009.wpd]

LETTER NO. 064

Gretchen Cummings
RBRiggan and Associate
10646 Marbury Avenue
San Diego, CA 92126

RESPONSE 064-1

County DEH staff does not concur with this comment. The mitigation will be implemented in phases before impacts occur. The 2003 Draft EIR provided that mitigation was to occur "prior to commencement of clearing or grading" of the sensitive vegetative community (see e.g. MM 4.9-1b and MM4.9-1d of 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. 001-10, 004-2, 004-6, 022-97 and 130-56 for additional information with regard to the identification of mitigation sites.

There is no County policy requiring making payments or implementation of mitigations related to biological resources prior to receiving a permit, as asserted by the commenter. Moreover, 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 these petitioners' 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." 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. 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 064-2

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.

Impacts on birds and other biological resources have been determined to be fully mitigated with incorporation of the mitigation measures in the Revised Partial Draft EIR, which includes

mitigation measures contained in the 2003 Draft EIR which were not modified in the Revised Partial Draft EIR. There were a number of mitigation measures in the 2003 Draft EIR either prohibiting or conditioning project activities during the breeding season of threatened species. See e.g. MM 4.9-3b (arroyo toad), MM 4.9-8, MM 4.9-9c and MM 4.9-10 (golden eagle), and MM 4.9-12 b, MM 4.9-12c, and MM 4.9-13 (vireo and flycatcher). These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. These mitigation measures were not modified in the Revised Partial Draft EIR.

RESPONSE 064-3

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.

This comment appears to relate to mitigation for Engelmann Oak. MM 4.9-2 of the 2003 Draft EIR provided for mitigation for Engelmann Oak based on canopy area. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. This criterion was not modified in the Revised Partial Draft EIR.

RESPONSE 064-4

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 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. Please refer to Response to Comment No. 001-8 for additional discussion regarding the selection of off-site mitigation areas.

As indicated in Response to Comment No. 004-5, Exhibit 4.9-6 of the Revised Partial Draft EIR identifies proposed on-site locations for habitat creation or habitat enhancement. Monitoring

for these areas is addressed in MM 4.9-18 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. This provision of MM 4.9-18 was not modified in the Revised Partial Draft EIR.

In the prior litigation, the issue of funding for biological mitigations was raised by petitioners and specifically addressed by the Court. The Court rejected petitioners 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." 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. 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 064-5

County DEH staff does not concur with this comment. Please refer to Response to Comment No. 022-93 for additional discussion of this issue.

Letter 066

From: marci dahm [mmdahm@yahoo.com]
Sent: Sunday, August 13, 2006 4:48 PM
To: LUEG, DEHComments
Subject: Olivenhain Water District concern

I am very concerned about the agreement of Olivenhain Water District to provide water to Gregory Canyon for 60 years. My home is located at 16911 Meadowlark Ridge Road, which directly backs to Camino del Norte. Trucks and motorcycles traveling along Camino del Norte cause a significant amount of noise pollution to our home. I am very concerned by the proposed amount of trucks that will be significantly adding to that noise congestion by having water trucks transporting water. I strongly oppose this as it will adversly affect my living conditions and that of my children. I appreciate your time and for listening to my concern. 066-1

Sincerely,
Marcia Dahm

LETTER NO. 066

Marcia Dahm
mmdahm@yahoo.com

RESPONSE 066-1

The comment expresses opposition to the project with regard to the transport of recycled water from the OMWD Reservoir Site. Section 4.6 of the Revised Partial Draft EIR provides a detailed analysis of the potential noise impacts associated with the recycled water trucks. As indicated in the Revised Partial Draft EIR, while the incremental noise increase from recycled water trips would fall well below the 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 impacts to residents along these roadway segments. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 067

From: tdeck [tdeck@san.rr.com]

Sent: Wednesday, August 16, 2006 12:45 PM

To: LUEG, DEHComments

Subject: Water Hauling Trucks on Camino Del Norte

To whom it may concern:

It is disheartening hearing that our family neighborhood roads may soon be traveled by the water hauling trucks. As it stands now Camino Del Norte is a consistent route for many construction companies. I live off Four Gee Road in Sante Fe Valley and it can take 5 – 10 minutes now just to turn left onto Camino Del Norte because of all the truck traffic. If my voice counts for anything please reconsider a less traveled route. This is a family and school community. Also our kids will be effected whom are walking or biking to and from school. 067-1

Thanks for listening to a concerned resident and please take our voice into consideration.

Sincerely,

Traci Deck

LETTER NO. 067

Traci Deck
tdeck@san.rr.com

RESPONSE 067-1

The comment expresses concern with regard to the recycled water truck route. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route, including safety. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 068

From: Sarah Dubin-Vaughn [saraswati@juno.com]
Sent: Wednesday, August 23, 2006 9:17 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

The Gregory Canyon Landfill project must not be permitted and allowed to go forward. Potential dangers of leakage into the San Luis Rey River with consequences that would last for generations must be avoided. The water that sustains all life must be protected from the folly of constructing a landfill that, seemingly harmless, is at best a disaster of the worst kind just waiting to happen.

Please deny a permit, I beseech you, on behalf of humans living in San Diego County now and for generations to come--please deny a permit to Gregory Canyon Landfill Ltd. to construct the landfill project!

068-1

Sarah Dubin-Vaughn
483 Pine Needles Drive
Del Mar, CA 92014

LETTER NO. 068

Sarah Dubin-Vaughn
483 Pine Needles Drive
Del Mar, CA 92014

RESPONSE 068-1

The comment expresses opposition to the project. The comment expresses particular concern with regard to water quality. The potential impacts of the project relative to water quality is not a section that was included in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 069

Department of Environmental Health
9325 Hazard Way
San Diego 92123
Fax 858/495-5004

Catherine and Michael Dudley
17257 Silver Gum Way
San Diego, CA 92127

To Whom It May Concern:

We write to voice our strong objection to the following project proposed by OMWD !

Summary
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 contain approximately 30 million tons of refuse with an operating life of about 30 years.
The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection
We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.
As residents living along "the roadways that serve the project", we object to this project for several reasons.

069-1

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is admittedly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:
These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise

levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The values used to compute the noise levels for the roadways that would serve the project "do not take into account the possible effects of existing noise barriers or topography," as stated in several portions of the report. The actual values could be greater than anticipated.

8. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Sincerely,

Catherine C. Dudley
Santa Fe Valley Homeowner.

069-1
Cont'd

LETTER NO. 069

Catherine & Michael Dudley
17257 Silver Gum Way
San Diego, CA 92127

RESPONSE 069-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

With regard to point 7 in this comment letter, as indicated in Section 4.6, the noise analysis does not take into account the possible effects of existing noise barriers or topography. The statement is made with regard to the analysis in the vicinity of the landfill site. The statement means that the analysis does not take credit for the noise barriers or topography, which would actually serve to reduce the noise levels. In other words, the analysis provides a worst-case scenario and could overstate noise levels since existing barriers and topography that could reduce the noise levels have not been considered.

Letter 070

ANNE S. FEGE, PH.D., M.B.A.
BOX 722393, SAN DIEGO CA 92172
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

August 22, 2006

Received
AUG 24 2006
DEH / LEA

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

Reference: Draft Environmental Impact Report for Gregory Canyon Landfill

The water, air, traffic, and natural resource issues projected for Gregory Canyon Landfill are unacceptable and should NOT BE BUILT. The proposed landfill threatens a pristine free-flowing river that supplies clean drinking water to thousands of San Diego's citizens downstream. 070-1

The proposed landfill would be located in the most sensitive areas of the San Luis Rey River and underground aquifers, and any leaks would greatly affect the water quality of those waters. The large water pipelines near the proposed landfill, managed by the San Diego County Water Authority, could be ruptured in an earthquake and expose the landfill contents to the River and the aquifers. 070-2

There is ample capacity for landfills within and outside the county of San Diego that are environmentally sound. This landfill will harm local water supplies and natural habitats, and SHOULD NOT BE BUILT. 070-3

Sincerely,

Anne Fege

Anne S. Fege, Ph.D., M.B.A.

LETTER NO. 070

Anne Fege
afege@aol.com92028

RESPONSE 070-1

The comment expresses opposition to the project. The comment expresses general concern regarding potential environmental impacts. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These sections were not overturned by the Court or included in its writ. The Revised Partial Draft EIR contains updated analyses of traffic, air and natural resources. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 070-2

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.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. Section 4.2, Geology and Soils, of the 2003 Draft EIR contains an analysis of potential earthquakes. Potential impacts to and from Pipelines No. 1 and 2 (existing) as well as Pipeline No. 6 (future) were considered in the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 070-3

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 071

From: Afege@aol.com

Sent: Tuesday, August 22, 2006 12:17 PM

To: LUEG, DEHComments

Subject: Draft EIR for Gregory Canyon Landfill-- Landfill should not be built

Reference: Draft Environmental Impact Report for Gregory Canyon Landfill

The water, air, traffic, and natural resource issues projected for Gregory Canyon Landfill are unacceptable and should NOT BE BUILT. The proposed landfill threatens a pristine free-flowing river that supplies clean drinking water to thousands of San Diego's citizens downstream.

The proposed landfill would be located in the most sensitive areas of the San Luis Rey River and underground aquifers, and any leaks would greatly affect the water quality of those waters. The large water pipelines near the proposed landfill, managed by the San Diego County Water Authority, could be ruptured in an earthquake and expose the landfill contents to the River and the aquifers. 071-1

There is ample capacity for landfills within and outside the county of San Diego that are environmentally sound. This landfill will harm local water supplies and natural habitats, and should not be built.

Sincerely,

/s/ Anne Fege

ANNE S. FEGE, PH.D., M.B.A.
12934 TEXANA STREET
SAN DIEGO, CA 92129
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

LETTER NO. 071

Anne Fege2
Box 722393
San Diego, CA 92172

RESPONSE 071-1

This comment letter sent via email is a duplicate of Comment Letter No. 070. Please see Response to Comment Nos. 070-1 through 070-3.

Letter 072

Old Cole Grade Road and Sierra Lane
Post Office Box 1069, Pauma Valley, California 92061 (619) 742-3084

July 26, 2006

Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123

Re: Gregory Canyon Landfill

Gentlemen:

As a landowner and farmer in Pauma Valley I must strongly object to the above referenced project as I believe it is a dangerous and irresponsible location for a landfill. Seepage from this project will pollute the San Luis Rey River, whose waters are used for irrigation in the area and, which ultimately flows into and pollutes the ocean. 072-1

Another danger associated with this project is the traffic impact. Traffic and accidents have escalated significantly since casinos have been built in the area and the addition of dump truck traffic will only add to an already existing problem. 072-2

I urge you to please reconsider this project.

Very truly yours,

Don Freeberg

Don Freeberg

LETTER NO. 072

Don Freeberg
P.O. Box 1069
Pauma Valley, CA 92061

RESPONSE 072-1

The comment expresses opposition to the project with regard to water quality. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 072-2

Section 4.5 of the Revised Partial Draft EIR provides an updated traffic analysis, including an update to the accident analysis that was contained in the 2003 Draft EIR. 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 updated analysis regarding accidents on SR 76 confirmed the accuracy of conclusions reached in the 2003 Draft EIR. Accident data continues to show that accidents on SR 76 are caused by driver behavior and not truck trips. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 074

From: Kathy Garriott [kgarriott@juno.com]
Sent: Thursday, August 24, 2006 10:37 AM
To: LUEG, DEHComments
Cc: skidog24@mac.com; david.garriott@baesystems.com
Subject: Water-hauling trucks on Camino Del Norte

To whom it may concern at DEH Local Enforcement Agency,

I would like to voice my concern for the water-hauling trucks' planned route from Camino Del Norte to Interstate 15. This would take them through a residential neighborhood that has an ever increasing population. We've got kids riding bikes to school and growing traffic. Adding "178 roundtrips over a nine-hour period which breaks down to 10 trucks per hour or one truck trip every three minutes, according to Slater-Price housing adviser Jim Gonsalves," is not an appropriate solution (quote taken from the Pomerado Newspaper Group). 074-1

Thank you for your consideration,
Kathy Garriott
Santa Fe Valley resident

LETTER NO. 074

Katty Garriott
kgarriott@juno.com

RESPONSE 074-1

The comment expresses concern with regard to the recycled water truck route. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route, including potential safety impacts. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 075

21 AUGUST 2006

DEPARTMENT OF ENVIRONMENTAL
HEALTH
LOCAL ENFORCEMENT AGENCY OFFICE
9325 HAZARD WAY
SAN DIEGO, CA 92123-1217

REF: GREGORY CANYON LANDFILL PROJECT (LOG No. 98-02-025)

THE TRAFFIC AND CIRCULATION SECTION:

WE MOVED TO THE FRIENDLY VILLAGE OF FALLBROOK APPROX. 12 YEARS AGO. THE HOUSING BOOM HAD JUST BEGUN, BRINGING WITH IT 1-4 CARS PER HOUSEHOLD. THIS ALONE IMPACTED OUR DAILY TRAVEL PLANS. FOLLOWING THE HOUSING BOOM CAME THE FIVE CASINOS WHICH ARE TRAVELED TO 24 HOURS A DAY. NOW COMES THE POSSIBILITY OF OVER 600 TRUCKLOADS A DAY TO AND FROM THE LANDFILL (PROBABLY MORE IN THE NEAR FUTURE).

FALLBROOK IS BORDERED BY THE SR76 AND I-15 FREEWAYS WHICH ARE OUR ONLY ROADS LEADING US TO OTHER AREAS IN NORTH COUNTY OR BEYOND. WE ARE ALREADY EXPERIENCING GRIDLOCKCERTAIN HOURS OF THE DAY WHILE TRYING TO ENTER OR EXIT FALLBROOK USING THESE ROADS. WILL THOUSANDS OF RETIREES BE FORCED TO SELL THEIR HOMES TO MAKE MORE ROOM ON THE ROADS FOR THESE LANDFILL TRUCKS? WILL WE LEAVE OUR FRIENDS, OUR CHURCHES, OUR DOCTORS, LAWYERS, MECHANICS, ETC. WHO WE HAVE ESTABLISHED OUR RECORDS WITH? 075-1

MULTIPLE HOUSING TRACTS ARE PLANNED FOR THE AREA OF THE 76 AND 15 (MORE CARS) AND WITH HOMES COME UTILITY, DELIVERY, REPAIR, CONSTRUCTION, ETC. TRUCKS.

THE 76 BEGINS IN OCEANSIDE AT THE INTERSECTION OF THE I-5 FREEWAY AND CONTINUES THRU OCEANSIDE, THEN BONSALL, FALLBROOK, AND ONTO THE PALA INDIAN RESERVATION. THE ROAD IS A SUPERHIGHWAY TO THE CASINOS-IT IS A **2-LANE HIGHWAY** WITH NO DATE ON THE PLANNING BOARD TO WIDEN IT – WHAT ABOUT WHEN THAT HAPPENS – THE TRAFFIC TIEUPS WILL BE HORRENDOUS AND THE CONSTRUCTION WILL LAST FOR A COUPLE OF YEARS.

WHY IS THIS LANDFILL PROPOSED FOR SUCH AN ALREADY CROWDED AREA – HOW WILL THE RESIDENTS OF FALLBROOK EVER BE 075-2

ABLE TO COPE WITH THIS SITUATION? WE ASK THAT YOU CONSIDER WHAT I HAVE RELATED TO YOU AND PROPOSE AN ALTERNATIVE SITE FOR THE LANDFILL.

075-2 cont'd

THANKING YOU IN ADVANCE FOR READING THIS LETTER.

CAROLE AND PATRICK GAYNOR
2239 VIA OESTE DRIVE
FALLBROOK, CA 92028

LETTER NO. 075

Carole and Patrick Gaynor
2239 Via Oeste Drive
Fallbrook, CA 92028

RESPONSE 075-1

The comment is general in nature with regard to traffic. Section 4.5 of the Revised Partial Draft EIR summarizes the updated traffic analysis. The 2006 Traffic Study, which is contained in Appendix A of the Revised Partial Draft EIR, contains an analysis of potential traffic impacts from project-generated trips as well as a near-term and long-term cumulative analysis. The analysis takes into account the existing conditions along SR 76 and the fact that the roadway is currently two lanes. The Revised Partial Draft EIR concludes that 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 the segment of SR 76 west of I-15. As a result, the project would be required to pay the County's Transportation Impact Fee to fund its fair share to address this traffic condition. In addition, the project would contribute to cumulatively significant impacts on SR 76 and I-15 and many intersections. Implementation of the mitigation measure to pay the County's Transportation Impact Fee, and to make an irrevocable offer of dedication for right-of-way on SR 76, including a designated bike lane, and to make a fair share contribution for future roadway improvements could constitute full mitigation. However, because of the uncertainty of the implementation of future improvements to SR 76, the project-related and cumulative traffic impacts are considered significant and unavoidable.

RESPONSE 075-2

The comment expresses general concern with regard to the location of the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 076

From: connie gentili [cgen@cox.net]

Sent: Tuesday, August 22, 2006 12:32 PM

To: LUEG, DEHComments

Subject: Gregory Canyon landfill

Dear sirs: I am against this landfill because I feel it will cause more traffic, more noise and water may leak into San Luis Rey river basin. It also interferes with sacred Indian sites. 076-1

Connie Gentili
310 Luiseno Ave
Oceanside Ca 92057
cgen@cox.net

LETTER NO. 076

Connie Gentili
cgen@cox.net

RESPONSE 076-1

The comment expresses opposition to the project. The comment expresses general concern regarding traffic, noise, water quality, and ethnohistory and Native American interests. The Revised Partial Draft EIR contains updated analyses of traffic (Section 4.5), Noise (Section 4.6) and cultural resources (Sections 4.11 and 4.12). Sections 4.3 and 4.4 of the 2003 Draft EIR contain detailed analyses of groundwater and surface water quality, respectively. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 077

From: Jeff Greenwald [jgreenwald@irr.com]

Sent: Thursday, August 24, 2006 9:51 AM

To: LUEG, DEHComments

Subject: Opposition to OMWD/Gregory Canyon Project

To Whom It May Concern:

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection

I specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.

As residents living along "the roadways that serve the project", I object to this project for several reasons. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.

A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.

The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. This is a health and safety issue for the school that was planned long before this latest agreement was considered. Maranatha is currently involved in litigation on the issue.

Points of Objection:

077-1

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Lastly, the community is already negatively impacted by several hundred truck trips along Camino del Norte due to the one-way construction traffic created by the construction of 4,300 homes at Black Mountain Ranch. These trucks drop debris, rocks, etc. that damage the roadways and windshields. The road is covered with filth and dirt and the sprinkler systems in the median turn Camino del Norte into a mud bath. 077-2

The proposed plan is ill conceived and a threat to the health and welfare of children and the surrounding homeowners. I respectfully request that you do NOT support this project. 077-3

Sincerely,
Jeff A. Greenwald
Santa Fe Valley Homeowner.

Jeff Greenwald, MAI
Managing Director
Integra Realty Resources-San Diego
990 Highland Drive, Ste 312
Solana Beach, CA 92075
Phone: 858-259-4900
Fax: 858-259-4910

LETTER NO. 077

Jeff Greenwald, Managing Director
Integra Realty Resources - San Diego
990 Highland Drive, Suite 312
Solana Beach, CA 92075

RESPONSE 077-1

The comment expresses opposition to the project with regard to the off-site water supply. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water on the landfill site.

RESPONSE 077-2

Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, contains an analysis of potential project-related and cumulative traffic impacts from the transport of recycled water from the Reservoir Site to the landfill site. The comment raises concern with the construction impacts associated with another project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 077-3

As indicated in Response to Comment No. 077-1, the transport of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic and safety impacts are considered in Section 4.5; Section 4.6 contains an analysis of potential noise impacts associated with the recycled water trucks; and Section 4.15 contains an air quality and health risk analysis. The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 078

From: Arlene B. Griffin [safeprodir@san.rr.com]

Sent: Sunday, August 13, 2006 1:46 PM

To: LUEG, DEHComments

Subject: gregory canyon

Please support the Gregory Canyon Landfill! 078-1

Stay SAFE!

Arlene

Arlene B. Griffin
Program Director
Coronado SAFE (Substance Abuse Free Envrironment)
1009 C St.
Coronado, CA 92118
P 619. 522.6884
P 619. 522.6885
www.coronadosafe.org

LETTER NO. 078

Arlene B. Griffin
safeprodir@san.rr.com

RESPONSE 078-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 079

SAN DIEGO COUNTY
DEPT. OF ENVIRONMENTAL HEALTH

PLEASE DO NOT CERTIFY THE EIR FOR THE GREGORY CANYON LANDFILL. THIS PROJECT IS AN ENVIRONMENTAL DISASTER. 079-1

DAVID GRUBB
2233 MANCHESTER #1
CARDIFF, CA 92007

Received
JUL 24 2006
DEH / LEA

LETTER NO. 079

David Grubb
2233 Manchester, #1
Cardiff, CA 92007

RESPONSE 079-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 080

RUTH HARBER
11132 SAN ANTONIO WAY
VALLEY CENTER, CA 92082

Received
AUG 2 4 2006
DEH / LEA

August 19, 2006

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

Subject: REVISED PARTIAL DRAFT ENVIRONMENTAL IMPACT REPORT (RPDEIR) FOR THE GREGORY CANYON LANDFILL PROJECT (LOG No. 98-02-025).

Gentlemen:

I am submitting herewith my comments to the above referenced RPDEIR.

First of all, I would like to know why the actual RPDEIR which I am reviewing shows an address of 1255 Imperial Avenue, San Diego, CA 92112 when your mailed instructions clearly indicated the Hazard Way address for mailing comments. Will you accept any comments mailed to Imperial Avenue? I assume some people will use that address. Is there a risk of delayed receipt because of this confusion? 080-1

3.0 Project Description – Page 3-1
Double Composite Liner – Show examples of other such liners – Where are the landfills that use them?
Are there any known problems?
Has there been any slippage?
Leaking of leachates?
Have there been any tears?
Do manufacturers guarantee that these double liners will not leak? 080-2

4.5 Traffic and Circulation – page 4.1-1
Does Traffic and Circulation take into consideration the expansions of the Pala Casino and the Pauma casino + some 11,000 homes projected for the area?

It appears that the AIR QUALITY and CUMULATIVE IMPACTS are not discussed although they should be part of the traffic and circulation study. Please explain why this was left out from this RPDEIR. 080-3

4.5-2 – 2085 PCE per day – Where? Passing by the dump or later when Pardee, Passerelle, Fritz, Pala Rey are built up with 11,000 homes. It is not specified if this is by the dump.

Do these figures include trucking water from Olivenhain Municipal Water District and Rosemary's Mountain quarry? 080-4

From Summary: MM4.5-3 = What other traffic figures for trucks? – Dumping other times? 080-5

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

MM4.5-4 = Impacts – do we need to make it worse than it is? 080-6
MM4.5-5 = Turnlanes exist now. What will be changed? Is there a design ? 080-7
MM4.5-6a= Significant because uncertainty of Road improvements? So, it's a "shot in the dark"? 080-8

MM 4.9-1a= Re: the offsite acquisition as mitigation measure ordered by the Court:
Didn't that require the purchase of 384.4 acres <u>prior</u>? Doesn't that mean prior to
Certification or even recirculation of the EIR? 080-9

MM 4.9-1b = Dedicated open space. This open space within the land held by Gregory Canyon Ltd. is NOT THE SAME environment. It is very dry and doesn't have the same contours and environment as the canyon itself.

What happens if planting is unsuccessful?
Will there be fines?
Will the project have to stop?
What if the replanting is not successful if done before operation. Not specified! 080-10

4.9-1h: If Coast Live Oak are moved – where's the canopy for wildlife and flora? 080-11

New scientific studies show that toads and frogs are disappearing. This project will contribute to this destruction. Shame! 080-12

4.9-5 Construction personnel are notorious for being careless to say the least. They tramp all over in heavy boots. Signs must be posted in Spanish since a lot of the workers will be latinos. 080-13

Page 3-4 - Won't the two 10,000 leachate holding tanks at the Southwest corner of the ancillary facilities create problems for Medicine Rock. Leachates in such proximity might contribute to the desintegration of the this Sacred Rock 080-14

Does OWMD have jurisdiction on the roadway for water truck access (approx. 1,000 ft of 24 ft. wide asphalt roadway)?
Is an environmental review being done?
Shouldn't Notice of Intent to Regional Water Quality Control Board be filed PRIOR to review of this EIR by the Department of Environmental Health of the County?
Is it certain that a permit will be obtained from RWQCB? 080-15

Page 4.1-3 = The County's Siting Element is flawed. The Sycamore landfill expansion will take care of needed capacity for at least another 30 or 40 years. Why is there no indication in this section of the capacity available at Sycamore" Has it been purposely omitted?
Is this part of DEH's planned use of "Overriding Considerations" once again – the so-called NEED for a dump where there is enough capacity in another part of the county that is currently taking in all the trash? 080-16

And, isn't the County's Siting Element flawed since it does not take into consideration the fact that technology may soon make the burying of trash a dinosaur.. a thing of the past?

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

4.5.1.1. – Page 4.1
First paragraph: Steepest grades are immaterial. Curves on the road are the problem here. 080-17

Using 2005 traffic counts is unrealistic. It does not take into consideration the expansion of the casinos and the proposed housing. 080-18

Page 4.5-2 = What is a 2-land road? Marathana Way. Please explain. 080-19

4.5.1.2 – 24 hour count in March 2005 is unrealistic.
Specific grades may cause the truck to slow down more than a passenger car.
The Grade is not the issue here – Traffic and curves are. 080-20

Page 4.5-3 – Top paragraph: How generous! Change from 1.3 to 1.5 truck vs. car. Maybe if all cars were Hummers! The 1.5 passenger car per trash truck is still considered too low according to traffic experts. They indicate it should be 2 passenger cars per truck. This is skewed towards the development of Gregory Canyon dump and the developers who paid Darnell & Associates to prepared the traffic study. Would they want to disappoint their client? 080-21

Page 4.5-4 – LOS D = Are you dreaming? 080-22

Table 4.5-2 = Try to get out of Couser Canyon at approximately 3 or 4 PM.
Please explain where the traffic goes = 1189 to project and 1208 east of the project: Do 19 cars turn off somewhere?

A study was just made for the roads in Valley Center - the Board of Supervisors on 8/9/06 voted to let Valley Center Roads to be LOS F – the County will apparently accept an F rating for Valley Center Road – even with the widening. It seems the county doesn't care what happens in the so-called "back country"! The Valley Center residents were promised a widened road with a rosy picture of better moving traffic. Now, it seems, all predictions were wrong – lies – Do we have to accept the figures for Highway 76 as being correct and do we really have to trust these figures when the county has been proved wrong with other roads? 080-23

Table 4.5-3 = Didn't I read somewhere that:

SR/76 to I-15 South is "F"
SR/76 to I-15 North is "F" 080-24

The same comments apply for 4.5-5.

4.5.1.4 – Accident reports for SR 76
How can you use 1991 – 1998 accident data?
There were no casinos during those years. 080-25

Paragraph 2: Trucks have overturned at the 20 mile curve – a lot of documentation is available from Caltrans and Highway Patrol.

Page 4.5-8
4.5.2 – <u>Significance Criteria</u>: 080-26

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

It is stated "The County of San Diego has established a goal of maintaining LOS D on all roadways and intersections during the peak hours". See above comments on Valley Center Road!!!!!
It seems that these goals will fail on SR-76 as well?

Why does the last paragraph of this page mention LOS E when you indicated LOS B, C, or D?
Where is the E on the tables for traffic? 080-26 cont'd

Page 4.5-9 – top paragraph: Isn't there congestion now? 080-27

<u>Project Trip Generation:</u> Will Gary Erbeck be there to count the trucks? Will we have to rely on a dump employee? Will it be reliable? 080-28

Page 4.5-10 <u>Daily Log:</u> Who will monitor ?

IF THE RECENT POLLUTION OF OUR BEACHES AND E-COLI IN WATER AS WELL AS RANCHO BERNARDO/RANCHO PENASQUITOS, ETC.. ARE AN EXAMPLE... HOW CAN WE TRUST THE DEPARTMENT OF ENVIRONMENTAL HEALTH WHEN IT TOOK THREE WEEKS TO REVEAL THE PROBLEM THAT STILL HAS NOT BEEN FOUND AT CERTAIN AREAS. 080-29

I DO NOT TRUST ENVIRONMENTAL HEALTH TO DO A GOOD JOB CONSIDERING THE RECENT FAILURES.

Page 4.5-10 - Traffic impacts are overstated per the writer of the EIR. Shouldn't we read this as "understated"....to make sure a permit is obtained? Again, my comments about the consultants who are paid by the developer and want to please their client. 080-30

Heavy trucks are more than 1.5 when full of garbage. This is skewed in favor of development of this dump by the firm that is paid to help develop it. 080-31

Page 4.5-10 <u>Project Trip Distribution:</u> This is ridiculous – Traffic going EAST is more than 5%. To to casinos and try to get a parking spot most days. Did those people fly in?

Traffic counts – typical AM 7:00 to 9:00 AM – should be discarded. There are NO garbage trucks going to the dump at that hour – they are busy picking trash at residences – this of course unless they spent the night fully loaded from the previous day – which in that case brings up the next question – where do they spend the night? Therefore, any mention of 7 AM to 9 AM when used in study tends to lessen the damage and traffic figures... AGAIN, THERE ARE USUALLY NO GARBAGE TRUCKS DELIVERING TRASH TO A DUMP AT THAT HOUR! 080-32

Page 4.5-16 = LOS E? Don't all your tables show C or D? 080-33

The paragraph of TRAFFIC BEING TURNED AROUND OR TURNED AWAY SO WASTE COLLECTION VEHICLE DOES NOT DUMP... IS ABSOLUTELY RIDICULOUS... WHERE WILL THEY TURN? At Couser Canyon? While I sit there to get on Highway 76.. with all the casino traffic going by? Is there an indication anywhere about where they will turn around? Will they drive all the way to the dump entrance.. 080-34

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

increasing the amount of traffic on SR/76 where that much dump truck traffic is prohibited according to what is written in this EIR? 080-34 cont'd

Page 4.5-19 – Tribal Traffic Study
You now admit that the original studies were flawed? Will you ever admit that you are wrong about putting a dump where it doesn't belong?

Still 2005 figures are not acceptable as traffic has increased since casinos added more games. 080-35

Page 4.5-20 – Are you making the statement that the Tribal Traffic Study should not be relied upon to accurately assess either existing or future cumulative traffic conditions on SR 76 BECAUSE IT IS NOT IN THE BEST INTEREST OF THE DUMP? 080-36

Page 4.5-21 – Existing other Developments: Why is the Warner Ranch not included? You say because they have not made application? No permit yet?
Since Gregory Canyon Ltd. now HAS NO PERMITS, SHOULDN'T STUDIES ALSO NOT BE DONE?

Does the elimination of the Warner Ranch's projected 900 homes work in favor of Gregory Canyon Ltd. as it shows LESS TRAFFIC and doesn't this skew the study in favor of Gregory Canyon Ltd.? 080-37

Existing other developments + Proposed project:
If I-15/76 Northbound operates at unacceptable level of service of LOS F with or without the project, won't the project exacerbate the problem?
Will it not create GRIDLOCK? 080-38

Footnote on page : Please refer to this footnote. No analysis of Air Quality, Health Risk and Noise were prepared. But you admit that Warner Ranch development would incrementally increase air omissions and noise.. etc... IS THIS WHY YOU HAVE DECIDED NOT TO INCLUDE THE PROJECT AT WARNER RANCH?

Isn't it amazing that you admit something and that you included this footnote? 080-39

Table 4.5-11 – Why are there no daily trips indicated for Rosemary's Mountain.
Also, please make a correction: Palomar Aggregates sold their interest to Granite corporation several years ago. If you don't know this by now and use old maps and designations, how can we trust you and be sure that everything else is correct? 080-40

Exhibits 4.5-5 and 4.5-6= Do the figures include large, heavy trucks coming down Couser Canyon as well as other vehicles? 080-41

Table 4.5-12B – Summary of near term cumulative ramp operation:
Explain the Density = Passenger cars per plane per mile. Are we flying yet?

Whoever did this report must have been "high"

Will trash be flown in" 080-42

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Same error at Table 4.5-13B --- per plane (?) 080-42 cont'd

Table 4.5-12c – All shown as LOS E. What happened to the "F" at I-15 ramps? 080-43

Page 4.5-27 = YEAR 2030: Penultimate paragraph: With or without project.. but project WILL MAKE IT WORSE or do you disagree. If so, explain your rhetoric/conclusions. 080-44

Table 4.5-14 – Year 2030:
Significant – Cumulative Impacts:
I see nothing by "F".
Where is this county going? 080-45

Page 4.5-30 – Recycled Water trips: I am puzzled. Bedrock wells are mentioned. Does that mean Appropriations from the San Luis Rey river?
Didn't the application for Appropriations from the San Luis Rey river expire? 080-46

Page 4.5-32 – Traffic Impacts:
Were there public meetings with residents of Maranatha Way and environs?
Were there Scoping Meetings?
Was this project of recycled water not subject to CEQA requirements?
Did Olivenhain Municipal Water District send notices of this agreement? 080-47

Page 4.5-33 – second paragraph:
1.5 factor PCE?
Water trucks are heavy and unwieldy. Again 1.5 is skewed towards allowing Gregory Canyon Ltd. to develop its dump since the Court ordered them to have water available.. but the traffic relationship of these water trucks at 1.5 is not acceptable.
Aren't there water trucks larger than trash trucks? 080-48

Shouldn't OMWD and Gregory Canyon Ltd. pay their fair share of widening Maranatha Way? 080-49

Page 4.5-33 – last line: add "include". 080-50

Page 4.5-34 – You say: "Therefore, recycled truck trips on Maranatha Way will not result in any significant traffic or traffic safety impacts"
Tell that to the people who live there and drop their kids at school

Are there any provisions made when it is a "Parents'Day" or other seasonal activities and functions" Will trucks be restricted those days outside of the specified hours? 080-51

Page 4.5-35 – last paragraph:
"Nonetheless, project traffic would add incrementally to the existing failing LOS F condition on I-15, and for this reason is treated for purposed of the Revised Partial Draft EIR as a significant and unavoidable traffic impact. If this is so, why allow it?
Page 4.5-36 – If traffic is at LOS F – why exacerbate it? 080-52

Page 4.5-37 – MM 4.5-2 "Records shall be available for review by the Department of Environmental Health during operational hours". Do I now need to repeat the criticism of 080-53

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

DEH about Mission Bay in San Diego, Rancho Bernardo e-coli in the water, new problems in South County?

The Department of Environmental Health has absolutely NO CREDIBILITY WITH THE PUBLIC! 080-53 cont'd

Page 4.5-38 – Item 4.5-3: This whole page should be eliminated. It makes absolutely no sense for the operator of the dump to be so WILLING to restrict dumping. These people need the trash to make a profit. They will probably NOT STOP INCOMING traffic that is not supposed to be there at that time. 080-54

Impact 4.5-6 – Page 4.5-39
Why then allow a dump if the project –Quoted from document: <u>by the year 2030 – will contribute to cumulative traffic conditions that would cause all segments of SR 76 to operate at UNACCEPTABLE LEVELS OF SERVICE AND THAT WOULD CAUSE THE INTERSECTIONS OF SR 76 AND OLD HIGHWAY 395, SR 76 AND INTERESTATE 15 SOUTH AND SR 76 AND INTERSTATE NORTH TO OPERATE AT UNACCEPTABLE LEVELS OF SERVICE.</u> 080-55

IF THIS IS A CERTAINTY, WHY ALLOW A DUMP THERE?

Pages 4.5-39 and 4.5-40 –
4.5-6 Level of Significance after Mitigation: If this is considered "SIGNIFICANT AND UNAVOIDABLE" will Gary Erbeck, once more, invoke Overriding Considerations because it is his sworn duty to put a dump on the San Luis Rey river? Has he no regard at all for the environment.. in which case, he should not be the director of the Department of Environmental Health which was created to PROTECT THE PUBLIC! 080-56

<u>NOISE AND VIBRATION:</u>

Note: People residing at the southern rim of the dump will be affected by noise. This is an extremely quiet area, with an occasionl barking dog, baying coyotes and sometimes booms from Camp Pendleton (which can be heard throughout all of North County). Anyone doing some hammering within a mile can be heard here! 080-57

Question: Vibrations from trucks, construction, etc.. is this acceptable to San Diego County Water Authority where their AQUEDUCT is concerned? 080-58

Page 4.6-1. What is meant by FINAL EIR?
Do we have to review another one or is that the one where you include responses to questions? 080-59

If wind and atmospheric conditions sometimes carry noise to my residence which is approximately 1300 to 1,500 ft as the crow flies from the southern edge of the proposed dump, isn't it assumed that I will also hear the beep beep beep of trucks, the blasting of rock, the excavators, dozers, compactors working at the Southwest edge of the dump in the borrow pit? WHY ARE WE NOT INCLUDED IN THIS NOISE AND VIBRATION STUDY? 080-60

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Attached is copy of an aerial photograph taken in 1990 showing all the homes abutting the Gregory Canyon property. Since then, over 40 new homes have been built in the area. The contention that this is a "sparsely populated area" (according the Proposition C) is absolutely false. WE HAVE BEEN THE FORGOTTEN RESIDENTS IN THIS QUEST TO DUMP IN THE SAN LUIS REY RIVER VALLEY, IN OUR WATERSHED! 080-61

Exhibit 4.6-2. Where are the clusters of homes at the South of the dump (as if we didn't exist) -? 080-62

Footnote 8 –Site visit PCR Services Corp. Staff – Marcxh 2006. Why didn't they check the southern side of the dump? This is not acceptable!] 080-63

What about the residences at Couser Way, at the Southwestern edge of the dump? Why are those residences not shown on these exhibits? 080-64

4.6-6 – First phase of blasting – 6 months – during what months of the year? (considering the time needed to protect the Least Bell's Vireo). Please explain. 080-65

Have you experience construction noise in your life? Did it increase your blood pressure? Will Gregory Canyon Ltd. pay for medical assistance and hospital if and when the noise and vibration deteriorate my health and that of my neighbors? 080-66

4.6-5 – How about showing clusters of homes THAT DO EXIST AND HAVE BEEN OVERLOOKED? 080-67

Page 4.6-7 - 4.6.3.2
In our community, changes in noise levels ARE noticeable. 080-68

Page 4.6-9 – First paragraph: Won't SR/76 become a more dangerous road by adding fence, masonry wall, earth berm or vegetation? This will reduce the sight of vision for most drivers around the curves!

So, now the promoter of this dump wants to enclose our country view with masonry walls! Why not pave the whole valley now? Ridiculous and absolutely unacceptable!

And, so, the property owner wants NO WALL! Since a wall is not feasible, what is the answer to the noise? 080-69

Page 4.6-11. Aren't you "passing the buck" by saying "it is a regional problem"? The environment is already bad you say… so, let's degrade it further? Isn't it like saying: someone is being beaten … therefore, a little more beating doesn't matter… till they die"? 080-70

Page 4.6-12 – Noise levels: Maranatha School: Since water transport near school will increase noise in the classrooms, will Olivenhain Municipal Water District or the buyer of all this water, Gregory Canyon, Ltd. or the owners of the water trucks pay for some additional noise insulation for the school? 080-71

Who is the owner of the water trucks? 080-72

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Page 4.6-16 – 4.6-5
First paragraph
Didn't the Superior Court make the Traffic Study one of the most contentious points in the CEQA case that you lost?

With quotes such as "The project would result in a significant and unmitigable noise impact from traffic" why do you or Gregory Canyon Ltd. now think that it will be acceptable to the Court?

Second paragraph: "Mitigation is considered INFEASIBLE". Do you think this will be acceptable to the Court? 080-73

Now, does this mean "To hell with it"? DEH will grant overriding considerations anyway? So, now we can tell the truth that NOISE CANNOT BE MITIGATED.

Finally, you are admitting THIS IS A BAD PROJECT!

<u>Biological resources –</u>

Sadly, I am no biologist but, Do you have to be a scientist to see that impact to sensitive vegetation communities will destroy habitat for endangered wildlife?

Please explain why columns 2 and 3 of Table 4.9.5 of 2003 Draft EIR are no longer to be considered in assessing impacts to areas subject to ACOE jurisdiction. 080-74

Page 4.9-4. Why is there no number of Engleman Oaks, Rainbow Manzanita, Prostrate Spineflower indicate? How many are there, each category? 080-75

<u>Animal Species</u>: Southwestern Arroyo Toad: If destruction of habitat <u>could</u> occur, why construct a bridge at that location?

Everyone knows that Southwestern Arroyo Toad does not survive where land does not abut to riverbeds. 080-76

Page 4.9.5 – So, you admit significant impact. Again?

How generous of the developer to assume an impact to 17.5 acres instead of approximately 10.5 acres suitable upland to the Southwestern Arroyo Toad! What is the reasoning behind this largesse? 080-77

Road Kill: Couldn't the developers' engineers come up with a better word and better solution such as putting the bridge elsewhere? Or would that require another EIR? 080-78

Third paragraph: Restoration could enhance riparian habitats? It's as if I said: "My house is old – so, we'll destroy it (even though I live there) and we'll build a new better house … in which I may never live because by the time it's built, I'd be dead. 080-79

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

The logic boggles the mind! Will there be Southwestern Arroyo Toads left? Maybe they recovered at other locations per USFWS 1999c but were they subject there to all the trucks' vibrations, the dust and diesel spewing trucks? 080-80

Last 2 lines of paragraph 3 = any excuse can be evoked for this destruction of habitat?

Fourth paragraph: Hasn't Verboom dairy closed operations and moved the cattle to Northern California? This is another example of the lack of proper research done by the writer of this segment of the EIR. This should have been corrected. 080-81

It is also my belief that all the manure has been sold and removed. So, the statement that the San Luis Rey river will be improved is absolutely BOGUS!

Page 4.9-6 = end of previous page's last paragraph:
Who will monitor?
DEH has failed in San Diego – beaches are polluted – Mission Bay polluted
And now also South County – E-coli at Rancho Bernardo and Rancho Penasquitos..
People had to boil their water there. Dangerous e-coli is rampant at our beaches and it takes three weeks for DEH to find this out and admit it to the public. 080-82

HOW CAN WE TRUST DEPARTMENT OF ENVIRONMENTAL HEALTH TO DO THE JOB THEY WERE CREATED TO DO... SERVE AND PROTECT THE HEALTH OF SAN DIEGO COUNTY RESIDENTS. SOMEONE SHOULD BE HELD ACCOUNTABLE FOR THE FAILURES IN SAN DIEGO.. SOMEONE SHOULD BE FIRED OR RESIGN!

Second paragraph: Don't you know that dumps attract rats, coyotes, bobcats, and certainly crows and seagulls. I have seen photos of the Miramar and Sycamore dumps ... covering the trash in the evening is not the answer... certainly not when endangered species are present. 080-83

Riprap: Is it really necessary since the impact would potentially be significant.... But then, everything in this dump project is "significant" and yet, public entities are just sitting back and watching who will take the first step and say "enough is enough" ! 080-84

Ants: Won't it be necessary to eradicate (fumigation, etc..) the Argentine ants so that they will not destroy a source of food for the Southwestern Arroyo Toad and in so doing, won't the chemicals destroy other wildlife and fauna? 080-85

If so, shouldn't this EIR indicate what type of chemicals will be used?

Page 4.9-7. If the impact to the vireo habitat during the breeding season is significant, won't the USFW and California Fish & Game object to this impact? 080-86

<u>Increased Traffic Noise: Page 4.9-7</u>

What is the position of U.S. Fish & Wildlife Service and California Fish & Game regarding this loss of 7.1 acres of vireo and flycatcher habitat and 3.1 acres of cottonwood-willow riparian forest + 4.0 acres of Southern Willow scrub? 080-87

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Next paragraph:
The impacts described in this paragraph are considered a project of significant impact. What is the position of USF&W and Calif.Fish & Game regarding this significant impact?

080-87 Cont'd

Next paragraph: Page 4.9-8
"On site creation or enhancement would take place in accordance with the procedures and standards set forth in the Wetland Mitigation ....."
This is absolutely not acceptable. Is this how the writer of this RPDEIR interprets the Court's order?

Did PCR (the company making these comments) look at the acreage that would be used "on-site" for mitigation? As indicated earlier, this is the same natural environment as will be destroyed. The canyon gets moisture from the high mountain above especially on rainy days and on the often misty/foggy days. The other "on-site" land has more of a California desert vegetation. NOT ACCEPTABLE FOR MITIGATION!

This whole study shows a terrible unmitigable impact to vireo and flycatcher. No amount of "rehabilitation" will make up for this loss especially not in areas that are not identical to what will be destroyed.

080-88

Didn't the Court order the purchase of mitigation land?

Any mention of creation of "upland" areas is a pipe-dream that will not result in any mitigation. What happens if the "upland" mitigations are not successful?
Will there be fines?
Will the project then be scratched?
Will DEH insist that the mitigation order from the Court be observed – BEFORE issuing a permit and BEFORE certifiying this new RPDEIR?

Last paragraph – page 4.9-8: ..."could be accomplished through the acquisition of 20.0 acres off-site habitat".Wasn't the purpose – the aim, of the Court's decision to have the developer obtain such mitigation land PRIOR to this RPDEIR or certainly PRIOR to destroying existing habitat?

080-89

<u>Consistency with Natural Communities Conservation Plan</u>
Page 4.9-9 - 4.9.3.3.

Where are the additional 63.6 acres that would be created "on-site"?

Isn't it as indicated above the land outside the canyon – NOT SIMILAR AND NOT COMPATIBLE?

080-90

Who did survey the gnatcatcher?
What period of the year in the 10 years?

4.9.3.6. Page 4.9-10
This whole section referring to the Southern Arroyo Toad shows how ILLOGICAL its relocation would be. It is stated that "Upland" habitat is NOT SUITABLE FOR THE ARROYO TOAD. It states further that ***"Therefore, the soil types present in the uplands beyond the greater San Luis Rey River floodplain should not be considered potential arroyo***

080-91

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

toad upland habitat because THESE AREAS ARE NOT SUITABLE FOR BURROWING" **(Page 4.9-11).**

Would you agree with the researcher and studies that the destruction of the Southwestern Arroyo Toad is therefore a "certain" occurrence and that this cannot be mitigated? 080-91 cont'd

Page 4.9-19:
MM 4.9-1a.
I am struck by the phrase "Off-site acquisitions may occur anywhere within the unincorporated area of San Diego County" - Has the proponent made any such purchase?

Isn't it obvious to the Department of Environmental Health that, wherever you look in the RPDEIR, the conclusion is always "THE IMPACT WOULD BE SIGNIFICANT"? Do we need to destroy all this in order to assure financial gain from out of county and out of state interests? 080-92

Page 4.9-22 – Impact 4.9-3b: Please correct the last word – 4th line – it is not disbursing (which means paying) – the word should be dispersing ----which means moving all over the place... 080-93

Page 4.9-23. Do you really believe that "environmental groups" would cooperate with the destruction of habitat and wildlife and cooperate? 080-94

4.9.5 – Page 4.9-26 –
Now, with all these promises of "mitigation" you come to the conclusion that with on-site creation or enhancement (!!!!), or off-site acquisition, the project's contribution to cumulative impacts to biological resources would be less than significant!

Doesn't each and every category – if you read carefull – always come to the conclusion that "IT IS SIGNIFICANT"?

Isn't it the purpose of this RPDEIR to make the project look good? Aren't these the same lies the Court SAW through? 080-95

ARCHAEOLOGICAL AND CULTURAL RESOURCES

Last paragraph:
Quote "If a listing were to occur, Gregory Mountain and Medicine Rock would be considered significant historic and cultural resurces, in addition to being significant ethnohistoric resources as discussed in Section 4.12.

Question: If listing does occur, what now?
What would the builder have to do *after* the dump is built?

How will the dump affect Medicine Rock and Gregory Mountain – both sacred to the Luisenos and revered by all other Native American groups in California?

Gregory Canyon proposes to pile garbage on the western slope of Gregory Mountain. 080-96

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

If listing does occur, does Gregory Canyon, Ltd. has contingency plans – change their whole design? Remove all the trash?

Has anyone researched this?

The same comments apply to Section 4.11.5

080-96 cont'd

Page 4.12-1 – 4.12.1.4 Nomination of Gregory Mountain and Medicine Rock as Historic Resources:
Do you have an explanation why the National Park Service returned the nomination to State Historical Resources Commission and why they indicated "No longer in consideration by the NPS"?

Was any pressure applied for this nomination to be considered. And by whom?

> **A few years ago, RiverWatch applied with American Heritage Rivers Our application was accepted but later removed from nomination by then Congressman Randy "Duke" Cunningham and State Representative Ron Packard. This was done for political reasons.**

Could it be that the same type of pressure was applied for Gregory Mountain and Medicine Rock?
Does anyone know the reason this was done?

080-97

Page 4.12-2 – First paragraph:
Didn't the Pala Band of Mission Indians purchase the former H.G. Fenton Materials?
Wasn't the Fenton permit terminating in early 2005?
Has anyone bothered to check the site and see that it is closed?

The writers of this EIR should get their facts straight. With such errors, how can we be sure that the rest of the document is correct?

080-98

Page 4.12-2
Another example of the lack of accuracy of this RPDEIR:

Fenton: closed
Calmat: closed
Palomar Aggregates – no longer the developer – they sold their interest to Granite Corporation.

This should have been corrected. How can we trust anything else in the RPDEIR when the information therein is incorrect?

080-99

Page 4.12-3 – last paragraph and 4.12-4 first paragraph:

Quote: ***"Nothwithstanding these mitigation measures, and assuming the eventual listing of Gregory Mountain and Medicine Rock on the National Register of Historic Places, the impacts***

080-100

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

of the project on Gregory Mountain and Medicine Rock as significant historic and cultural resources would be significant and unmitigable for the reasons documented in the 2003 Draft EIR".

Do you really believe that Gregory Canyon Ltd. would care – unless so ordered by a court?

Richard Chase, Manager of Gregory Canyon, Ltd. made the crass remark at a Regional Trash Commission in Del Mar a few years ago: He said "Gregory Canyon and Gregory Mountain may be their (Pala and Luisenos) Sistine Chapel... but WE OWN IT".

Is there any doubt that Gregory Canyon, Ltd. may be the instigator of the removal of Gregory Mountain and Medicine Rock from nomination by National Park Service?

080-100 cont'd

Page 4.15-3 – top paragraph:
"This planning is in the early stages and it is not clear at this time whether imported water service through the SLRMWD would ultimately be provided to the Gregory Canyon landfill" –
Is DEH aware that to become a member of the San Diego County Water District and providing water services to customers is a very lengthy process that would take years! Ergo, the developer signed a contract with OMWD!

Were the residents of Olivenhain and environs and those in whose neighborhood trucks will transport the water informed of the agreement?

Were there scoping meetings regarding the additional traffic and noise/vibrations from the trucks?

080-101

Page 4.15-7 - 4.15.3.4
Project Water Demand:
Use of 150,000 to 175,000 gallons water per day and 205,000 estimated of 205,000 gpd:

Since this water is recycled water will some percolate or be washed into the San Luis Rey river which provides drinking water for Pala, residents along the river and most important to Oceanside which at present obtains at least 25% of its potable water from the San Luis Rey river and forecasts using a larger amount of water from the river?

080-102

Page 4.15-9 – last paragraph: ..."percolating groundwater from existing bedrock wells located north of the landfill footprint".
Does this mean that water will be APPROPRIATED FROM THE SAN LUIS REY? An applicatiion was submitted for appropriation in 1992 by Waste Management, Inc. but since no action was taken by the present owner of the Gregory Canyon for appropriation, the application was terminated by the Board this year. Thus, Gregory Canyon, Ltd. has no appropriative rights to the water of the San Luis Rey river.

080-103

On page 4-15.27 (Impacts of Recycled Water on Pala Basin Groundwater) – it is written:
Quote: "The introduction of the tertiary recycled water being provided to the project by Olivenhain could potentially impact the existing water quality conditions at the project site"

080-104

Isn't recycled water very salty?

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

And doesn't it have minerals and chemicals that remain due to the recycling process? 080-104 cont'd

Page 4.15-27: Are you saying that water at the dump will be contaminated?
Or does this mean that the river where the dump meets the riverbank will be contaminated?

How is the water at Olivenhain disinfected?
Who monitors the quality of the disinfected water?
Will the trucks transporting such water be inspected on a regular basis for e-coli, etc..
If inspected, will it be by the Department of Environmental Health? 080-105

Exhibit 4.15-5 – When using wells on the Gregory Canyon property, won't the dump take water from other properties around the dump that depend on wells for their water. Won't it reduce the other wells' output?

If this happens, will the Gregory Canyon dump compensate the other users who might be suffering from reduced production of water and thereby reduced income for their groves, etc..? 080-106

And, question: If Olivenhain has all that water for sale to Gregory Canyon, will they be able to provide recycled water to those who are already purchasing it? If they are not now selling water, what do they do with all of it? 080-107

Page 4.15-14
"Discussions with the Regional Water Quality Control Board indicate this recycled water can be used on the project site upon issuance of a waiver to Olivenhain permitting its use in the Pala Hydrologic Subarea." 080-108

Has a waiver been applied for?

Page 4.15-15 – 4.15.3.9
Impact Significance Criteria:
Quote of the paragraph: "In accordance with the CEQA Guidelines (Appendix G) the project's water use would create a significant impact if (1) water uses for the project would violate any water quality standards; (2) water usage for the project would significantly impact the supply of recycled water or groundwater to other existing users in the area, or (3) result in significant impacts on the environment". 080-109

Given the fact that some of the recycled water will eventually end up in the San Luis Rey river, a sole source of drinking water for the Pala Band of Mission Indians and others along the river, it is assumed that item (3) applies here.

Therefore, it is this writer's belief that by signing an agreement with Gregory Canyon, Ltd. for recycled water, the Olivenhain Municipal Water District is not in compliance with CEQA and that the agreement should be rescinded!

4.15.3.10 – Potential Impacts.

Please explain (last line, first paragraph) "Approximately four to five 2,300 gallon water trucks would be used for this purpose". 080-110

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Does this mean that the 267 or so water truck trips per day will be undertaken by a maximum of 5 trucks? Has anyone figured out how many trips these truck drivers will have to make per day? Won't they be a menace on the road due to fatigue or will alternate drivers work part of the day?

Will the drivers work only an 8-hour day or will they work overtime and how much overtime?

Will water be delivered at night?
For example: in Winter, daylight hours are a maximum of 10 hours.

080-110 cont'd

Regarding the restrictions on water delivery trucks (no trucks from 7:30 to 8:30 AM when school starts and no trucks from 2:00 to 3:00 PM when school ends), what happens when there are special events at the school such as graduation day, Year-end pageants or other festivities that may have people coming in and out of the school most of the day?

Will the school offer evening classes or tutoring in off-hours? Are there provisions made so the trucks will not be on street at that time?

080-111

Last paragraph – page 4-15-15: Is it conceivable to there is an error here and that the figure of PCE conversion factor to 1.5 is incorrect?

As has been shown throughout the various EIRs issued by the proponent of this dump, the figure of 1.5 is bandied around.. According to most experts who are NOT PAID by Gregory Canyon, Ltd., the more accurate figure should be closer to 2.0. Please explain how this 1.5 is arrived at. Doesn't the weight of the vehicle count for anything in this designation? Water is VERY HEAVY!

080-112

How long does it take for one truck to be filled up?

080-113

Page 4.15-23: Middle paragraph "Since the project would be limited to a total of 2085 PCE trips per day which was previously analyzed in the 2003 Draft EIR, no additional regional air quality impacts from project recycled water operations would occur. However, additional air quality analysis was conducted to evaluate whether this would cause any additional localized air quality impacts. These localized impacts were evaluated based on the 2006 traffic study for the project".

This is BOGUS. The people who live on the truck routes will be affected by diesel fuel emanations which would not be there if the project were not developed.

080-114

Page 4.15-24 – Diesel Particulate Health Risk Assessment
Studies have been done for many years all over the world regarding Diesel fuel. It is a well-known fact that children suffering from asthma develop an aggravated asthmatic condition.

It is also a well-known fact that people whose immune system is impaired and who are subjected to Diesel fuel emanations suffer from aggravated conditions and develop respiratory illnesses.

080-115

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Tables and dissertation on cancer risk are conjecture. Does anyone know exactly what causes cancer? We know about respirator illnesses but to say that traffic related degradation of air quality does not cause cancer it utterly irresponsible.

Is Gregory Canyon Ltd. now a "cancer expert" aside from being a destroyer of the environment?

Does everything always be shown as "insignificant"?

080-115 cont'd

Page 4.15-28 Table 4.15-4
Since the writer of these comments is not a chemist, please explain TDS.

080-116

Page 4.15-29 "The use of recycled water for project construction and operation has the potential to adversely impact personnel health as a result of direct contact with the water and inadvertent ingestion and inhalation of the over spray".

Will OSHA allow such use of recycled water that may sicken employees?

Will the operator of the dump take out hazardous medical insurance to protect the employees from such illnesses?

Would there be fines levied against the operator of the dump or its owners in case of such accidents?

080-117

Page 4.15-30
What will a County Department of Environmental Health approved training class teach the workers? As observed earlier, it is well known that DEH cannot observe its own rules as shown on Mission Bay, Rancho Bernardo, Rancho Penasquitos and South County and the necessity to boil water, to stay out of the beaches, and other unpleasant problems due to lack of monitoring by DEH.

Are there any fees involved with the classes?

Who will pay for the expense?

Has DEH budgeted for such expense?

080-118

Page 10 –6 – Table 10-1 Timing of verification:
Explain "as required" (MM 4.5.2 and MM 4.5.3)
Does it mean when Gregory Canyon Ltd. asks for it – or when someone is a whistle blower or when?

080-119

Chapter 11.-0 – Page 11-1
<u>UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS</u>

<u>Recapping, one by one:</u>

080-120

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Traffic and Circulation: your conclusion: "However, because of the uncertainty of the implementation of future improvements, the cumulative traffic impact is considered significant and unmitigable".

Noise and Vibration: your conclusion: "Given the uncertainty of the implementation of the mitigation measure, the project would contribute to a significant and unavoidable cumulative traffic noise impact along SR 76"

And "Therefore, the project would result in significant and unmitigable project impact and would contribute to a significant cumulative traffic noise impact to the existing residences"

And "Therefore, the project would have significant and unmitigable project level traffic noise impact as well as contributing to a cumulatevely significant and unmitigable traffic noise impact to residences along SR 76, I-15 and Camino del Norte/Camino del Sur.

080-120

Archeological and Cultural Resources: Your conclusion:
...this EIR concludes that from a subjective perspective, the impacts to Gregory Mountain and Medicine Rock would be significant and unavoidable.

Ethnohistory and Native American Interests: Your conclusion:
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 historic resources, in addition to the significant and unmitigable impact on these locations as ethno-historical resources.

MY CONCLUSIONS: AMEN!
THIS IS A VERY BAD SITE. THE RPDEIR ADMITS IT!

Page 10 – Traffic Study for Gregory Canyon Landfill – Darnell & Associates. June 2006
Traffic studies were done on Tuesday, Wednesday and Thursday. Monday and Friday were left out.

It is essential that traffic studies be done for Friday as patrons to casinos increase (weekenders at Pala and Harrah's Rincon Casinos as well as Pauma following their expansion and addition of hotel rooms).

080-121

This study is skewed in favor of Gregory Canyon, Ltd. who paid them to assume that there is less traffic than actually exists. The traffic study should be thrown out and ordered redone!

Page 13 – Accident reports
The accident reports covered years from 1991 through 1998. This is unacceptable. Traffic has at least tripled since the casinos opened.

080-122

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

(Your own study states an increase of 150% on page 15).

Page 17 – Accidents – Table 5:
What are the projected figures in the future with dump traffic, water trucks traffic and some 10,000 more homes in the area (such as I-15 and SR 76 – Rice Canyon – Pala Rey Ranch – Warner Ranch – Lake Rancho Viejo expansion) etc..etc..

You have an updated accident report on page 17. So, why bother with the old figures? 080-122 cont'd

Page 24 – Please explain: 24-ton trucks and their relation (PCE) per single car. 080-123

Page 26 – Once again, this is erroneous. The Fenton Sand Mining operations have closed – Pala Band of Mission Indians bought the property. Calmat has been closed and Palomar Aggregates no longer plans to destroy Rosemary's Mountain. The sold the rights for that destruction to Granite Corporation.

If you can't keep your facts straight…why do you think we can believe anything in this RPDEIR? 080-124

The type of research done by consultants leaves much to be desired!

Page 30 – You list a number of businesses (such as Countryside Veterinary Clinic on Cole Grade Road).If you put this facility on the books, why not the traffic from residences at Couser Canyon area and Lilac Road? Why didn't you list H & H Avocado packing facilities on Lilac road that use the Couser Canyon to transport their heavy loads of avocados to Temecula and other parts north (Fallbrook is one of the destinations, via Highway 76) ? 080-125

This is a badly researched report!

P. 45 – This is a ridiculous statement. What were you thinking? 080-126

Again, these so-called facts are skewed to make the project more palatable!

Page 60 – This shows bias towards Native Americans. 080-127

Page 64 – last paragraph: More reliable? Not so since you include areas that are shut down and ignore others (all residences at the south and southwest of the dump). WE DO DRIVE SR 76! 080-128

Page 75- Penultimate paragraph:
It is stated that "The project will participate in the County's Traffic Impact Fee (TIF) program to fully mitigate circulation needs along State Route 76. 080-129

Didn't you say at page Chapter 11.-0 – Page 11-1 that traffic is unmitigable?

IN CONCLUSION: Reading this RPDEIR was an unpleasant chore for this writer. The conclusions the RPDEIR makes as UNAVOIDABLE, UNMITIGABLE, SIGNIFICANT will show any sane person that the location for the landfill is abhorrent. The engineers may have developed great plans for a so-called state of the art dump .. but it's still a dump… and 080-130

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

it does NOT BELONG ALONG THE SAN LUIS REY RIVER, DOES NOT BELONG NEXT TO A SACRED MOUNTAIN AND WILL DESECRATE OUR ENVIRONMENT FOR YEARS TO COME... LONG AFTER THE BUILDER, PROMOTER, INVESTORS AND OTHERS HAVE PACKED UP TO LEAVE IT A SUPERFUND. 080-130 cont'd

I have one more question: Does DEH have enough employees to monitor EVERYTHING that is promised to be monitored in this ill-conceived project? 080-131

Ruth Harber

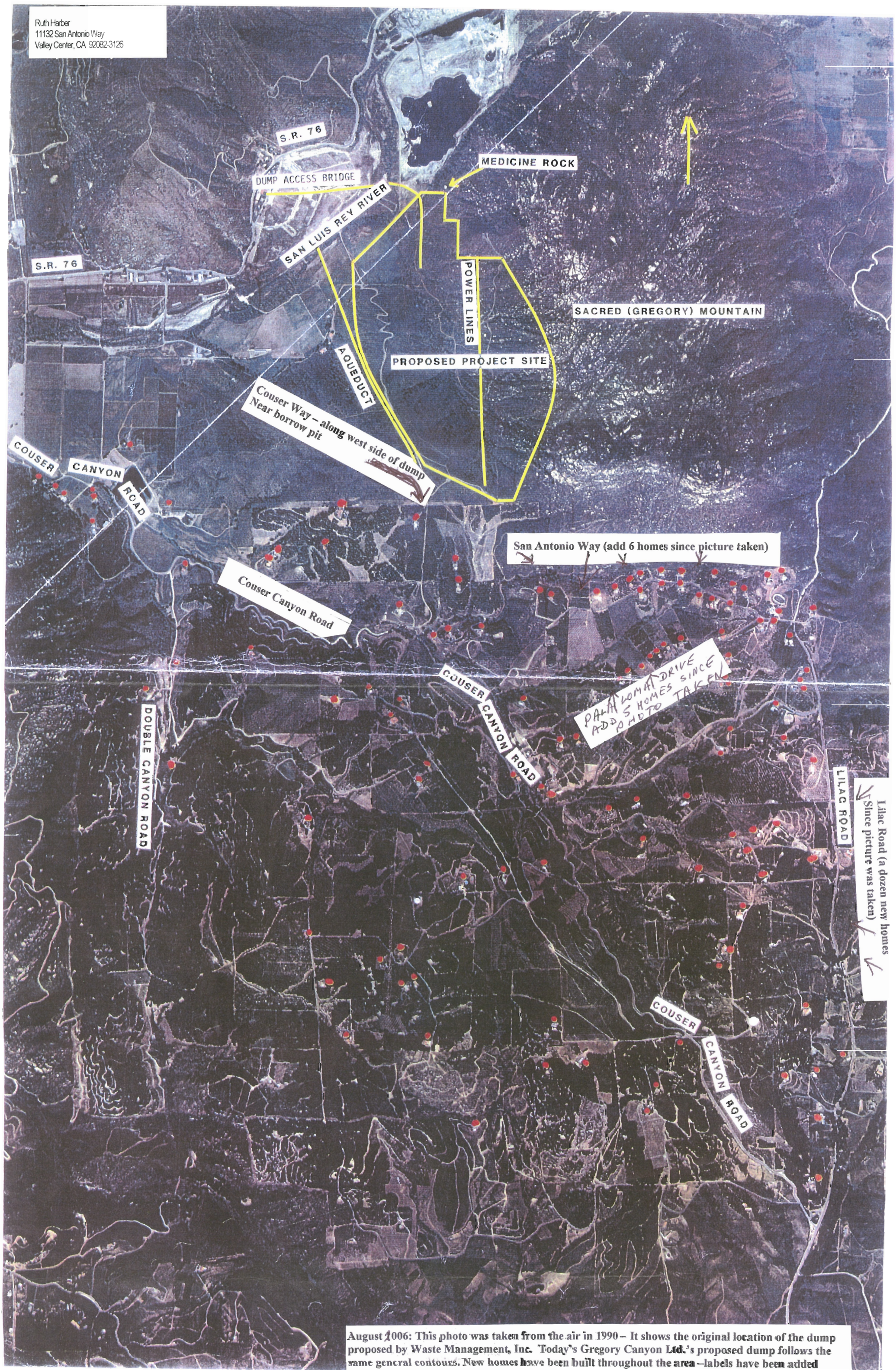
Ruth Harber
Secretary-Treasurer
RiverWatch

<u>Enclosures:</u>

Aerial photograph of dump area and residences in the area

Valley Center Roadrunner article, August 16, 2006 "Highway 76 is becoming HIGHWAY OF DEATH"

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126



August 2006: This photo was taken from the air in 1990 – It shows the original location of the dump proposed by Waste Management, Inc. Today's Gregory Canyon Ltd.'s proposed dump follows the same general contours. New homes have been built throughout the area –labels have been added indicating new homes.

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082-3126

Hwy 76 is becoming "Highway of Death"

Two fatality accidents occurred last week along a stretch of road along Hwy 76 that is starting to acquire a deadly reputation.

Several fatal accidents have occurred along this stretch in the last few months, some of them involving big rigs and closing the road down for half a day.

The section of road in question is just east of the intersection of Hwy 76 & Valley Center Road. Driving east it is a long downward slope with a deadly curve that many drivers fail to slow down for. Those that do slow down often leave behind in their wake the stench of brake liners.

On Aug. 9, about 5:10 a.m., a man from Indio was driving a 1989 Kenworth truck tractor with two semi-trailers westbound on Hwy 76 east of Valley Center Road.

He failed to negotiate a curve on the roadway due to his unsafe speed for conditions, according to the California Highway Patrol.

The Kenworth traveled off the north roadway edge and overturned, colliding with an AT&T telephone pole, severing the pole completely.

One of the flatbed semi-trailers detached from the Kenworth and traveled into a grove of orange trees.

The Kenworth and the other attached flatbed semi collided with a parked 1992 Ford Ranger pickup truck that was on the right dirt shoulder.

The occupants of the Ford were a father and son. They had stopped to add water to the car's radiator and had just got back in the Ford when they were hit by the Kenworth.

The father, Victor Chavez, of Escondido, was sitting in the driver's seat and his son, Marcos Chavez, 18, also of Escondido, was sitting in the right front passenger seat.

The driver of the Kenworth, Victor Gutierrez-Paz, 42, of Indio, sustained fatal injuries at the scene.

The occupants of the Ford sustained moderate injuries and were transported to Palomar Medical Center.

The road was closed for eight hours and traffic was detoured around on a winding, off-road route that ended them up on the Nate Harrison Grade.

The next fatal accident occurred Aug. 11, 1:10 p.m. on westbound Hwy 76, east of the South Grade of Palomar Mountain Road.

A 74-year-old Pauma man,

✶ DEATH cont'd page A7

DEATH

Continued from page A1

John Charles Schlater, was driving a 2005 Chevy Colorado eastbound on S-6 at an undetermined speed.

Juan Ramon Chaj was driving a 2003 Toyota Tacoma westbound on Hwy 76 approaching the Chevy. The Chevy crossed over a double yellow line into the westbound lane and collided with the Toyota. Schlater sustained fatal injuries.

Ramona Chaj sustained major injuries and was taken to Palomar Medical Center.

According to the CHP a preliminary investigation indi-

LETTER NO. 080

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 080-1

The address presented on the cover of the Revised Partial Draft EIR is the main address of the County Department of Environmental Health, the lead agency responsible for the preparation of the EIR. The Notice of Availability provides information regarding the submittal of comments and provides the address to be used in mailing comments to the lead agency. The address for receipt of comments is the address where the staff person assigned to the project works. All mailed comments were sent to the 9325 Hazard Way.

RESPONSE 080-2

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 of the 2003 Draft EIR contains a detailed discussion of potential degradation of groundwater arising from releases from the landfill, and concludes that with mitigation there would be no significant impacts to groundwater. However, the County chose the even more protective double composite liner alternative for the project.

The double composite liner that would be installed is described in Chapter 3 of the Revised Partial Draft EIR. Exhibit 3-8b provides a cross section of the liner. The double composite liner is a state-of-the-art liner. No other landfills have used the unprecedented double composite liner proposed for use at the site. Therefore, there is no history of data available. Please see Response to Comment No. 035-6 for a discussion regarding the performance of modern landfill liners.

RESPONSE 080-3

The 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR, contains updated near term and long term cumulative analyses. Appendix C of the 2006 Traffic Study provides a list of related projects that were considered in the near-term cumulative analysis. The Pala Casino expansion and the Pauma Casino expansion are included in the analysis, as well as other proposed developments on SR 76. Please refer to Response to Comment No. 028-33 for a

discussion regarding the consideration of the Pala and Pauma Casinos in the near-term cumulative traffic analysis. The traffic analysis also includes a 2030 cumulative analysis which takes into consideration proposed future development in the project area until the year 2030. Section 4.5 of the Revised Partial Draft EIR summarizes the cumulative traffic analyses.

With regard to air quality, the Air Quality, Health Risk, and Noise Technical Memo, which is provided in Appendix D of the Revised Partial Draft EIR, includes the revised cumulative air quality analysis. There was no change to the conclusions reached in the 2003 Draft EIR with regard to air quality.

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.

RESPONSE 080-4

As indicated in Table 4.5-7 of the Revised Partial Draft EIR, the project would result in a maximum of 2,085 PCE trips per day. The number of trips are based on the daily trip generation rates resulting from the worst case scenario of 5,000 tons per day of waste that would be disposed of at the site. Table 4.5-7 shows a breakdown of the average and maximum trip generation rates for the project with the total maximum projection of 2,085 on a peak day. The distribution of those trips is shown in Exhibit 4.5-3 of the Revised Partial Draft EIR. The trips associated with the trucking of recycled water from the Olivenhain Municipal Water District are included in the maximum number of trips and the trip distribution.

With regard to other projects mentioned in the comment, Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR contains a near-term and long-term cumulative analysis. Other projects are included in the cumulative analyses, which are discussed in Section 4.5.3.3, Cumulative Analysis, of the Revised Partial Draft EIR. Appendix C of the Traffic Study, which is contained in Appendix A of the Revised Final EIR, contains a detailed list of projects included in the near-term cumulative analysis. Traffic associated with Rosemary Mountain Quarry is included in the near-term cumulative analysis as it is a separate project from the Gregory Canyon Landfill project.

RESPONSE 080-5

Mitigation Measure 4.5-3 of the Revised Partial Draft EIR limits the number of truck trips on SR 76 between the hours of 2:00 P.M. and 5:00 P.M. The mitigation measure ensures that the project generated trips would not exceed the LOS D criteria set forth for SR 76 east of the I-15. This mitigation measure, however, does not limit the hours of operation of the landfill. As indicated in Chapter 3 of the 2003 Draft EIR the hours of operation for the Gregory Canyon Landfill would be

from 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturdays.

RESPONSE 080-6

The impact associated with Mitigation Measure 4.5-4 indicates that SR 76 west of I-15 and I-15 between Carmel Mountain Road and Pomerado Road would operate at a LOS E or F condition with and without the project. Although the project would not have a direct impact, MM 4.5-5 requires that the applicant pay the County's Transportation Impact Fee (TIF), which would help fund improvements to address this traffic condition. However, as indicated in the Revised Partial Draft EIR, because of the uncertainty of the implementation of future improvements to SR 76 and I-15, the project-related traffic impact is considered significant and unavoidable.

RESPONSE 080-7

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period for 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 Revised Partial Draft EIR does not include any revision to M.M. 4.5-5. This mitigation measure was not overturned by the Court or included in its writ. MM 4.5-5 requires that the applicant pay a fair share contribution for the addition of an eastbound left turn lane and westbound through lane on the I-15 overcrossing. No designs of these proposed future improvements have been completed and such designs are not required as part of the CEQA process or as part of the implementation of MM 4.5-5.

RESPONSE 080-8

The uncertainty of timing referred to with regard to M.M. 4.5-6 is associated with the uncertainty of when road improvements would be implemented. SR 76 is a Caltrans roadway. The timing of improvements is dependent on a number of factors, including the design of the improvement and associated environmental review processes, as well as the availability of funds.

RESPONSE 080-9

The Court order does not address the timing of the incorporation of the mitigation measures. However, mitigation measures for biological resources would occur prior to disturbance of project impact areas. Please see Chapter 10 of the Revised Partial Draft EIR for the Mitigation Monitoring and Reporting Program, which provides the timing for the verification of compliance with the

mitigation measures. Please refer to Response to Comment Nos. 001-8 and 022-104 for additional information regarding the requirements related to off-site mitigation lands.

RESPONSE 080-10

Appendix B of the Revised Partial Draft EIR analyzes the suitability of on-site habitat creation areas (as depicted in Exhibit 4.9-6) to establish and sustain vegetative communities such as coast live oak woodland, and determined that the proper soil type, topography and availability of sunlight and water were present. Please refer to Response to Comment Nos. 130-17 and 130-23 for additional information regarding success criteria for habitat creation and enhancement.

RESPONSE 080-11

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. Mitigation Measure 4.9-1h was renumbered, but was not changed in substance from the 2003 Draft EIR. This mitigation measure was not overturned by the Court or included in its writ.

RESPONSE 080-12

This comment does not cite any specific studies in support of its assertions. The comment expresses a general opinion regarding the adequacy of biological mitigation measures for certain amphibian species. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-13

Impact 4.9-5 addresses the potential loss of arroyo toads during construction and operation of the landfill. The associated mitigation measures include the use of exclusion fencing and surveys. With regard to the education of construction personnel, MM 4.9a requires a pre-construction meeting with a qualified biologist and construction personnel. As indicated in the measure, the biologist shall explain the access restrictions on site, the importance of remaining within construction zones, the sensitivity of the habitats and species on site, and the consequences of violating the access restrictions and impacting biological resources outside the construction zones. Appropriate procedures with regard to communication will be used. The mitigation measures were included in the 2003 Draft EIR and were not changed in the Revised Partial Draft EIR.

RESPONSE 080-14

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of comments submitted during the public comment period for 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. No changes were made with regard to the leachate holding tanks in the Revised Partial Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-15

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 No. 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 No. 2005-0686902 on August 11, 2005. No limits have been placed on the use of the access road.

Environmental review for the improvements to the Reservoir Site that are necessary for the transport of recycled water to the landfill site is included in Section 4.15 of the Revised Partial Draft EIR. With regard to permits from RWQCB, the OMWD Master Reclamation Permit would need to be revised by the RWQCB 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 to the extent applicable in making its permit decision. Please refer to Response to Comment No. 007-22 for a detailed discussion regarding the use of recycled water on the landfill site. The NOI is part of the permitting process, which takes place after the environmental review process.

RESPONSE 080-16

The comment expresses an opinion with regard to the adequacy of the County's 2005 Siting Element. 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 waste disposal 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 waste disposal capacity required by state solid waste law.

With regard to alternate technologies, Chapter 6 of the 2003 Draft EIR contains a detailed analysis of alternatives, including waste-to-energy. Waste-to-energy was considered in the 2003 Draft EIR 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 cannot be considered a replacement to the landfilling of solid waste. Please refer to Response to Comment No. 028-20 for additional information regarding the waste-to-energy alternative.

RESPONSE 080-17

Section 4.5.1.1 of the Revised Partial Draft EIR provides a description of existing roadway characteristics in the project vicinity. A characteristic of roadways includes the grade. The grade of the road is also a factor used in determining the PCE factor.

RESPONSE 080-18

The 2006 Traffic Study which is contained in Appendix A of the Revised Partial Draft EIR used 2005 traffic counts as the base. The County requires that traffic volumes are to be less than two years old from the completion of the study. Thus, it is acceptable to use the counts from 2005 as base data to analyze future projected traffic conditions. The cumulative analyses, near-term and long-term, take into account the known projects in the area, including casino expansions and residential development. Appendix C of the 2006 Traffic Study included as Appendix A of the Revised Final EIR contains a list of the related projects that were included in the near-term cumulative analysis.

RESPONSE 080-19

The comment is noted. Section 4.5.1.1 of the Revised Final EIR has been revised to correctly indicate that "Maranatha Drive is a 2-lane road".

RESPONSE 080-20

The County 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. 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 grades, the grade is relevant in a traffic study as it is a factor in determining the appropriate passenger car equivalent (PCE) factor. The traffic analysis uses a PCE factor to take into account the effect of heavy trucks as trucks may slow down more than a passenger car on grades.

RESPONSE 080-21

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments that are 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 Section 15088.5 (f)(2) of CEQA Guidelines. Therefore, 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 1.5 PCE factor used for waste trucks in the traffic analysis was established in the 2003 Draft EIR. Please refer to Response to Comment No. 080-31 for additional information regarding the determination of the PCE factor.

RESPONSE 080-22

The comment is not clear. However, as indicated in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, the Public Facility Element of the County's General Plan establishes LOS D as a threshold for discretionary projects and provides that when an existing LOS is already D, a LOS D is allowed. In addition, the Regional Growth Management Strategy objective for Regional Arterial System roadways is LOS D. Based on these reasons, the condition of SR 76 has been analyzed based upon LOS D as the required level of service. The existing level of service on SR 76 is provided in Table 4.5-2 of the Revised Partial Draft EIR and is based on the 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR.

RESPONSE 080-23

Table 4.5-2 of the Revised Partial Draft EIR provides hourly traffic volumes by roadway segments on SR 76 between the hours of 7:00 A.M. and 5:00 P.M. based on the 2005 traffic counts. The traffic counts on the segment of SR 76 between Couser Canyon and the project access at 3:00 P.M. was 1,189 cars on the road while the traffic counts on the segment of SR 76 east of the project access at 3:00 P.M. show 1,208 cars on the road. This would include traffic traveling in both directions on SR 76 and could account for the data results discussed in the comment. Please see Response to Comment No. 028-38 for a discussion regarding the traffic volumes.

With regard to the acceptable threshold, as indicated in Response to Comment No. 080-22, the Public Facility Element establishes LOS D as a threshold for discretionary projects and provides that when an existing LOS is already D, a LOS D is allowed. In addition, the Regional Growth Management Strategy objective for Regional Arterial System roadways is LOS D. Based on these

reasons, the analysis contained in the Revised Partial Draft EIR uses LOS D as the threshold in assessing potential traffic impacts on SR 76.

RESPONSE 080-24

Table 4.5-3 of the Revised Partial Draft EIR shows the level of service at existing intersections. As indicated in the table, SR 76/I-15 South and intersections operate at LOS C in the A.M. peak hour and at LOS B and D, respectively, in the P.M. peak hour. Table 4.5-5 show the level of service at the on and offramps of I-15 to SR 76. As indicated in the table the LOS is B and C in the A.M. and P.M. peak in both directions. The level of service declines in the cumulative scenarios. LOS F traffic projections appear in Table 4.5-12 of the Revised Partial Draft EIR, which indicates the level of service in the near term cumulative analysis. As indicated in Table 4.5-12, SR 76/I-15 North intersection would operate at LOS F in the near term analysis both with and without the project.

RESPONSE 080-25

The 2006 Traffic Study included an update of the accident analysis. The 2006 Traffic Study was updated to provide an analysis using the more recent data (1996 to 2001) as well as the 2003 to 2005 data. The analysis is based on accident data provided by Caltrans. Given the years of data analyzed in the 2006 Traffic Study, the operation of recent development including the casinos are included in the accident data analysis in the Revised Partial Draft EIR.

RESPONSE 080-26

As indicated in Response to Comment Nos. 80-22 and 80-23, the Public Facility Element establishes LOS D as a threshold for discretionary projects and provides that when an existing LOS is already D, a LOS D is allowed. In addition, the Regional Growth Management Strategy objective for Regional Arterial System roadways is LOS D. Based on these reasons, the analysis contained in the Revised Partial Draft EIR uses LOS D as the threshold in assessing potential traffic impacts on SR 76.

With regard to the mention of LOS E, Section 4.5.2 is providing information relative to the significance threshold that is used in the analysis to determine whether or not the project would result in a significant impact. As indicated in the section, the project would have a direct impact on SR 76 requiring mitigation if the project adds at least 200 average daily trips to a segment of SR 76 operating at LOS E or worse. Again, the reference to LOS E is with regard to determining when an impact would be considered significant.

RESPONSE 080-27

As indicated in Response to Comment No. 80-22, Section 4.5.2 of the Revised Partial Draft EIR provides information regarding the applicable significance criteria. The section does not

provide information on existing conditions. See Section 4.5.1.2 for a discussion of Existing Segment Volumes and Intersections.

RESPONSE 080-28

As stated in Section 4.5.3.2, Traffic and Circulation, of the Revised Partial Draft EIR, the project would be required to maintain a daily log of its total daily trips and daily truck trips and to make computerized records of daily and PCE trips available to the DEH. Project trip generation rates that were used in the traffic analysis are based on the maximum daily intake of 5,000 tpd. Eight-ton trucks are assumed. The number of trips for waste is derived by dividing the maximum daily intake by the truck capacity, resulting in 625 trucks. Trips are added to account for other daily activities at the landfill site, as discussed in Section 4.5 of the Revised Partial Draft EIR.

RESPONSE 080-29

The daily log for the project will be maintained by the operator and computerized records of daily and PCE trips would be made available to DEH. Mitigation Measure 4.5-2 of the Revised Partial Draft EIR provides the enforcement mechanism. As indicated in the Mitigation Monitoring and Reporting Program contained in Chapter 10 of the Revised Partial Draft EIR, MM 4.5-2 shall be monitored by DEH. In addition, the mitigation measures will be incorporated into the Solid Waste Facility Permit. A portion of the comment expresses an opinion regarding DEH. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-30

The traffic analysis contained in the Revised Partial Draft EIR is conservative so as to provide a worst case scenario. As indicated in the 2003 Draft EIR, DEH is the Lead Agency for the project. 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.

RESPONSE 080-31

The comment is vague but it is assumed that the 1.5 refers to the PCE factor. As indicated in Section 4.5 of the Revised Partial Draft EIR, heavy trucks are equivalent to 1.5 passenger cars. As indicated in the Revised Partial Draft EIR, the PCE factor is from Table 8-9 in the Highway Capacity Manual (HCM) and is determined using grade percentages and average speed surveys completed by Darnell & Associates on SR 76. Given the actual grades of less than 2 percent on SR 76 and surveyed average speeds of 37.85 mph, a PCE of 1.3 could be used. However, the 1.5 PCE factor for trucks was established in the 2003 Draft EIR and therefore, was used in the 2006 Traffic Study.

RESPONSE 080-32

The project trip distribution provides the distribution of the project-generated trips along the roadways in the project vicinity. Project trip distribution does not include all traffic. Project trip distribution east of the landfill site is assumed to be 5 percent because the majority of the trucks will come and go west on SR 76 and not east on SR 76 from the project access road. As indicated in Chapter 3 of the 2003 Draft EIR the hours of operation for the Gregory Canyon Landfill would be from 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturdays. Trucks will be able to access the landfill beginning at 7:00 A.M. It is not anticipated that trucks would be in the area overnight. It is anticipated that the landfill will be available for waste delivery promptly at the commencement of operating hours from, among other places, waste transfer stations or early morning commercial collection routes.

RESPONSE 080-33

As shown in Table 4.5-8 and discussed in the text on page 4.5-16, during the hours from noon to 5:00 P.M., SR 76 west of 395 would operate at an LOS E condition with and without project traffic. Thus, not all tables show LOS C and LOS D.

RESPONSE 080-34

The paragraph referred to on page 4.5-16 provides a discussion of MM 4.5-3. As indicated in Response to Comment Nos. 006-7 and 006-8, to ensure that the referenced 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, adequate 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 as appropriate. Therefore, haul trucks would not be having to turn around on SR 76. MM 4.5-3 prohibits the project from refusing delivery from any vehicle that was on SR 76 east of I-15 at the time notice is given. Thus, the program set forth in MM 4.5-3 was carefully designed to avoid the exact scenario presented in the comment. The requirements contained in MM 4.5-3 will be incorporated into the Revised Solid Waste Facility Permit for the project, and will be routinely reviewed by the LEA.

RESPONSE 080-35

The Tribal Traffic Study was conducted for a different reason that the 2006 Traffic Study for the proposed project. The Tribal Traffic Study used a broader approach with the objective of understanding potential future needs for SR 76. As indicated in Section 4.5 of the Revised Draft Program EIR, 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 is based upon counts taken in March 2005 of traffic conditions on SR 76, which is more accurate for determining existing traffic conditions on SR 76. In addition, the cumulative traffic conditions on SR 76 were evaluated in the Tribal Traffic Study based upon older Series 8 SANDAG projections. Subsequent to that study,

SANDAG approved the more recent Series 9 and Series 10 SANDAG forecasts that incorporate more recent land use plans and development constraints into the modeling assumptions. The Series 8 projections contained in the Tribal Traffic Study are no longer reliable since SANDAG has now adopted more recent models to use in regional transportation planning and forecasting. Moreover, the 2006 Traffic Study cumulative analysis is more reliable since the analysis is based on a recent list of related projects and a 2030 cumulative analysis that considers changes currently being made as part of the County's 2020 General Plan process as well as use of the more recent Series 10 SANDAG model. With regard to the age of the counts, 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. Therefore, the study cannot be considered invalid based on the date of traffic counts.

RESPONSE 080-36

As indicated in Response to Comment No. 080-35, the Tribal Traffic Study was completed using different assumptions. The 2006 Traffic Study provides a more accurate analysis of existing and cumulative conditions on SR 76. Please see Response to Comment No. 080-35 for a comparison of the Tribal Traffic Study and the 2006 Traffic Study.

RESPONSE 080-37

As discussed 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 projects and is not specifically included in the near term cumulative analysis. However, the Revised Partial Draft EIR acknowledges that if Warner Ranch were to apply for approvals and begin to be developed, the traffic generated 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)." Please see Response to Comment Nos. 028-33 and 028-35 for a detailed discussion regarding near-term cumulative analysis. In any event, the traffic study contained in the Revised Partial Draft EIR includes a long-term cumulative analysis using the County's proposed General Plan Alternative. Therefore, the long-term cumulative analysis provided in the Revised Partial Draft EIR includes land use designations currently proposed in the County's General Plan Alternative.

RESPONSE 080-38

As indicated in the Revised Partial Draft EIR, the project would contribute to a cumulative impact at the intersections of SR 76 and I-15 ramps. To mitigate cumulative 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 Regional Transportation Plan (RTP) adopted by SANDAG includes freeway build-out over the next

30 years and the necessary improvements to SR 76 and its intersections with Highway 395 and I-15. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on I-15, SR 76 and these intersections are significant and unavoidable. Given the uncertainty of the implementation of these future improvements, cumulative traffic impacts in both the near term, the 2020 buildout condition and in the year 2030 are considered significant and unavoidable.

RESPONSE 080-39

As stated in Response to Comment No. 080-37, Warner Ranch is not included in the near-term cumulative analysis as no application for the subdivision has been submitted to date. However, Warner Ranch is included in the long-term cumulative traffic analysis. As such, the development is also included in the long-term air quality and noise analyses contained in the Revised Partial Draft EIR.

RESPONSE 080-40

Table 4.5-11 provides a summary of the larger projects in the area, including Rosemary's Mountain. As indicated in Appendix C of the 2006 Traffic Study, Rosemary Mountain would generate 60 trips. The name Rosemary Mountain is the common name used for the project.

RESPONSE 080-41

The 2006 Traffic Study represents a worst-case analysis for traffic on SR 76 and the intersections at the ramp. As such, the 2006 Traffic Study does not have any truck trips on Couser Canyon. As indicated on Exhibits 4.5-5 and 4.5-6 of the Revised Partial Draft EIR no project-related traffic distribution occurs on Couser Canyon.

RESPONSE 080-42

The comment is acknowledged. The Revised Final EIR has been edited to revise the footnote regarding density in Table 4.5-12B and Table 4.5-13B to correctly read "passengers per lane per mile".

RESPONSE 080-43

Table 4.5-12C of the Revised Partial Draft EIR shows that all segments of SR 76 east of I-15 and east of the landfill site would continue to operate at an unacceptable LOS E condition during the morning and afternoon peak hours similar to traffic conditions without the project. The LOS F on the SR 76 roadway segments would occur in the 2030 cumulative analysis as shown in Table 4.5-14.

RESPONSE 080-44

As indicated in the subsection of the Revised Partial Draft EIR entitled Year 2030 Conditions, Tables 4.5-13A, 4.5-13B, and 4.5-13C, several SR 76 and I-15 intersections and I-15

north and south of SR 76 operate at unacceptable levels of service in 2030 with and without the project. As indicated in the Revised Partial Draft EIR the project would contribute to the significant impacts that would result in 2030 on these segments even without the project.

RESPONSE 080-45

Table 4.5-14 of the Revised Partial Draft EIR summarizes the year 2030 roadway segment levels of service with and without the project. As shown in the table, LOS F would occur at the identified segments both with and without the project. As indicated in the Revised Partial Draft EIR, the project would contribute to the significant impact that would occur on these roadway segments.

RESPONSE 080-46

The bedrock wells mentioned in Section 4.5.3.7 of the Revised Partial Draft EIR refer to the water available from percolating groundwater wells at the landfill site. The available groundwater would serve to reduce the amount of recycled water that would be brought to the landfill site. As indicated in Section 4.15.3.8 of the Revised Partial Draft EIR and Response to Comment Nos. 007-1 and 007-4, no approval to use underlying percolating groundwater is required.

RESPONSE 080-47

A public meeting on the Revised Partial Draft EIR was held on August 14, 2006. A Notice of Availability for the Revised Partial Draft EIR, including the date and time of the public meeting, was distributed prior to the release of the Revised Partial Draft EIR on July 10, 2006. The Notice of Availability was distributed to property owners within 300 feet of the Olivenhain Reservoir Site, as well as noticed in the papers and with the County Recorder's Office. In addition, the Revised Partial Draft EIR was made available for public review at local libraries as well as online. No scoping meeting was held for the Revised Partial Draft EIR as the document was prepared and circulated based on a Court order to correct deficiencies in the existing sections of the 2003 Draft EIR.

The Revised Partial Draft EIR contains an analysis of the potential impacts from the use of recycled water. With regard to the applicability of CEQA to the agreement between Gregory Canyon, Ltd. and Olivenhain for the recycled water, the CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but 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.

RESPONSE 080-48

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments that are 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 Section 15088.5 (f)(2) of CEQA Guidelines. Therefore, 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 1.5 PCE factor used for waste trucks was established in the 2003 Draft EIR. While the physical dimensions of a 2,300-gallon water truck and a waste collection truck are approximately the same, the PCE factor is based on actual travel speeds and grades of a roadway. As indicated in Section 4.5, the Highway Capacity Manual (HCM) provides a matrix for rural highways which utilizes both specific grade percentages and average speeds to determine a PCE factor. The 2006 Traffic Study includes the table from the HCM. A PCE of 1.4 could be used for a roadway that has a grade of 3 percent and travel speeds of 45 miles per hour (mph). The recycled water truck route does not have grades that exceed 3 percent or actual speeds in excess of 45 mph. County DEH staff determined that the use of a 1.5 PCE factor for the recycled water trucks was appropriate.

RESPONSE 080-49

As indicated in Section 4.5.3.7, Traffic Impacts on Maranatha Road, of the Revised Partial Draft EIR, project implementation would not result in any significant traffic or traffic safety impacts to Maranatha Drive. The addition of recycled water truck trips associated with the project in the 2020 build-out analysis would not create a deficit condition and no additional roadway improvements or widening would be required along Maranatha Drive. However, as noted in Response to Comment No. 038-4, the Revised Final EIR has been revised to include a new mitigation measure (MM 4.5-7) that contains a requirement that the project conduct a structural analysis of Maranatha Drive and undertake any necessary measures to assure the roadway's suitability for use by recycled water trucks.

RESPONSE 080-50

The comment is acknowledged. The Revised Final EIR has been revised to add the word "include" in the sentence referred to in the comment. The sentence now reads, "The solid waste permit will also include…".

RESPONSE 080-51

As indicated in Section 4.5.5 of the Revised Partial Draft EIR, implementation of project design features such as the addition of non-regulatory signage cautioning drivers about school activities and the presence of children, as well as the prohibition of using Maranatha Drive during specified hours would reduce potential traffic safety impacts along Maranatha Drive to a less than significant level. Please see Response to Comment No. 038-5 for a discussion regarding the hours of restrictions along Maranatha Drive. Provisions regarding seasonal activities or other school functions have not been made. However, typically such activities occur outside of regular school hours.

RESPONSE 080-52

As indicated in Section 4.5 of the Revised Partial Draft EIR, the project would contribute to a cumulative significant and unavoidable traffic impact. 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 proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" In this case, the DEH, as the Lead Agency, could not approve the project unless a statement of overriding considerations were to be adopted. The comment expresses an opinion with regard to the identified impact. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-53

The comment expresses an opinion with regard to DEH. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-54

Mitigation Measure 4.5-3 is provided to reduce impacts to SR 76 to a less than significant level. The mitigation measure is based on County DEH staff experience with in its oversight of the Otay Landfill. A similar control or monitoring program is in place at Otay Landfill to ensure that the facility does not exceed the daily trip cap. This type of control program has been demonstrated to be successful. MM 4.5-3 limits project traffic on SR 76 during specific times of the day. As indicated in the Mitigation Monitoring and Reporting Program (MMRP), which is contained in Chapter 10 of the Revised Partial Draft EIR, compliance with Mitigation Measure 4.5-3 would be monitored by DEH through daily operational records of project traffic.

RESPONSE 080-55

The comment states the conclusion reached in Section 4.5 of the Revised Partial Draft EIR with regard to cumulative traffic impacts. Impact Statement 4.5-6 summarizes the impact and Mitigation Measures 4.5-6a and 4.5-6b provide mitigation for the impacts. However, as indicated in Section 4.5, although a fair share contribution would be paid and right-of-way would be dedicated, because of the uncertainty of the implementation of future improvements along SR 76, the impact is considered significant and unavoidable. Please refer to Response to Comment No. 080-52 for

additional information regarding applicable CEQA requirements where a project has one or more significant and unavoidable impacts.

RESPONSE 080-56

Please refer to Response to Comment No. 080-52 for additional information regarding applicable CEQA requirements where a project has one or more significant and unavoidable impacts. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-57

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, Noise and Vibration, of the 2003 Draft EIR contains a detailed analysis of potential noise impacts to the adjacent residences of the landfill site. As indicated in the 2003 Draft EIR, the project would result in less than significant impacts with regard to construction and operational noise on the landfill site relative to the adjacent residential properties. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Section 4.6 and Appendix D of the Revised Partial Draft EIR contains an updated analysis of traffic noise, and an updated analysis of construction noise at the landfill site in light of the revisions to the project that are described in Chapter 3 of the Revised Partial Draft EIR.

RESPONSE 080-58

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments submitted during the public comment period for the Revised Partial Draft EIR are limited to sections or portions revised in the Revised Partial Draft EIR, in accordance with CEQA Guidelines Section 15088.5(f)(2). Therefore County DEH staff need only respond to comments received during this recirculation period if they 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, Noise and Vibration, of the 2003 Draft EIR contains a detailed analysis of potential vibration impacts to the existing and future pipelines that cross the landfill site. As indicated in the 2003 Draft EIR, the project would result in less than significant vibration impacts. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-59

Section 15132 of the CEQA Guidelines identifies that contents of a Final EIR, which include the Draft EIR; comments and recommendations received on the Draft EIR either verbatim or in summary; a list of persons, organizations, and public agencies commenting on the Draft EIR; the responses of the lead agency to the significant environmental points raised in the review and consultation process; and any other information added by the lead agency. The reference to the Final EIR in Section 4.6 has been removed in the Revised Final EIR.

RESPONSE 080-60

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, Noise and Vibration, of the 2003 Draft EIR contains a detailed analysis of potential construction and operational noise impacts to the adjacent residences. As indicated in the 2003 Draft EIR, the noise analysis was conducted at the property line in accordance with the County's Code (Section 36.410). The analysis is based on a significance threshold of 62.5 dBA Leq at the landfill site property line. With the incorporation of project design features and mitigation measures, construction and operation of the landfill would result in noise levels that would be less than the significance threshold at the property boundary. Therefore, noise levels would not exceed the threshold at the surrounding residences. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-61

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 concurs that there has been an increase in residential development in the area to the southwest of the landfill as shown in the aerial photograph attached to this comment letter. However, the residences referred to are located a distance from the landfill site. However, Section 4.6, Noise and Vibration, of the 2003 Draft EIR contains a detailed analysis of potential

noise impacts to the adjacent residences to the landfill site. As indicated in Response to Comment No. 080-60 and in the 2003 Draft EIR, the noise analysis is based on construction and operation noise levels at the property line. With the incorporation of project design features and mitigation measures, construction and operation of the landfill would result in noise levels that would be less than the significance threshold at the property boundary. Therefore, noise levels would not exceed the threshold at the surrounding residences (those shown in the aerial as well as those developed since 1990). This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Section 4.6 of the Revised Partial Draft EIR focuses on traffic noise. Therefore, the graphics included in Section 4.6 show residences relative to SR 76. The purpose of the exhibits in Section 4.6 of the Revised Partial Draft EIR is to determine the location of the existing 60 dBA CNEL contour and the 60 dBA CNEL contour with the addition of project-generated traffic and future cumulative traffic relative to residences along SR 76. For this reason not all of the residences are shown on the exhibit. PCR staff conducted a field survey to clarify the location of residences relative to the contour. No new residences were determined to be located within the 60 dBA CNEL contour.

Section 4.1, Land Use and Related Planning, of the 2003 Draft EIR contains a detailed analysis of potential impacts to land uses in the area of the landfill site. As indicated in the 2003 Draft EIR, the project would result in less than significant impacts with regard to land use compatibility. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-62

Exhibit 4.6-2 of the Revised Partial Draft EIR shows the existing noise contours along SR 76 relative to residences along the roadway. The graphic represents existing conditions. The residences located to the south of the landfill site would not be impacted by traffic noise along SR 76. The graphic is not intended to show all the surrounding residences.

RESPONSE 080-63

Section 4.6.1.3, subsection Estimated Existing Roadway Noise Levels, addresses the existing roadway noise levels along SR 76. The analysis contained in Section 4.6 of the Revised Partial Draft EIR is with regard to traffic noise. The residences to the south of the landfill site would not be impacted by the traffic noise. Therefore, the site visit was limited to the area along SR 76.

RESPONSE 080-64

As indicated in Response to Comment No. 80-62, Exhibit 4.6-2 and Exhibit 4.6-5 illustrate the existing and existing plus project and 2030 noise contours that would result from traffic noise.

The residences located at the southwestern edge of the landfill site would not be within the existing or future 60 dBA CNEL contours. As such, these residences are not included on the exhibits.

RESPONSE 080-65

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 contains an analysis of potential impacts on biological resources with regard to construction. The 2003 Draft EIR indicates that potential impacts could occur from the use of the low-flow crossing and bridge construction. Construction of the landfill would be conducted in accordance with all applicable mitigation measures. Mitigation Measures 4.9-12a through 4.9-12c provide mitigation for least Bell's vireo and southwestern willow flycatcher during construction. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-66

The 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 080-67

Exhibit 4.6-2 and Exhibit 4.6-5 of the Revised Partial Draft EIR show the existing, existing plus project, and future cumulative (2030) noise contours that would result from traffic noise relative to the existing residences along SR 76. The purpose of the graphic is to illustrate the potential impacts to sensitive receptors that would occur from traffic noise. The graphic is not intended to show all the surrounding residences.

RESPONSE 080-68

Section 4.6.3.2, Long Term (Operational) Traffic Noise Impacts, of the Revised Partial Draft EIR provides an analysis of the potential impacts that would result from the increase in traffic along SR 76. The analysis is conducted using the County's significance criteria, which are presented in Section 4.6.2. The significance criteria 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. As indicated in Section 4.6 of the 2003 Draft EIR, the applicable standard for project-related traffic noise on

public roadways is the County Noise Element's limits of 60 dBA CNEL for exterior living areas and 45 CNEL for interior living areas.

RESPONSE 080-69

The option of installing a sound barrier such as a fence or a masonry wall was considered in Section 4.6 of the Revised Partial Draft EIR in order to analyze potential mitigation measures that could reduce noise levels caused by project-generated traffic. However, as indicated in Section 4.6, the installation of a fence or masonry wall is not considered to be a feasible mitigation measure as the applicant does not own the property and the property owner objects to a sound wall. The project confirmed in February 2007 that the owner still objects to the installation of the sound barrier. However, as stated in Mitigation Measure 4.6-4 of the 2003 Draft EIR, the applicant shall provide a fair share contribution for the installation of a sound wall in the right-of-way along SR 76 adjacent to the affected residences unless Caltrans determines that such a wall is infeasible. As indicated in Section 4.6, given the uncertainty of the installation of a sound wall, the Revised Final EIR concludes that the project would result in a significant and unavoidable noise impact from both project traffic and cumulative traffic to all residences located within the 60 dBA CNEL noise contours on SR 76.

RESPONSE 080-70

The sentence in the text on page 4.6-11 of the Revised Partial Draft EIR simply indicates that the noise impact from traffic would occur on SR 76 to existing residences with and without the project. As indicated in Section 4.6, the project would result in a significant and unavoidable noise impact from both project-related traffic and cumulative traffic to all residences located within the 60 dBA CNEL noise contours on SR 76.

RESPONSE 080-71

Section 4.6 of the Revised Partial Draft EIR contains an analysis of potential noise impacts to the Maranatha School and along the recycled water haul route. With regard to noise impacts to the school, as indicated in Section 4.6, based on the County's standards, no significant traffic noise impacts would occur to the school. Therefore, no mitigation measures for noise would be required along Maranatha Drive.

RESPONSE 080-72

The owner of the water trucks is undetermined. As indicated in Section 4.15, Public Services and Facilities, of the Revised Partial Draft EIR, water trucks will either be rented or purchased by the project to transport recycled water from the Reservoir Site to the landfill site.

RESPONSE 080-73

As indicated in Chapter 1, Introduction, of the Revised Partial Draft EIR, on October 3, 2005 the Court issued a minute order finding the majority of the 2003 Draft EIR adequate and in compliance with the California Environmental Quality Act but ordered new analysis in three areas. The Court held that the 2003 Draft EIR was required to evaluate new traffic information contained in a 2003 County tribal traffic study known as the 2003 Traffic Needs Assessment Study. The Court also held that the 2003 Draft 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. 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 2003 Draft EIR and requiring additional environmental review to comply with the matters included in the Court's order.

A 2006 Traffic Study was completed. As a result, Section 4.6, Noise and Vibration, was included in the Revised Partial Draft EIR to provide an updated noise analysis based on the 2006 Traffic Study as well as to provide the necessary analysis with regard to recycled water trucks. The conclusions reached in Section 4.6 of the Revised Partial Draft EIR with regard to traffic noise along SR 76 are the same as the conclusions reached in the 2003 Draft EIR. As indicated in Section 4.6, the project would result in a significant and unavoidable noise impact from both project-related and cumulative traffic to all residences located within the 60 dBA CNEL noise contours on SR 76. As indicated in Response to Comment No. 080-69, the installation of a fence or masonry wall is not considered to be a feasible mitigation measure as the applicant does not own the property and the property owner objects to a sound wall. As indicated in Response to Comment Nos. 080-52 and 080-56, as the project would result in significant and unavoidable impacts. If DEH, as the Lead Agency, were to approve the project, DEH must adopt a statement of overriding considerations in accordance with CEQA Guidelines Section 15093.

Please refer to Response to Comment No. 080-52 for additional information regarding applicable CEQA requirements where a project has one or more significant and unavoidable impacts. The comment also expresses an opinion with regard to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-74

Please refer to Responses to Comment Nos. 001-6, 022-86, 022-152 and 022-158 for additional information regarding the analysis of biological impacts performed for purposes of the Revised Partial Draft EIR. Section 4.9 of the Revised Partial Draft EIR updates the analysis contained in Section 4.9 and Appendix L of the 2003 Draft EIR, which was not overturned by the Court or included in its writ.

As indicated on page 4.9-3 of the Revised Partial Draft EIR, the U.S. Army Corps of Engineers confirmed a jurisdictional delineation of waters of the U.S. that was prepared by URS, including potential wetlands, within the potential impact areas on the landfill site. Permanent impacts would occur on 0.002 acres of riparian habitat and temporary impacts would occur on 0.368 acres of riparian habitat. Therefore, Columns 2 and 3 from Table 4.9-5 of the 2003 Draft EIR are no longer to be considered in assessing impacts to areas subject to ACOE jurisdiction. Please see Response to Comment No. 022-119 for a detailed discussion regarding the jurisdictional delineation.

RESPONSE 080-75

As indicated on page 4.9-4 of the Revised Partial Draft EIR, no changes have been made to the subsections entitled engleman oaks, rainbow manzanita, or prostrate spineflower. Please see Section 4.9, Biological Resources, of the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 080-76

Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of project impacts on arroyo toad habitat based on a Biological Technical Report, which was completed by URS in 2006 and is contained in Appendix B of the Revised Partial Draft EIR. As indicated in Section 4.9, the project would result in the permanent loss of approximately 0.002 acres of arroyo toad riparian habitat and approximately 17.5 acres of suitable arroyo southwestern toad upland habitat on the landfill site. Mitigation Measures 4.9-3a, 4.9-3b and 4.9-4 identify the measures that would reduce these potential impacts to less than significant. Implementation of the mitigation measures is required prior to or concurrent with the first construction that impacts these habitats or as determined in consultation with the resource agencies.

County DEH staff generally concurs with the observation in the comment that arroyo toad does not survive where land does not abut riverbeds. The only sightings of arroyo toad noted in any of the prior surveys or field observations along roads on the landfill site were within 100 meters of suitable upland habitat and/or the river channel.

RESPONSE 080-77

The Revised Partial Draft EIR utilizes 17.5 acres of upland arroyo toad habitat as a conservative estimate to establish the mitigation measure. However, as discussed in Section 4.9.3.6 of the Revised Partial Draft EIR, many portions of the 17.5 acres consist of sandy soil types based on NCRS soil data, which are not suitable for arroyo toad burrowing because of local conditions. Therefore, impacts to upland arroyo toad habitat are likely overstated.

RESPONSE 080-78

Roadkill is the common terminology used when vehicles kill animals on the road. As indicated in Section 4.9, traffic on the access road, haul road to Borrow/Stockpile Area A and the low-flow crossing could result in roadkill. Relocation of the bridge would not reduce the indirect impact that could occur.

RESPONSE 080-79

As indicated in Section 4.9, habitat creation or restoration efforts would positively affect the San Luis Rey River and the species that depend on the river. The comment expresses an opinion with regard to restoration of habitat. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-80

As indicated on page 4.9-5 of the Revised Partial Draft EIR, the USFWS (1999c) has indicated that in the Final Recovery Plan for the arroyo toad species, the short-term negative effects to individual toads may be offset by the long-term positive effects of implementing a habitat enhancement program. As indicated in Section 4.9, although significant impacts to the arroyo toad could occur from habitat creation and restoration activities, the overall benefit to the species would outweigh the potential loss of individual toads and would mitigate the potential impacts to a level of insignificance. This statement is consistent with the USFWS Final Recovery Plan for the arroyo toad species.

RESPONSE 080-81

County DEH staff concurs that the Verboom Dairy has closed operations and that the cattle are no longer present. The Revised Final EIR has been revised to delete reference to the cattle. However, some manure associated with the dairy remains, and will be removed as part of the project.

RESPONSE 080-82

The subdrain system and collection tanks on the landfill site would be monitored by the operator and on-site monitoring equipment. Reports would then be made available and forwarded to DEH. DEH is the Local Enforcement Agency and is responsible for the enforcement of the Solid Waste Facility Permit. The comment expresses an opinion with regard to DEH. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-83

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 includes a discussion of potential indirect impacts from a variety of nuisance species, and set forth various mitigation measures and project design features. 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. 022-155 for additional information regarding measures to control nuisance bird species.

Daily cover is used in compliance with Title 27 of the California Code of Regulations, §20680 (Daily Cover). As required by Section 20680, "…the owners or operators of all municipal solid waste landfill units shall cover disposed solid waste with a minimum of six inches of compacted earthen material at the end of each operating day, or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging." A detailed discussion of daily cover is provided in section 3.4.5.1 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 080-84

Riprap would be used in association with the access road bridge. As indicated in Section 4.9, the riprap could harbor predators of the arroyo toad. As such, the impact is considered potentially significant. However, Mitigation Measure 4.9-7 requires that gaps in the riprap be filled in with concrete so as to not provide harbor for predators of the arroyo toad.

RESPONSE 080-85

As indicated in Section 4.9, Biological Resources, of the Revised Partial Draft EIR, it is likely that Argentine ants have been introduced to and spread downstream of the landfill site by past floods of the San Luis Rey River. Therefore, the landfill operation would not result in the first introduction of the species to the landfill site. Since Argentine ants do not thrive in dry areas, this species would remain in relatively close proximity to the river and would not spread into xeric upland habitats on site. Since sources of permanently flowing water would not occur from the project, impacts from the Argentine ant due to the project would be less than significant. However, if necessary, chemicals could be used to control the Argentine ants. If such an approach were necessary, the type of pesticide would be determined by a biologist to ensure that no impacts would occur to other wildlife or fauna.

RESPONSE 080-86

Comment Letter No. 001 and Comment Letter No. 004 contain comments from the US Fish and Wildlife Service and from the California Department of Fish and Game, respectively.

RESPONSE 080-87

As indicated in Response to Comment No. 080-86, Comment Letter No. 001 and Comment Letter No. 004 provide comments from the U.S. Fish and Wildlife Service and the California Department of Fish and Game, respectively. As indicated in Section 4.9 of the Revised Partial Draft EIR, with the incorporation of mitigation measures, impacts to biological resources would be reduced to a less than significant level.

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 080-88

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 success. 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.

County DEH staff does not concur that the Court ordered the purchase of off-site land for mitigation. As indicated in Chapter 1 of the Revised Partial Draft EIR, the Court required that mitigation measures for biological resources be modified as necessary to comply with Section 5R of Proposition C. Please refer to Response to Comment No. 022-93 for a detailed discussion of the legal authority to mitigate project impacts through 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 includes a mitigation measure that 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. For any off-site open space preservation, 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.

Please refer to Response to Comment Nos. 080-10, 130-17 and 130-23 for additional information regarding the requirements and likelihood of success of on-site habitat creation and enhancement.

As indicated in Section 4.9 of the Revised Partial Draft EIR, with the incorporation of mitigation measures the project would result in a less than significant impact with regard to biological resources.

RESPONSE 080-89

The Court order does not address the timing of the incorporation of the mitigation measures. However, mitigation measures for biological resources would occur prior to disturbance of the project impact area. Please see Chapter 10 of the Revised Partial EIR for the Mitigation Monitoring and Reporting Program, which provides the timing for the verification of compliance with the mitigation measures.

RESPONSE 080-90

Exhibit 4.9-6 of the Revised Partial Draft EIR shows the locations of on-site mitigation areas. Appendix L of the 2003 Draft EIR includes a discussion of and rationale for expecting success. Please refer to Response to Comment Nos. 080-10, 130-17 and 130-23 for additional information regarding the requirements and likelihood of success of on-site habitat creation and enhancement. With regard to the gnatcatcher surveys, as indicated in Volume IV of the 2003 Draft EIR, the coastal California Gnatcatcher was surveyed in 1990 by the Butler Roach Group, in 1991 by Pacific Southwest Biological Services, in 1992 by Michael Brandman and Associates, in 1993 by Ogden Environmental and Energy Services, in 1995 by Dudek & Associates, and in surveys from 1998 through 2002 by Helix Environmental Planning. For details please refer to Volume IV of the Technical Appendix of the 2003 Draft EIR. In addition, field studies conducted by URS in 2003 and 2005 on the landfill site did not observe coastal California gnatcatcher.

RESPONSE 080-91

The discussion contained in Section 4.9 of the Revised Partial Draft EIR regarding potential arroyo toad habitat areas shows that based on surveys and soil types, the soil types present in the uplands beyond the greater San Luis Rey River floodplain are not considered suitable habitat. This means that one would not expect to find arroyo toads in these upland areas. Section 4.9 of the Revised Partial Draft EIR identifies a potential loss of 17.5 acres of suitable arroyo southwestern

toad upland habitat on the landfill site. Mitigation Measure 4.9-4 is provided to mitigate the potential impact.

RESPONSE 080-92

Current County policy does not require identification of off-site mitigation areas prior to certification of the EIR. The applicant has not purchased off-site lands for mitigation. Off-site mitigation areas would need to be identified to the County 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. As indicated in Section 4.9 of the Revised Partial Draft EIR, with the incorporation of mitigation measures the project would result in a less than significant impact with regard to biological resources.

RESPONSE 080-93

This comment is acknowledged. MM 4.9-3b has been revised in the Revised Final EIR to read "dispersing juveniles".

RESPONSE 080-94

The reference to environmental group in MM 4.9-14 is to indicate that environmental groups may have off-site areas or mitigation credits that could be used to implement the mitigation measure. The comment appears to express an opinion. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-95

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 5 of the 2003 Draft EIR contains a discussion of cumulative impacts from the project. The 2003 Draft EIR concluded that with the mitigation set forth in MM 4.9-18, the cumulative impacts to biological resources would be less than significant. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. MM.4.9-18 was not changed in the Revised Partial Draft EIR except to increase the scope of the Habitat Enhancement Plan from 101 acres to 212.6 acres.

The 2006 Traffic Study contains both near-term and 2030 cumulative analyses for SR 76. Appendix C of the Traffic Study included in Appendix A of the Revised Final EIR includes a list of related projects that were included in the near-term cumulative analysis. Using the data from the 2006 Traffic Study, a discussion of cumulative impacts to biological resources was also included in the Revised Partial Draft EIR. Please see Appendix B (Biological Technical Report) and Section 4.9, Biological Resources, of the Revised Partial Draft EIR for discussions regarding potential cumulative biological impacts.

RESPONSE 080-96

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.

Section 4.11 and Section 4.12 of the 2003 Draft EIR contain a detailed analysis of potential impacts to archaeological, cultural, and ethnohistorical and Native American interests. As indicated in the 2003 Draft EIR, with the incorporation of mitigation measures, the impact to archaeological and cultural resources would be reduced to a less than significant level. However, impacts to ethnohistorical resources (Gregory Mountain and Medicine Rock) would be significant and unavoidable. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

As indicated in Chapter 1 of the Revised Partial Draft EIR, Section 4.11 and 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. If Gregory Mountain and Medicine Rock were to be listed, the project would result in a significant impact to listed resources. As there are no mitigation measures beyond those provided in the 2003 Draft EIR, as indicated in Sections 4.11 and 4.12 of the Revised Partial Draft EIR, if Gregory Mountain and Medicine Rock were to be listed, the project would result in a significant and unavoidable impact to historic and cultural resources.

RESPONSE 080-97

The State Historic Preservation Committee nominated Gregory Mountain for listing based upon an application submitted by the Pala Band of Mission Indians. The nomination was returned by the U.S. Department of the Interior, National Park Service, .."so that substantive and technical issues can be addressed." A copy of the Return of Nomination issued by the U.S. Department of the Interior, National Park Service is included in Appendix N in the Revised Final EIR. Prior to the

Return of Nomination, the project did submit comments to the National Park Service related to the proposed nomination for its consideration.

RESPONSE 080-98

County DEH staff concurs that the former H.G. Fenton sand quarry is no longer operational. Section 4.12.1.4 of the Revised Final EIR has been revised to clarify that Medicine Rock is located on land previously used for sand mining operations. However, whether or not the Fenton property was sold is irrelevant with regard to the environmental analysis.

RESPONSE 080-99

The information provided in Section 4.12.1.4 provides information with regard to the uses surrounding the landfill site. The mining operation to the north of the site as well as the Calmat mining operation were in existence for many years. Based the 2005 Mining Operation Annual Report submitted to the County in June 2006, the mining operation to the north of the site ceased operation in 2005. In the case of Rosemary Mountain, historically also referred to as Palomar Aggregates, the owner is not relevant to the environmental analysis. The importance of the Rosemary Mountain project to the proposed project is that it is an approved project that would affect the character of the area by adding to the mix of uses in the area. In addition, as a future project it is considered in the 2006 Traffic Study near-term cumulative analysis.

RESPONSE 080-100

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. Please refer to Response to Comment No. 080-97 for additional information regarding the status of the nomination of Gregory Mountain to the National Register of Historic Places.

RESPONSE 080-101

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water to meet the water demand at the landfill site. The use and transport of recycled water is analyzed in the Revised Partial Draft EIR. As indicated in Response to Comment No. 080-47, a public meeting on the Revised Partial Draft EIR was held on August 14, 2006. A Notice of Availability for the Revised Partial Draft EIR, including the date and time of the public meeting, was distributed prior to the release of the Revised Partial Draft EIR on July 10, 2006. The Notice of Availability was distributed to property owners within 300 feet of the Olivenhain Reservoir Site, as well as noticed in the newspapers and posted at the County Recorder's Office. The Revised Partial Draft EIR was made available for public review at local libraries as well as online. No scoping meeting was held for the Revised Partial Draft EIR as the document was prepared and circulated based on a Court order to respond to the Court's order regarding the 2003 Draft EIR. The Revised Partial Draft EIR contains an analysis of the potential

impacts from the use of recycled water, including traffic, noise, air quality, and health risk. Please see the 2006 Traffic Study, which is contained in Appendix A of the Revised Partial Draft EIR. In addition, please see the Air Quality, Health Risk, and Noise Technical Memorandum, which is contained in Appendix D of the Revised Partial Draft EIR.

RESPONSE 080-102

Section 4.15 of the Revised Partial Draft EIR contains an analysis of potential impacts of OMWD recycled water on the Pala Basin Groundwater. As indicated in Section 4.15, review of the water quality data indicates that with the exception of the slightly elevated values for percent sodium and TDS, the recycled water quality is compatible with the water quality objectives adopted for the Pala Basin. Please refer to Response to Comment No. 007-22 for additional information related to anticipated water quality standards for OMWD recycled water, and the project's ability to comply with those standards. In addition, a project design feature has been included that requires that water resources at the landfill site be prioritized so that when available, on-site percolating groundwater will be used first for areas designated for biological mitigation, landscape mitigation and dust control before recycled water is used. In other words, groundwater would be used on areas outside of the lined landfill footprint, whenever possible. Recycled water would be used on the landfill footprint, which will have a double composite liner system.

RESPONSE 080-103

Please refer to Response to Comment No. 007-1 for a discussion of water rights.

RESPONSE 080-104

Table 4.15-4 of the Revised Partial Draft EIR provides a comparison of the Pala Basin and Olivenhain Treatment Water Quality data. As indicated in Section 4.15, review of the water quality data indicates that with the exception of the slightly elevated values for percent sodium and TDS, the recycled water quality is compatible with the water quality objectives adopted for the Pala Basin. Please refer to Response to Comment No. 007-22 for additional information related to anticipated water quality standards for OMWD recycled water.

RESPONSE 080-105

The use of recycled water on the landfill site would not impact groundwater quality within the Pala Basin. As indicated in Section 4.15, the water quality data was obtained from the Olivenhain Treatment plant. As indicated in Section 4.15.3.11, a project design feature that would be incorporated into the project would require that all water trucks and tanks be disinfected prior to reuse with other than recycled water.

RESPONSE 080-106

Section 4.15 of the Revised Partial Draft EIR contains a safe yield analysis. The safe yield considers the amount of pumping that does not exceed the amount of groundwater flowing in, or surface water infiltration into, the fractured bedrock formation. In other words, the safe yield considers the amount of water that can be withdrawn from the basin without affecting wells downstream. As indicated in section 4.15, pumping tests completed over a number of years indicate that 7 existing bedrock wells on the landfill site denominated as wells GMW-1, GLA-3, GLA-12, GLA-13, GLA-B, GLA-C and GLA-G have the ability to produce a safe yield of 27 gallons per minute (gpm) over the life of the project. This equates to about 38,880 gallons per day or 43.55 AFY. This closely approximates the project need of approximately 40,000 gallons per day for project operations. Any well pumping that occurs would be monitored to ensure that withdrawal does not exceed the safe yield. In the event that water from these bedrock wells becomes unavailable for any reason, OMWD recycled water would be used to provide all water needed for both project construction and operation. Therefore, no discussion regarding compensation is necessary.

RESPONSE 080-107

As indicated in Section 4.15, the Olivenhain Municipal Water District presently provides recycled water in both the northwest and southeast areas of its service territory to a variety of agricultural, residential, golf course, and commercial users. However, 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. The recycled water system completed by OMWD has the ability to produce 2,200 acre-feet per year of recycled water.

OMWD has determined that it has adequate capacity to provide this recycled water to the project without impacting other recycled water users and has agreed to provide this recycled water to the project for a period of 60 years based upon an executed contract (see Appendix I of the Revised Final EIR). Any tertiary treated wastewater would be discharged by OMWD in accordance with its own applicable requirements. That activity is not part of this project.

RESPONSE 080-108

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. OMWD has not yet applied for the necessary waiver. However, the RWQCB may grant a waiver to allow the use of recycled water at the landfill site pending the issuance of the revised Solid Waste Facility 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 for the issuance of the waiver was the appropriateness of recycled water at the use site as determined by the project EIR. In this instance, 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 and the project's ability to comply with those standards.

RESPONSE 080-109

With regard to the use of recycled water on the landfill site, Section 4.15 of the Revised Partial Draft EIR contains an analysis of the potential impacts from the use of recycled water. As indicated in Response to Comment No. 80-108, the analysis determined such impacts would be less than significant. The majority of the recycled water would be used on the landfill footprint. In addition, as indicated in Section 4.15 of the Revised Partial Draft EIR, the OMWD Master Reclamation Permit would need to be revised by the RWQCB 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 to the extent applicable in making its permit decision. Please refer to Response to Comment No. 007-22 for additional information regarding the anticipated water quality standards that would be imposed by the RWQCB on the use of OMWD recycled water by the project. The significance criteria referred to in the comment are the criteria used in the Revised Partial Draft EIR to determine whether a potential impact would occur with regard to water supply and the use of recycled water on the landfill site.

As indicated in Response to Comment No. 080-47, the CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but 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. Nonetheless, as indicated above in this response, the use of recycled water on the landfill site has been analyzed in the Revised Partial Draft EIR.

RESPONSE 080-110

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 (round trip) truck trips would result. The four to five trucks reflect the estimate of the number of actual trucks that would be used to carry the water between the two locations. However, if additional trucks were necessary, they would be added but 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.

With regard to hours of pick-up and delivery of water, project design features provide restrictions on the hours of the use of Maranatha Drive. In addition, with regard to delivery of water at the landfill site, the landfill hours of operation, which would be from 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturdays, limit the times in which water could be delivered to the landfill site.

RESPONSE 080-111

Based on a comment received on the Revised Partial Draft EIR the hours of limitation on the use of Maranatha Drive by recycled water trucks has been increased. As indicated in Response to Comment No. 038-5, restrictions on the use of Maranatha Drive by recycled water trucks would be between the hours of 6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M. The use of the school property at other times, as suggested by the commenter, is speculative. With regard to special events that may occur at the school, many such events occur outside the school hours. In addition, such events would be temporary in nature and would occur on a particular day. With regard to the school offering evening classes or tutoring off-hours, if these activities were to occur, no conflict with the recycled water trucks would be expected as night classes would occur outside the hours that the recycled water trucks would be using Maranatha Drive. Tutoring may be outside the hours as well or within the restricted hours and would likely involve a small group of participants, if it were to occur at all.

RESPONSE 080-112

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments that are 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 Section 15088.5(f)(2) of CEQA Guidelines. Therefore, 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.

As indicated in Section 4.5 of the Revised Partial Draft EIR, the PCE factor is determined using grade percentages and average speed. The weight of the truck is not a direct factor. The 1.5 PCE factor used for waste trucks was established in the 2003 Draft EIR.

With regard to recycled water trucks, as discussed in Response to Comment No. 080-48, the Highway Capacity Manual (HCM) provides a matrix for rural highways which utilizes both specific grade percentages and average speeds to determine a PCE factor. The 2006 Traffic Study includes the table from the HCM. A PCE of 1.4 could be used for a roadway that had a grade of 3 percent and travel speeds of 45 miles per hour (mph). The recycled water truck route does not have grades that exceed 3 percent or actual speeds in excess of 45 mph. County DEH staff determined that the use of a 1.5 PCE factor for the recycled water trucks was appropriate.

RESPONSE 080-113

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 080-114

The Air Quality, Health Risk, and Noise Technical Memorandum, which is contained in Appendix D of the Revised Partial Draft EIR, contains a health risk analysis relative to the recycled water trucks along Maranatha Drive. As indicated in Section 4.15, potential health risk impacts would be less than significant. Section 4.7 of the 2003 Draft EIR contains an analysis of potential air quality and health risk effects from the project at the landfill site. The analysis includes use of trucks along SR 76. As indicated in the Revised Partial Draft EIR, this portion of the project has not changed. The air quality and health risk analyses contained in the 2003 Draft EIR were not overturned by the Court and were not included in its writ.

RESPONSE 080-115

Diesel fuel exhaust is a complex mixture of thousands of gases and fine particles that contain more than 40 toxic air contaminants including benzene. In 1998, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) completed a comprehensive health assessment of diesel exhaust. This assessment formed the basis for a decision by the California Air Resources Board (ARB) to formally identify particles in diesel exhaust as a carcinogenic and chronic toxic air contaminant that may pose a threat to human health. Long-term exposure to diesel exhaust can result in cancer and cause inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.

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 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). Potential health risk impacts related to the trucks carrying recycled water from the Reservoir Site to landfill site were evaluated at sensitive receptors in close proximity to the haul road (i.e., school and residences).

The calculated cancer risk of 4.2 in one million would represent DPM risk in close proximity to Maranatha Drive (e.g., residential uses and Maranatha School) and is less than the cancer risk threshold of 10 in one million. (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.) In cases where the cancer risk is less than 10 in one million, the Hazard Index for DPM chronic exposure would also be less than 1.0. Nevertheless, the HI has been calculated for DPM in response to this comment. The DPM HI for respiratory symptoms would be approximately 0.002 and less than the HI threshold of 1.0. As concluded in the Revised Partial Draft EIR, air toxic impacts associated with water haul trucks at the Reservoir Site would be less than significant.

RESPONSE 080-116

Total Dissolved Solids (TDS) includes the inorganic and organic substances contained in water which are present in a molecular, ionized or micro-granular suspended form. Generally the operational definition is that the solids must be small enough to survive filtration through a sieve size of two micrometers. TDS is generally considered not as a primary pollutant (e.g. it is not deemed to be associated with health effects), but it is rather used as an indication of aesthetic characteristics of drinking water and as an aggregate indicator of presence of a broad array of chemical contaminants.

RESPONSE 080-117

The analysis contained in Section 4.15 of the Revised Partial Draft EIR with regard to health and safety impacts from the use of recycled water on the landfill site concludes that with a well informed recycled water site supervisor and site personnel, the health and safety risks associated with the use of recycled water for the project would be low and would not result in any significant health impacts to site personnel. A project design feature is included in Section 4.15 of the Revised Partial Draft EIR that requires that a recycled water supervisor be retained at the landfill site. In addition, the project would comply with applicable OSHA requirements regarding the use of recycled water.

RESPONSE 080-118

As indicated in Section 4.15, the recycled water site supervisor would have attended a state or County DEH approved training class on the use of recycled water in order to ensure proper training. Attendance at a class would ensure that the supervisor is educated with regard to the health and safety hazards as well as proper procedures to be implemented with regard to the use of recycled water. Fees for the class, if applicable, would most likely be paid for by the employer.

RESPONSE 080-119

The term "as required" in the timing of verification column for MM 4.5-2 and 4.5-3 in Table 10-1 of the Revised Partial Draft EIR refers to the fact that the daily operational records that are collected at the site with regard to project traffic would be provided to DEH as often as DEH requires. The daily records would be available to DEH each day.

RESPONSE 080-120

The comment summarizes the conclusions contained in Chapter 11 of the Revised Partial Draft EIR. 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.

RESPONSE 080-121

Traffic counts for a traffic study are conducted on typical weekdays. As indicated in the 2006 Traffic Study, counts taken on Mondays and Fridays are not deemed acceptable by traffic engineers for traffic impact studies due to the variable surges of traffic which occur on these days making them unreliable predictors of daily traffic on area roadways. The 2006 Traffic Study was conducted in compliance with County of San Diego criteria.

RESPONSE 080-122

The 2006 Traffic Study contains an update of the accident analysis contained in the 2003 Draft EIR. The 2006 Traffic Study summarized accident information contained in the previous Traffic Study, which is contained in Appendix I of the 2003 Draft EIR. The information was updated in order to compare the previous conclusions with regard to accidents on SR 76 relative to the increase in volume on the roadway. As indicated on page 17 of the 2006 Traffic Study, subsequent TASAS or TSN reports were run for 1996 to 2001 and again in 2006 for the years 2003 to 2005. 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 County DEH staff determined that the accident data was not presented clearly. Therefore, the 1991 to 1998 accident data has been added to Appendix A of the 2006 Traffic Study. Please see Response to Comment No. 028-24 for a detailed discussion regarding the accident data.

RESPONSE 080-123

As established in the 2003 Draft EIR, a 1.5 PCE factor was used for a single 8-ton truck. The 2006 Traffic Study is based on the use of 8-ton trucks. However, if a 24-ton transfer truck were to be used the PCE factor would be different. As indicated on page 24 of the 2006 Traffic Study, 24-ton trucks would have a 4.0 PCE. As indicated in Section 4.5 of the 2003 Draft EIR, the 4.0 PCE for a 24-ton transfer truck has been used in other EIRs in the County for transfer trucks. The purpose of the discussion regarding different size waste haul trucks in the 2003 Draft EIR is to provide an analysis of the use of 8-ton trucks compared with 24-ton transfer trucks. As indicated in the 2006 Traffic Study, replacing direct haul trucks (8-ton trucks) with transfer trucks would ultimately reduce the project's local traffic. However, the 2006 Traffic Study uses the maximum 8-ton direct haul trucks to generate and analyze the worst-case project traffic.

RESPONSE 080-124

As indicated in Response to Comment No. 080-99, the mining operation to the north of the site as well as the Calmat mining operation were in existence for many years. Whether or not the property to the north was sold is irrelevant with regard to the cumulative traffic analysis. If in fact no additional trips are attributable to these mining operations, the 2006 Traffic Study overstates traffic in the near-term cumulative analysis. Also, in the case of Rosemary Mountain, historically also referred to as Palomar Aggregates, the owner is not relevant to the environmental analysis. The importance of the Rosemary Mountain project is that it is an approved project that would affect the character of the area. In addition, as a future project it is considered in the 2006 Traffic Study near-term cumulative analysis.

RESPONSE 080-125

The related projects list, which is provided in Appendix C of the 2006 Traffic Study, includes all projects known at the time of the analysis. The list includes all types of projects, such as commercial businesses, residential projects, casinos, and industrial development. The existing residences at Couser Canyon and Lilac Road referred to in the comment would be accounted for in the existing conditions. However, the near-term cumulative analysis includes the list of projects as well as ambient growth (2 percent per year for three years) to account for projects that may not have been included in the list. Please refer to Response to Comment No. 028-33 for additional information regarding cumulative traffic impacts from proposed gaming facilities.

RESPONSE 080-126

The comment is vague and is it not clear to which statement on page 45 of the 2006 Traffic Study the comment refers. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-127

As indicated in the 2006 Traffic Study, the review of the 2003 Tribal Traffic Study was ordered by Judge Anello in the prior litigation. The Court held that an evaluation of the new traffic information contained in a 2003 County tribal traffic study known as the 2003 Traffic Needs Assessment Study must be completed for the proposed landfill project.

RESPONSE 080-128

The County has determined that the project-specific analysis and the cumulative analysis contained in the 2006 Traffic Study provides a more reliable analysis of potential impacts along SR 76 compared to the 2003 Tribal Traffic Study. The near-term cumulative analysis contained in the 2006 Traffic Study includes a recent list of projects as well as a factor for ambient growth. The list of projects used accurately reflects the known past, present, and probable future projects in the area in accordance with CEQA Guidelines Section 15130(1)(A). The cumulative analyses are

based on the County's 2020 General Plan process and the newer and more accurate SANDAG Series 10 Model. Please refer to Response to Comment No. 028-33 for a discussion regarding cumulative analysis.

RESPONSE 080-129

As indicated in Section 4.5 of the Revised Partial Draft EIR, with regard to project impacts, even though the project would not have a direct impact on SR 76 west of I-15 and I-15 between Carmel Mountain Road and Pomerado Road based on County Guidelines or SANTEC criteria, these segments would operate at an LOS E or F with or without the project. In addition, the project would contribute to near-term and 2030 cumulative impacts on SR 76. As indicated on page 36 of the 2006 Traffic Study, participation in the TIF program is considered full mitigation for these impacts by the County of San Diego. However, as indicated in Section 4.5 of the Revised Partial Draft EIR, although the mitigation measure requires that the applicant contribute a fair-share contribution to the TIF program, because of the uncertainty with regard to the timing of the necessary improvements that would reduce the impact to a less than significant level, the EIR concludes that these impacts would be significant and unavoidable.

RESPONSE 080-130

The comment is conclusionary in nature and expresses an opinion with regard to the proposed projects. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 080-131

The project design features and mitigation measures would be enforced by DEH through the Solid Waste Facility Permit. It will be the responsibility of DEH to monitor the project to ensure compliance with the conditions of the Solid Waste Facility Permit. DEH would hire additional staff if additional resources were needed to provide the necessary enforcement and oversight.

Letter 081

From: Corktoo@aol.com
Sent: Tuesday, August 22, 2006 11:14 AM
To: LUEG, DEHComments
Subject: Gregory Canyon landfill LOG No. ER 98-02-025

Re: Gregory Canyon Landfill RPDEIR Log No. ER 98-02-025

Please include the following in my comments to the RPDEIR for the above referenced project:

A closed landfill that leaks?

081-1

While the Gregory Canyon is slated to have a double liner, is there any guarantee that this same problem will not occur when the dump is closed?

081-2

Isn't benzene an element of Diesel fuel used by garbage trucks?

081-3

Will the builder's 1,000,000 insurance policy be sufficient to cover the cost - whenever a leak happens - of 1) cleaning up the water of the San Luis Rey River and 2) pay for the medical needs of those who are affected by benzene and other dangerous chemicals?

With inflation, this One Million dollar policy will be "peanuts" in 30 years when the dump closes!

081-4

If one reads the article relating to the benzene problem at the closed Poway landfill one must come to the conclusion that Department of Environmental Health of the County of San Diego has not done its job of protecting the public - a job this department was created for.

It also seems that the Department of Environmental Health of the County of San Diego took its time to reveal this leak to the public. This is not acceptable.

Is this what we can expect at the Gregory Canyon years from now?

County To Hold Meeting Regarding Benzene Gas Levels

Mon Aug 21, 11:35 PM ET

Since the March 2006 10News investigation of deadly benzene gases seeping from a Poway landfill, officials from the San Diego County Department of Environmental Health completed testing and issued a 1,500-page report with the results.

Benzene really attacks the bone marrow system of the body,? said Dr. Ruth Markowitz Heifetz of University of California, San Diego Preventative Medicine.

It has been linked to leukemia and other bone marrow disorders. The benzene gases and solvents are also known to cause cancer.

Works.The county installed 40 monitoring wells to determine the extent of the pollution.

"We realized, OK, there may be some issues that we may need to let the people in the neighborhood know about,? said Bill Pollick of the San Diego County Department of Public The county?s report said health risks from short-term exposure to the pollutants

are minimal. But it said the effects from long-term exposure are unknown.

The Department of Environmental Health now said it would meet with residents and discuss the report in a public meeting on Aug. 31.

The meeting is scheduled for 7 p.m. at the Poway Community Auditorium.

Ruth Harber

11132 San Antonio Way

Valley Center, CA 92082

LETTER NO. 081

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 081-1

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.

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 mitigation there would be no significant impacts to groundwater. Moreover, the County selected the even 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 mitigation 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 081-2

Diesel fuel is a complex mixture of thousands of constituents that contain more than 40 toxic contaminants including benzene. Section 4.7 of the 2003 Draft EIR contains an analysis of air quality and health risk impacts. This section was not overturned by the Court or included in its writ. In addition, Appendix D of the Revised Partial Draft EIR contains an air quality and health risk assessment of the recycled water trucks. Please refer to Response to Comment No. 080-115 for additional discussion of this issue.

RESPONSE 081-3

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 potential impacts of the project relative to water quality were not analyzed in the Revised Partial Draft EIR. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

As indicated in Response to Comment No. 081-2, Section 4.7 of the 2003 Draft EIR contains an analysis of air quality and health risk impacts. This section was not overturned by the Court or included in its writ. In addition, Appendix D of the Revised Partial Draft EIR contains an air quality and health risk assessment of the recycled water trucks. Finally, the project is required to obtain a $100,000,000 environmental liability insurance policy in accordance with its 2004 supplemental agreement with the San Luis Rey Municipal Water District, which is provided in Appendix H of the Revised Final EIR.

RESPONSE 081-4

The comment refers to a newspaper article regarding a Poway landfill. The Poway landfill operated as a burn site from 1949 to 1966 and as a solid waste disposal facility from 1967 to 1975. The Poway landfill is unlined and does not contain the engineering systems that are found in modern landfills. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 082

From: Corktoo@aol.com

Sent: Sunday, August 20, 2006 4:06 PM

To: LUEG, DEHComments

Subject: Gregory Canyon landfill LOG No. 98-02-025

Regarding the above referenced project, please explain why there is no mention of the trucking of recycled water in the Executive Summary which is part of the RPDEIR.

It is my contention that any new developments regarding this dump should have been included in the Executive Summary - especially the addition of recycled water trucks to the area.... or am I missing a few pages of the Executive Summary? 082-1

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

LETTER NO. 082

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 082-1

The Executive Summary of the Revised Partial Draft EIR contains a summary of project impacts and mitigation measures. As there are no mitigation measures associated with the recycled water trucks, there is no mention of the recycled water trucks in the Executive Summary of the Revised Partial Draft EIR. The trucking of recycled water is described on page 3-4 of the Revised Partial Draft EIR and is analyzed throughout the document.

Letter 083

RUTH HARBER
11132 SAN ANTONIO WAY
VALLEY CENTER, CA 92082

August 23, 2006

VIA FAX # 858-495-5004

County of San Diego Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123

Gentlemen:

Subject: REVISED PARTIAL DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GREGORY CANYON LANDFILL PROJECT (LOG No. 98-02-025)

Attached hereto is copy of an article published today (8/23/06) in the North County Times relating to a concrete plant proposal in Escondido.

If you will check the numbers comparing passenger vehicles to the mixing and delivery trucks each day, you will find that the ratio is 1.9.

Please explain how this compares to the figure of 1.5 indicated throughout the RPDEIR traffic study for the Gregory Canyon Landfill Project although most experts would agree that the ratio of passenger vehicles vs. trucks would be more like the 1.9 projected for the Escondido project. 083-1

Is a ratio calculated according to the weight of the vehicle – or is volume of the vehicle (cubic feet, etc.) – or length and width of the vehicle?

A response to this question in the Final Environmental Impact Report would be appreciated.

Sincerely,

Ruth Harber

Ruth Harber

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

August 23, 2006

VIA FAX #858-495-5004

County of San Diego Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123

Gentlemen:

Subject: REVISED PARTIAL DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GREGORY CANYON LANDFILL PROJECT (LOG No. 98-02-025)

Additional comments regarding Traffic and Circulation:

Regarding the attached article published today in the North County Times re a concrete plant proposal in Escondido, California:

My question: If the ratio of passenger vehicles/vs/concrete, batching material trucks is 1.9 as indicated when doing some arithmetic, please answer whether the same type of trucks which will serve the Rosemary Mountain quarry at Highway 76 – using the same route as trash trucks – were considered to be 1.5 ratio or 1.9 ratio and whether – since they are the same type of trucks as in Escondido – the figure of 1.9 for the quarry was melded into the traffic figures for the Gregory Canyon dump. 083-2

In other words: If concrete/batching trucks in Escondido work out to a 1.9 ratio vs. passenger trips, shouldn't the same types of trucks have the same ratio at Rosemary's Mountain and if that figure is part of the traffic study done in the RPDEIR, doesn't that increase the ratio for the whole road and diminish the amount of trucks for the dump that will be allowed?

Wouldn't it increase the total allowed traffic numbers past the magic number of 2085?

Sincerely,

Ruth Harber

Ruth Harber

NORTH COUNTY Times
8/23/06

150
92
242

75
95
120

474 (120
360
1.40
1.9

474 (242
24
234
1.9

Concrete plant proposal faces stiff opposition

Traffic and dust are a concern for Escondido neighbors

DAVID FRIED
STAFF WRITER

ESCONDIDO — A proposed concrete mixing plant in the heart of the city's industrial zone faces solid opposition from several neighboring business and some City Council members, who will consider approving the project tonight.

Robertson's Ready Mix has proposed a concrete mixing plant on a 2-acre site at 1310 Simpson Way, in the heart of Escondido's industrial zone. The plant would house two 65-foot silos and a 12,000-gallon diesel fuel tank and produce 750 cubic yards of concrete each day.

City planning officials and Robertson's, a Corona-based company that operates concrete operations in almost two dozen cities throughout the state, argue that the project is consistent with the permitted industrial uses in the area.

In roughly a dozen letters to the city, however, neighbors say that they worry about traffic and air quality problems associated with the plant.

Robertson's Ready Mix tried to establish a concrete plant at 1520 Barham Drive in San Marcos in 2004, but withdrew its application before the City Council's vote.

Robertson's anticipates a maximum of 75 mixing trucks and 46 delivery trucks each day at the Escondido site, according to its permit application. That amounts to 150 total mixing truck trips and 92 delivery truck trips daily.

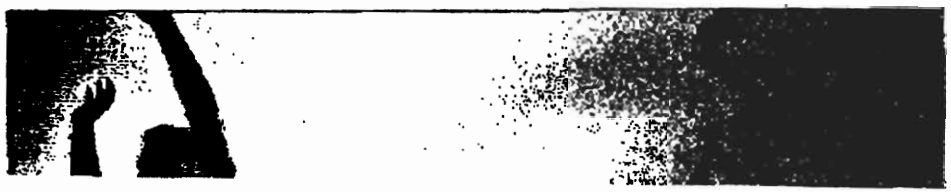
Environmental studies for the permit state that the traffic generated by the trucks would be the equivalent of 474 passenger vehicles. That falls within the range of about 100 to 800 vehicle trips that would be generated by different approved types of businesses in the industrial area.

"We didn't feel it was a substantial increase beyond what (uses) would be expected in the industrial zone," Escondido Planning Director

➤ CONCRETE, B-6

Ratio = 1.9

AGENCIES HOLD DISASTER DRILL



Landmark college bill

CONCRETE

Continued from B-1

John Brindle said.

Robertson's officials could not be reached for this article.

But neighbors say that Simpson Way, a narrow street that houses primarily industrial warehouse facilities, cannot bear the extra traffic.

Already it can take evening commuters as long as 10 minutes to make it onto the main throughway, Hale Avenue, just a few hundred meters away, according to David Staffieri, president of DevEnCo Inc., an engineering consultancy next door to Robertson's proposed site.

"You put another 200 trucks a day on this street, and you're going to have a nightmare," Staffieri said. "It's just not suited for it."

Other businesses said the dust generated by the mixing plant would settle on nearby businesses, such as Autos International, which restores high-end and vintage cars.

In a recent letter to the city, Autos International President Agustin Vidaurri said he worried that cement dust in the area would be detrimental to his business.

Brindle said that the company had proposed adequate measures to control cement dust from scattering along the street.

'You put another 200 trucks a day on this street, and you're going to have a nightmare. It's just not suited for it.'

— DAVID STAFFIERI
President of DevEnCo Inc.

Last month, the Planning Commission sided with Robertson's would-be neighbors, voting 5-2 to reject the plant based on traffic, dust and parking concerns.

The company appears to face an equally tough audience when it heads to the council tonight.

Councilman Sam Abed said that, while he understands the need for such businesses, he generally opposes adding more to the city's industrial zone, which features many blighted properties that could be used for future high-end office space and other uses.

"The entire area is redeveloping," Abed said. "I don't see us approving heavy industrial (uses) that are going to generate hundreds of truck trips through this city."

Mayor Lori Holt Pfeiler said that the plant would be permitted under the city's existing zoning for the site and the council should honor that. But she added that Robertson's needs to address the traffic and dust issues before the council can approve the project.

Councilman Ron Newman said he has not made up his mind on Robertson's proposal, but said he places great stock in the opinions of the Planning Commission and the concerns raised by neighboring businesses.

"It's really a balance between economics, and what the community wants and what's right for the city," Newman said. "It's not a simple issue."

The city estimates it would collect $180,000 annually from sales tax revenue generated by the plant.

Contact staff writer David Fried at (760) 740-5416 or dfried@nctimes.com.

OBITUARIES

John Schifferer, 84

ESCONDIDO — John S. Schifferer, 84, died Thursday, Aug. 17, 2006, in Ramona.

Born June 10, 1922, in Corvallis, Ore., he lived in Escondido for 33 years. He retired in 1972 as colonel in the U.S. Air Force after 30 years. He served in World War II, Korea and Vietnam. His awards included the Distinguished

Aug. 15, 2006.

He was born June 23, 1937, in Ottawa, Kan. He graduated from The University of Kansas and Washington University in St. Louis. He was a doctor and known as one of the world's leading experts in clinical psychopharmacology and the development of new antidepressants. He was the founder and former president of the Feighner Research Institute in San Diego.

He was president of Tetragenex. He was the author of the Feighner Criteria. He was medical director at San Luis Rey Hospital and director of research and education at Charter Hospital.

He was in private practice at Psychiatric Centers of San

ter Jacilyn Maddox of Vista; and grandparents Jerry and Janie Maddox of Kalispell, Mont., and Sam and Dolores Johnson of Arroyo Grande.

A memorial service is scheduled for 5 p.m. Thursday, Aug. 24, at The Movement, 1370 W. San Marcos Blvd. in San Marcos.

Allen Bros. Mortuary, Vista Chapel, is handling arrangements.

Be Hayden, 79

OCEANSIDE — Be H. Hayden, 79, died Sunday, Aug. 20, 2006.

He was

children; and nine great-grandchildren.

A memorial service is scheduled for 11 a.m. Saturday, Aug. 26, at Melrose Church of Christ, 713 S. Melrose Drive in Vista.

An inurnment will be held at Fort Rosecrans National Cemetery in San Diego at a later date.

Oceanside Mortuary is handling arrangements.

Herbert Graham, 93

ESCONDIDO — Herbert Madison Graham, 93, died Monday, Aug. 21, 2006.

Born May

and John Bales officiating.

Interment will be at Mills Creek Cemetery in Hookstown, Pa.

Albiser-Cotter Mortuary is handling arrangements.

Orlando Arredondo Sr., 86

VISTA — Orlando Arredondo Sr., 86, died of natural causes, Saturday, Aug. 19, 2006, at his home.

Born April 17, 1920, in Kansas, he lived in Vista for 65 years. He was in construction and a member of the local car-

tuary Chapel in Oceanside.

A Mass will be celebrated at 10 a.m. Thursday, Aug. 24, at St. Francis Catholic Church in Vista.

Interment will follow at Eternal Hills Memorial Park.

Frances Locke, 89

SAN DIEGO — Frances Duckat Locke, 89, died Saturday, Aug. 19, 2006.

She was born Sept. 16, 1916, in Philadelphia.

Ms. Locke is survived by her son and daughter-in-law, Michael and Wanda Locke of Seattle; daughter and son-in-law Bar- and Malcom Douglas of

LETTER NO. 083

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 083-1

As indicated in Chapter 1 of the Revised Partial Draft EIR, the scope of the comments that are 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 Section 15088.5 (f)(2) of CEQA Guidelines. Therefore, 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.

As indicated in Section 4.5 of the Revised Partial Draft EIR the Highway Capacity Manual provides a matrix for rural highways which uses both specific grade percentages and average speeds. While it was determined that a 1.3 PCE factor could be used based on specific data collected on SR 76, the 1.5 PCE factor used in the traffic analysis was established in the 2003 Draft EIR. Please refer to Response to Comment No. 080-31 for additional information regarding the determination of the PCE factor.

RESPONSE 083-2

Please see Response to Comment No. 083-1 for a discussion regarding the PCE factor.

Letter 084

From: Corktoo@aol.com [mailto:Corktoo@aol.com]
Sent: Tuesday, August 22, 2006 5:49 PM
To: LUEG, DEHComments
Subject: RPDEIR - GREGORY CANYON LANDFILL - LOG No. 98-02-025

Gentlemen: Please add the following to my questions on the above referenced landfill project:

There are at least 30 large passenger buses every day going to the various casinos that can be accessed via Highway 76.They use the same route to return passengers to the cities. 084-1

Please indicate the ratio of these buses vs. passenger cars. Is it 1.5 as you have it for a trash truck? Is it more than a trash truck?

Have these buses which use Highway 76 been included in the traffic study of the RPDEIR?

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

LETTER NO. 084

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 084-1

Section 4.5 of the Revised Partial Draft EIR includes an updated traffic study. Traffic counts were taken in 2005. Therefore, the casino traffic is accounted for in the existing traffic counts.

Letter 084.1

From: Corktoo@aol.com
Sent: Tuesday, August 22, 2006 2:30 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill -

RPDEIR - GREGORY CANYON LANDFILL - LOG No. 98-02-025

I am enclosing article published today in the North County Times relating to a closed landfill in San Marcos which leaks.

Is this what we can expect to read about the Gregory Canyon in 30 years? Leaking into a park is sad - but leaking into a river such as the San Luis Rey river in 30 years would be criminal! I urge Mr. Erbeck to do the right thing and to NOT certify this new RPDEIR. 084.1-1

Text of newspaper article:

From:Sent: 8/22/2006 9:53:41 AM
Subject: NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, board finds

Tuesday, August 22, 2006
Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds
By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city

was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

LETTER NO. 084.1

Ruth Harber
11132 San Antonio Way
Valley Center, CA 92082

RESPONSE 084.1-1

The comment expresses opposition to the project. The comment also provides a newspaper article dated August 21, 2006 regarding discharges found in a San Marcos park developed over a closed landfill from the North County Times. The closed landfill, Bradley Park/Linda Vista Landfill, was closed in 1969. The landfill is unlined and does not contain the engineering systems that are found in modern landfills. The comment and article regarding San Marcos park contamination are acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to landfill liners, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, please see Response to Comment No. 035-6 for a discussion regarding the performance of modern landfill liners.

Letter 085

August 24, 2006

DEH Local Enforcement Agency
San Diego County's Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217
Via fax 858-495-5004

RE: Comments on the Gregory Landfill proposal

Dear Sirs,

As a resident of the Pala area, I oppose approval of the county landfill project proposed for the Gregory Canyon area. Specifically, I have three concerns regarding it's impact: 085-1

1. First is the close proximity to a very large watershed area, the San Luis Rey River and it's surrounding wells. The possible risk of cross-contamination due to leakage from the liner in this landfill is too great. This watershed feed thousands of acres of farming in this surrounding community, as well as coastal community wells down stream. Since most of these farms are fed by wells, contaminated water could literally put them out of business. My concern also surrounds the risk of earth movement or an earthquake causing a tear in the liner system. To my knowledge, no studies exist that address leakage with these liners due to ground movement. A quick look at the California seismology study for this area shows many active earthquake faults. Further, a local newspaper discusses the offer, by it's developers, to purchase a contamination insurance policy for up to $100 million in liability if there is environmental damage from this project. I do not know of and insurance policy of this type covers damage due to earth movement. Therefore, the risk due to ground movement contamination and it's clean-up cost would probably be borne by the people of San Diego County and the State of California. Approval of this landfill is a risk that is simply too great to consider given the surrounding areas and environmental health at risk. 085-2

2. My second concern is regarding the impact of increased traffic to Highway 76. These roads are already overburdened with the added casino traffic. The existing traffic could possibly increase if a proposed new casino is built on one of the reservations. Adding several hundred new commercial trash vehicles would increase traffic, air pollution and noise to this highway as well as the risk of new accidents. Additionally, increasing commercial water truck traffic around a proposed school, on Marathana way, is again risky and inappropriate (even if you limit traffic around drop-off and pick-up hours). 085-3

3. Finally, my concerns also involve proper mitigation of land destroyed by this project. San Diego County voters and the board of supervisors approved the Multiple Species Act with the intent of preserving this area's land for future generations by limiting land splits and development. The act also covers mitigation of land affected by development. I do not see where adequate similar land in this surrounding area, not far away, has been properly mitigated with 085-4

respect to the Multiple Species Act or requests by the court. I do not see in the revised EIR proposal specifics on adding the 6-700 acres as originally discussed by the court. The proposed EIR continues to address developing existing riverbed into protected land and seems to be somewhat vague on how and when this will be done? Further, I am not satisfied that adding additional protected wetlands in riverbed areas is proper mitigation to this project. Given the recent rainy winters and floodwaters from the San Luis Rey river, this area seems unfeasible to develop into protected lands. Adding land in a remote, far away area is not proper mitigation within the intent of the Multiple Species Act. Too much land is being taken away without replacing land of like and similar topography. This portion of the EIR continues to remain incomplete and vague. 085-4 Cont'd

I respectfully ask, given these concerns, that you oppose the revisions to the EIR, no matter how complete they may appear. A landfill does not belong in Gregory Canyon. Increased traffic and noise on highway 76, improper mitigation which directly opposes the intent of the Multiple Species Act and the court request as well as risk of groundwater contamination is too great. Please send the developers back to the drawing board and consider other alternatives. 085-5

Sincerely,

Jon Hoxter
Insurance Agent, License 0D67087
PO Box 60
Pala, CA 92059

Residence address: 37310 Magee Road, Pala, CA 92059

LETTER NO. 085

Jon Hoxter
P.O. Box 60
Pala, CA 92059

RESPONSE 085-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 085-2

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.

Potential water quality impacts were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double 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 potential impacts due to seismic issues. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 085-3

Section 4.5 of the Revised Partial Draft EIR includes an updated traffic analysis, which includes an analysis of potential impacts from recycled water trucks. The 2006 Traffic Study includes the existing casinos in the existing conditions. With regard to future expansions, the 2006 Traffic Study includes a near-term and long-term (2030) cumulative analysis, which takes future casino expansions into consideration. The 2006 Traffic Study includes an update of the accident analysis that was contained in the 2003 Draft EIR.

Section 4.6 of the Revised Partial Draft EIR contains an update of the traffic noise impacts, using the updated numbers contained in the 2006 Traffic Study. Section 4.7 of the 2003 Draft EIR includes an analysis of air quality impacts. With regard to the Maranatha School, the Revised Partial Draft EIR includes an analysis of the use of recycled water, including potential impacts associated with the recycled water trucks that would carry the water from the Reservoir Site to the landfill site. Section 4.5 includes an analysis with regard to traffic and safety. Section 4.6 provides an analysis of potential noise impacts. Section 4.15 provides an analysis of air quality and health risk impacts.

RESPONSE 085-4

The Multi-Species Conservation Plan (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. Please refer to Response to Comment No. 001-8 for additional information regarding County criteria for selecting off-site mitigation lands. Exhibit 4.9-6 of the Revised Partial Draft EIR depicts the areas on the landfill site where habitat creation or habitat enhancement would occur. Please refer to Response to Comment No. 022-93 for additional information regarding the project's ability to utilize on-site habitat creation or habitat enhancement to mitigate potential impacts to biological resources. Please refer to Response to Comment No. 130-17 for a discussion of success criteria and factors supporting the anticipated success of habitat creation and habitat enhancement.

RESPONSE 085-5

The comment expresses opposition to the project. Please see Response to Comment Nos. 085-2 through 085-4 for detailed responses to the issues raised. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 085.1

From: Jon & Gayle Hoxter [heartkeeper@wwdb.org]

Sent: Thursday, August 24, 2006 9:21 AM

To: LUEG, DEHComments

Subject: public comments to Gregory Canyon landfill

I am a resident of the Pala area and would like my comments to be considered regarding the Gregory Canyon Landfill proposal. I have two main concerns regarding the impact of establishing a landfill in this area.

1. The impact of increased traffic and air pollution to the local environment. This area has two difficulties with increasing traffic and noise. Adding several (probably hundreds) of commercial trucks delivering waste to this area will significantly increase the already overburdened roads.The probability of accidents will increase as a result. Highway 76 has been designated as one of the most dangerous highways in the county today. Second is the onshore winds that fill this valley most evenings. Give the current demographics of this valley, increasing commercial diesel traffic with degrade the air quality of this valley. I envision a "haze" in this valley most evenings from the increased commercial traffic. 085.1-1

2, My second issue is the proximity to the local watershed, San Luis Rey River. This sensitive habitat area is home to many species of plant and animals. The river levels increase and decrease periodically with the rainfall and local wells are fed from this watershed. Currently their EIR does not show enough water to supply the site via wells. Trucking in water from a nearby pump station will, again, increase air pollution levels and traffic on this road. The local land geography cannot support the increased demand for water to service this facility. 085.1-2

In my opinion, there appears to be many "band-aids" applied to this project to keep it moving forward. This site is a flawed and risky proposal. I have experience with over 20 years in public health and several years in public service. Please consider decertifying this
environmental report for the health of residents of North San Diego County. 085.1-3

Sincerely
Gayle Shockey-Hoxter, MPH, RD
37310 Magee Road
PO Box 60
Pala, CA 92059

LETTER NO. 085.1

Gayle Shockey-Hoxter, MPH, RD
P.O. Box 60
Pala, CA 92059

RESPONSE 085.1-1

Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis. The 2006 Traffic Study, which is contained in Appendix A of the Revised Partial Draft EIR, provides an update of existing volumes on SR 76. However, the project-generated traffic has not changed and would not exceed the 2,085 PCE daily restriction that was established in the 2003 Draft EIR. The 2006 Traffic Study also contains an update of the accident data on SR 76 in order to compare the previous conclusions with regard to accidents on SR 76 relative to the increase in traffic volume on the roadway. With regard to air quality, Section 4.7 of the 2003 Draft EIR contained a detailed air quality and health risk analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Appendix D of the Revised Partial Draft EIR contains an update of the air quality analysis and concludes that there as there were no changes to the project-generated traffic, no additional regional air quality impacts not disclosed in the 2003 Draft EIR would occur.

RESPONSE 085.1-2

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.

Potential water quality impacts were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

With regard to biological resources, Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of the potential impacts to biological resources. With the incorporation of mitigation measures the project would result in less than significant impacts to biological resources.

With regard to the recycled water trucks, the Revised Partial Draft EIR contains an analysis of the use of recycled water, including the transport of the water from the Reservoir Site to the landfill site. As indicated in Section 4.5 of the Revised Partial Draft EIR, the number of vehicles in the vicinity of the landfill site would not change from what was analyzed in the 2003 Draft EIR. The recycled water trucks would be accommodated within the 2,085 PCE trips that were previously defined and analyzed. Section 4.5 provides an updated traffic analysis.

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. As the result, the project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. In addition, the project would contribute to cumulatively significant impact on SR 76. Incorporation of the mitigation measure to pay the County's Transportation Impact Fee, and to make an irrevocable offer of dedication for right-of-way on SR 76, including a designated bike lane, and make a fair share contribution could constitute full mitigation for the impact. However, because of the uncertainty of the incorporation of future improvements, the project-related and cumulative traffic impact is considered significant and unavoidable.

With regard to air quality, Appendix D of the Revised Partial Draft EIR analyzed potential air quality impacts associated with the modifications to the project presented in Chapter 3 of the Revised Partial Draft EIR. There was no change with regard to the analysis in the vicinity of the landfill site and therefore, no revisions to Section 4.7 of the 2003 Draft EIR were made.

Section 4.15 of the Revised Partial Draft EIR includes a safe yield analysis related to the proposed pumping of percolating groundwater, and concludes that with incorporation of project design features impacts to water supply are less than significant.

RESPONSE 085.1-3

The comment expresses general concern 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. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 086

From: Ryan.Huynh@4SConnect.com
Sent: Tuesday, August 22, 2006 11:33 PM
To: DEH, SAM
Subject: Request to stop water hauling truck route 4S Ranch, thank you

Hello,

According to our neighbors, there will be about 178 round-trip daily water hauling truck driving through 4S ranch and I do not think it's reasonable, you'll feel the same if it's in your neighbor. Please stop this plan or find an alternative solution, route that works out well to all. Why are there so many trips per day to cary water through 4S Ranch? Thank you for your consideration and please forward to the right person in your department. 086-1

Sincerely,

Ryan

LETTER NO. 086

Ryan Huynh
ryan.huynh@4SConnect.com

RESPONSE 086-1

The comment expresses concern with regard to the recycled water truck route in the vicinity of the Reservoir Site. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please refer to Response to Comment No. 007-22 for a discussion of the OMWD recycled water source.

Letter 087

-----Original Message-----
From: noramart@adelphia.net [mailto:noramart@adelphia.net]
Sent: Thursday, August 10, 2006 11:45 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

My wife and I live at Rancho Monserate Mobile home park located in the SW quadrant of I 15 and Hy 76. We travel on Hy 76 numerous times per week to Bonsall and Fallbrook. This section of road is very congested and though this road was supposed to be expanded this year there has been no work done on same. In fact the alignment for this expansion has not even been finalized. If this dump becomes operational before the expansion the traffic will become intolerable.
We also travel on the Eastern portion of Hy 76 several times a week and this portion shall not be expanded for a niumber of years. The road is very congested now and I believe that the proposed traffic caused by the operation of the dump would overwhelm the road and the traffic would come to a virtual stand still. I understand that there will be up to 500 trucks visiting the dump every day and an additional 100 water tank trucks going to the same place every day. This traffic will adversely affect us but I can imagine how it will affect the poor residents who live along said road.
If I were a member of the Pala, Pauma or Rincon Indian tribe I would organize a revolt against this dump and the the authorities would not be able to do anything about it as the only U S calvary is bogged down in Iraq. 087-1

Sincerly yours,

Martin & Nora Jackson
4650 Dulin Rd Sp229
Fallbrook, Ca 92098
760-728 4730

LETTER NO. 087

Martin & Nora Jackson
4650 Dublin Road, SP 229
Fallbrook, CA 92098

RESPONSE 087-1

Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Although the project is not required to mitigate the impact to SR 76 west of I-15 based upon the County's significance criteria, the project incrementally adds traffic to the existing unacceptable level of service, which is treated as a significant and unavoidable project level impact for purposes of this Revised Partial Draft EIR. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on I-15, SR 76 and the SR 76 intersections with Highway 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.

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 088

From: Ron Jonason [r.jonason@att.net]

Sent: Thursday, August 24, 2006 1:02 PM

To: LUEG, DEHComments

Subject: Gregory Canyon Comments

Please include the comments in the attachment included herein. Please disregard the attachment erroneously sent a few minutes earlier that was an article from the newspaper. Call if you have any questions.

088-1

Thank you,

Ron Jonason 760-728-6091

Ron & Faye Jonason
1290 Pala Mesa Heights Dr.
Fallbrook, Ca. 92028

August 24, 2006

Gary Erbeck
Department of Environmental Health
9325 Hazard Way,
San Diego, Ca. 92123-1217

Re: Comments concerning the Gregory Canyon Landfill Project's RPDEIR
(Log. No. 98-02-025)

The Revised Draft Environmental Impact Report states that the landfill operator will monitor and report all traffic information to the Department of Environmental Health. This sounds like the fox watching the henhouse. If the waste landfill operators can pay an employee to monitor traffic, it could just as well pay for an independent agency to monitor traffic. Such a person would have greater incentive to accurately report traffic information.

My wife and I take exception to the traffic analysis provided that concludes that accident rates have not increased or have even decreased in the past three years on HWY 76 as compared to the 1990 through 1998 years. We travel Highway 76 from Rice Canyon to Bonsall 5 to 6 times a day and have since 1989. We can attest that in those early years, accidents were a rare site to behold. In the last 3 years we have seen accidents as often as three a week. Obviously, many accidents are not reported which may contribute to what we consider to be your flawed traffic analysis in this RPDEIR. 088-2

If adding intoxicated, tired drivers, and increasing the number of very large trucks traveling on this narrow winding highway 76 makes the highway safer, we wonder if there is a point of diminishing returns. Perhaps the Highway patrol could provide more accurate records on the effects of intoxification and increases in vehicular traffic on a winding highway. Fatalites on this highway can reasonably be expected to increase as a result the increased traffic. How many deaths are considered mitigateable for a landfill.

We have also noticed that weather is a factor in many accidents on Hwy 76. Given foggy or wet weather conditions it would seem prudent to limit the number of truck trips as a safety precaution. No consideration for hazardous weather conditions. appear to have been addressed in this revised document.

A traffic signal is proposed for access to the Gregory Canyon landfill site but no information is provided as to the impacts this will have on traffic turning left onto Rice Canyon. It appears that a left turn lane will be necessary on Hwy 76 at Rice Canyon in order to avoid accidents and keep traffic flowing.

We are, also, concerned about pollution of the San Luis Rey aquifer that lies beneath this proposed project and the likely cost to taxpayers should the inevitable contamination take place. Since no liner is guaranteed to prevent leakage or contamination, the potential maximum environmental damage, expressed in dollar and cents, should be projected from similar toxic clean-ups and then made available to the public. This does not appear to have been accomplished. 088-3

Ron & Faye Jonason

"Gregory Canyon Dump, No Longer Needed!"

3rd District Supervisor, Pam-Slater Price

Ron Jonason
Special to the Village News

In a public meeting called by San Diego County's Department of Environmental Health last week, San Diego County 3rd District Supervisor, Pam-Slater Price and other Gregory Canyon Landfill project opponents, voiced strong opposition to the Revised Partial Draft Environmental Impact Report (RPDEIR) being circulated for public comment while proponents defended it.

Supervisor Price reminded Board members about the history of the landfill project. "After the (landfill) proponents failed to receive approval at least 11 times from the County of San Diego, **this same out-of-state corporate interests that nearly bankrupted the county with the failed trash burning plant in San Marcos put up millions of dollars to persuade voters that there is a crisis in landfill capacity. Nothing could be further from the truth!"**

Price continued, "The California Waste Management Board has approved a permit for a mega-landfill in Imperial County (Mesquite Landfill) that will take waste from Imperial, Los Angeles, Orange, Riverside, San Bernardino, Ventura, and San Diego counties. As a result, Gregory Canyon is no longer needed! The proponents seem to be depending on providing lower cost 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."

Although initially proposed over 18 years ago, the 1,770-acre landfill project' s EIR was not certified by San Diego's Department of Environmental Health (DEH) until February 6, 2003. A lawsuit challenging the EIR was filed by RiverWatch, the City of Oceanside, and the Pala Band of Mission Indians. The Court's ruling on January 20, 2006 cited serious flaws in the areas of traffic, water, and mitigation open space. The Director of DEH was directed and did rescind his prior action certifying the EIR. 088-4

Twelve speakers spoke in favor of approving the RPDEIR. Twenty speakers were in opposition. Given the low attendance at this forum and the potential physical and personal impact that a project of this magnitude could have on hundreds of thousands of North County residents, there is apparently a lot of confidence in the Department of Environmental Health's ability to weigh the environmental risks against the economic and financial benefits to the County of this landfill.

Those in favor of the landfill expressed they were " pro-growth" and stressed the cost in dollars and cents of transporting our trash somewhere else and the inappropriateness of doing so. They praised the quality of the liner and it's ability to prevent contamination of water resources.

According to Robert Simmons, a retired University of San Diego law professor, "There is an axiom in environmental law that garbage and trash generated in one region should be disposed of in that region, not exported by trucks to other regions." However, it should be noted that the project's manager, Richard Chase, has adamantly refused to consider limiting the importing of trash from outside this county.

Speaking in favor of the project were former San Marcos City Councilman, Jim Simmons, and Matt Simmons, and Jason Simmons. Jason stated, "It is a myth that Gregory Canyon will lie on top of an important source of drinking water. The fact is that the boundary of the Pala Basin aquifer lies north of the footprint of the Gregory Canyon Landfill and is not threatened by the landfill."

Guss Pennell, representing the City of Oceanside, disagreed. "Since the late 1800's the city of Oceanside has used the San Luis Rey River basin as a source of drinking water. We plan on using it for another 1,000

years or more. We consider the landfill a threat to our municipal water supply. We hear about the 7-layer liner concept and the myth that the landfill is not on the basin. It may be separated by 50 feet but it is sitting on the side of a hill on fractured granite that flows directly north. If it leaks it goes into the basin. The idea that it is separated by an impervious wall is bogus, and everyone knows it."

Samantha Bowman read a letter from the San Diego Regional Chamber of Commerce stating, "Without this project, a virtual monopoly in county waste disposal will threaten local businesses with significant increases in disposal fees.

Land broker, D. Shipley says, "I think we have a responsibility to take care of our own trash. Would you rather look at 2 or 3 thousand homes or (this dump)? If people are worried about where this trash comes from, that can be regulated. The opposition is always worried about bringing trash in from Los Angeles. I don't think we have the right to say that we can export our trash to the desert or any other site."

And Ash Hayes states, " Continued growth requires adequate landfills. We need to move forward with Gregory Canyon with all due haste."

Opposition speakers addressed a multitude of environmental and health issues from hazardous waste pollution of a potable aquifer (The San Luis Rey River) to issues of air and noise pollution from the 2,085 projected daily water and garbage truck trips on Highway 76. Opponent speakers said that accidents and deaths associated with the increased traffic were immitigable costs.

Opposition to importing waste from other counties, and the addition of water trucks bringing recycled water purchased from the Olivenhain Water District were topics that opposition speakers said were not adequately addressed in the RPDEIR.

Incompatibility of this landfill to the area and land mitigation inequities, were brought to the board's attention. It was pointed out that cumulative effects from other projects planned for the area, such as Casino expansion and the Warner Ranch development, were conspicuously omitted from this RPDEIR.

088-4 Cont'd

Everett Delano, the attorney that filed suit against the County challenging the original EIR suggested in his opening comments, "Somebody should sit back and say "**Whoa, Enough is Enough!** Let's not throw good money after bad, so-to-speak. **It's time to put a stop to this. It was a bad idea at the time and only a worse idea today.** Think about what the voters actually said (Proposition C), "We are going to change the land use designation of this site. They still relied upon you, Mr. Erbeck, to make the right decision about the permit."

Delano pointed out, "Times have changed, technological advances and new opportunities such as trash-by-rail and waste-to- energy are providing exciting new avenues that need to be considered before this project is done."

Lenore Volterno, Director of the Pala Environmental Protection Agency addressed the immitigable location of the landfill at the base of Gregory Mountain, "a mountain considered sacred by Pala and other Luiseno tribes. No modification of this project, no mitigation to endangered species, or traffic or noise can change the fact that placing a landfill in Gregory Canyon shows disrespect for the sacred site and for the beliefs of the Luiseno people. The fact that the county has simply ignored these impacts and issued findings or statements of overriding considerations, increases the insult."

Paula Stigler, from the Pala Band of Indians Environmental Department summed up her feelings about this issue. "Out of respect for neighbors and fellow community members, **I would never dream of dumping my trash on the steps of your places of worship nor would I dream of leaving a pretty park, nicely landscaped, as payment for leaving my garbage at those doorsteps."** Respect for those who were here long before us, along with respect for their sacred sites should be given. A landfill in a sacred place of worship is unacceptable."

Mel Vernon, a member of the San Luis Rey band of Mission Indians did not mince words. "**This project appears to be a money-driven project driven by those that will profit from it.**" RiverWatch President, Sheila Manning, contends that with the expansion of the Sycamore landfill, there is no need for this one. Allied Waste, which owns Sycamore landfill, has indicated it could be in operation for another 100 years if expanded.

088-4 Cont'd

Concluding her remarks concerning probable pollution and health hazards, Manning said, "The threat to human health should never be mitigable in exchange for a garbage dump."

DEH Director, Gary Erbeck, pointed out that public comments can be e-mailed to: **dehcomments@sdcounty.ca.gov or delivered to the DEH office located at 9325 Hazard Way, San Diego, Ca. 92123** by 4:00 P.M. on August 24, 2006.

LETTER NO. 088

Ron Jonasen
1290 Pala Mesa Heights Drive
Fallbrook, CA 92028

RESPONSE 088-1

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. The comment states that the newspaper article, which is included as Comment No. 088-4, was sent erroneously. No further response is necessary.

RESPONSE 088-2

Chapter 10 of the Revised Partial Draft EIR contains the Mitigation Monitoring and Reporting Program (MMRP). As indicated in the MMRP, the County DEH is one of the agencies responsible for the monitoring of the mitigation measures.

With regard to vehicular safety and accidents on SR 76, the 2006 Traffic Study contained in the Revised Partial Draft EIR provides an updated analysis of accident reports on SR 76. The analysis is based on data obtained from Caltrans. 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. The data does not indicate that weather conditions are a primary cause of accidents.

With regard to the installation of a traffic signal on SR 76 at the access road, as indicated in the 2006 Traffic Study, the installation of a signal in not required by the capacity analysis. The signal would be installed to improve safety. The installation of the signal would not affect the capacity of SR 76. The installation of a signal at the intersection of SR 76 and the landfill access road would be subject to the approval of Caltrans. Rice Canyon is located more than one mile to the west of the landfill access road. As a result, installation of a traffic signal at the landfill access road is not anticipated to affect turning movements at Rice Canyon Road.

RESPONSE 088-3

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.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

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. In addition, pursuant to a 1996 agreement between the project 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 to provide a $100,000,000 environmental liability insurance policy. The 2004 Supplement is included as Appendix H of the Revised Final EIR. It is not necessary or possible to extrapolate from other sites relative to the cost of clean up as each circumstance and location is different. However, County DEH staff continues to believe that any potential impacts to water quality and water resources from the project are less than significant.

RESPONSE 088-4

This comment is a newspaper article, which was submitted prior to submittal of the actual comments. The article summarizes the public meeting that was held by DEH on the Revised Partial Draft EIR. Please see the official transcript from the public meeting, which is included as Comment Letter No. 167 in this document. No further response is necessary.

Letter 089

From: wflowerdk@aol.com
Sent: Thursday, August 17, 2006 1:16 PM
To: LUEG, DEHComments
Subject: Fwd: Water-hauling trucks could impact RB roads | The Pomerado Newspaper Group

Please be advised that we are not in favor of this and would like to oppose it. The traffic is already to much for a two lane road. 089-1
Thanks for your concern.
Mrs. John Kennedy

-----Original Message-----
From: skidog24@mac.com
To: JJessfox@aol.com
Sent: Wed, 16 Aug 2006 11:08 AM
Subject: Water-hauling trucks could impact RB roads | The Pomerado Newspaper Group

Neighbors,
If you are not aware of this article, plz read...This is a very serious issue that will HIGHLY IMPACT our whole area. We only now have 1 week to make a impact and be heard. We all need to take a few minutes out of our day read this and respond to the email at the end of the article. Let's make this happen! Thank you for your time.
Sandy Desser

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Local news from Poway, Rancho Bernardo, Scripps Ranch, Carmel Mountain Ranch, Rar Penasquitos, Sabre Springs & 4S Ranch

LETTER NO. 089

Mrs. John Kennedy
wflowerdk@aol.com

RESPONSE 089-1

The comment expresses concern with regard to the recycled water truck route. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route. The comment refers to an article attached to the email. However, no attachment to the email was received. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 090

From: Joyce Lain Kennedy [jlk@sunfeatures.com]

Sent: Sunday, August 13, 2006 4:24 PM

To: LUEG, DEHComments

Subject: Gregory Canyon

Kill Gregory Canyon dump. It is unsafe and unhealthy for San Diego County residents, especially children. 090-1

Sincerely,
Joyce Kennedy
Carlsbad, CA 92011

LETTER NO. 090

Joyce Lain Kennedy
jlk@sunfeatures.com

RESPONSE 090-1

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 091

From: Gerald Kent [jerrykent@cox.net]
Sent: Wednesday, August 23, 2006 6:42 PM
To: LUEG, DEHComments
Cc: Horn, Bill
Subject: Objection to Commercial Water Hauling for Gregory Canyon

Department of Environmental Health
9325 Hazard Way
San Diego 92123
Fax 858/495-5004

Dear Sir:

This is to formally object to the commercial hauling of water from the Santa Fe Valley to Gregory Canyon for landfill operations.

We moved here for the quiet and tranquil surroundings and did not expect to have a commercial operation running over a 30 year period taking water outside our community by truck. Large public works should be able to afford modern conveniences like pipes and pumps to move water over these distances for long periods of time.

Summary
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 contain approximately 30 million tons of refuse with an operating life of about 30 years.
The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection
We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site. 091-1
As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is admittedly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:
These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The values used to compute the noise levels for the roadways that would serve the project "do not take into account the possible effects of existing noise barriers or topography," as stated in several portions of the report. The actual values could be greater than anticipated.

8. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Sincerely,

Barbara and Gerald Kent

O91-1
Cont'd

8/24/2006

LETTER NO. 091

Gerald Kent
jerrykent@cox.net

RESPONSE 091-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9.

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water at the landfill site.

With regard to point 7 in this comment letter, as indicated in Section 4.6, the noise analysis does not take into account the possible effects of existing noise barriers or topography. The statement is made with regard to the analysis in the vicinity of the landfill site. The statement means that the analysis does not take credit for the noise barriers or topography, which would actually serve to reduce the noise levels. In other words, the analysis provides a worst-case scenario and could overstate noise levels since existing barriers and topography that could reduce the noise levels have not been considered.

Letter 092

140 Encinitas Blvd #71
Encinitas, CA 92024
July 18, 06

Received
JUL 24 2006
DEH / LEA

To whom it may concern:

Please deny the Environmental Impact permit for the Gregory Canyon Landfill.

This landfill is a disaster waiting to happen. It's absurd to build a trash dump next to a fresh water source. Thousands of people depend on San Luis Rey water as a daily source of water.

All trash liners leak over time, and in time the liners of Gregory Canyon will leak causing many thousands of people to become ill & infirmed. 092-1

Thank you

Eva

Eva Kerckhove

LETTER NO. 092

Eva Kerckhore
140 Encinitas Boulevard, #17
Encinitas, CA 92021

RESPONSE 092-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The potential impacts of the project relative to water quality were not analyzed in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to landfill liners, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, please see Response to Comment No. 035-6 for a discussion regarding the performance of modern landfill liner systems.

Letter 093

7/18/06

Dear County Supervisors,

We urge you to deny the revised EIR for the Gregory Canyon Landfill. This project has been criticized by Jess Pennell, environmental regulatory compliance officer with Oceanside Water Utilities Department.

093-1

It is a BAD idea! No liner currently made by man is un-leakable. Putting a dump beside a river whose water is used for drinking is a very bad idea.

The Kessler family
7781 Falda Pl
Carlsbad CA 92009

Received
JUL 24 2006
DEH / LEA

LETTER NO. 093

Kessler Family
7781 Faldo Place
Carlsbad, CA 92009

RESPONSE 093-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Comment Letter No. 009 for comments submitted by the City of Oceanside. Please see Response to Comment Nos. 009-1 through 009-8 for detailed responses to the City's comments. With regard to landfill liners, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, please see Response to Comment No. 035-6 for a discussion regarding the performance of modern landfill liner systems.

The potential impacts of the project relative to water quality were not analyzed in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 094

From: Roger Kingston [rkingston@adelphia.net]

Sent: Wednesday, August 23, 2006 2:22 AM

To: LUEG, DEHComments

Subject: Gregory Canyon Landfill Proposal

Dear Supervisors,

The Gregory Canyon Landfill Project is bad for San Diego County in terms of traffic, air pollution, and especially for potential damage to the San Luis Rey aquifer. Please do not allow the developers of this project to continue. 094-1

Sincerely,

Roger and Katharine Kingston
724 Camino Santa Barbara
Solana Beach, CA 92075

LETTER NO. 094

Roger Kingston
rkingston@adelphia.net

RESPONSE 094-1

The comment expresses opposition to the project and concern with regard to traffic, air quality, and groundwater quality. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments, as well as safety. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 095

From: Jimmy Knott III [jhk3@cox.net]

Sent: Tuesday, August 22, 2006 11:21 AM

To: LUEG, DEHComments

Cc: Carolnoceanside@cs.com; Coast News Ken Leighton; DOLORES SKOLIMOWSKA; George Barrante; George Mc Neil; IWC Burke Belknap; IWC Mick Healey; Kay and Dick Parker; Kathleen Sterling; Keith Battle; Koct Tom Reeser; La Salina Daniel Jones; La Salinaa Morris Dean; Larry Barry; Larry Sosna; Lawson Chadwick; Leon Page; Margeret Hernandez; Melba Bishop; 'Mary Azevedo'; deannie550@sbcglobal.net; council@ci.oceanside.ca.us; Oside Barry Martin; Oside City Clerk Barbara Wayne; Oside Debi Pavan; Oside Ester Beatty; Osice Greg Blakely; Oside Judith Ludlow; Oside Lonnie Thibodeaux; Oside Mike McGrath; Oside Treasurer Rosemary Jones; Randy Horton; Richard Fox; Roy Youngblood; Seior Comm Chair Joe Barreras; Senior Commission Dick Olsen; Shelby Jacobs; Slr Luiseno Mel Vernon; Telecom Charles Paige; Telecom Joe Weiner; Tom Demsey; schurmeier@earthlink.net; Uc Cac Joe Hess; uc cac Maria Kwong; Uc Cac Michael Mellano; UC CAC Richard Miro; Uc Cac Staff Dennis Wood; Uc Cac Staff Howard Arnold; Uc Cac Staff Robb Grantham; Uc Cac Terence Cagan; uc cac Thomas David; UC Chuck Rady; reyoldjr@aol.com

Subject: Gregory Canyon Landfill Comment due by Aug 24th

Folks,

I object to any landfill being placed in the vicinity or proximity of the San Luis Rey River as it is my Drinking water.

Below is an article that shows beyond question that leaves no questions unanswered or in doubt that landfills no mater how many promises are made and systems are installed they do eventually leak. Science has proven that bleach type compounds in combination with other elements and the natural acidic layering that commonly develop after time common in waste systems will degrade the linings or even concrete, plastic or steel for that case most any metal barriers being proposed. It is way to risky being this close to a major drinking water source. This is primary argument one, however if it was a total recycling center where all incoming materials were separated and recycled and or composted and where say out of this facility a small daily amount of un-recyclable material was trucked to an appropriate location, this could be acceptable but this is not what the developers want to do, they want to bury the garbage for a few decades make tens of millions of dollars and move on and then leave the problem to someone else. 095-1

Now if this land fill does happen and it is forced down our throat depriving us of our water resource (that state researchers say will dwindle in the next 50 years) even for one day here in north county, which it appears it may be by the weight of voters from the south might occur, the voters from the south have to realize they will have to bare the true costs in perpetuity for our water. Therefore if the landfill is built all regional parties contributing refuse to this landfill must guarantee by documents willfully signed and legally acknowledged that they will provide us that replacement quality drinking water free in perpetuity from their allocations from whatever sources. I repeat, if one ounce is contaminated by say refuse from any jurisdiction then that jurisdiction must replace the entire water and its costs for our people, families and businesses ounce for ounce FREE. And all refuse should be traceable to be made that tacking capable. Otherwise this contamination potential would impose an undue burden upon our poor, disabled, seniors, low income, children, families and businesses.

I implore you and beseech you do not let this monster be developed next to my communities drinking water come into existence. If it was a total recycling facility it would have been acceptable but it is not, it is a purposeful ticking landmine that will leak without question its just that some folks are blinded by dollar bills and wanting to shift their problems to someone else. Garbage dumps should be made a thing of our past, we know that all our waste-refuse is recyclable. So instead of having petrified hot dogs mixed with those leaking acids and organics contaminant waiting for the barriers to break with incoming rains like happened in San Marcos and a thousand other communities mandate that this facility can only come into existence if it is a total recycling facility with composting and sorting to transferring to full recycling vendors. Then the barriers would work as it would be temporary in and out and contained on premises. Otherwise you condemn future generation who will remember your names and list them with other felons and environmental criminals – do you want to be remembered as the next Exxon Valdez for your decision?

O95-1 Cont'd

Thank You,

Jimmy Knott III

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy

Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

– Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

Related links:

Regional Water Quality Control Board:

http://www.swrcb.ca.gov/rwqcb9/

LETTER NO. 095

Jimmy Knott III A
jhk3@cox.net

RESPONSE 095-1

The comment expresses opposition to the project. The comment also provides a newspaper article dated August 21, 2006 regarding discharge found in a San Marcos park developed over a closed landfill from the North County Times. The comment and article regarding San Marcos park contamination are acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to water quality, 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 thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR was not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

With regard to landfill liners, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. 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. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the study and the performance of modern landfill liner systems.

With regard to liability, 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. In addition, pursuant to a 1996 agreement between the project 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 (see Appendix H of the Revised Final EIR). County DEH staff continues to believe that any potential impacts to water quality and water resources from the project are less than significant.

The comment suggests that a recycling center would be acceptable in comparison with the development of a landfill at the landfill site. Chapter 6 of the 2003 Draft EIR contains an analysis of alternatives to the project. The development of a recycling center would not meet the project objectives, which are provided in Chapters 3 and 6 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, 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 waste disposal 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 waste disposal capacity required by state solid waste law.

Letter 098

From: Mimi Van Koughnett [mimi@paradisecommunity.org]
Sent: Wednesday, August 23, 2006 9:00 AM
To: LUEG, DEHComments
Subject: FW: Gregory Canyon Landfill Project (LOG No. 98-02-025)

August 23rd, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am a resident of Valley Center, and writing to urge DEH decision makers to deny a permit for this project.

My comments are based on my knowledge of planning in the area; and on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir. 098-1

Why would we condone this destruction in exchange for a superfluous landfill? Why?
It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.
The public interest in this case clearly is NOT to build an unnecessary landfill smack in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to: 098-2
" protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water,
" protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks,
" protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
" build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that buckets of private money apply freely and without conscience, and so often in the name of fairness and due process! It is so important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. The PR people are clapping their hands at their triumphant confusion of the facts. But the public has been here already with the tobacco and pharmaceutical industries. People are more aware and less tolerant of unethical corporate behavior. Public deception is not a CEQA 098-3

issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste, as well.

098-3 cont'd

Sincerely,

Mimi Van Koughnett

LETTER NO. 098

Mimi Koughnett
mimi@paradisecommunity.org

RESPONSE 098-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to the number of vehicles on SR 76, as indicated in Section 4.5 of the Revised Partial Draft EIR, the use of recycled water trucks would not result in an increase in traffic over what was presented in the 2003 Draft EIR. The project would have a daily restriction of 2,085 passenger car equivalent (PCE), which applies to all vehicular traffic of any type, including garbage trucks and recycled water trucks.

RESPONSE 098-2

The comment expresses an opinion with regard to the history of the project and points that constitute public interest. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to water quality, 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 thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. With regard to landfill liners, please see Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems.

With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. With regard to the need for the project, 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 waste disposal capacity required by state solid waste law.

RESPONSE 098-3

The comment expresses opposition to the project. In addition, the comment expresses an opinion with regard to the initiative process. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 099

From: Elizabeth P.Kruidenier [liznandy@adelphia.net]
Sent: Tuesday, August 22, 2006 9:22 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill project (LOG No. 98-02-025)

August 22nd. 2006

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217
fax to: 858-495-5004
email to: dehcomments@sdcounty.ca.gov

Subject must show: **Gregory Canyon Landfill project (LOG No. 98-02-025)**

To Department of Environmental Health

Re: Gregory Canyon Landfill project (LOG 98-02-025)

I have been following this permitting process for the Gregory Canyon Landfill for a very long time and I wish I could say that it was a project that was going to benefit our area. To say that the public understands a complicated permitting process, such as this one, that is normally performed by the County, is false. Unfortunately the first public vote was based on the wrong assumption that the area was desperate for another landfill. The second most recent one hinged on voting YES to stop the process instead of NO for No landfill. To allow a private landfill to go in without County regulations on the least desirable site the County examined is a disaster. To give it a clean environmental health report is to subvert the CEQUA process, which tries to prevent such potential disasters from happening. 099-1

I am very concerned with the siting of the Gregory Canyon Landfill on the fractured rock that underlies the San Luis Rey Watershed and is adjacent to the second largest aquifer in the State of CA. It is too great a gamble to say the liner won't leak when the landfill is unable to delete the poisonous toxins that are present in the private refuse of NC citizens, as well as LA citizens. Since there is no way of deleting these poisonous substances, and there is no way of filtering these poisons through the sand and silt present in all the other landfills in SD (Please see one below that is leaking now in spite of its excellent soil conditions.) I urge you to turn down the Gregory Canyon site as a potential landfill that we do not need, because its dangers outweigh its benefits to public health, a public watershed, public drinking water and the religious sensitivities of our American Indian citizens. 099-2

In addition the future landfill would sit on an active earthquake fault, and a quake can not only tear a liner no matter how thick and however many layers, but can also heave the noxious contents of the landfill into the River with no way of preventing such a catastrophe. 099-3

And it isn't even necessary for the liner to leak at first for it to poison the River. That can be done with heavy rains overwhelming the area and its protective basins. The surface slopes can be swept by severe winter storms that can carry pollution downhill right into the River and easily escape the safeguards set in place. 099-4

Then there is the plan to bring in hundreds (over 200per day) of water trucks onto State Route 76, an already dangerous road that now will have garbage trucks vying with water trucks and casino guests to make these miles the noisiest, the dirtiest in terms of air pollution and the most dangerous in terms of driver safety. And further, turning a mountain sacred to our local Indians into a landfill, a site at the bottom of the County's list, is the height of callousness. Then there is the destruction of such quality native habitat and native animals whose equal cannot be found in the substitute parcels that are being designated as replacement. There are just too many wrongs to make this right. 099-5

Is it right to approve a project that has so many faults that in order to try to fix them the partial solutions are so complicated that oversight would be a real impossibility, since there is no way that full solutions are viable? When an applicant files a partially amended EIR so thick that it weighs several pounds the spirit of CEQUA no longer is found in its pages. Private interests should not overwhelm the public good. The County is the public's safeguard of last resort, the one entity that the public should be able to trust to uphold its interests above all else. Please do not let the DEH be a party to this deception. Please do not grant approval of this RPDEIR. 099-6

Thank you for your kind attention and please read the emails I have attached below .

Elizabeth P. Kruidenier
3005 Cadencia Street
Carlsbad, CA 92009

Date: Tue, 22 Aug 2006 13:09:07 -0700
Subject: Landfill Leakage contaminates San Marcos park

NC Times, 8/22/06 (Here's another news item on landfill troubles.....remember we have until 8/24 to get our letters into DHS regarding Gregory Canyon.)

----- Original Message -----
From:Sent: 8/22/2006 9:53:41 AM
Subject: NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, board finds
Tuesday, August 22, 2006
Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.
----- Original Message -----

From: Sent: 8/22/2006 9:08:45 AM
Subject: Yahoo-KGTV: County To Hold Meeting Regarding Benzene Gas Levels--August 31, 2006

County To Hold Meeting Regarding Benzene Gas Levels
Mon Aug 21, 11:35 PM ET
Since the March 2006 10News investigation of deadly benzene gases seeping from a Poway landfill, officials from the San Diego County Department of Environmental Health completed testing and issued a 1,500-page report with the results.

?Benzene really attacks the bone marrow system of the body,? said Dr. Ruth Markowitz Heifetz of University of California, San Diego Preventative Medicine.

It has been linked to leukemia and other bone marrow disorders. The benzene gases and solvents are also known to cause cancer.

The county installed 40 monitoring wells to determine the extent of the pollution.

"We realized, OK, there may be some issues that we may need to let the people in the neighborhood know about,? said Bill Pollick of the San Diego County Department of Public Works.

The county?s report said health risks from short-term exposure to the pollutants are minimal. But it said the effects from long-term exposure are unknown.

The Department of Environmental Health now said it would meet with residents and discuss the report in a public meeting on Aug. 31.

The meeting is scheduled for 7 p.m. at the Poway Community Auditorium.

LETTER NO. 099

Elizabeth P. Kruidenier
lizandy@adelphia.net

RESPONSE 099-1

The comment expresses an opinion with regard to the initiative process that has occurred relative to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to the CEQA process, the 2003 Draft EIR provides a detailed analysis of approximately 16 issue areas. The document identifies whether the project would result in a less than significant impact, significant impact that can be mitigated or a significant and unavoidable impact. Chapter 11 of the Revised Partial Draft EIR and the 2003 Draft EIR provide a summary of the project's significant and unavoidable impacts. 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.

RESPONSE 099-2

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.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

The comment provides a newspaper article dated August 21, 2006 regarding a discharge found in a San Marcos park developed over a closed landfill from the North County Times. The article is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 099-3

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 4.2 of the 2003 Draft EIR contains a detailed analysis of geology and soils, including seismic activity. The analysis concludes that the project would result in a less than significant impact with regard to seismicity. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 099-4

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 4.4 of the 2003 Draft EIR contains a detailed analysis of surface water, including flows from storm events. The desilting basin outlet structure is designed to accommodate a 100-year, 24-hour storm event flows from disturbed areas within the refuse footprint. This portion of the EIR was not overturned by the Court or included in its writ.

RESPONSE 099-5

The comment expresses concern with regard to traffic and safety, noise, air quality, Native American resources, and biological resources. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments, as well as safety. Section 4.6 of the Revised Partial Draft EIR and the 2003 Draft EIR contain a detailed analysis of the potential noise impacts. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. Native American resources were analyzed in detail in Section 4.12 of the 2003 Draft EIR. With regard to biological

resources, Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of the potential impacts to biological resources. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 099-6

As indicated in Chapter 1 of the Revised Partial Draft EIR, the Revised Partial Draft EIR was prepared to address the final order and judgment issued on January 20, 2006. The comment expresses opposition to the project. In addition, two articles are provided, one of which addresses the San Marcos landfill and the other addresses benzene. The comment and the articles are acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 100

From: Raptis, Pam [Pam.Raptis@sdcounty.ca.gov] on behalf of LUEG, DEHComments [DEHComments@sdcounty.ca.gov]
Sent: Thursday, July 20, 2006 12:06 PM
To: Luci Hise
Cc: Raptis, Pam
Subject: FW: Revised EIR for Gregory Canyon

-----Original Message-----
From: Liz Kruidenier [mailto:liznandy@mindspring.com]
Sent: Thursday, July 20, 2006 11:49 AM
To: LUEG, DEHComments
Subject: Revised EIR for Gregory Canyon

How do I get a copy? How much does it cost? Can I charge it? Liz Kruidenier] 100-1

LETTER NO. 100

Elizabeth P. Kruidenier
lizandy@adelphia.net

RESPONSE 100-1

The comment addresses the location of the document and how to obtain a copy. See Comment Letter No. 099 for the comments subsequently submitted.

Letter 101

From: Fuyun Ling [fuyun_ling@hotmail.com]

Sent: Wednesday, August 16, 2006 8:53 PM

To: LUEG, DEHComments

DEH Local Enforcement Agency
Dear Sir or Madam:
We are very concerned about the plan of the daily transportation of the recycled water from the OMWD pump station on Maranatha Way to the North County landfill near Pala planned by Gregory Canyon LLC. This will significantly affect our life in 4S Ranch/Santa fe Valley area. We strongly oppose its implemenation and would like to work with them to find a mutually acceptable solution. 101-1
Sincerely
Fuyun Ling &Xiaoyun Ma
17264 Sangallo Lane
San Diego, CA 92127

LETTER NO. 101

Fuyun Ling
fuyun_ling@hotmail.net

RESPONSE 101-1

The comment expresses concern and opposition with regard to the recycled water truck route in the vicinity of the Reservoir Site. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 102

FAX # 858-495-5004

Gary Erbeck L EA

August 24, 2006
San Diego, CA

Re: R.P.D.E.I.R.
Gregory Canyon
Landfill Traffic

We are writing to protest the traffic that will be caused by the proposed numerous trucks that will be transporting reclaimed/recycled/treated sewage water to the above landfill through Rancho Bernardo. Interstate Highway 15 is already over-crowded with trucks. 102-1

Respectfully yours,

William and Della Lenk
16869 Ocebo Dr.
San Diego, CA
92128-2644
(858) 613-1633

Adolphus Hatcher
16929 Bellota Dr.
S.D. CA 92128

LETTER NO. 102

William and Della Link
16869 Acebo Drive
San Diego, CA 92128-2644

RESPONSE 102-1

The comment expresses opposition with regard to the recycled water truck route from the Reservoir Site to the landfill site, including Interstate 15. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 103

From: John C Ljubenkov [ljubenko@pacbell.net]

Sent: Thursday, August 24, 2006 8:34 AM

To: LUEG, DEHComments

Subject: Gregory Canyon Landfill RPDEIR

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

August 24, 2006

Dear Sirs,

The following comments refer to the Revised Partial Draft EIR for the Gregory Canyon Landfill Project (Log No. 98-02-025).

Throughout the new language of this RPDEIR which is devoted to Biological Impacts (Impact 4.9-1 and the corresponding Mitigation Measures), the phraseology constantly recurs that such and such a habitat "shall be mitigated … through on site creation or enhancement" of comparable habitat. Of course, there is no known way to create or recreate these habitats (coastal sage scrub, coast live oak woodland, cottonwood willow riparian forest and others mentioned in this section). So when the document waves its hand and asserts that it "shall be mitigated at a minimum ratio of *n*:1" it acts as though new acreage will be created in an alternative universe (I suppose that is what the RPDEIR means by "offsite…within the unincorporated area of San Diego"). However the RPDEIR actually just counts terrain it counted once as open space, then counts the open space again that it magically turned into coastal sage scrub, coast live oak woodland, cottonwood willow riparian forest etc. This "double accounting" short changes the environment. What is an exact accounting of land in each category now, what will the land accounting look like at the end of the process, and what enforcement mechanism will ensure that environmental promises are kept? 103-1

Constant re-iteration of the promise that such mitigation would occur "prior to or concurrent with the first construction that disturbs" that habitat is bunk. There is no legal mechanism, for example a fine or stop-work order on the developers for non-performance of environmental promises, to insure that any of these promises is actually carried through. Therefore, the promises to mitigate are environmental-ese for "once the bulldozers get their meal, you get what they burp up". I cannot believe that adults, let alone the DEH or a court, would fall for this trick, but throughout this document, so many airy promises are made that their philosophy appears to be "promise them anything, but give them garbage". Who is in charge of making sure the Landfill developers are **legally bound** to their promises?

Furthermore, this RPDEIR does not fulfill any of the Court's objections in regard to water, but instead confuses the issue by bringing in water from Olivenhain district, an issue that truly needs a whole EIR of its own. It is unconscionable that this proposal to import water via truck would not be studied by itself from the viewpoint of additional vehicular pollution, additional road usage, noise and pollution for schoolchildren at the Olivenhain end of the chain of trucks, etc. This is the very type of irrational "solution" the proponents are led to make at this time, because the entire project is irrationally sited, stupidly conceived, and promoted by greed not need. 103-2

This Landfill is a bad idea; it has always been a bad idea, and it is an obvious environmental danger to the watershed and to the lives of the humans that use the water. As a member of the Pala Pauma Sponsor Group, I must mention that our County Planning group has many times expressed its opposition to this Landfill. We are the county planning group in whose terrain this terrible, monumentally destructive project is located. Proposition C was meant to sidestep the DPLU process of which our planning group is a part, and therefore the Landfill avoided a rational local planning process. 103-3

I beg the DEH, do not make the same mistake again, please withhold any permits from this shameful project and end this travesty now.

John C Ljubenkov
Board Member, Pala Pauma Sponsor Group
P.O. Box 781
Pauma Valley, CA 92061

LETTER NO. 103

John C. Ljubenkov
P.O. Box 781
Pauma Valley, CA 92061

RESPONSE 103-1

Please refer to Response to Comment No. 130-17 for additional information regarding the appropriateness of the landfill property for habitat creation and enhancement, and the anticipated success of those efforts. 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. County DEH staff does not concur that habitat creation or habitat enhancement within the 1,313-acre open space area would be "double counting". The use of habitat creation and habitat enhancement on the landfill property 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.

Project mitigation measures will be incorporated into the Solid Waste Facility Permit (SWFP). The DEH will be responsible for enforcement of the conditions.

RESPONSE 103-2

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. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. Section 4.15.3.6, which is entitled Sources and Availability of Water Supply for Project, provides a detailed explanation of the two available sources of water, which include the use of recycled water and the use of percolating groundwater from existing bedrock wells. The transport and use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. The traffic analysis includes a discussion regarding safety given the location of Maranatha School in the vicinity of the Reservoir Site. In addition, Section 4.6, Noise and Vibration, of the Revised Partial Draft EIR contains an analysis of potential noise impacts associated with the recycled water trucks. The noise analysis also includes potential noise impacts associated with the construction of the improvements at the Reservoir Site. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water at the landfill site. Therefore, in accordance with the Court order, the sources of water have been identified and the potential impacts that could result from obtaining the water are included in the Revised Partial Draft

EIR. Please refer to Response to Comment No. 007-22 for a discussion of the adequacy of the OMWD recycled water source.

RESPONSE 103-3

The comment expresses opposition to the project. While Proposition C revised the local planning process for the project, Proposition C did not remove County review and approval, including environmental review, for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 104

From: Julie Schneider Ljubenkov [jsljub@pacbell.net]
Sent: Thursday, August 24, 2006 3:08 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill Project (Log # 98-02-025)

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

August 23, 2006

Re: Comments for the Revised Partial Draft EIR for the Gregory Canyon Landfill Project (Log No. 98-02-025).

First, I must say I am really tired of spending my time fighting this ill conceived dump project, again. The County of San Diego, to whom I pay a lot in taxes, should be protecting its residents from fiascos like this one and it should be a watch dog on the environment it is supposed to protect. It should not be in sympathy with an out-of-town developer who has proposed a sham project. 104-1

The main thing that struck me about the RPDEIR is that the project proponent continues to engage in project justification rather then full disclosure and realistic mitigation. Over and over, one finds the declaration of "Less than Significant" to describe the level of impact after mitigation, when the damage to the environment and cultural resources will indeed be extremely significant. Lots of unrealistic promises are made, and even if these promises are kept, they still do not mitigate what this unneeded dump will destroy. Several examples include: MM 4.9a, MM4.91A, 4.9-1b, 4.9-1c, 4.9-1d, 4.9-1e, 4.9-1f, 4.9-1g, and 4.9-1h. How can the proponent "create" on-site oak woodland or native grassland on site if it does not exist already? Shouldn't the acreage on the site that is already declared as "open space" not be considered again for "creation". How does one "enhance" a habitat that is already in good condition? Are these acres being counted twice? How is this "enhancement" process supervised and by whom and how often? And, buying land in some other part of the county does not mitigate the destruction of this special place. How can anyone believe purchasing land that should be preserved already, and that already exists, actually mitigates the destruction of this unique treasure? Destroying an incredibly beautiful, wild place with unique cultural resources in an area considered one of the most important hot spots in the entire world for biological diversity is just plain NOT MITIGATABLE. Why would we condone this destruction in exchange for a superfluous landfill? Why? 104-2

One issue that fails to be addressed is the reason for the dump. The history of the dump goes back to private financial interests, individual and corporate, and not public interest. It appears a few well-connected and already-wealthy investors intend to make a killing on this deal. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely in the public interest. The public interest is clearly NOT to build an unnecessary dump that can hold nuclear waste in the heart of one of the most scenic watersheds in Southern California. The public interest is to protect the watershed and local resources, and to reject the absurd claims that all the mitigation proposed can actually mitigate the situation. 104-3

This RPDEIR does not fulfill any of the Court's objections in regard to water, but instead makes the situation far worse by bringing in water from the Olivenhain district, a 40 mile drive on narrow roads through towns, cities, and beautiful open spaces. This should have an EIR done to assess the impacts of this alone. Vehicular pollution, additional road usage, noise and pollution for schoolchildren at Olivenhain, along with the impacts to Olivenhain itself for taking that much water out of the ground and lowering the water table need to be accessed. What has the proponent proposed as mitigation 104-4

for these impacts? 104-4 Cont'd

The citizenry depend upon the Department of Environmental Health to transcend political pressure of big developers and private money. Please work for the good of the local landowners and citizens of the county. This project is irrationally sited, stupidly conceived, and promoted by greed not need. It is a bad idea; it has always been a bad idea, and it is an obvious environmental danger to the watershed and to the lives of the humans that use the water. 104-5

Please deny any permits to this project. Do not allow it to go forward one more step.

A local landowner, homeowner, and concerned citizen,

Julie Schneider Ljubenkov, MFA
Dancing Coyote Ranch
P.O. Box 781, Pauma Valley, California 92061

See Julie's Art at these 4 Websites:
(1.) *biZopZ Art Gallery Store*: http://www.bizopz.com/catalog
(2.) Botanical Artist Guild of Southern California: http://www.bagsc.org (click on Gallery)
(3.) Society of American Mosaic Artists: http://www.AmericanMosaics.org (click on the Member's section and go to the Gallery.)
(4.) American Society of Botanical Artists: http://www.AmSocBotArtists.org (see the member's gallery)

LETTER NO. 104

Julie S. Ljubenkov
P.O. Box 781
Pauma Valley, CA 92061

RESPONSE 104-1

The comment expresses an opinion with regard to the process. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 104-2

This comment expresses an opinion regarding the adequacy of the environmental analysis. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

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, including biological impacts. This analysis was made available to the public for independent review and comment in the Revised Partial Draft EIR.

With regard to the need for the project, 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 waste disposal capacity with the incorporation 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 waste disposal capacity required by state solid waste law.

The habitat that would be created on disturbed areas of the landfill site is within the 1,313 acres to be preserved as open space. 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. Please refer to Response to Comment No. 022-93 for a detailed discussion of the legal authority to mitigate project impacts through use of on-site habitat creation or habitat enhancement within the designated open space areas.

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.

Appendix L of the 2003 Draft EIR includes a detailed discussion of the activities that would be undertaken as part of the Habitat Enhancement Plan, including site preparation, the type of plants and seed mix, monitoring and maintenance, and success criteria. Appendix L also included a discussion providing a rationale for expected success, and an identification of reference materials that formed the basis for that rationale. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The Revised Partial Draft EIR did not change any of these portions of Appendix L of the 2003 Draft EIR. County DEH staff does not concur that the planned habitat creation and habitat enhancement is an unrealistic promise. Please refer to Response to Comment No. 130-17 for additional information regarding the appropriateness of the landfill property for these activities and anticipated success of those efforts. Also, the County notes that much of the area designated for habitat creation and habitat enhancement consists of former dairy operations which are degraded.

Project mitigation measures such as those discussed above will be incorporated into the Solid Waste Facility Permit (SWFP). The County Department of Environmental Health (DEH) will be responsible for enforcement of the conditions.

With regard to off-site mitigation, 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 the project would submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County 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.

This comment expresses an opinion regarding whether the proposed mitigation measures related to biological resources are adequate to mitigate potentially significant impacts. The opinions expressed in the comment are acknowledged and will be forwarded to the decisionmaker for review and consideration. County DEH staff does not concur with this comment, and believes that with implementation of the mitigation measures set forth in the 2003 Draft EIR and the Revised Partial Draft EIR that impacts to biological resources would be less than significant.

RESPONSE 104-3

The comment expresses an opinion with regard to 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 waste disposal 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 waste disposal capacity required by state solid waste law.

With regard to nuclear waste, the proposed landfill is a Class III landfill, which would not accept hazardous or nuclear waste. Section 4.16, Human Health and Safety, of the 2003 Draft EIR contains a detailed discussion and analysis of potential hazardous situations that could occur on the landfill site. The Hazardous Waste Exclusion Program (HWEP) that would be implemented on the landfill site in compliance with 27 California Code of Regulations Sections 20220 and 20870, would serve to detect and prevent the disposal of regulated hazardous waste at the site. The HWEP includes radioactive materials detection and a random load checking program. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 104-4

As indicated in Chapter 1 of the Revised Partial Draft EIR, the Court 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. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. Section 4.15.3.6, which is entitled Sources and Availability of Water Supply for Project, provides a detailed explanation of the two sources of water, which include the use of recycled water and the use of percolating groundwater from existing bedrock wells. With regard to the water from OMWD, recycled water is generated from Olivenhain's own wastewater treatment plant and recycled water system. This system includes a 2 million gallon per day (MGD) treatment plant that converts wastewater to recycled water. Therefore, the use of recycled water would not result in pumping water from the ground and would not impact the groundwater table.

The transport and use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill. The traffic analysis includes a discussion regarding safety given the location of Maranatha School in the vicinity of the Reservoir Site. In addition, Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the

recycled water trucks. The noise analysis also includes potential noise impacts associated with the construction of the improvements at the Reservoir Site. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. In addition, Section 4.15 includes an air quality and health risk analysis. The analysis includes the construction of the improvements as well as the transport of the recycled water. The health risk analysis provides an assessment of the potential health risk associated with diesel particulate matter given the location of the Maranatha School and residences along the haul route. Therefore, in accordance with the Court order, the sources of water have been identified and the potential impacts that could result from obtaining the water are included in the Revised Partial Draft EIR.

RESPONSE 104-5

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 105

From: RELodgeRanchEnt@aol.com
Sent: Monday, August 21, 2006 9:02 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill (Proposed)

I wish to urge the County and State authorities to reject the final permitting of the proposed landfill at Gregory Canyon.

While there are many ancillary issues that are valid, the core reason for denying this site is the fact that it traverses a major body of water, which has cross faults emanating from the predominant geological feature of San Diego County -- the Elsinore Fault. The Elsinore Fault is a major earthquake fault listed on State maps.

A landfill, in the middle of an earthquake zone, located above a regional aquifer (in a water scarce region) is a ticking ecological and environmental time bomb which would create unfathomable liabilities and hazards for future generations.

105-1

Most sincerely,

R.E. Lodge
P.O. Box 831
Pauma Valley, Ca. 92061

LETTER NO. 105

R.E. Lodge
RELodgeRanchEnt@aol.com

RESPONSE 105-1

The comment expresses opposition to the project. As such, 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.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double 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 provided a detailed analysis of the potential impacts associated with earthquakes. The analysis concludes that the project would have a less than significant impact with regard to earthquakes. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 106

July 18, 2006

Dept of Environmental Health

To whom it may concern:

Please deny the E.I.R. on the Gregory Canyon Landfill Project. This was a misguided landfill designation. All liners eventually leak polluting our San Luis Rey water table. This project is a big mistake for the health & well being of our county! 106-1

Thank you

Received
JUL 24 2006
DEH / LEA

Lynda Lyerly
825 Mulevar Rd, Cardiff, CA
92007.

LETTER NO. 106

Linda Lyerly
825 Munevar Road
Cardiff, CA 92007

RESPONSE 106-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. Please see Response to Comment No. 035-6 for a discussion regarding the performance of modern liner systems.

Letter 107

From: Marv Lyons [marv@gaialink.com]
Sent: Monday, August 21, 2006 10:44 PM
To: LUEG, DEHComments
Subject: Landfill?

NO! NO! NO! NO! NO! NO!

107-1

Marv Lyons — Founder, Creative Director

Earth*THRIVE Initiative*
EcoFILMFEST & EXPO
918 Club View Terrace
Chula Vista, CA 91911

Cell: 619.884.8420

Www.ecofilmfest.org
Lyons@ ecofilmfest.org

Our Future on Earth depends on our actions TODAY...
A program of International Humanities Center a 501(C)(3) NonProfit

LETTER NO. 107

Marv Lyons
918 Club View Terrace
Chula Vista, CA 91911

RESPONSE 107-1

The comment expresses opposition 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 108

From: Graham MacHutchin [gmach@san.rr.com]

Sent: Sunday, August 13, 2006 7:11 PM

To: LUEG, DEHComments

Subject: Gregory Canyon Dump

We support the Gregory Canyon Dump.

San Diego needs another landfill, and this project was approved in a referendum many years ago by public vote. Even if there was another economically viable location (which is highly unlikely at this time) it would take almost two decades to obtain the necessary approvals & commence using it.

Let's stop catering to the special interests and do what's right for the general public - approve Gregory Canyon.

G. MacHutchin

108-1

LETTER NO. 108

Graham MacHutchin
gmach@san.rr.com

RESPONSE 108-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 109

August 22, 2006

Gary W. Erbeck, Director
Dept. Environmental Health
Local Enforcement Agency
9325 Hazard Way
San Diego, CA 92123

Delivered Via Fax (858)495-5004

RE: Environmental Log No. ER 98-02-025
State Clearinghouse No. 01995061007
Gregory Canyon Landfill

Dear Mr. Erbeck:

Concerned Residents of North San Diego County have been addressing issues pertaining to the proposed Gregory Canyon dump for the past 17 years. An employee starting work at the DEH when this project was first being considered would NOW be planning for retirement. Yet we the taxpayers have not had the opportunity to stop our work. We are asked over and over again to review EIR's you release that have been worked and reworked as a result of our last comments. And now, you who were employed as experts have been advised by a court of law that the last EIR did not meet the requirements under CEQA. You have not done the job. The court has done your job. 109-1

The taxpayers have told you that the Gregory Canyon dump is not necessary. Gregory Canyon will provide the County with an additional 33.4 million tons of landfill capacity. With the expansion of Sycamore Canyon Landfill there will be an estimated 140.8 million tons of capacity provided to the County with capacity beyond 2020. 109-2

Furthermore, it is a fallacy that Gregory Canyon would be used for local garbage only. When asked in public about other counties having the opportunity to haul their trash into Gregory Canyon, the proponent would not respond. Therefore the door is open for L.A. trash and anyone else willing to pay to bring their garbage to San Diego.

Looking at the Supplemental Statement of Overriding Considerations adopted by the Director of the Local Enforcement Agency on October 8, 2004 there is listed benefits that outweigh and override the project's significant and unavoidable 109-3

impacts. Can you explain the items used to create the list of economic benefits the project will generate during construction and during operation? Which of these items will be a direct benefit only to the County of San Diego. Will the dump employ only residents of the county during construction and operation? What is the estimated amount of increased property taxes and sales taxes the dump will generate for San Diego County? 109-3 cont'd

We have told you the location adjacent to the San Luis Rey River places the potable water supply for thousands of families in danger of contamination. Yes indeed it has been stated that Gregory Canyon proposes to use an enhanced liner perhaps even setting a new and higher standard for landfill liners.
Yet it is not possible to determine if this liner will work. Where are the proven test results? Do you or anyone have significantly increased knowledge regarding this alternative liners design performance? Can we run the risk of contamination to the San Luis Rey River for generations to come? There is only one response.....NO. 109-4

This project will have a significant impact to the cumulative impacts on SR76 that will cause SR 76 to operate below the acceptable LOS D standard. With time these conditions will cause the intersections of SR 76 and Old Highway 395 along with I-15 to operate at unacceptable levels of service.
We can find a way to dispose of our trash without Gregory Canyon. There is NO way to insure our roadways will be of acceptable levels if this dump is permitted. 109-5

There are significant public health risks due to pollution from diesel engines with increased daily traffic related to the operation of the dump. This dump will be responsible for bringing thousands of truck trips a day onto an already dangerous two lane-winding road. And now the use of recycled water being trucked in and stored in tanks at the dumpsite raises another area of concern. 109-6

How odd it is with world events unfolding before our eyes on television every day with regard to war and killing being connected to religious beliefs you find no problem with the significant impacts to Gregory Mountain and Medicine Rock, a place of prayer, meditation, and peace. There are no mitigation measures that will justify the impacts to Native American cultural resources, historic resources, and ethno historic resources. What kind of message are you sending to our children and to the world? Garbage is more important than prayer. 109-7

Over all these years, revision after revision this site has not become a better location. It is still the worst location in the county for a dump. Circumstances have changed; and times have changed. We are currently facing an energy crisis; perhaps it makes better sense to create energy from our trash rather than putting it into the ground. 109-8

Potential Degradation of Groundwater Quality with the use of recycled water is of great concern. The recycled water will introduce water with a different quality that could affect the existing water quality conditions in the basin. As stated in the Revised Draft, It is recognized that this water will contain higher concentrations of 109-9

some components compared with the existing alluvial and bedrock water quality data that has been measured. A part of the formula used in trying to dilute these concentrations uses an average of 25 inches of rainfall annually at the site. Which would equal 865 AF of rainwater a year falling on the project site. I question this amount of rainfall and ask for you to provide data substantiating the 865 AFY. And what will the plan be in dry years to dilute the recycled water? 109-9

The highest risk to the groundwater when dealing with the recycled water issues would come from an overflow or some type of damage to one of the on-site storage tanks. Has there been a plan developed to keep the recycled water from entering the river and even perhaps coming in contact with employees? It is stated in the revised draft that personal contact with the recycled water may be a significant impact to a person's health. Again, Is there is a plan, when will staff review it, and when will the public have an opportunity to review it? 109-10

Why is there a discrepancy in the number of trucks hauling recycled water to the dump? What number do we believe 89 trucks or 106? Or is there another number we need to be advised of? 109-11

An article written by Todd Zaillich, titled Diesel Pollution Expected to Kill 21,000 by Year 2010, informs us that diesel soot is responsible for 3,000 deaths from lung cancer each year. This soot also contributes to an estimated 15,000 hospital admissions, 27,000 nonfatal heart attacks, and more than 400,000 asthma attacks each year.

Your permit will allow for 2085 daily truck trips on Hwy. 76.

Diesel exhaust contains over 450 different compounds, many known to cause cancer, respiratory ailments, and reproductive problems.
The State considers 40 chemicals in diesel exhaust as toxic air contaminents.
Diesel exhaust, itself, was recently added to the list.
Diesel exhaust has been listed as a known cancer-causing agent under Proposition 65 since 1990. 109-12

Diesel combustion releases fine particles and gases into the air. These fine particle – about 30 of them would equal the width of a single strand of hair – are so dangerous because they can reach the deepest parts of the lungs.
And what about our children? Children breathe up to fifty percent more air per pound of body weight than adults and, with their immune and respiratory systems still developing, are particularly susceptible to both acute and chronic respiratory problems such as asthma. Fine particle pollution may worsen the symptoms of asthma. Also many senior citizens have weakened immune systems or other health problems such as cardiopulmonary diseases that make them more prone to suffer the effects of fine-particle pollution.

Your permit will allow for 2085 daily truck trips on Hwy. 76. How do you mitigate for the health and quality of life for our children and seniors? 109-12 cont'd

The threat to human health should never be mitigable in exchange for a garbage dump.

You have been advised the destruction of critical habitat is unacceptable, that sensitive resources would be significantly impacted by this project.

We are all the stewards of this earth. There are pages and pages in the revised draft that list the sensitive resources that will be significantly impacted by the dump. Hundreds of acres of chaparral and coastal sage scrub. 100% of the Engelmann oaks, the loss of the arroyo southwestern toad riparian breeding habitat, the least Bell's vireo habitat, and southwestern willow fly catcher habitat to name a few. 109-13

Will there be a Habitat Resource Management Plan and when will one be prepared? Where will off-site acquisitions be? Or will you simply allow for the destruction of the San Luis Rey Valley habitat in exchange for money as mitigation credits?

Two issues not often talked about that potentially will impact this site are the 13-acre San Diego Gas & Electric parcel and the location of the First San Diego Aqueduct. What if the current MOU with SDG&E to relocate the electric towers fails to be executed? What if the aqueduct cannot be realigned as proposed, will the landfill design need to be altered? It would seem both of these issues should be resolved prior to a permit being issued. 109-14

This Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill inadequately addresses impacts to Biological Resources, Traffic and Circulation, Noise, and Native American Interests. A permit should never be issued for this project.

There are other alternatives, it is time for you and the Department of Environmental Health to make the right decision and say NO to this project. 109-15

Very truly yours,

Paul & Sheila Manning

Paul & Sheila Manning
1427 Tecalote Dr.
Fallbrook, CA 92028

(760)728-6923

LETTER NO. 109

Paul & Sheila Manning
1427 Tecalote Drive
Fallbrook, CA 92028

RESPONSE 109-1

The comment expresses concern with regard to the process. 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.

RESPONSE 109-2

With regard to the need for the project, 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 waste disposal capacity required by state solid waste law. As indicated in Response to Comment 2.E.192 of the 2003 Draft EIR, the suggestion that delivery of waste from outside of San Diego County should be expected at Gregory Canyon is speculative. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 109-3

The comment relates to the Statement of Overriding Considerations adopted in 2004. As such, the comment is not relevant to the Revised Partial Draft EIR and no further response is necessary. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 109-4

Section 4.3 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 a less than significant impact to groundwater. This portion of the 2003 Draft EIR was challenged by petitioners in the prior litigation, but was not overturned by the Court or included in its writ. As indicated in the comment, the project now includes an even more protective double composite liner system, which is described in Chapter 3 of the Revised Partial Draft EIR. The modifications to the liner would provide even greater assurance that there would be no leakage from the landfill. A recent study commissioned by the U.S. EPA provided an assessment of the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the study, and the performance of modern liner systems

RESPONSE 109-5

Section 4.5 of the Revised Partial Draft EIR indicates that in the near-term cumulative scenario all intersections with the exception of the SR 76 and I-15 northbound intersection operate at acceptable levels of service with and without project traffic. During peak afternoon traffic, the intersection of I-15 and SR 76 northbound continues to operate at an unacceptable level of service of LOS F with and without the project under near term operating conditions. The project would contribute to cumulative impacts in 2030 at the intersections along SR 76. Mitigation Measures 4.5-4 and 4.5-6a require the payment of the County's Transportation Impact Fee (TIF) to fund the project's fair share of improvements. The Regional Transportation Plan (RTP) adopted by SANDAG includes freeway build-out over the next 30 years and the necessary improvements to SR 76 and its intersections with Highway 395 and I-15. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on I-15, SR 76 or these intersections are significant and unavoidable due to the uncertainty of the implementation of these future improvements.

The comment indicates that there are other ways to dispose of waste but does not provide any specifics. The County Siting Element provides the County's long-term guidance with regard to solid waste disposal, including various methods to reduce waste disposal. The alternatives analysis in Chapter 6 of the 2003 Draft EIR was not overturned by the Court or included in its writ. Please refer to Response to Comment No. 028-20 for additional discussion regarding alternatives.

RESPONSE 109-6

As indicated in Section 4.5 of the Revised Partial Draft EIR, the transport of recycled water would not increase the number of trips to the site. Rather, the use of recycled water trucks would occur within the 2,085 PCE daily restriction that was established in the 2003 Draft EIR. The 2,085 PCE daily restriction applies to all vehicular traffic of any type. A health risk assessment was included in Section 4.12 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 is necessary.

With regard to air quality, Section 4.7 of the 2003 Draft EIR contains a detailed air quality and health risk analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Appendix D of the Revised Partial Draft EIR contains an update of the air quality analysis and concludes that as there were no changes to the project-generated traffic, no additional regional air quality impacts not disclosed in the 2003 Draft EIR would occur.

RESPONSE 109-7

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.

Section 4.12 of the 2003 Draft EIR indicates that Gregory Mountain and Medicine Rock are cultural sites to the Pala Band of Mission Indians. The 2003 Draft EIR concludes that the project would have significant unmitigable impacts to Ethnohistory and Native American resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Sections 4.11 and 4.12 of the Revised Partial Draft EIR conclude that there would be a significant and unavoidable impact to historical, cultural and ethnohistorical resources in the event Gregory Mountain were listed in the National Register of Historic Places.

RESPONSE 109-8

The comment is general in nature with regard to the project location. 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. Waste-to-energy was considered and rejected as an alternative to the project in the 2003 Draft EIR. 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. 028-20 for additional discussion of this alternative.

RESPONSE 109-9

Section 4.15 of the Revised Partial Draft EIR includes an assessment of the potential use of recycled water on the Pala Basin from the project. Table 4.15-4 of the Revised Partial Draft EIR shows that water quality from Olivenhain recycled water is very similar to the RWQCB's Pala Basin water quality objectives (WQO), with TDS very similar (917 mg/L in the recycled water compared to 900 mg/L in the Pala Basin WQO), and of higher quality is several 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). Please refer to Response to Comment No. 007-22 for additional information regarding the adequacy of the OMWD water source, and the ability of the project to meet anticipated water quality standards. The analysis does not rely on rainfall to dilute any constituents in the recycled water. As indicated in the Revised Partial Draft EIR, the use of recycled water on the landfill site would result in less than significant impacts to the Pala Basin.

With regard to the amount of rainfall in a year, as indicated in Response to Comment No. 007-6, 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 is currently reported as 25.27 inches at this station. The safe yield calculation assumed 25 inches of rainfall and assumed infiltration and aquifer recharge of 5 percent for the site. The maximum safe yield (i.e., sustainable pumping rate) of about 27 gallons per minute or 43.55 acre-feet per year (AFY) was calculated for the site.

RESPONSE 109-10

As indicated in Chapter 3 of the Revised Partial Draft EIR, secondary containment will be used for the pipe as well as the storage tank for the recycled water. In the event of damage to the storage tank, the use of secondary containment would reduce the potential impact to a less than significant level. With regard to potential impacts to employees, as indicated in Section 4.15 of the Revised Partial Draft EIR, a recycled water site supervisor would be responsible for the on-site recycled water system and for supervising personnel working with or around recycled water on site. With a well informed recycled water site supervisor and site personnel, the health and safety risks associated with the use of recycled water for the project are expected to be low and will not result in any significant health impacts to personnel at the landfill site.

RESPONSE 109-11

County DEH staff does not concur that the Revised Partial Draft EIR has a discrepancy with regard to the number of recycled water trucks. As indicated in Section 4.5, the peak demand of 205,000 gallons per day of recycled water would result in 89 one-way and 178 two-way truck trips to the landfill site. Based upon a PCE conversion factor of 1.5, this results in approximately 267 daily trips to the landfill site for recycled water on peak demand days, assuming all project water is trucked recycled water. All of the analyses contained in the Revised Partial Draft EIR are based on the same number of trips.

RESPONSE 109-12

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 4.7 of the 2003 Draft EIR contains a detailed air quality and health risk analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Section 4.15 of the Revised Partial Draft EIR includes an analysis of air quality and health risk impacts related to the use of OMWD recycled water.

RESPONSE 109-13

The Revised Partial Draft EIR requires submittal and approval 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 project's compliance with off-site mitigation requirements. 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 off-site mitigation 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. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. 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."

RESPONSE 109-14

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 landfill footprint as proposed could not be developed without the relocation of the SDG&E towers. With regard to the aqueduct, the 2003 Draft EIR contains an analysis of the potential impacts that could result with the aqueduct in its current location. In addition, the 2003 Draft EIR contains an analysis of the potential environmental impacts that could occur from the relocation of the aqueduct. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 109-15

County DEH staff does not concur with the comment. 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 comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 110

From: Wes [wmarx@globalcrossing.net]
Sent: Tuesday, August 22, 2006 5:23 PM
To: LUEG, DEHComments
Subject: gregory canyon RPDEIR comments

TO: DEH
Re: Gregory Canyon RPDEIR comments
From: Wesley Marx, 2995 Ocean St. Carlsbad, CA 92008
8/22/06

In this revised document, the project proponent continues to engage in project justification rather then full disclosure and meaningful mitigation. For instance, the traffic section contradicts the public service section by understimating project water usage, which, in turn, serves to underestimate the number of water truck trips. This serves to underestimate resulting traffic impacts on an already overloaded traffic system. 110-1

The proponent claims the project will not pollute adjacent drinking water sources because the landfill will be lined . . . without acknowledging that other lined landfills are not leak-proof and have a proven record of contaminating residential, commercial and farm water sources. A "we will do better" posture does not obviate the need to mitigate real risks. To what extent is the project prepared to clean up contamination and/or provide replacement water sources? What water agencies have been contacted as back-up water sources?

The document fails to acknowledge that the Mesquite Landfill provides a suitable alternative. Source control of solid waste generation can help to further eliminate the need for a project that places our overextended water supply system at risk.. 110-2

LETTER NO. 110

Wes Marx
wmarx@globalcrossing.net

RESPONSE 110-1

County DEH staff does not concur with the comment. 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. 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 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 110-2

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 regard to the liner and protection of water resources, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. Please see Response to Comment No. 035-6 for a discussion regarding the effectiveness of modern landfill liners.

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. In addition, pursuant to a 1996 agreement between the project 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. See Appendix C of the 2003 Draft EIR for the 1996 agreement and Appendix H of the Revised Final EIR for the 2004 supplement to the agreement. County DEH staff continues to believe that any potential impacts to water quality and water resources from the project are less than significant.

With regard to other alternatives, Chapter 6.0 of the 2003 Draft EIR provides a thorough discussion of project alternatives, which included the Mesquite Landfill. In addition, a Waste Reduction and Recycling Alternative was also considered. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Letter 111

From: JMcgee7723@aol.com
Sent: Tuesday, August 22, 2006 11:24 PM
To: LUEG, DEHComments
Subject: (no subject)

To who it may concern,

I see no reason for a land fill in Gregory Canyon. Please vote this down. 111-1

Thank You, Jack McGee 858 755 0323

LETTER NO. 111

Jack McGee
Jmcgee7723@aol.com

RESPONSE 111-1

The comment expresses opposition to the project. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 112

From: Tom McGreal [tommcg@adelphia.net]
Sent: Wednesday, August 23, 2006 8:10 AM
To: LUEG, DEHComments
Subject: Urgent action

Gentlemen,

Please protect our rivers, aquifers and environment from the very significant risks of the Gregory Canyon landfill.

STOP THIS PROJECT NOW!!!

A concerned citizen,

Thomas McGreal

112-1

LETTER NO. 112

Thomas McGreal
tommcg@adelphia.com

RESPONSE 112-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

The comment is general in nature with regard to the protection of the environment. The 2003 Draft EIR and the Revised Partial Draft EIR contain detailed analyses with regard to the potential environmental impacts that could result from the project. With regard to water quality, the potential impacts to water quality were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Letter 113

MR GARY ERBECK

PLEASE MR ERBECK I CAN'T RULE IN FAVOR OF THE GREGORY CANYON LANDFILL. I KNOW THERE'S LOTS OF POWERFUL PEOPLE (w) BIG MONEY INVOLVED - TELL THEM TO INVEST IN FLATBED RAILROAD CARS TO HAUL GARBAGE TO SITES ALREADY DUG. 113-1

MY NEPHEW DID A COLLEGE STUDY ON LANDFILLS AND FOUND OUT THE SLIGHTEST SCRATCH WILL LEAK.

IMAGINE IF YOU WOULD? THE YEAR IS 2055, PEOPLE IN THE SAN LUIS REY RIVER BOTTOMS AND NORTH OCEANSIDE ARE PULLING POLUTED WATER FROM THEIR TAPS. WHAT IS THIS? LETS TRACE IT.

THE LINER ON THE LANDFILL UP
RIVER IS LEAKING. THERE'S SICK-
NESS, THE GROUND WATER UPSTREAM 113-1
IS POISENED, ITS LEACHED INTO
THE FARMLANDS. NOW ITS ALL
CONDEMMED. THANK YOU ANCESTORS

HAVING TRUCKS HAUL WATER
(WHICH STANDS A GOOD CHANCE TO BE
IN SHORT SUPPLY NOT TOO FAR AWAY)
25 MILES ACROSS THE NORTH COUNTY
50 MILES ROUND TRIP (ESTIMATE)
10 TIMES (ESTIMATE) A DAY, FOR 30 113-2
YEARS, THATS 90,000.00 TRIPS.
IS THAT POLUTION MAGNIFIED OR
WHAT? AND A LIKELY STORTAGE OF
WATER EQUALS DISASTER. I DON'T
HAVE ACCESS TO EXACT NUMBERS
SO I GUESSED, BUT EVEN HALF
IS AN ECOLOGICAL TRAGEDY TO BOOT.

Thank you for reading
my letter Good Luck on the
Right decision

Sincerely
Rod Miller

113-3

post script:
As far as mitigation goes
this letter is my mitigation.

Thanks

Feel free to write me back

LETTER NO. 113

Rod Miller
no address provided in letter

RESPONSE 113-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to potential impacts to water quality, the issue was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

RESPONSE 113-2

Section 4.5 and Section 4.15 of the Revised Partial Draft EIR provide a detailed analysis of the use of recycled water at the landfill site, including the transport of the water from the Reservoir Site to the landfill site. The transport of recycled water would occur within the number of trips that were established for the landfill in the 2003 Draft EIR. The use of recycled water will help reduce the demand for groundwater or domestic potable water.

RESPONSE 113-3

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 114

From: LaelMontgomery@aol.com

Sent: Tuesday, August 22, 2006 12:19 PM

To: LUEG, DEHComments

Subject: RE: Gregory Canyon Landfill project (LOG No. 98-02-025)

RE: Gregory Canyon Landfill project (LOG No. 98-02-025)

Dear Sirs,

Please enter the communication below regarding leakage from landfills in the record and take this into consideration when considering the **Gregory Canyon Landfill EIR**. There is no way to stop leakage from a landfill, and we all know this. Leakage is going to happen and the Gregory Canyon Landfill is going to contaminate the San Luis Rey River. It is in your power to prevent this catastrophe. Please do the right thing and deny this dump. Thank you. 114-1
Sincerely,

Lael Montgomery
Valley Center Planning Group Member

Forwarded Message:
Subj: **Fwd: NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, b...**
Date: 8/22/2006 10:59:53 AM Pacific Daylight Time
From: LaelMontgomery
To: JonVick2

Forwarded Message:
Subj: **NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, board finds**
Date: 8/22/2006 9:54:40 AM Pacific Daylight Time
From: char.ayers@worldnet.att.net
To: char.ayers@att.net
Sent from the Internet (Details)

Tuesday, August 22, 2006
Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump

but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

LETTER NO. 114

Lael Montgomery
laelmontgomery@aol.com

RESPONSE 114-1

The comment expresses opposition to the project. The comment also provides a newspaper article dated August 21, 2006 regarding discharge found in a San Marcos park developed over a closed landfill from the North County Times. The closed landfill, Bradley Park/Linda Vista Landfill, was closed in 1969. The landfill is unlined and does not contain the engineering systems that are found in modern landfills. The comment and article regarding San Marcos park contamination are acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to landfill liners, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, please see Response to Comment No. 035-6 for a discussion regarding the performance of modern landfill liner systems.

Letter 115

Lael Montgomery
13678 McNally Road
Valley Center, CA 92082
760-751-0300

Received
AUG 23 2006
DEH / LEA

August 20, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am a member of the Valley Center Planning Group, representing myself, and writing to urge DEH decision makers to deny a permit for this project.

My comments are based on my knowledge of planning in the area; and on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir.

Why would we condone this destruction in exchange for a superfluous landfill? Why?

It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.

The public interest in this case clearly is NOT to build an unnecessary landfill smack in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to:

- protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water, 115-1
- protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks,
- protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
- build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that buckets of private money apply freely and without conscience, and so often in the name of fairness and due process! It is so important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. The PR people are clapping their hands at their triumphant confusion of the facts. But the public has been here already with the tobacco and pharmaceutical industries. People are more aware and less tolerant of unethical corporate behavior. Public deception is not a CEQA issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting – and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste, as well.

Sincerely,

Lael Montgomery

Lael Montgomery

LETTER NO. 115

Lael Montgomery
13678 McNally Road
Valley Center, CA 92082

RESPONSE 115-1

The comment expresses opposition to the project. This letter is the same as Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 116

From: Susan Moore [earthdesign@attwb.net]
Sent: Wednesday, August 23, 2006 12:55 PM
To: LUEG, DEHComments
Subject: RE: Gregory Canyon Landfill Project (LOG No. 98-02-025

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,
I am a member of the Valley Center Design Review Board, representing myself, and writing to urge DEH decision makers to deny a permit for this project.
My comments are based on my knowledge of planning in the area; and on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir.
Why would we condone this destruction in exchange for a superfluous landfill? Why?
It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.
The public interest in this case clearly is NOT to build an unnecessary landfill smack in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to:
" protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water, 116-1
" protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks,
" protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
" build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that buckets of private money apply freely and without conscience, and so often in the name of fairness and due process! It is so important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. The PR people are clapping their hands at their triumphant confusion of the facts. People are more aware and less tolerant of unethical corporate behavior. Public deception is not a CEQA issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste, as well. 116-1 Cont'd

Sincerely,

Susan Moore

LETTER NO. 116

Susan Moore
earthdesign@attwb.net

RESPONSE 116-1

The comment expresses opposition to the project. This letter is the same as Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 118

From: Raymond Noelte [rnoelte@csc.com]
Sent: Tuesday, August 22, 2006 7:57 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

Find another location away from waterways! Find another solution that doesn't depend on the reliability of a liner! San Diego has too much air, water, and land pollution as it is. Our climate and our environment are our biggest asset - let's protect them! 118-1

Ray Noelte
Account Executive
BAE Systems National Security Solutions
Airbus North America
858-592-5004 (Office)
858-232-0061 (Cell)

This is a PRIVATE message. If you are not the intended recipient, please delete without copying and kindly advise us by e-mail of the mistake in delivery. NOTE: Regardless of content, this e-mail shall not operate to bind CSC to any order or other contract unless pursuant to explicit written agreement or government initiative expressly permitting the use of e-mail for such purpose.

LETTER NO. 118

Raymond Noelte
rnoelte@csc.com

RESPONSE 118-1

The comment expresses opposition to the project and general concern for the environment. As such, 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 potential impacts of the project relative to water quality is were not analyzed in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. Section 4.7 of the 2003 Draft EIR provides a detailed air quality analysis. Section 4.1 of the 2003 Draft EIR contains an analysis of the potential land use impacts, including land use compatibility and quality of life. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 119

August 24, 2006

Department of Environmental Health
9325 Hazard Way
San Diego 92123
Fax 858/495-5004

RE: Gregory Canyon Landfill and OMWD Santa Fe Valley Reservoir

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 contain approximately 30 million tons of refuse with an operating life of about 30 years. The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection
We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site. As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road. 119-1
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is admittedly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection
These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1. As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The

proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would
not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The values used to compute the noise levels for the roadways that would serve the project "do not take into account the possible effects of existing noise barriers or topography," as stated in several portions of the report. The actual values could be greater than anticipated. 119-1 Cont'd

8. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Thank you for your consideration of our concerns.

Sincerely,

Janice L. Nordenberg

Janice L. Nordenberg
Santa Fe Valley Homeowner
9430 Pagoda Tree Lane
San Diego, CA 92127

LETTER NO. 119

Janice L. Nordenberg
9430 Pagoda Tree Lane
San Diego, CA 92127

RESPONSE 119-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9.

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

With regard to point 7 in this comment letter, as indicated in Section 4.6, the noise analysis does not take into account the possible effects of existing noise barriers or topography. The statement is made with regard to the analysis in the vicinity of the landfill site. The statement means that the analysis does not take credit for the noise barriers or topography, which would actually serve to reduce the noise levels. In other words, the analysis provides a worst-case scenario and could overstate noise levels since existing barriers and topography that could reduce the noise levels have not been considered.

Letter 120

August 17, 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:

I am opposed to the proposed Gregory Canyon Landfill for the following reasons:

- 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. 120-1

- The RPDEIR did an inadequate job of evaluating potential significant adverse impacts to water quality. Siting the proposed landfill along the banks of the San Luis Rey River is an obvious potential impact. Years ago it was common practice to place sewer lines along our creeks-- today we know the results- sewer leaks that contaminate the entire downstream area- leading to beach closures and health risks. There is no such thing as a land fill with no potential for leaks. The project has been changed to allow the use of groundwater monitoring wells as production wells. Placing the monitoring wells is a clear admission that there is a potential for leaks, To make matters worse, 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 bd is a clear violation of the CEQA requirements to identify potential adverse impacts and to appropriately mitigate and provide alternatives to reduce the impacts. Allowing the diversion to drinking water supply is not mitigation- and an alternative to reduce/.eliminate this adverse impact has not been evaluated. 120-2

- 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. Other similar projects have properly considered impacts from such traffic to be significant (See EIR for transfer station for the city of Vista). 120-3

- Th RPDEIR failed to address the changes to the surrounding land use that have ocurred since this project was originally considered over 10 years ago. At that time the area was rural with few houses. Now 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. 120-3 cont'd

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. 120-4

Sincerely

Diane Nygaard

5020 N nighthawk Way

Oceanside, CA 92056

LETTER NO. 120

Dianne Nygaard
5020 N. Nighthawk Way
Oceanside, CA 92056

RESPONSE 120-1

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 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, historic, and ethnohistoric 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 120-2

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.

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 thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes that with the incorporation of mitigation measures and project design features, the project would not result in adverse impacts to

groundwater or surface water. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. The U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

With regard to the monitoring wells, as indicated in Chapter 3 of the 2003 Draft EIR, a groundwater monitoring system will be installed in accordance with 27 California Code of Regulations, Sections 20415 and 20420 for a Detection Monitoring Program. In other words, the installation of a monitoring program is not an admission that there is a potential for leaks, but rather is required by state law to ensure the protection of groundwater resources.

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. Please see Response to Comment No. 007-5 for a more detailed discussion regarding the use of the monitoring wells on the landfill site for both monitoring and water production.

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 EIR identifies potential impacts and provides appropriate mitigation measures for those impacts. Chapter 6 of the 2003 Draft EIR contains a detailed analysis of alternatives. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. As an impact to water quality has not been identified, no alternative to reduce or eliminate such an impact is necessary.

RESPONSE 120-3

Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. 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 incrementally adds traffic to the existing unacceptable level of service, which is treated as a significant and unavoidable project level impact for purposes of this 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 Highway 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.

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 of SR 76, the 2003 Draft EIR contained a discussion of this issue. MM 4.5-1 from the 2003 Draft EIR requires that the project applicant conduct a structural analysis and if necessary, improvements shall be implemented prior to operation of the landfill.

In terms of future homes in the area, the issues regarding land use and quality of life 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.

RESPONSE 120-4

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. As indicated in Response to Comment No. 120-2, 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. Please see Response to Comment No. 120-1 regarding a statement of overriding considerations that would be required if the project were to be approved.

Letter 121

From: Josephine L. Olinski [jlskawski@dslextreme.com]

Sent: Tuesday, August 22, 2006 12:16 PM

To: LUEG, DEHComments

Subject: RPDEIR

As a local citizen affected by the County's proposal for the Gregory Canyon landfull in the Pala/Pauma region. I VOICE MY OBJECTION to this project. The landfill is much too close to the San Luis Rey River which runs through Oceanside and could contaminate our local water resources as well as upstream. The sand and gravel behemoths are already impacting the winding two-lane 76-East. And biologically there is too much that will be impacted. With all your knowhow you can do better with trash disposal than intruding on Indian land. NO ON GREGORY CANYON. 121-1

Josephine L. Olinski
346 Luiseno Ave.
Oceanside, CA

LETTER NO. 121

Josephine L. Olinski
jlskawski@dslextreme.com

RESPONSE 121-1

The comment expresses opposition to the project. As such, 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 issues regarding water quality were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Section 4.12 of the 2003 Draft EIR contains an analysis of the potential impacts to enthnohistorical and Native American interests. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis. The analysis includes the potential impacts with regard to level of service at intersections and on segments of roadway as well as safety. Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of the potential impacts to biological resources. The comment does not provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, no further response is warranted.

Letter 122

From: Sharon Opfer [sharonopfer@cox.net]
Sent: Thursday, August 24, 2006 9:07 AM
To: LUEG, DEHComments
Subject: Re: Water Truck Objections

TO WHOM IT MAY CONCERN:

Please consider an alternative water delivery system to the Gregory Canyon landfill.
In addition, to the objections listed below, we believe it would lower the quality of life in all of the surrounding neighborhoods by: 1) air pollution from all of the trucks' fumes; 2) causing deterioration of the roads, with no funds reimbursement for repairs; 3) causing great inconvenience and time lost from the traffic impact; 4) and, ultimately, causing property values to be negatively impacted. 122-1

Sincerely,

Sharon & Virgil Opfer
9434 Tea Tree Lane
San Diego, CA 92127

Santa Fe Valley Homeowners

Summary
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 contain approximately 30 million tons of refuse with an operating life of about 30 years.
The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection
We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other

possible water supply options much closer to the site.
As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:
These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "?the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the

RPDEIR), "?the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

LETTER NO. 122

Sharon Opfer
9434 Tea Tree Lane
San Diego, CA 92127

RESPONSE 122-1

The comment expresses opposition to the project with regard to the off-site water supply. Please refer to Response to Comment No. 007-22 for a discussion of the adequacy of the OMWD recycled water source. This letter is the same as Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9.

Letter 123

From: Teri Pavia [teripavia@yahoo.com]

Sent: Thursday, August 24, 2006 7:32 AM

To: LUEG, DEHComments

Subject: Negative Impact of Water Distribution in Santa Fe Valley

Summary

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.

As residents living along "the roadways that serve the project", we object to this project for several reasons.

<!--[if !supportLists]-->1. <!--[endif]-->The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.

<!--[if !supportLists]-->2. <!--[endif]-->A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte. 123-1

<!--[if !supportLists]-->3. <!--[endif]-->The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along

Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

123-1 Cont'd

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Sincerely,

Teri Pavia - Savenna Home Owner in Santa Fe Valley

Teri Pavia, I.R.I.S.
Pavia Interiors and Redesign
"Interior Styling and Home Staging"
858.212.7877
www.paviainteriors.com

LETTER NO. 123

Teri Pavia
teripavia@yahoo.com

RESPONSE 123-1

The comment expresses opposition to the project with regard to the off-site water supply. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

Letter 124

From: Phillips [conrick@cox.net]

Sent: Friday, August 18, 2006 12:46 PM

To: LUEG, DEHComments

Subject: WATER HAULING TRUCKS THROUGH 4S RANCH FROM OMWD PUMP STATION TO GREGORY CANYON LANDFILL

Hello,

I'm writing to comment on the designated route for hauling recycled water daily from the OMWD pump station to the landfill. I'm new to 4S Ranch, and this was not mentioned to me before purchasing. There appears to be heavy truck traffic already (even more than when I moved here several months ago) on Camino Del Norte. I'm concerned that once the trucks start hauling (and population continues to grow), the number of trucks and trips will only increase. Then Camino Del Sur to Camino Del Norte may become like Interstate 15, jammed with trucks and cars, noise, exhaust, and accidents. An easy 5 minute drive to Interstate 15, may become a congested drive of 10 minutes or more. 4S Ranch may change from a calm, tranquil community and become noisy and congested. What happens if a truck loses its contents? Is the recycled water in any way a threat to the public? Property values may also be affected. Residents have purchased homes well above the median price in San Diego County in order to live in a quiet, family oriented neighborhood. I oppose the trucks using this route. The trucks would definitely have an impact and residents should be outraged over any decrease in quality of life. v/r 124-1

LETTER NO. 124

Phillips
conrick@cox.net

RESPONSE 124-1

The comment expresses opposition to the project with regard to the transport of recycled water from the OMWD Reservoir Site. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The transport of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks.

As indicated in Section 4.15 of the Revised Partial Draft EIR, the water to be purchased from Olivenhain is disinfected tertiary recycled water. Due to the level of treatment of this water, it is generally usable for a wide variety of residential, commercial and industrial purposes. If a recycled water truck were to lose its contents, given the level of treatment, the water would not pose a threat to the public, especially since an accidental discharge would not result in the ingestion of recycled water.

With regard to property values, CEQA does not require 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. Please refer to Response to Comment No. 030-2 for a discussion of quality of life issues.

Letter 125

From: phoon@ix.netcom.com

Sent: Thursday, August 24, 2006 8:05 AM

To: LUEG, DEHComments

Subject: Objection to Water Trucking Operation at OMWD Santa Fe Valley Reservoir for Gregory Canyon Landfill

To Whom It May Concern,

I submit this letter as a formal objection to the proposed use of OMWD's Santa Fe Valley Reservoir to supply water to the Gregory Canyon landfill, using a water trucking operation.

I am a homeowner living along Camino Del Norte, west of Rancho Bernardo Road, and have been a resident at this address for over six years. The plan to use this offsite water supply for Gregory Canyon does not adequately consider the impact of the trucking operation to the communities near OMWD's Santa Fe Valley Reservoir. Reasons for my objection include:

- The new Traffic and Noise studies did not address the fact that west of Rancho Bernardo Road, Camino Del Norte is a two-lane road
- The trucking operation was not part of the Neighborhood Specific Use Plan for Bel Etage / Savenna Communities, which are located along Camino Del Norte, west of Rancho Bernardo Road
- The school located along Maranatha Way would be severely impacted not only during Construction Phase, but in steady state Operation as well. This school is adamantly opposed to the landfill's use of OMWD's Santa Fe Valley Reservoir.

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER. 125-1

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.

Sincerely,

Kelvin Phoon
9281 Fostoria Court
San Diego, CA 92127
858-245-9525 cell
phoon@ix.netcom.com

LETTER NO. 125

Kelvin Phoon
9281 Fostoria Court
San Diego, CA 92127

RESPONSE 125-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

Letter 126

From: Florence Phoon [fphoon@san.rr.com]

Sent: Wednesday, August 23, 2006 8:58 PM

To: LUEG, DEHComments

Subject: OBJECTION TO GREGORY CANYON LANDFILL OFFSITE WATHER SUPPLY

SUMMARY:

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

OBJECTIONS:

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.

As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

POINTS OF OBJECTION:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER. 126-1

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a

result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

126-1 cont'd

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period.
Sincerely,
Florence Phoon
Santa Fe Valley Homeowner.

LETTER NO. 126

Florence Phoon
fphoon@san.rr.com

RESPONSE 126-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

Letter 127

From: Linda Pickering [lindapickering2@yahoo.com]
Sent: Wednesday, August 23, 2006 2:02 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill Project (LOG No.98-02-025)

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

e-mail to : dehcomments@sdcounty.ca.gov

fax to: 858-495-5004

August 23, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

We are writing to urge DEH decision makers to deny a permit for the above project.
My comments are based on the devastating and everlasting impact that this project will bring to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District also invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir.
Why would we condone this destruction in exchange for a superfluous landfill? It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.
The public interest in this case clearly is NOT to build an unnecessary landfill smack in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to: 127-1
1. " Protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water."
2. " Protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks."
3. " Protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation."
4. " Build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location "

The citizenry depend upon the Department of Environmental Health to transcend political pressure. Buckets of private money apply freely and without conscience, and so often in the name of fairness and due process, do not! It is so important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. The PR people are clapping their hands at their triumphant confusion of the facts. But the public has been here already with the tobacco and pharmaceutical industries. People are more aware and less tolerant of unethical corporate behavior. Public deception is not a CEQA issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

127-1 Cont'd

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste, as well.

Sincerely,
Dr. & Mrs Bryant I Pickering
Bryant I Pickering MD
Linda N. Pickering

May-Oct
156 Powder Horn Road
Sheridan, WY 82801
307-674-7101 (Fax)673-0484

Nov-Apr
PO 206 (mail)
32958 Lluiseno Circle Drive (UPS/Fed EX.)
Pauma Valley CA 92061
760-742-4399 (Fax) 742-0600

LETTER NO. 127

Linda Pickering
lindapickering2@yahoo.com

RESPONSE 127-1

The comment expresses opposition to the project. This letter is similar to Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 128

From: DPoole@brookfieldhomes.com

Sent: Monday, August 14, 2006 8:38 AM

To: LUEG, DEHComments

Subject: Gregory Canyon Landfill

This email is in support of the approval of the Gregory Canyon Landfill. With other landfills reaching capacity and a growing population, recycling will not accomidate all of San Diego's future needs. As such, I urge you to approve the last items necessary to start the work to open the facility. 128-1

LETTER NO. 128

D. Poole
dpoole@brookfieldhomes.com

RESPONSE 128-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 129

From: mitchielou@nethere.com
Sent: Wednesday, August 23, 2006 7:24 AM
To: LUEG, DEHComments
Subject: RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

August 23, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am a resident of Valley Center, and writing to urge DEH decision makers to deny a permit for this project.

I am very concerned with the significant impacts
this project will have on Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently,in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir. Why would we condone this destruction? Why?

This project is clearly NOT in the public interest.

The public interest IS to:
" protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water,
" protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks,
" protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
" build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location.

The citizenry depend upon the Department of Environmental Health to transcend political pressure that buckets of private money apply freely and without conscience, and so often in the name of fairness and due process! It is so important for decision makers not to be swayed by these arguments.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

Please deny a permit for this project!

Sincerely,

Michelle Quiroz

129-1

LETTER NO. 129

Michelle Quiroz
mitchielou@nethere.com

RESPONSE 129-1

The comment expresses opposition to the project. This letter is similar to Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 130

From: Matt Rahn [mrahn@sciences.sdsu.edu]

Sent: Thursday, August 24, 2006 1:40 PM

To: LUEG, DEHComments

Subject: Comments on Gregory Canyon EIR

Please see attached document for comments on the 2006 PRDEIR for the Gregory Canyon Landfill. Please send me a confirmation email that you have received these comments within the appropriate comment period. If you or the consultants have any questions or concerns, feel free to contact me at any time. 130-1

Thank you for your time and consideration.

Matt Rahn, Ph.D.
Director
San Diego State University
Field Station Programs
5500 Campanile Drive
San Diego, CA 92182

Office: 619-594-0580
Cell: 619-846-1916
Fax: 760-451-0769
http://fs.sdsu.edu

"Supporting teaching, research, and education on the ecosystems of Southern California by collecting, understanding, and sharing environmental data."

The information contained in this e-mail is from San Diego State University. This message and any attachments hereto may contain information that is only for the individual or entity to whom it is intended. Its contents and any attachments may contain confidential and/or privileged information. This email is not intended for transmission to, or receipt by, any unauthorized individuals. If you are not the intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, immediately notify the sender and delete and destroy this message.

PAGE	SECTION	Paragraph or Quote (from text)	COMMENT	
General Comments	general	general	For all management, restoration, and mitigation activity, there is no discussion of long-term monitoring, adaptive management, or success criteria. This is far too general and vague.	130-2
General Comments	general	general	Please use consistent units throughout: miles & acres, or km and hectares. Switching between km and miles is extremely misleading and produces a huge amount of ambiguity throughout this section.	130-3
General Comments	general	general	There is no discussion of nitrogen deposition (from dust or other project sources) as a biological impact. This could severely alter restoration activities, water quality, etc.	130-4
General Comments	general	general	There is also no discussion of the monitoring and management of land that is purchased for conservation. This property must be maintained at the same quality/integrity throughout the duration of the project, and any degradation be managed.	130-5
General Comments	general	general	There is no discussion of invasive species management or control in the project area or on restoration/creation sites. It is well documented that edge effects from adjacent parcels will likely decrease the success of restoration or creation, yet this is not taken in to account. Perhaps providing additional acreage for buffer zones?	130-6
General Comments	general	general	It is not clear whether onsite and offsite mitigation ratios are the same.	130-7
1-1	1	general	This isn't an introduction, but rather a reiteration of the table of contents. A summary of changes between 2003-2006 should be provided.	130-8
2-1	2	general	There are impacts to 308 acres of habitat. Looking at the Table, it appears that there is a net loss of habitat, since only 159 acres are proposed for restoration or creation. Creating roughly 50% of "new" habitat to replace the impacted area does not seem adequate given the scope of this project.	130-9
2-1	2	general	There should be an invasive species management plan provided. It is not clear how long the management of the habitat would take place; the duration of the project, in perpetuity, etc.? Also, what is the success criteria?	130-10
2-1	2	general	There is no discussion of the type of plants proposed for restoration (pallet).	130-11
2-1	2.1	1	What was the minimum mapping unit used in the field? At what point was a patch considered too small to be mapped as a separate polygon? What methods/scale were used before?	130-12
2-1	2.1	1	You are using a 2002 aerial photograph for this vegetation section. Is this the same set of images used for the 2003 EIR? Why wasn't the more current, 2005 imagery (used in section 4 on noise) used here? How might using older imagery have effected the judgments of the field crew? What scale do potential errors exist on?	130-13
2-2	2.2	3	Over what period of time will the exotic species removal take place? A one-time removal of exotic species is not effective as the seed bank is probably well-established. Will there be follow up or monitoring of recovery of the area?	130-14
2-1	2.2	general	I don't see a table or discussion of how the acreages changed. I read that they were changed in a minor way, but it would be appropriate to show the actual values and percentages of change for each habitat. Can these differences be attributed to using different methods, field crew, or scale? Are they statistically, significantly different from the original values?	130-15
2-1	2.2	general	Do the mitigation ratios change based on off-site/ on-site, enhancement/creation?	130-16
2-1	2.2	6	Riparian habitat is difficult to create, due to water availability. The farm that is the proposed project site appears to have been a part of the river before the farm was established. Is the project site's hydrology adequate for riparian restoration as it is? There clearly must have been alteration to the area to establish a farm. What are these modifications, and how will they be dealt with in order to create adequate conditions for riparian vegetation? In addition, another farm still borders the proposed project site-- how will riparian conditions be created in the project area and not on the adjacent land owners property?	130-17

2-1/2-2	2.2	7	How will soil compaction in the "highly disturbed lands" be dealt with?	130-18
2-1/2-2	2.2	7	Do the dairy sites have large amounts of soil nutrients (N/P/K, etc)? If so, plants which are installed could bolt and grow unusually rapidly, but experience higher levels of mortality later, after having exhausted this surplus. They could also grow too thick for use by arroyo toads. If the plan is approved the maximum monitoring period should be used, even if the site reaches its cover goals early (e.g. no early sign-off)	130-19
2-1/2-2	2.2	general	What are the success standards for each of the vegetation communities being discussed?	130-20
2-1/2-2	2.2	7	How will you deal with potential run-off and leaching from the land-fill up stream on your restoration/creation sites?	130-21
2-2	2.2	3	Restoration on an easement will almost certainly be disturbed in the future. Why is using this as mitigation land a feasible option? Why is it discussed, when, later (paragraph 4 as well as section 5) you remove those acreages?	130-22
2-2	2.2	4	"site preparation" and "highly feasible" are not adequate descriptors for what if being proposed. What specific treatments are you considering? How feasible will they make this restoration? Provide some supporting literature from similar scenarios and treatments. If none exist this terminology should be modified to reflect uncertainty.	130-23
2-3	2.2	1	Please provide more information on off-site options.	130-24
3-1-3-4	3	general	What is the probability of detection for the toad in the planning area? This is important to know in order to determine the distribution of the species, estimations of occupancy, and estimations of potentially suitable habitat.	130-25
3-1-3-4	3	general	The data collected do not demonstrate adequate coverage of the planning area. What areas were sampled but had no toads detected? How much effort was put in to surveys for the toad in "unsuitable" habitat. Again, without adequate detection probabilities, or occupancy models, estimates of presence or absence are not statistically defensible.	130-26
3-1-3-4	3	general	There is no information on the temporal or spatial distribution of the toad.	130-27
3-1-3-4	3	general	You have not demonstrated that you can confirm absence of the toad in the unsuitable habitat areas; therefore how can you delineate suitable and unsuitable habitat?	130-28
3-1	3.1	Direct [significant] impacts resulting in the loss of approximately 3.1 acres of toad riparian …	What is the time line for recovery of the impacted breeding habitat? Is the toad population isolated? Is this their only breeding area?	130-29
3-1	3.1	Other potential impacts mentioned…	Why is night-lighting no labeled as "potentially significant"? Night-lighting affects feeding and breeding behaviors as well as risk of predation.	130-30
3-1	3.1	1	Please restate the assumptions you used when evaluating impacts to the Arroyo Toad here.	130-31
3-1	3.1	5	There maybe be some unit confusion thought out this section. The information posted on the USFWS web site states that AT may be found 0.5 miles from the stream bed, not 0.5 km from the stream bed as discussed here. Furthermore, the units change from 0.5 km to 0.5 miles in section 3.2, paragraph 2 of this document. 0.5 miles is actually 0.80 kilometers, so if your assumptions are based erroneously on 0.5 km, when it should be miles, a large amount of acreage has been eliminated from your calculations due to an error in units. Please provide specific references for all the information you are basing your assumptions on, including distance from the stream, soil types, suitable vegetation, occurrence on roads and trails, etc.	130-32
3-2	3.2	"The 2003 Draft EIR and Final Biological Technical Report, which combine data…	What kind of data was collected, what methods were used to collect it, and how *consistently* was it collected (What seasons? Was data collected in that area yearly, bi-yearly?). One year's worth of surveys by URS does not constitute a reasonable conclusion about the behavior and habitat usage of Arroyo toad in the specified area.	130-33
3-3	3.2	"Therefore, the soil types present in the uplands beyond the greater San Luis Rey River…	How can there be known breeding habitat and frogs that have been spotted in the area, but no burrowing (living) habitat? This does not seem feasible.	130-34

3-3	3.2	"Areas of suitable arroyo toad upland habitat impacts were measured where the project …	In the previous paragraph it was state that there was NO suitable upland habitat: "The soils present in the uplands beyond the greater San Luis River floodplain are not suitable for arroyo toad burrowing."	130-35
3-3	3.2	"Many portions of the suitable arroyo toad upland habitat impact area actually are unsuitable…	"Suitable" upland habitat as defined in Section 3.1 of the "Biological Technical Report for Gregory Canyon Landfill CEQA Update" is "within 2 kilometers of the stream supporting fine sand." It needs to be stated implicitly and consistently whether or not the soil quality in the upland habitat is suitable for Arroyo toads.	130-36
3-3	3.2	"According to the NRCS soils map, a portion of Borrow Area A supports Visalia sandy loam…	In Section 3.1 "Visalia sand loams [VaA and VaB] are considered to be suitable for burrowing by Arroyo toad. It appears as if you are stating that Vasalia sandy loam is NOT suitable. This text seems a bit confusing.	130-37
(3-3)-(3-4)	3.2	"Therefore, the majority of this area is not suitable as arroyo toad upland habitat based on…	What portion is unsuitable? What constitutes the "majority."	130-38
3-4	3.2	"Furthermore, according to the data compiled in the 2003 Draft EIR, it appears that the majority …	One of the most common outcomes of convenience sampling is that detection is always higher in areas easily accessible by researchers. This is especially true for very cryptic species such as the Arroyo toad, which is not easily spotted in it's natural habitat.	130-39
3-4	3.2	"In addition, it is our opinion that this level of mitigation fully compensates for impacts on arroyo toad from the project."	The standard mitigation for Arroyo toad is 6:1. Because there has not been a clear statement of how much upland habitat is "suitable," the opinion stated here needs to be amended. With the original "32 acres as described in the 2003 Draft EIR and Final Biological Technical Report," you would need 192 acres of mitigation to fully compensate for the impacts to the toad.	130-40
3-4	3.2	"Finally, the acreage of riparian toad impacts has been reduced as a result of revisions in the design of the landfill access road bridge, and are now 0.0368 acres, with only 0.002 acres of permanent impact"	How long will it take the temporarily impacted areas to recover? Will this time period be long enough to affect the toad population? Will there be monitoring for invasive species (especially plants) so that it is ensured there are no permanent impacts?	130-41
3-4	3.2	"These impacts of 0.0368 acres will be likewise be mitigated to a level below significance by habitat enhancement and/or creation planned for 88 acres of upland habitat as described…"	Does the habitat enhancement and/or creation include changing the soil type? Has this been done before? Will sand need to be trucked in?	130-42
3-2	3.2	general	Most of this section addresses AT upland habitat only. However AT do make use of riparian environments. The phrasing through out switches from AT upland habitat to AT habitat and could be potentially misleading. Please mention riparian habitat earlier in the document to make it clear that this type of habitat is being treated separately, then use consistent nomenclature when addressing upland and riparian AT habitat as individual elements. Also please explain, early on, why AT upland and riparian habitats are being discussed separately.	130-43
3-3	3.2	3	You assert that "data gathered since 1989 do not report arroyo toads as occurring farther than approximately 0.5 miles from the San Luis Rey River". What does approximately mean in this case? Did you perform a statistical analysis of these data in order to draw this conclusion? If so, how much variability is present in this data, and what is your sample size? If not, please provide a citation. AT's may typically occur within 0.5(units?), however, this tendency does not mean that they don't, on occasion, move further. If your sample size is low, as it is in table 3-1, you can not make a sound determination about AT behavior (qualitatively or quantitatively), and should probably stick to a larger buffer to ensure adequate protection of this species. If a formal statistical analysis, using a reasonable sample size, is preformed, and shows that the probability of detecting an AT is infinitesimal after 0.5 miles then perhaps a 2 km buffer isn't necessary, as is asserted here.	130-44
3-2	3.2	3	"strongly associated" is not an adequate analysis of AT associations with soils. If this conclusion is based on URS data please provide a statistical analysis, with p-value, sample size and variability. If the conclusion is based on the work of others please provide a citation.	130-45

3-2	3.2	3	The sample size provide in table 3-1 (preformed by URS) is 20-24 individual toads detected on 4 survey dates. The 1999 AT survey protocol published by USFWS states that: "To be reasonably confident that arroyo toads are not present at a site, at least six (6) surveys must be conducted during the breeding season, which generally occurs from March 15 through July 1, with at least seven (7) days between surveys." It therefore appears that the data you are basing these conclusions on are not adequate. From a strictly statistical point of view, this sample size would not allow an adequate analysis of both distance to the river and soils.	130-46
3-2	3.2	4	I agree that AT are restricted by soil types, however fine soils and sand as required by AT, have the ability to move and change total extent and position, under flooding conditions. Again, this would mean that a larger buffer is more appropriate than a narrow one. If not, perhaps a clear definition of where AT riparian and upland habitat starts and stops on the stream margin should be provided earlier on.	130-47
Figure 3-1	3.2	N/A	This figure shows "suitable arroyo toad soils", but 4-6 (of 9) of the arroyo toad occurrences happen out side of this area. Perhaps the soil factor should not be used to justify reducing the number of acres of mitigation for AT.	130-48
3-3-3-4	3.2	3, 4, 1	You assert that even 17.5 acres of impact to AT is an over estimation due to the presence of already disturbed sites with in the project foot print. However, impacted areas should probably not be cut so narrowly due to noise, light and predation impacts which could spill over into otherwise un-impacted areas and produce a population sink or inaccessible habitat. This is especially true in areas surrounded on two to three sides by the project.	130-49
3-4	3.2	2	The authors started at 308.2 acres of habitat impact to arroyo toads, and reduced this acreage to 10.5 acres based on spurious assumptions, inadequate data and purely qualitative analysis. Proposing 88 acres of on-site mitigation as adequate compensation is unsatisfactory until a formal analysis based on adequate data on the occurrence of arroyo toads, supporting the authors assumptions, is preformed.	130-50
3-5	3.2	2	Habitat creation for AT on site may be difficult as excess nutrients from the former farming operations may cause new plants to bolt and actually produce too dense a thicket for AT movement.	130-51
4-1-4-2	4	general	Were actual data collected to delineate the sound contours? If so what conditions were these data collected under? Sound travels differently depending on temperature, cloud cover, relative humidity, etc.	130-52
4-1-4-2	4	general	Where are these bird species distributed in the planning area? Like the toad, there are similar issues with detection probability, occupancy modeling, habitat suitability indices, etc. Therefore, there is no confidence that the potential habitat, or unsuitable habitat areas are appropriate or accurate.	130-53
4-1	4.1	1	Please provide more specific information about the "new 2006 traffic study", for instance who wrote it under what context, and what new information it provides.	130-54
4-1	4.1	1	This section (4.0, noise) uses 2005 imagery with a 1-ft resolution, where as section 2 (vegetation) uses 2002 aerial imagery (unspecified resolution). The contours generated from the 2005 imagery were then added to the map using 2002 imagery. Why weren't the most currant sets of data used for this, and why is old imagery being presented? How did the habitat change between the two years? How has this change affected your analysis?	130-55
4-1	4.2	"Mitigation for onsite and offsite impacts of 20 acres (7.1 acres onsite; 12.9 acres offsite) could be mitigated by either creation…	If the mitigation is to include offsite acquisition, it must be acquisition of designated critical habitat for Least Bell's Vireo. Otherwise this mitigation would not compensate for the impacts to this species sustained during this project.	130-56
4-2	4.2	"In addition, it is our opinion that this level of mitigation is sufficient to fully compensate for indirect noise impacts on least Bell's vireo and southwestern willow flycatcher from the project."	Elevated noise levels affect breeding success. Affecting breeding success of an endangered species should be considered a *direct* impact to the population; especially if it is within designated critical habitat area.	130-57
4-1	4.2	3	A figure of the critical habitat and the project foot print would be very helpful here..	130-58

4-1	4.2	4	It is unclear that riparian habitat can be created in the proposed area, and that it will not be impacted by project effects other than noise. What is the hydrology of the area and how will it be prepared in order to provide adequate habitat. SWWF requires dense willow cover, and there is good evidence that LBV requires a certain stratification in riparian habitat in order to use it for breeding. How will these factors be rejuvenated in a restoration/creation plan in this area?	130-59
5-1-5-2	5	general	There is no clear monitoring framework provided, and no clear success or failure criteria. What is the temporal and spatial scale at which monitoring will occur, and how often? This is far too vague to provide confidence that a successful plan will be implemented.	130-60
6-1-6-2	6	general	The assumption is that no additional projects or cumulative impacts have changed since 2003. It is not clear that this is a reasonable assumption.	130-61
6-1-6-2	6	general	It is not appropriate to comment that impacts on vegetation communities is minimal in comparison to the "extent of those communities within the County". As habitat is lost, isolated, and impacted, the remaining species and habitats become MORE critical and sensitive to impacts.	130-62
6-1-6-2	6	general	It is not appropriate to refer to an unpermitted NCCP/HCP as a way of reducing cumulative impacts for a variety of reasons: 1) the permit is not approved; 2) it is not documented that this project will be in compliance with the HCP; 3) you cannot assume that the benefits from other planning efforts will offset this project's impacts. If the proposed NCCP/HCP is intended to offset this project's impacts, then the EIR must address ALL covered species within the NCCP/HCP.	130-63
6-1-6-2	6	general		
6-1	6.1	"The amount of impacts on vegetation communities is minimal in comparison to the existent extent of those communities within the County."	Coastal sage scrub, one of the communities that will be affected, exists in less than 10% of its original range in Southern California. To say that the impacts to this community are minimal is a gross understatement.	130-64
6-1	6.1	"The amount of project impacts on vegetation communities is minimal in comparison to the current extent of those communities within the County."	You will be impacting Least Bell's Vireo and Southwestern Willow Flycatcher designated critical habitat--how is this minimal impacts? The habitat for these birds is declining and this specific habitat has been designated as critical to the species survival.	130-65
6-2	6.2	"The implementation of the new measures would not result in secondary effects to biological resources since the measures would limit the amount of trips during specific hours and would require monitoring of trips."	Who will be supervising the amount of trips and the time of day these trips are made? Will it be by an independent third party? How long will the trips be supervised? What are the consequences for breaking these rules; a fine or shutdown of the landfill?	130-66
6-2	6.2	1	How will a biologist ensure that secondary impacts don't occur? What specializations will this individual have, and what authority will they carry on the project site? Who will pay this person?	130-67
7.0	N/A	N/A	Not all of these are referenced in the text. In addition, a lot more supporting literature would be useful to make certain points (noted above) seem more reasonable.	130-68

LETTER NO. 130

Matt Rahn, Ph.D.
San Diego State University
Field Station Programs
5500 Campanile Drive
San Diego, CA 92182

RESPONSE 130-1

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. 130-2 through 130-68 for responses to the comments provided in the letter.

RESPONSE 130-2

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.

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.

Appendix L of the 2003 Draft EIR provided that funding for long term maintenance and management of on-site habitat creation or habitat conservation areas would be provided by the project. That provision was not changed in the Revised Partial Draft EIR. MM 4.9-18 of the 2003 Draft EIR includes a requirement for funding of on-site management activities subject to the habitat enhancement plan. That requirement 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 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. Section 4.9 and Appendix L of the 2003 Draft EIR includes a discussion of

activities that would occur as part of the Habitat Enhancement Plan, and included provisions for monitoring and success criteria. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed creation and enhancement plan would be submitted for review and approval as part of the permitting process.

In the prior litigation, the issue of funding for biological mitigations was raised by petitioners and specifically addressed by the Court. The Court rejected petitioners' 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."

The mitigation measures in Section 4.9 of the 2003 Draft EIR require that off-site mitigation areas would be protected through a conservation easement. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR requires submittal and approval 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 project's compliance with off-site mitigation requirements. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. 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."

RESPONSE 130-3

This comment refers to the use of English versus metric units. County DEH staff notes this comment. In some cases, specific literature referenced used metric units and those units have been retained to preserve the source material.

RESPONSE 130-4

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.

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 include a discussion of indirect impacts to biological resources from deposition of fugitive dust onto vegetation. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 130-5

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.

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 of the 2003 Draft EIR requires that off-site mitigation areas would be protected through a conservation easement. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR requires submittal and approval 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 project's compliance with off-site mitigation requirements. 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."

RESPONSE 130-6

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.

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 includes 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 scope of the Habitat Enhancement Plan from 101 acres to 212.6 acres. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. Therefore, the addition of acreage to the mitigation measures for the creation of buffer zones is not necessary.

RESPONSE 130-7

The mitigation ratios established in the 2003 Draft EIR, which were increased in some instances in the Revised Partial Draft EIR, are the same for both on-site and off-site mitigation.

RESPONSE 130-8

Section 1 of the Biological Technical Report, which is provided in Appendix B of the Revised Partial Draft EIR, provides an introduction to the content of the technical report. As indicated in Section 1, the report "…provides an update of information regarding biological resources associated with the Gregory Canyon Landfill Project and provides information required for Gregory Canyon Ltd. to respond to the Court order issued by the honorable Michael Anello." The section then provides a summary of the content of the report. Chapter 1, Introduction, and Section 4.9, Biological Resources, of the Revised Partial Draft EIR provide a summary of the revisions that have been made in the Revised Partial Draft EIR compared with the 2003 Draft EIR.

Please refer to Chapter 1.0 of the Revised Partial Draft EIR for a discussion of how the changes are shown in the Revised Partial Draft EIR.

RESPONSE 130-9

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 established the mitigation ratios for impacts to various vegetative communities. None of these portions of the 2003 Draft EIR were 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.

Table 2-1 of the Biological Technical Report and Table 4.9-8 of the Revised Partial Draft EIR provide the vegetation impacts, mitigation ratio, and mitigation acreage for the impacted vegetation. As indicated in these tables, approximately 308 acres of vegetation would be impacted. As shown in the table, applying the applicable mitigation ratios, a total of 543.2 acres of mitigation would be required. County DEH staff is not aware of any “no net loss” policy that extends to the entire landfill site. To the extent such a policy might be applicable with respect to those areas, County DEH staff acknowledges that other requirements may be imposed through the permitting process. Please refer to Response to Comment No. 007-14 for additional information.

RESPONSE 130-10

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.

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 includes a discussion of potential indirect impacts from non-native plant species. Mitigation measures are required, including removal of invasive plant species in the San Luis Rey River as part of the Habitat Enhancement Plan as set forth in MM 4.9-18 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was 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 scope of the Habitat Enhancement Plan from 101 acres to 212.6 acres. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process. 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."

RESPONSE 130-11

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.

Appendix L of the 2003 Draft EIR includes a detailed discussion of the type of plants and the seed mix for the various portions of the area subject to the Habitat Enhancement Plan. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 130-12

Biological resources were mapped according to the County's Biological Resource Mapping Requirements, dated June 4, 2002. Field mapping used GIS-based aerial photographs that were generally at 1 inch = 200 feet or better, although portrayal of maps in the Revised Partial Draft EIR is at various scales. This approach provided an effective minimum mapping precision of approximately 10 to 20 feet on a side or diameter of a polygon. In general, vegetation polygons on site were closer to a minimum side or diameter of approximately 50 feet because that is what they were in the field. Small vegetation polygons were usually comprised of a few trees with canopies defining the edges. Shrub and herbaceous vegetation types tended to comprise larger areas. Similar methods were used in the 2003 Draft EIR. However, as indicated in Response to Comment Nos. 001-6 and 022-86, the material from the 2003 Draft EIR was not available in a GIS, CAD, or other electronic format. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations using the GIS analysis. 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.

RESPONSE 130-13

URS used both 2002 and 2005 aerial photo imagery in its analysis of impacts on biological resources. Black and white Terraserver photos were also used, along with U.S. Geological Survey topographic maps. There were no changes on the property between 2002 and 2005, or the present time, that affected the boundaries of vegetation habitats on site. Vegetation mapping was also confirmed in the field and using GPS. The 2002 imagery was used most of the time in the Revised Partial Draft EIR because it was considered to provide more distinct separation of habitats and more natural appearance of vegetation on site than the 2005 imagery, which tended to have very high color saturation in the electronic files. The same vegetation communities would be mapped using either base photo.

RESPONSE 130-14

Appendix L of the 2003 Draft EIR indicated that exotic species control would occur throughout the restoration and creation process for, at a minimum, the five-year monitoring and maintenance period, and until performance standards described in Appendix L are met. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 130-15

The vegetation was remapped to accommodate incorporation 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 acreages 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. For a comparison of the revised impact and mitigation acreages, please refer to the discussion of mitigation measures in Section 4.9 of the 2003 Draft EIR and Section 4.9 of the Revised Partial Draft EIR. In addition, please refer to Response to Comment No. 022-86 for additional information.

RESPONSE 130-16

As indicated in Response to Comment No. 130-7, the mitigation ratios established in the 2003 Draft EIR, which were increased in some instances in the Revised Partial Draft EIR, are the same for both on-site and off-site mitigation.

RESPONSE 130-17

County DEH staff does not concur with this comment. MM 4.9-18 of the 2003 Draft EIR provided that a specific focus of the Habitat Enhancement Plan was restoration of riparian habitats within the San Luis Rey River, because this river was considered "one of the most easily restorable rivers in Southern California." Appendix L of the 2003 Draft EIR contains an analysis of the hydrologic conditions of the area and concludes that the areas "will have the appropriate hydrology and soils to support riparian . . . vegetation." In addition, Appendix L of the 2003 Draft EIR provided a planting plan for riparian habitat creation. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

Implementation of the Habitat Enhancement Plan would result in the creation of habitats in areas with suitable hydrology for the type of habitat to be created. As part of the plan, the riparian habitat at the bridge would be graded to appropriate levels. Other habitats would be created consistent with existing hydrologic conditions on-site. The final graded elevations for habitat creation areas are specified in Appendix L of the 2003 Draft EIR. The on-site habitat mitigation plan is not dependent upon adjacent properties and would not adversely affect adjacent properties. This portion of MM 4.9-18 was not revised in the Revised Partial Draft EIR.

RESPONSE 130-18

Soil compaction will be dealt with on a case by case basis depending upon the needs of the specific site. Activities in the former dairy yard would include removal of concrete pads and may include some form of tilling of the soil, if needed, to create proper conditions for habitat creation. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 130-19

County DEH staff acknowledges this comment. Appendix L of the 2003 Draft EIR provides that site preparation in the habitat creation and habitat enhancement areas would include removal of existing dairy structures, including manure. Removal of the manure would address the issue of soil nutrients remaining from historic dairy operations. Appendix L of the 2003 Draft EIR specifies that the target function for upland habitat creation and habitat enhancement areas is to create suitable upland arroyo toad habitat. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

The commentor states that the presence of dense vegetation may render an area unsuitable for use by arroyo toads. County DEH staff concurs with this observation, and notes that it undercuts the position of other commenters who suggest that arroyo toad would be present in significant numbers in upland areas on the landfill site that have both unsuitable soil types and dense vegetation. Please refer to Response to Comment No. 022-152 for a discussion of the suitability of dense vegetation as upland arroyo toad habitat.

The mitigation and monitoring period will extend over at least five years, such that the scenario presented in this comment is not expected to occur. The goal of restoration on-site in areas that are intended to provide potential upland habitat for arroyo toad is to avoid such dense vegetation that arroyo toads are prevented from using the areas. The on-site plan would remove dense vegetation, such as very dense non-native grassland and ruderal habitat, in several areas to increase the utility of the area for arroyo toad in the future. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. 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."

RESPONSE 130-20

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.

Appendix L of the 2003 Draft EIR includes a detailed discussion of the type of plants and the seed mix for the various portions of the area subject to the habitat restoration plan. Appendix L of the 2003 Draft EIR includes a discussion of performance criteria. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. MM 4.9-18 of the 2003 Draft EIR provided that a detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process. 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."

RESPONSE 130-21

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 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 2003 Draft

EIR concluded 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. Sections 4.3, Hydrogeology, and 4.4, Surface Hydrology, of the 2003 Draft EIR conclude that with incorporation of mitigation measures potential impacts to ground water and surface water 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. Please see Response to Comment No. 001-4 for additional information regarding potential impacts on biological resources from ground water or surface water degradation.

RESPONSE 130-22

The potential future temporary disturbance of habitat creation or habitat enhancement areas located within easements is foreseeable. For that reason, as noted by the commenter, those areas are not included within the acreages provided to mitigate impacts to biological resources. At the same time, MM 4.9-19a of the 2003 Draft EIR, which relates to the First San Diego Aqueduct Relocation Option, provides for prompt revegetation of any areas disturbed by construction within the aqueduct easement. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 130-23

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.

Appendix L of the 2003 Draft EIR includes a detailed discussion of the activities that would be undertaken as part of the Habitat Enhancement Plan, including site preparation, the type of plants and seed mix, monitoring and maintenance, and success criteria. Appendix L also included a discussion providing a rationale for expected implementation success, and an identification of reference materials that formed the basis for that rationale. None of these portions of the 2003 Draft

EIR were overturned by the Court or included in it writ. The Revised Partial Draft EIR did not change any of these portions of Appendix L of the 2003 Draft EIR.

The habitat creation and enhancement areas will be subject to success criteria and performance standards to ensure that overall goals are met. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 130-24

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 off-site mitigation areas prior to certification of the EIR. However, the Revised Partial Draft EIR contains a new requirement that the project will submit for review and approval a Habitat Resource Management Plan. Mitigation areas would need to be identified to the County prior to the time impacts would 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 130-25

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 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 surveys that indicated the presence of arroyo toad within the landfill site. That information served as the basis for mitigation measures contained in the 2003 Draft EIR that reduced impacts to arroyo toad to less than significant. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

In addition, as indicated in Response to Comment No. 001-6, for purposes of the Revised Partial Draft EIR, protocol surveys for arroyo toad were conducted on seven occasions between March and May 2003, and field studies for adult arroyo toads were conducted on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. Those field studies noted the continued presence of arroyo toad within the landfill site, and provided information used to determine the extent of suitable upland arroyo toad habitat. Please see Response to Comment Nos. 001-6 and 022-152 for additional information regarding the delineation of upland arroyo habitat and the rationale for the proposed mitigation.

RESPONSE 130-26

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 contains a detailed analysis of sensitive species, based on surveys. Section 4.9 and Appendix L of the 2003 Draft EIR indicated that suitable 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." In addition, for purposes of the Revised Partial Draft EIR, seven protocol surveys were performed between March and May 2003 and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. 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 impact areas outside of the identified 17.5 acres of suitable habitat. Please refer to Response to Comment Nos. 001-6 and 022-152 for additional information regarding the analysis of impacts to upland arroyo toad habitat and the rationale for proposed mitigation measures.

RESPONSE 130-27

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.

Appendix L of the 2003 Draft EIR includes surveys that indicated the presence of arroyo toad within the landfill site, which included information regarding spatial distribution. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. Field studies for adult arroyo toads were conducted on seven occasions between March and May 2003 and on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. Appendix F of the Revised Final EIR depicts the spatial distribution of arroyo toad observed by Helix in 2003. Exhibit 4.9-5 of the Revised Partial Draft EIR depicts the spatial distribution of arroyo toad observed by URS in 2005.

RESPONSE 130-28

Please refer to Response to Comment No. 001-6 for a discussion regarding suitable upland arroyo toad habitat.

RESPONSE 130-29

Recovery of arroyo toad breeding habitat is expected to occur immediately after completion of construction activities within the breeding habitat. Arroyo toad are found along the San Luis Rey River channel downstream and upstream of the project area, including areas off the landfill site (with the potential exception of a large area on the Pala Indian Reservation upstream of the former Pala Salesian property where sand extraction was allowed on the Reservation several years ago). The channel of the San Luis Rey River is dynamic with shifting patterns of open water and dense vegetation such that specific locations for optimal arroyo toad breeding will shift over time. However, suitable and highly optimal breeding locations tend to occur along the entire length of this reach of the river.

RESPONSE 130-30

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 includes a discussion of potential indirect impacts from night lighting. Project design features were proposed that would 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.

RESPONSE 130-31

Please refer to Response to Comment No. 001-6 for a discussion regarding the assumptions used in evaluating impacts to upland arroyo toad habitat.

RESPONSE 130-32

The Biological Technical Report, which is contained in Appendix B of the Revised Partial Draft EIR, indicates that the reference to 0.5 kilometers is a direct quote from the Biological Technical Report for the 2003 Draft EIR (see page 44 of the Final Biological Technical Report for the Gregory Canyon Landfill prepared by Helix dated June 17, 2002). The reference in the Revised Partial Draft EIR will not be changed because it is a direct quote from the prior document. This portion of the 2003 Draft EIR was not overturned by the Court or included it its writ. However, the analysis performed by URS for the Revised Partial Draft EIR evaluated the entire project area, including the areas of project impact, regardless of distance from the river. Please refer to Response to Comment No. 001-6 for additional information regarding the determination of impacts to suitable upland arroyo toad habitat.

RESPONSE 130-33

Section 4.9 and Appendix L of the 2003 Draft EIR contains a detailed analysis of sensitive species, based on surveys. In addition, protocol surveys for arroyo toad were performed on seven occasions between March and May 2003 and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. 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 impact areas outside of the identified 17.5 acres of suitable habitat.

RESPONSE 130-34

The comment is confusing. County DEH staff assumes that the comment refers to arroyo toads rather than frogs as stated therein. The analysis in the 2003 Draft EIR and the Revised Partial Draft EIR, including the technical appendices, adequately describe the situation on the landfill site. Based upon data included in the Revised Partial Draft EIR and the 2003 Draft EIR, all reported toad sitings were in areas within 100m of lands and the San Luis Rey River channel outside of the landfill footprint that are considered suitable upland habitat for arroyo toad. All sightings of toads in uplands have been within or adjacent to suitable burrowing habitat.

RESPONSE 130-35

As indicated in Section 3.2 of the Biological Technical Report, which is contained in Appendix B of the Revised Partial Draft EIR, up to 17.5 acres of suitable upland arroyo toad habitat were identified by URS from its review of prior toad surveys and its own field studies. Please refer to Response to Comment No. 001-6 for a detailed discussion regarding impacts to upland arroyo toad habitat.

RESPONSE 130-36

This comment appears to confuse the concepts of potential upland arroyo toad habitat and suitable upland arroyo toad habitat. 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 occur 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 on 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 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. Protocol surveys for arroyo toad were conducted on seven occasions between March and June 2003 and field studies for adult arroyo toad were conducted 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.

Please see Response to Comment Nos. 001-6 and 022-152 for additional information regarding the delineation of upland arroyo toad habitat and the rationale for the proposed mitigation.

RESPONSE 130-37

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 as 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.

RESPONSE 130-38

The areas that are not considered suitable for purposes of establishing impacts to upland arroyo toad habitat are those areas within the 306 acres of potential habitat that do not have the soil types that are considered suitable for burrowing. Please refer to Response to Comment No. 001-6 for additional information regarding suitable soil types for arroyo toad.

RESPONSE 130-39

County DEH staff does not concur with the comment regarding convenience sampling. Areas were surveyed for arroyo toad and sightings were reported where they occurred. The surveys were performed by biologists experienced in detecting arroyo toad.

Appendix L of the 2003 Draft EIR includes surveys that indicated the presence of arroyo toad within the landfill site, which included information regarding spatial distribution. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. Field studies for adult arroyo toad were conducted on seven occasions between March and May 2003 and on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. 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. Appendix F of the Revised Final EIR depicts the spatial distribution of arroyo toad observed by Helix in 2003. Information regarding the spatial distribution of arroyo toad observed in 2005 by URS is included Exhibit 4.9-5 of the Revised Partial Draft EIR.

RESPONSE 130-40

County DEH staff is not aware of any rule or guidance requiring 6:1 mitigation for upland arroyo toad habitat. In fact, County DEH staff is not aware of any standard mitigation ratio for upland arroyo toad habitat. CEQA requires that mitigation be proportionate to a project's impacts. The mitigation measures in the 2003 Draft EIR and the Revised Partial Draft EIR are proportionate

to the impacts from the project. As indicated in Response to Comment No. 001-6, URS provided its opinion that the level of mitigation provided in the Revised Partial Draft EIR would 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. As a result, the reference to a 5:1 mitigation ratio has been removed from MM 4.9-4 in the Revised Final 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. Again, while no standard mitigation ratio exists, the 88 acres of upland arroyo toad habitat created or enhanced on-site would reduce project impacts to upland arroyo toad habitat to a level of less than significant.

RESPONSE 130-41

The impacts referenced in this comment involve the removal of vegetation. The sandy soils and breeding habitat would remain available for use by arroyo toad. Arroyo toad would be able to use the newly created habitat immediately after construction is completed. Vegetation is expected to recolonize the area immediately thereafter. This area is included within the mitigation and monitoring area and would be maintained subject to the natural fluvial processes of the river. Invasive plants would also be removed as specified in Appendix L of the 2003 Draft EIR for at least the five year monitoring and maintenance period.

RESPONSE 130-42

At this time, there is no expectation to change the soil type at the landfill site or to truck in sand. Appendix L of the 2003 Draft EIR provided that site preparation would, in addition to removing dairy structures and manure, create suitable habitats consistent with existing hydrologic conditions on-site. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 130-43

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 includes a discussion of potential impacts to arroyo toad riparian habitat and provides mitigation. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. The discussion in Section 3.2 of the Biological Technical Report included as Appendix B to the Revised Partial Draft EIR was limited to upland arroyo toad habitat, and discussed riparian habitat only to the extent required to calculate project impacts to upland habitat.

RESPONSE 130-44

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.

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 Draft 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. As indicated in Response to Comment 130-40, while no standard mitigation ratio exists, the 88 acres of upland arroyo toad habitat created or enhanced on-site would reduce project impacts to upland arroyo toad habitat to a level of less than significant.

In addition, for purposes of the Revised Partial Draft EIR, seven protocol surveys were performed between March and May 2003 and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies were conducted throughout 2005 and 2006. 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. Please refer to Response to Comment No. 001-6 for additional information regarding suitable arroyo toad upland habitat.

Based upon data included in the Revised Partial Draft EIR and the Draft 2003 EIR, all reported toad sitings were in areas within 100m of lands and the San Luis Rey River channel outside of the landfill footprint that are considered suitable upland habitat for arroyo toad. No discussion in the 2003 Draft EIR or the Revised Partial Draft EIR refers to a 2.0 kilometer buffer for upland arroyo toad habitat. The 2003 Draft EIR and Final Biological Technical Report stated “that any upland habitat disturbance within 2.0 kilometers of the river channel on site would be significant”, and this statement dealt with potential arroyo toad upland habitat, not buffers.

The portion of the comment regarding potential additional survey methods and the proposed use of statistical analysis is acknowledged. However, substantial consistent data regarding the spatial distribution of arroyo toad on the landfill site has been developed. That data includes the results from six protocol surveys for arroyo toad performed in 2000, seven protocol surveys for arroyo toad performed between March and May 2003, four field studies for arroyo toad performed in 2005, and field observations for arroyo toad that were performed in 2005 and 2006. The data are

also generally consistent with the findings of the study by Griffin, et al., which is discussed in Response to Comment No. 022-152. Given the amount and consistency of the data, County DEH staff believes that sufficient information exists to adequately assess impacts from the project on upland arroyo toad habitat, and does not concur that additional survey methods or the use of statistical analysis is required.

RESPONSE 130-45

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.

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 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 surveys that indicated the presence of arroyo toad within the landfill site, and included spatial distribution. 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 on the landfill site. The 2003 Draft EIR concluded that suitable upland habitat "must contain substantial areas of fine sand." None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ.

In addition, for purposes of the Revised Partial Draft EIR, protocol surveys for arroyo toad were performed on seven occasions between March and May 2003, and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. 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. This data, collectively, formed the basis for the opinion contained in the Biological Technical Report included as Appendix B to the Revised Partial Draft EIR that the presence of arroyo toad was strongly associated with these soil types.

This opinion was consistent with findings and conclusions in the 2003 Draft EIR, and was verified by subsequent protocol surveys and field studies.

Please see Response to Comment Nos. 001-6 and 022-152 for additional information regarding the delineation of upland arroyo habitat and the rationale for the proposed mitigation. With regard to statistical analysis, given the amount and consistency of the data, County DEH staff believes that sufficient information exists to adequately assess impacts from the project on upland arroyo toad habitat, and does not concur that additional survey methods or the use of statistical analysis is required. Please see Response to Comment No. 130-44 for a more detailed discussion.

RESPONSE 130-46

The protocol referenced in the comment is for determination of the presence or absence of breeding toads in breeding habitat during the breeding season. Breeding toads were determined to be present in the 2003 Draft EIR, and the subsequent Helix surveys and URS field studies provided additional information. Appendix L of the 2003 Draft EIR includes surveys that indicated the presence of arroyo toad within this part of the landfill site. None of these portions of the 2003 Draft EIR were overturned by the Court or included in its writ. Protocol surveys for arroyo toad were performed on seven occasions between March and May 2003, and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. Exhibit 4.9-5 of the Revised Partial Draft EIR depicted the spatial distribution of arroyo toad observed by URS in 2005. The subsequent Helix surveys and URS field studies provided additional interpretation of the 2003 Draft EIR.

RESPONSE 130-47

County DEH staff does not concur with this comment. Most of the soil on site that is suitable for arroyo toad is located within the 100 year to 500 year floodplain of the San Luis Rey River. The landfill facilities are generally located outside of the 500 year floodplain. Soils beyond the 50 to 100 year floodplain are not subject to regular movement or change under flooding on a regular basis. Soils in the range of 100 to 500 year floodplain are even less prone to change. Soils outside of the 500 year floodplain, which is where the landfill and major facilities occur, are not subject to the type of movement or change indicated in this comment. The comment does not apply to conditions on site. Therefore, the addition of acreage to the mitigation measures for the creation of buffer zones is not necessary. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process.

RESPONSE 130-48

The comment refers to locations of breeding arroyo toad mapped within the river channel and appears to confuse upland arroyo toad habitat with riparian arroyo habitat. There is no

inconsistency with the analysis. Sightings of arroyo toad in the uplands are within the suitable soil types indicated in the referenced figure in the Biological Technical Report. Riverwash sands mapped in the figure are suitable for arroyo toad burrowing as well. However, these areas are within the river channel and its lower level floodplains, and thus are subject to more frequent flooding and potential scour. The project will only affect Riverwash sands at the bridge crossing, and those effects are minor as described in the 2003 Draft EIR and the Revised Partial Draft EIR. The focus of the discussion in the two documents was on suitable upland habitat for arroyo toad that may be affected by the project, and the discussion of soil types with regard to burrowing by toads in the uplands in both the 2003 Draft EIR and the Revised Partial Draft EIR was appropriate. Please refer to Response to Comment Nos. 001-6 and 022-152 for additional discussion regarding the determination of impacts to suitable upland arroyo toad habitat.

RESPONSE 130-49

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 includes a discussion of potential indirect impacts from non-native plant species, nuisance animal species, noise, light and habitat fragmentation/edge effects. Mitigation measures were required, as part 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. MM 4.9-18 was not revised for purposes of the Revised Partial Draft EIR except to increase the scope of the Habitat Enhancement Plan from 101 acres to 212.6 acres. County DEH staff acknowledges that additional requirements may be imposed through the permitting process.

The analysis in the Revised Partial Draft EIR and the 2003 Draft EIR evaluates both direct and indirect impacts on arroyo toad and other species. The discussion in the Revised Partial Draft EIR describes how only 10.5 acres of the 17.5 acres actually appear to be suitable for burrowing by

arroyo toads because the actual soils in the remaining area are dense and the vegetation with its accompanying root structure is also dense, thus providing a physical barrier to burrowing by arroyo toads. Nonetheless, project mitigation measures were based on the assumption of 17.5 acres of impact, based on the presence of suitable soil types.

RESPONSE 130-50

County DEH staff does not concur with this comment. Please see Response to Comment Nos. 001-6 and 022-152 for a detailed discussion regarding the methodology used to determine the impacts with regard to arroyo toad habitat. The conclusions contained in the Revised Partial Draft EIR are based on the analysis contained in the 2003 Draft EIR, as well as protocol surveys for arroyo toad performed on seven occasions between March and May 2003 and field studies for adult arroyo toad conducted on four occasions between March and May 2005. As indicated in the Revised Partial Draft EIR, using the same methodology that was used in the 2003 Draft EIR, the project would result in impacts on 17.5 acres of suitable arroyo toad upland habitat. As indicated in Response to Comment No. 130-40, while no standard mitigation ratio exists, the 88 acres of upland arroyo toad habitat created or enhanced on-site would reduce project impacts on upland arroyo toad habitat to a level of less than significant.

RESPONSE 130-51

See Response to Comment No. 130-19 regarding nutrients remaining in the soil from historic dairy operations.

RESPONSE 130-52

Appendix D, Air Quality, Health Risk, and Noise Technical Memorandum, provides an updated analysis of existing and projected noise contours along the roadways that would serve the landfill site and Reservoir Site. The information contained in Appendix D is summarized in Section 4.6, Noise, of the Revised Partial Draft EIR and used in Section 4.9, Biological Resources, of the Revised Partial Draft EIR, to reanalyze potential impacts to biological resources from traffic noise. As indicated in Appendix D of the Revised Partial Draft EIR, estimates of existing (2006) roadway noise levels in terms of CNEL were computed for the roadways that would serve the landfill site. The traffic data is taken from the 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR. As indicated in the Revised Partial Draft EIR, the analysis does not take into account the possible effects of existing noise barriers or topography. The Revised Partial Draft EIR also contains cumulative roadway Leq noise analyses. The same methodology and approach were used for the analysis contained in the Revised Partial Draft EIR as was used in the 2003 Draft EIR. The noise analysis was not overturned by the Court and was not included in its writ.

RESPONSE 130-53

Section 4.9 and Appendix L of the 2003 Draft EIR assumed that least Bell's vireo and/or southwestern willow flycatcher may be present in any suitable habitat present within the study area

and the impact assessment in the Revised Partial Draft EIR was based on this assumption. Suitable habitat was broadly construed to include vegetation that has been shown to support the species even if conditions on the landfill site were not optimal, and unsuitable habitat was determined to be vegetation habitats that in which these species do not nest in. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The impacts stated in the Revised Partial Draft EIR may be overstated because the species may not actually be present, but this approach also ensured that impacts were not understated. Moreover, the Section 4.9 of the 2003 Draft EIR provided that any on-site or off-site mitigation areas for these species would not be affected by noise greater than 60 dBA Leq, which was the significance impact threshold based on guidance from USFWS. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 130-54

As the result of the Court 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. The 2006 Traffic Study was included as Appendix A to the Revised Partial Draft EIR. To the extent this updated analysis disclosed potential significant impacts in other areas, such as noise and biology, those issues were also addressed in the Revised Partial Draft EIR and its supporting technical reports.

RESPONSE 130-55

Please refer to the Response to Comment No. 130-13 for a discussion regarding imagery used in the Revised Partial Draft EIR. The habitat likely did not change between 2002 and 2005. Rather, the identification and extent of the habitat was mapped more accurately.

RESPONSE 130-56

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

Mitigation for indirect noise impacts to least Bell's vireo will be provided though a combination of on-site habitat creation or enhancement and off-site acquisition, as provided by MM 4.9-14 of the Revised Partial 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 off-site 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 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'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.

RESPONSE 130-57

Indirect noise impacts to least Bell's vireo and southwestern willow flycatcher were mitigated through 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 indirect traffic noise (see MM 4.9-14). The amount of indirect impact area and mitigation requirements were updated, using the same criteria used in the 2003 Draft EIR, based on information contained in the 2006 Traffic Study (Appendix A of the Revised Partial Draft EIR) and Section 4.6, Noise, of the Revised Partial Draft EIR. Indirect noise impacts on sensitive species, such as southwestern willow flycatcher, least Bell's vireo, and coastal California gnatcatcher, are considered significant if noise levels exceed 60 dB Leq during their breeding seasons. This established threshold of significance was used in the 2003 Draft EIR. As a result, the 2003 Draft EIR required that any mitigation areas not be impacted by noise levels greater than 60 dBA Leq. This portion of the 2003 Draft EIR was not overturned by

the Court or included in its writ. The Revised Partial Draft EIR retained this same requirement. Please refer to Response to Comment No. 022-158 for additional information regarding the 60 dBA Leq threshold of significance.

RESPONSE 130-58

Exhibit 4.9-3 of the Revised Partial Draft EIR overlays the project footprint over vegetation types that could serve as habitat for least Bell's vireo and southwestern willow flycatcher.

RESPONSE 130-59

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.

Please refer to Response to Comment No. 130-17 for a discussion regarding the Habitat Enhancement Plan and the hydrologic conditions of the area.

RESPONSE 130-60

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.

Appendix L of the 2003 Draft EIR includes a conceptual Habitat Enhancement Plan that expressly provides for monitoring and success criteria, including a detailed discussion of monitoring and maintenance procedures. MM 4.9-18 provides for a five-year monitoring plan for habitat creation and habitat enhancement areas. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. This portion of MM 4.9-18 was not revised in the Revised Partial Draft EIR. County DEH staff acknowledges that additional requirements may be imposed through the permitting process. A detailed Habitat Resource Management Plan would be submitted for review and approval as part of the permitting process. 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."

RESPONSE 130-61

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 5 of the 2003 Draft EIR discussed cumulative impacts to biological resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. However, the 2006 Traffic Study, which is provided in Appendix A of the Revised Partial Draft EIR, contains an updated cumulative analysis with regard to traffic impacts. The updated cumulative traffic information was used to update the project and cumulative noise analyses along SR 76. See 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 4.6-6 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 on 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 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.

RESPONSE 130-62

County DEH staff acknowledges this comment. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Please refer to Response to Comment No. 130-64 for additional discussion regarding cumulative impacts to biological resources.

RESPONSE 130-63

County DEH staff concurs that the North County MSCP has not yet been finalized or adopted. MM 4.9-18 of the 2003 Draft EIR provided that incorporation of the Habitat Enhancement Plan would mitigate cumulative impacts to biological resources. In addition, Section 5 of the 2003 Draft EIR discussed the NCCP and proposed North County MSCP in reaching the conclusion that cumulative impacts to biological resources would be less than significant. However, the analysis did not rely on the NCCP or MSCP to provide mitigation for the project's contribution to cumulative impacts. Rather, MM 4.9-18 would reduce the cumulative impacts to less than significant. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 130-64

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 5 of the 2003 Draft EIR discussed cumulative impacts to coastal sage scrub. As indicated in Section 5 of the 2003 Draft EIR, the project would disturb only 0.00009 percent of regional sage scrub habitat. MM 4.9-18 of the 2003 Draft EIR provided that incorporation of the Habitat Enhancement Plan would mitigate cumulative impacts to biological resources. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, both the 2003 Draft EIR and the Revised Partial Draft EIR provided that the loss of coastal sage scrub habitat would not exceed the allowable 5 percent loss of coastal sage scrub for areas outside of the MSCP, as allowed under the NCCP. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The portion of the discussion in the Revised Draft EIR relative to cumulative impacts was revised only to include updated impact acreage information.

County DEH staff notes that in accordance with MM 4.9-1 of the Revised Partial Draft EIR, mitigation for impacts to coastal sage scrub and coastal sage scrub/chaparral would include both off-site acquisition and preservation as well as creation or enhancement of 63.6 acres of coastal sage scrub or coastal sage scrub/chaparral habitat on-site where those communities currently do not exist or are degraded. The remaining portions of the 1,313 acres of land required to be preserved by Proposition C would continue to be preserved. Viewed in the aggregate, there would be a net increase in permanently preserved coastal sage scrub or coastal sage scrub habitat resulting from the project, consistent with the goal of promoting the long-term sustainability of these habitats.

RESPONSE 130-65

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.

Impacts to least Bell's vireo and southwestern willow flycatcher were 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).

The impacts on critical habitat for these two species are temporary in nature and would occur when vegetation is removed in areas for bridge construction. These areas would be revegetated, except for the displacement of 0.002 acres caused by bridge support piers. The project would result in a net increase in riparian habitat on site that fully compensates for the temporary effects. Both species are expected to persist on site at the same or greater levels than before the project.

RESPONSE 130-66

Section 6.2 of the Biological Technical Report contains an updated analysis of secondary impacts that could result from implementation of mitigation measures. As indicated in the Mitigation Monitoring and Reporting Program contained in Chapter 10 of the Revised Partial Draft EIR, the DEH would be the responsible agency for ensuring that MM 4.5-2 and MM 4.5-3, which restrict the number of trips overall and during specific hours, are implemented. As indicated in MM 4.5-2, the landfill operator shall maintain computerized daily records to track the total number of trips. As indicated in MM 4.5-3, vehicle trips shall be counted manually or, if feasible, electronically. The trips shall be converted into PCE, as appropriate. If counts are obtained or compiled electronically, and if feasible, traffic count data shall be made available to DEH on a real-time basis. The landfill operator shall report traffic count information to DEH weekly in writing. The mitigation measures would be incorporated into the Solid Waste Facility Permit.

RESPONSE 130-67

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.

Appendix L of the 2003 Draft EIR discusses the qualifications of the personnel involved with the Habitat Enhancement Plan. This portion of Appendix L was slightly revised in the Biological Technical Report included as Appendix B of the Revised Partial Draft EIR. MM 4.9-18 and Appendix L describe the monitoring and maintenance program for the Habitat Enhancement Plan, and that funding would be provided by the project. 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 mitigation was raised by the petitioners and specifically addressed by the Court. The Court rejected petitioners' 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."

Section 10.3 of the 2003 Draft EIR discussed potential secondary impacts from incorporation of biological mitigations, and concluded there would be no significant secondary impacts and therefore, no mitigation required. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The Revised Partial Draft EIR included a review to determine whether the increase in the acreage of the habitat creation and habitat enhancement area would cause any significant secondary impacts. The updated analysis regarding secondary effects contained in the Revised Partial Draft EIR concludes that no secondary effects would result from the implementation of this mitigation measure.

RESPONSE 130-68

Section 7 of the Biological Technical Report provides references used in the preparation of the report. The references do not necessarily need to be cited in the text. No additional references need to be added to the list.

Letter 131

RBRiggan and Associates

24 August 2006

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

By e-mail to: dehcomments@sdcounty.ca.gov
Hard copy follows by surface mail

Reference: Gregory Canyon Landfill Project — Revised Partial Draft Environmental Impact Report (RPDEIR) — Comments as to the Adequacy of the RPDEIR

Dear Madam/Sir:

I have reviewed the Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill Project and find that it is either fatally flawed in a number of respects, ***or*** the County of San Diego is significantly revising its standards for impact and mitigation in a manner that will significantly effect all of my private development clients. Specifically:

1. Proposition C specifically states that not less than 1,313-acres of the site shall be set aside in open space. County Counsel has been most clear — over the last several years — that areas set aside for open space by any legislative mechanism are "already" open space and to use such areas as mitigation for project impacts is prohibited in that it would constitute "double dipping." Clearly the Landfill Project must complete the bulk of its mitigation requirements off-site. The RPDEIR must be clearly revised to reflect this requirement. If not, it will establish a precedent that can be used with a number of other private development projects. 131-1

2. The RPDEIR determines that the drainage (swale, or channel) within Gregory Canyon itself (tributary to the San Luis Rey River) is not a jurisdictional "wetland" due to a variety of hydrological calculations. To the best of my knowledge there is no recent policy change by the California Department of Fish and Game (CDF&G) to allow "hydrological calculations" in lieu of a physical jurisdictional determination based on such features as hydrophytic vegetation and/or an ordinary high water mark. Clearly this drainage exhibits an ordinary high water mark and will be treated by CDF&G as a jurisdictional wetland. If the drainage meets the CDF&G standard, why is it not a Resource Protection Ordinance (RPO) "wetland?" If we have now found a mechanism to avoid or re-designate RPO wetlands as non-wetlands, then many of my clients will avail themselves of this new standard. If CDF&G has changed its standards then many of my clients no longer have a jurisdictional issue with the Department. 131-2

There are numerous other examples in the RPDEIR of mitigation and significance standards being applied to the Gregory Canyon project which are substantively less than the standards applied to other projects within the County of San Diego. This inconsistency is a travesty and should be remedied. 131-3

Sincerely,

Royce B. Riggan, Jr.
Principal
Consulting Biologist

RBR:ct

[:\2006-misc-let-010.wpd]

10646 Marbury Avenue, San Diego, CA 92126 • San Diego Office: (619)233-5454
FAX: (858) 586-0455 • E-mail: rbriggan@SBCglobal.net
professional environmental services

LETTER NO. 131

Royce B. Riggan, Jr., Principal
RBRiggan and Associates
10646 Marbury Avenue
San Diego, CA 92126

RESPONSE 131-1

County DEH staff does not concur with this comment. The mitigation measures contained in the 2003 Draft EIR and Section 4.9, Biological Resources, of the Revised Partial Draft EIR provide for mitigation to occur on site, off site, or a combination of on site and off site. The County believes that it is appropriate to provide mitigation through on-site habitat creation or habitat enhancement. However, if the Court finds that on-site habitat creation or habitat enhancement is not allowed as mitigation under Proposition C, then off-site acquisition would be required (see Mitigation Measure 4.9b in the Revised Final EIR). Please refer to Response to Comment No. 022-93 for additional information with regard to this issue.

RESPONSE 131-2

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 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 footprint of the landfill site. 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 footprint, 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. Please refer to Response to Comment No. 004-4 for additional information regarding the SAA. Based on information in the 2003 Draft EIR and Revised Partial Draft EIR, as well as field observations made by URS in 2004 through 2006, the area of the landfill footprint does not meet the criteria for a Resource Protection Ordinance "wetland" because it does not support a predominance of hydrophytes, the substratum is not undrained hydric soils, and the substratum is neither non-soil nor saturated or covered with water some time during the growing season each year (See U.S. Army Corps of Engineers (1987), Federal Manual for Delineating Wetlands).

RESPONSE 131-3

This comment 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.

Letter 132

From: Norrie Robbins [mailto:norrierobbins@cox.net]
Sent: Tuesday, August 22, 2006 6:14 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Public Comments

I am pasting this here and attaching the letter, just in case punctuation doesn't transfer correctly.

Dept. Geological Sciences
San Diego State University
5500 Campanile Dr.
San Diego, CA 92182-1020
August 22, 2006

County of San Diego
DEH Local Enforcement Agency Office

Dear Sirs,

Regarding Gregory Canyon landfill and methane generation, I have a hypothesis based on anecdotal information. I would like to enter it into the record even though there is no supporting data at this time to otherwise prepare a publishable manuscript.

Hypothesis: Methane generated by this landfill will be ignited by ball lightning, especially during the hot summer months.

132-1

Supporting anecdotal information: The south-facing slopes of Palomar Mountain and the north-facing slopes of Gregory Mountain are known to be an area of intense formation of ball lightning. Gregory Mountain owes its sacred nature, in part, because it is the home of the Luiseno God Taakwich, which translates to "ball lightning" (www.ncidc.org/bright/Juaneno.doc).

A mining engineer, who owns two working tourmaline mines on Palomar Mt., tells numerous stories of his encounters with ball lightning. Once inside the mine, he watched ball lightning emerge from the wall, and then travel out the front entrance. He related that he likes to sit outside and watch it strike and move.

132-1 cont'd

Consequences: Lightning is a known problem with methane-generating landfills in general (www.ejnet.org/rachel/rhwn177.htm). It is therefore possible that summertime ball lightning may ignite landfill methane in the Gregory Canyon landfill, creating fires in the San Luis Rey watershed particularly during the summer months when fire probability is high.

Sincerely yours,

Eleanora I. Robbins, PhD
Adjunct Faculty

Dept. Geological Sciences
San Diego State University
5500 Campanile Dr.
San Diego, CA 92182-1020
August 22, 2006

County of San Diego
DEH Local Enforcement Agency Office

Dear Sirs,

Regarding Gregory Canyon landfill and methane generation, I have a hypothesis based on anecdotal information. I would like to enter it into the record even though there is no supporting data at this time to otherwise prepare a publishable manuscript.

Hypothesis: Methane generated by this landfill will be ignited by ball lightning, especially during the hot summer months.

Supporting anecdotal information: The southern slopes of Palomar Mountain and the northern slopes of Gregory Mountain are known to be an area of intense formation of ball lightning. Gregory Mountain owes its sacred nature, in part, because it is the home of the Luiseno God Taakwich, which translates to "ball lightning" (www.ncidc.org/bright/Juaneno.doc).

A mining engineer, who owns two working tourmaline mines on Palomar Mt., tells numerous stories of his encounters with ball lightning. Once inside the mine, he watched ball lightning emerge from the wall, and then travel out the front entrance. He related that he likes to sit outside and watch it move.

Consequences: Lightning is a known problem with methane-generating landfills in general (www.ejnet.org/rachel/rhwn177.htm). It is therefore possible that summertime ball lightning can ignite landfill methane in the Gregory Canyon landfill, creating fires in the San Luis Rey watershed particularly during the summer months when fire probability is high.

132-2

Sincerely yours,

Eleanora I. Robbins, PhD
Adjunct Faculty

LETTER NO. 132

Eleanora I. Robbins, Ph.D.
Dept. of Geological Services
San Diego State University
5500 Campanile Dr.
San Diego, CA 92182-1020

RESPONSE 132-1

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.

The 2003 Draft EIR contains an analysis of the production of methane gas, both in terms of the amount that would be produced as well as the potential health risk impacts. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

The commentor notes that the concern with ball lightning is speculative. County DEH staff concurs that the identified concern is speculative.

RESPONSE 132-2

The comment is the same as that submitted via email. Please see Response to Comment No. 132-1 for a response.

Letter 133

From: Greg Roper [gropr1@cox.net]

Sent: Wednesday, August 23, 2006 8:35 PM

To: LUEG, DEHComments

Subject: Proposed Gregory Canyon landfill use of OMWD water supply

Summary

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo and then trucked to the landfill site.

Objection

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site.

As residents living along "the roadways that serve the project", we object to this project for several reasons.

1. The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.
2. A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.
3. The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue. 133-1
4. The mixing of commercial route trucks on residential streets creates unnecessary danger. I was rear-ended by a dirt truck in December, 2003 while waiting at a stop light on Camino del Norte near the site. On two other occasions I have seen trucks run lights on Camino del Norte in the same location. Route trucks in this area in my opinion will lead to more such accidents.

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby. 133-1 Cont'd

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, they should be responded to by the DEH during this recirculation period.

Sincerely,

Gregory D. and Sherry L. Roper
9177 Bernardo Lakes Drive
San Diego, CA 92127

LETTER NO. 133

Greg Roper
9177 Bernardo Lakes Drive
San Diego, CA 92127

RESPONSE 133-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential traffic impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

Letter 134

From: Alan Russell [alanruss@adelphia.net]
Sent: Thursday, August 17, 2006 4:37 PM
To: LUEG, DEHComments
Subject: Gregory Canyon

To whom it may concern:

I have been a San Diego County resident since 1972. Getting to a landfill isn't easy, and I would like one in the North County.

There have been two overwhelming votes FOR the Gregory Canyon landfill. Last time the Pala Indians spent millions of dollars to put a measure on the ballot to stop this landfill, and yet the voters saw through their smokescreen.

How many hoops do the voters, and those that would have Gregory Canyon as a landfill, need to jump through?

The voters have spoken. Please listen to them.

134-1

Sincerely,

Alan Russell
1570 Old Creek Court
Cardiff by the Sea, CA 92007
760-942-5665

LETTER NO. 134

Alan Russell
1570 Old Creek Court
Cardiff by the Sea, CA 92007

RESPONSE 134-1

The comment expresses support for the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 135

From: John Russell [John.Russell@calbt.com]
Sent: Monday, August 14, 2006 4:52 PM
To: LUEG, DEHComments
Subject: RPDEIR Gregory Canyon Landfill project (LOG No. 98-02-025)

Regarding the following:
RPDEIR Gregory Canyon Landfill project (LOG No. 98-02-025)

We have recently purchased a new home in Bernardo Springs. The home is located on a hill overlooking Camino Del Norte. We have been told that by November there would be two new access roads available which would provide additional access to Highway 56. This would result in a significant reduction in noise pollution.

We now are in receipt of a notice for the River Watch Group stating that the Olivenhain Water District has signed an agreement withe the developers of the Gregory Canyon landfill to provide recycled water for the next 60 years. The would result in 267 daily trucks picking up at the Districts reservoir and delivering recycled water to the dump. The purpose of the email to express our total dissatisfaction and concern with this agreement. The increased nosie pollution, traffic congestion and the endangerment of middle school children attending Maranatha School due to the 267 truck routes is not acceptable to the residents of our community. 135-1

Respectfully Submitted,

John A. Russell
10528 Clasico Court
San Diego, CA. 92127

"Messaging Security" made the following
annotations on 08/14/06, 17:56:26

THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENT
taking of any action in reliance upon the message is strictly prohibited. I

==========

LETTER NO. 135

John Russell
john.russell@calbt.com
Bonsall, CA 92003

RESPONSE 135-1

The comment expresses opposition and concern with regard to the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to the number of truck trips, as indicated in Section 4.5 of the Revised Partial Draft EIR, a maximum of 205,000 gallons per day (gpd) of water would be transported between the Reservoir Site and the landfill site. Water demand during operation would be highest when landfill operation occurs simultaneously with periodic construction to create new cells. The maximum amount of water, 205,000 gpd, translates into 89 one-way and 178 two-way truck trips to the landfill site for recycled water during peak demand periods assuming that no water is available from on-site bedrock wells. Using a passenger car equivalent (PCE) conversion factor of 1.5, this results in approximately 267 daily trips to and from the Reservoir Site for recycled water on peak demand days, assuming all project water is trucked recycled water. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route, including safety along Maranatha Drive. Based on the analysis, 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 Draft EIR as a significant and unavoidable traffic impact on I-15 based upon both existing conditions and cumulative conditions. With regard to safety, with the incorporation of a project design feature that would limit the hours during which trucks could use Maranatha Drive, recycled truck trips on Maranatha Drive would not result in any significant traffic safety impacts to school children along Maranatha Drive.

Letter 136

From: Charruss@aol.com [mailto:Charruss@aol.com]
Sent: Wednesday, August 09, 2006 8:48 AM
To: LUEG, DEHComments
Subject: RPDEIR Gregory Canyon Landfill Project (Log No. 98-02-025).

I as a new homeowner in Ranch Bernardo. I am very much against the contract with Olivenhain Water District to truck recycled water to this landfill through our neighborhood. As it stands right now, my yard is directly backed up against Camino Del Norte and the noise from the construction of the new homes and the shopping center is a constant problem. We must close our windows for the most part all day....We DO NOT NEED ANY MORE TRAFFIC let alone from large trucks in our neighborhood. We bought this home to retire and enjoy San Diego not to live next to a trucking road. Had we known of this beforehand, we would have reconsider our choice of our neighborhood. All we can hope for now, is that this won't be allowed to happen....Sincerely, 136-1

Charlotte and John Russell
10528 Clasico CT
San Diego, CA 92127
858-676-1694

LETTER NO. 136

Charlotte and John Russell
10528 Clasico Court
San Diego, CA 92127

RESPONSE 136-1

The comment expresses opposition to the project with regard to the transport of recycled water from the OMWD Reservoir Site. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Section 4.5 of the Revised Partial Draft EIR contains a detailed analysis of potential traffic impacts from the transport of recycled water from the Reservoir Site to the landfill site. Please see Response to Comment No. 135-1 for a discussion regarding traffic. With regard to noise, Section 4.6 of the Revised Partial Draft EIR provides a detailed analysis of traffic noise impacts. As indicated in Section 4.6, based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit. The incremental increase on Camino del Sur and Camino del Norte would be a maximum of 0.1 dBA from project-generated trips. Project-generated traffic would extend the existing 60 dBA CNEL contour outward from four to six feet along the recycled water haul route. Future near-term cumulative traffic would extend the existing 60 dBA CNEL outward a maximum of 61 feet along the haul route. Because community noise environments are not immediate comparisons of noise levels, oftentimes a 3 dBA noise increase is considered as a significance threshold for human perception of noise increase. The incremental noise increase from recycled water trips falls well below that significance threshold. However, 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 impacts to residences along these roadway segments.

Letter 137

From: Vcwillow@aol.com
Sent: Monday, August 21, 2006 7:08 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

August 21, 2006

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

Re: Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill Project

Dear Sirs:

I firmly believe that there can be no adequate biological mitigation for the above-mentioned Landfill Project. The San Luis Rey River corridor has a unique riparian and chaparral habitat. The SW Arroyo Toad, the SW Willow Flycatcher, and the Least Bell's Vireo, while being the smallest and most vulnerable species, are only a part of the picture. The RPDEIR fails to show how the loss or disruption of their habitat will be mitigated. In fact, can there truly be any biological mitigation to this development?

I have birded properties adjacent to the proposed landfill and along the San Luis Rey River for many years. The Golden Eagle, White-tailed Kite, Red-tailed Hawk, Red-shouldered Hawk, and Cooper's Hawk, to name the bigger birds, fly up and down the valley hunting prey, nesting in the taller trees or rocky cliffs, and raising young. This has been their home for centuries. This is a migration route for birds that seek higher elevation in the summer and lower elevation in the winter, the Band-tailed Pigeon and the Mountain Chickadee, among them. This valley provides wintering grounds for ducks, cormorants, shorebirds, and other migrators seeking food and shelter in its trees, chaparral flora, shallow ponds and lakes. The summer brings swallows, warblers, flycatchers and many more. Mountain lions, bobcats, and coyotes roam freely here. This is am amazing wildlife corridor from the ocean to the Lake Henshaw basin and the desert beyond. 137-1

Establishing a landfill in the middle of this corridor, in fact, cutting it in half, can only lead to an upheaval in the ecology of the valley. I can only imagine what birds and mammals will be attracted to the site. Crows, gulls, ravens, raccoons, feral dogs and cats come to mind. At a time when we understand the importance of preserving wetlands, grasslands, riparian and chaparral habitats, why is anyone thinking of creating a dump in the middle of the San Luis Rey River Valley?

Sincerely,

Sally Sanderson
Valley Center, CA

LETTER NO. 137

Sally Sanderson
vcwillow@aol.com

RESPONSE 137-1

The comment expresses opposition to the project with regard to potential impacts to biological resources. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. 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. For instance, MM 4.9-18 in both the 2003 Draft EIR and the Revised Partial Draft EIR notes that the San Luis Rey River is "easily restorable." Therefore, the proposed mitigation measures are feasible and with the implementation of the mitigation measures the impacts to biological resources would be reduced to a less than significant level. Please refer to Response to Comment No. 130-17 for additional information supporting the anticipated success of the Habitat Enhancement Plan.

Appendix L of the 2003 Draft EIR contained a detailed analysis of indirect impacts (including introduction on 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.

Letter 138

From: Shirsmed1@aol.com [mailto:Shirsmed1@aol.com]
Sent: Tuesday, July 18, 2006 1:45 PM
To: LUEG, DEHComments
Subject: Gregory Canyon

I am hoping that the right decision is made to deny the opening of a dump at this location, This is a terrible site for this . 76 Hiway is a very dangerous road. It serves several casino, and also many dump trucks for a gravel site. it already has many accidents.
I think the voters were fooled by the wording on the ballot measure, that's why it was approved. And last it too close to the river. Please turn this approval down .
Mrs S. Sant Bonsall Ca.

138-1

LETTER NO. 138

S. Sant
shirsmed1@aol.com

RESPONSE 138-1

The comment expresses opposition to the project. The comment expresses general concern with regard to traffic and safety and water quality. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

August 21, 2006

Rec'd.

DEH Local Enforcement Agency Office
9325 Hazard Way
San Diego, California 92123-1217

Letter 139

Re: Gregory Canyon Landfill
Attn: Mr. Gary Erbeck

Dear Mr. Erbeck;

After I attended the meeting last week in Escondido, I read a copy of the report on the items discussed.
I have made comments regarding the following:

On traffic, the report states once 75% of peak hourly restriction is reached, the landfill is to notify waste haulers to curtail delivery. But landfill operators cannot refuse acceptance of waste collection vehicles traveling on SR 76 and E of I-15. I assume the landfill has to accept individuals hauling waste as well. What provisions are made for the hours they use the landfill? 139-1

I'm sure people living off Rice Canyon and those farther up SR 76 would be blocked with traffic. You are aware of the new homes to be built in the immediate area including schools, commercial etc. as well as farther up SR 76. What provisions for their traffic? It sounds like 6 lanes are going to be needed on SR 76. 139-2

I live in Bonsall and the traffic crossing over I-15 on SR 76 is always blocked because of the two stoplights. With all the traffic hauling water from OMWD Santa Fe Valley Reservoir 139-3

in Rancho Bernardo and unloading at the landfill. Has any estimate been made on the time it would take to unload the water? 139-3 cont'd

Do you really believe that fumes from hundreds of trucks and cars (don't forget the trucks from Rosemary Mt and proposed asphalt plant) belching smoke and pollution won't harm our wildlife and trees? All the precautions described in the report sound good, but what has been happening in my area (Bonsall) has changed the balance of nature. Wildlife is disappearing and the coyotes and hawks are not here to rid us of rodents etc. 139-4

There was a drought in this area when my mother lived here. There could be another. The San Luis Rey River has a high water table. There's lots of water underneath and that's why so many large trees are growing in the Riverbed. This water is very precious to our area.

Do you really believe landfills do not leak? The geologist who spoke at the meeting pointed out the fault in this area. I never knew one existed. If a quake or flood were to occur (and we do have them) and the liner in the landfill ruptured, the poisons in the landfill could make the San Luis Rey River water undrinkable. We don't want the River destroyed. Are you willing to take that risk? I hope not. 139-5

Sincerely,

Jean M. Sawyer

LETTER NO. 139

Jean M. Sawyer
no address provided in letter

RESPONSE 139-1

Mitigation Measure 4.5-2, which limits the total number of trips on SR 76, 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. This type of control program has been demonstrated to be successful. 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. MM 4.5-3 contains the requirement that once 75 percent of the maximum hourly traffic is reached, the landfill operator shall immediately notify commercial waste haulers to curtail waste deliveries. With regard to individuals, as indicated in Chapter 3 of the 2003 Draft EIR, the landfill would be open to individuals. Because notice thresholds leave room for additional trips to the landfill, there should be sufficient capacity or buffer to allow for an individual to enter the site and deposit a load of waste.

RESPONSE 139-2

With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts. The 2006 Traffic Study, which is included in Appendix A of the Revised Partial Draft EIR, includes a near-term and long-term (2030) cumulative analysis. The cumulative analyses take into account the future development that would occur in the vicinity of the landfill site. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on I-15, SR 76 or the intersections of SR 76 with Highway 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.

RESPONSE 139-3

Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, includes an analysis of the transport of recycled water from the Reservoir Site to the landfill site. As indicated in Section 4.5, 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. In terms of time to unload the water, this is a design-level issue that is not addressed as part of environmental review. The time it

takes for water to pump from the truck into the storage tank is a function of the pump capacity. If the pump has a 450 gpm capacity, it would take approximately five minutes to fill and empty a 2,300 gallon water truck.

RESPONSE 139-4

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 analyses contained in the Revised Partial Draft EIR include project-related impacts as well as cumulative impacts, which include the project impacts in conjunction with other related projects in the site vicinity. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of both project-related and cumulative air quality. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. With regard to biological resources, Section 4.9 of the 2003 Draft EIR and the Revised Partial Draft EIR contain analyses of potential impacts to biological resources.

RESPONSE 139-5

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. Section 4.2 of the 2003 Draft EIR contains a detailed analysis of geology and soils, including seismicity. The project would not result in impacts with regard to geology and soils. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 140

From: nadia550@sbcglobal.net

Sent: Thursday, August 24, 2006 10:02 AM

To: LUEG, DEHComments

Cc: BMartin@ci.oceanside.ca.us; smackin@ci.oceanside.ca.us; jwood@ci.oceanside.ca.us; esanchez@ci.oceanside.ca.us; rmtrs@aol.com; rchavez@ci.oceanside.ca.us; jfeller@ci.oceanside.ca.us; EBeatty@ci.oceanside.ca.us

Subject: RPDEIR= Gregory Canyon Dump

Attachments: GregyCynCIDEH082406.doc

Kindly consider my comments regarding the RPDEIR for Gregory Canyon project dump. 140-1
I would appreciate an acknowledgement of receipt.
Thank you.

Nadine L Scott
550 Hoover St.
Oceanside, CA 92054
760-757-6685
Think with Kindness

Nadine L. Scott
Attorney at Law

[redacted]

550 Hoover St.
Oceanside CA 92054
nadia550@sbcglobal.net
760-757-6685

Received
AUG 24 2006
DEH / LEA

~~September 1, 2006~~ See email -
Date printed

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

emailed: dehcomments@scounty.ca.gov

Acknowledgment of Receipt Requested

RE: OPPOSE Gregory Canyon Landfill permitting: Flaws in RPDEIR

This project must not be approved. 140-1 Cont'd

1. The liner will leak and permanently contaminate the water source for thousands of people: The proposed project will sit atop two major aquifers that are source drinking water for thousands of people as well as above the two main pipelines that bring water into San Diego County for million of citizens. Also, Oceanside derives approximately 15% of our water from this source. Any leakage in the liner for this project will permanently contaminate this drinking water. ALL liners leak eventually. This has been proven over and over again. 140-2

2. The project area is at high risk for earthquake and would impact the integrity of the large water lines in the area as well as lead to liner failure. I understand you received testimony about the earthquake risk for this project area and it was classified as high risk. Numerous experts have indicated that more and larger earthquakes are going to occur. You cannot gamble with our water source and hope we don't have the predicted earthquakes and shifts of the earth below this project. 140-3

3. The cost to remediate the contamination will cost San Diego County taxpayers enormous sums of money for many generations to come. No amount of bonds privately issued to the project owner will come close to fixing a contaminated aquifer. San Diego County citizens and taxpayers will be left with an enormous debt for many years to come in order to clean up the eventual contamination of the San Luis Rey. This is an unacceptable burden. 140-4

4. Impacts on cultural and ecological resources cannot be adequately mitigated. This project will 'significantly' impact numerous cultural and ecological resources that can never be recovered or be adequately mitigated. There are at least 39 endangered and threatened species in the immediate area such as eagles, the Arroyo Toad, the least Bell's vireo and including but not limited to various flora such as sage, grasses, and mature Engelman oaks and other trees. The applicants' proposal to mitigate irreplaceable resources off-site is absurd. The entire environmental community is aware that off-site remediation simply does not work and some species will be irretrievably lost. The applicant has offered no biological opinions of off-site mitigation The RPDEIR has page after page after page of irremediable impacts on these resources. How can you possibly ignore the permanency of these impacts? 140-5

5. The Countywide Siting plan is flawed. There is no need for another landfill project in San Diego County now or in the future. Since AB934 was enacted which mandates 50% recycling, less and less tonnage is going into the landfills. The County should enact a more stringent program for recycling, including a policy that ALL mixed paper be recycled; the EPA states that about 60% of trash in landfills is mixed paper. With such amounts being recycled, there is no need for further siting of this dump. Further, there is already a highly successful green waste program in place and this mitigates the need for this landfill space. Any new landfill at the Gregory Canyon site is not needed. You must comply with AB934 in order to create adequate source reduction; this includes educating the public about recycling and providing programs in order to comply. 140-6

6. Traffic impacts cannot be mitigated. Increased large vehicle traffic that will cause health and safety issues. The project sits atop a two lane, country-type road. It is already a dangerous stretch of road and will add thousands of tons of polluting diesel fume-spewing large vehicles. This is dangerous to the safety of hundred and hundreds of residents and travelers who use this road. Recently there was a fatal accident on Highway 76; this stopped traffic for several hours. Where would the trash trucks go then? 140-7

   a. Traffic on Highway 76 on the segment West of Interstate 15 is already heavily impacted by commuter traffic during peak hours, the same hours the trash trucks will be using the roadway. 140-8
   b. Traffic is already at a "D" level at various times of day with some areas rated at "E". Hundreds of trash truck trips a day added to those create highly unacceptable levels leading to "F" levels. 140-9
   c. Another new casino is planned which will further add to traffic impacts in this area. 140-10
   d. The applicant states that trash trucks will be turned around and stopped with 'curtailed deliveries'. Where will these trucks go? They must dump their loads within a certain number of hours. Given the remote location of Gregory Canyon it is unlikely that they could comply with their contracts and properly dispose of their loads. Can you imagine idling trash trucks on 140-11

Highway 76 waiting for instructions as to where they dump their loads? Not only will air pollution rates and noise decibels climb to unacceptable levels but traffic flow will be impermissibly impacted. 140-11 cont'd

Cumulative impacts of traffic have not been adequately considered. 140-12

7. Air pollution from multiple trash vehicle trucks cannot be mitigated. Most trash trucks are old and run on dirty diesel. These hundreds of trips per day will created excessive particulates and create a risk to human health. 140-13

8. There is an inadequate source of water. The applicant states that they will import water for onsite use. Imported water is not guaranteed if the source provider needs it for its own community. Additionally, transporting water will add to the cumulative effects of air pollution and traffic. 140-14

    a. The amount specified is not adequate if there is a chemical accident or toxic exposure on site. This will not be a pressured system and thus inadequate for any 'wash down' that may be required. Further, if there is an industrial accident that requires wash down, there is no facility for retention, cleaning and disposal of contaminated water specified. This type of wash down product cannot simply be returned into raw soil. 140-15

The potential for permanent environmental damage and cumulative effects on air quality and traffic impacts are far too great to seriously consider permitting such a project. 140-16

I would appreciate an acknowledgment of receipt of these comments. Thank you for the opportunity to make them.

Very truly yours,

emailed not signed

Nadine L. Scott

CC: BMartin@ci.oceanside.ca.us

LETTER NO. 140

Nadine L. Scott
550 Hoover Street
Oceanside, CA 92054

RESPONSE 140-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 140-2

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.

The potential impacts of the project relative to water quality were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

RESPONSE 140-3

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 geologic impacts were thoroughly analyzed in Section 4.2 of the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Please also see Response to Comment Nos. 146-1 through 146-5 for responses to written comments regarding seismicity received at the public meeting, as well as Response to Comment Nos. 167-23 and 167-40 for responses to verbal comments regarding seismicity received at the public meeting.

RESPONSE 140-4

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. In addition, pursuant to a 1996 agreement between the project 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. See Appendix C of the 2003 Draft EIR for the 1996 agreement and Appendix H of the Revised Final EIR for the 2004 supplement to the agreement. County DEH staff continues to believe that any potential impacts to water quality and water resources from the project are less than significant, and that the project will not result in public debt.

RESPONSE 140-5

County DEH staff does not concur with the comment. Section 4.9 of the Revised Partial Draft EIR provides an updated analysis of the potential impacts to biological resources. The Revised Final EIR includes feasible and viable mitigation measures that would reduce the potential impacts to less than significant. With regard to cultural impacts, no specific information is provided with regard to the analyses contained in Section 4.11 and 4.12 of the 2003 Draft EIR or the Revised Partial Draft EIR. Potential impacts to cultural resources have been thoroughly analyzed. No further response regarding cultural resources is necessary.

RESPONSE 140-6

County DEH staff does not concur with the comment. Solid waste disposal is predicted to increase from 3.7 million tons in 2002 to 6.1 million tons in the year 2017. (Siting Element p. SE-8). It is estimated San Diego County will need (assuming diversion) to accommodate disposal capacity for over 5.6 million tons of solid waste by the year 2017. (Id. pp. 8, 9). The data contained in the Siting Element assumes that the 50 percent diversion rate required by AB 939 is achieved. The County has an extensive recycling program in place, which includes public outreach and education. Even with recycling, the Siting Element concludes that 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 waste disposal capacity required by state solid waste law.

RESPONSE 140-7

Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. With regard to safety on SR 76, the 2006 Traffic Study contains 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 health issues, the Revised Partial Draft EIR incorporated an analysis of the potential traffic impacts from the use of recycled water trucks. As indicated in Section 4.5, there would be no increase in project-generated traffic from the analysis contained in the 2003 Draft EIR. Project-generated traffic would not exceed the 2,085 PCE daily restriction, which applies to all vehicular traffic of any type. Section 4.7 of the 2003 Draft EIR contains an air quality and health risk analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 140-8

Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments. Table 4.5-7 of the Revised Partial Draft EIR provides an hourly trip generation for project-generated traffic. While some project traffic would occur during peak hours, the peak hours for project-generated traffic would occur during off-peak road hours or outside commuter hours. With regard to the conclusion in the 2006 Traffic Study for project-related traffic, 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 this Revised Partial Draft EIR.

RESPONSE 140-9

Table 4.5-8 of the Revised Partial Draft EIR shows the existing plus project level of service along segments of SR 76. As can be seen in Table 4.5-8, existing levels of service on SR 76 range from LOS C to E. As shown in Table 4.5-9, with the redistribution of project traffic, LOS would be D and E. As indicated in Section 4.5, the segment of SR 76 west of I-15 continues to operate in a LOS E condition with and without the project during the afternoon hours from noon to 5:00 P.M. However, project trips on this segment of SR 76 total 167 average daily trips under peak traffic conditions which is below the County's threshold of 200 daily trips triggering a direct project impact to this segment. Accordingly, although SR 76 west of I-15 operates at an unacceptable level of service with and without the project, the project does not create a direct impact on this segment

under the County's significance standards requiring mitigation for this segment from the project. Nonetheless, the segment of SR 76 west of I-15 operates at an unacceptable level of service in its current condition and with project traffic considered.

RESPONSE 140-10

The comment is general in nature with regard to the cumulative analysis. The 2006 Traffic Study (revised 2007) contains a near-term and long-term (2030) cumulative analysis. County DEH staff is not aware of a new proposed casino in the project vicinity. The proposed Pala Casino expansion, for which a Notice of Preparation was released in June 2006, is included in the near-term cumulative analysis. The proposed Pauma Casino and San Pasquel Casino expansions are also included in the cumulative analysis. Please see Response to Comment No. 028-33 for a detailed discussion regarding the cumulative analysis contained in the Revised Partial Draft EIR, and the consideration of the Pauma Casino expansion in the near-term cumulative traffic analysis.

RESPONSE 140-11

Mitigation Measure 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. This type of control program has been demonstrated to be successful. 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. Any waste collection truck on SR 76 at the time notice is given must be allowed to deliver its load to the landfill, avoiding the situation suggested by the comment. In addition, waste contracts will contain the restrictions with which the company and its drivers need to be 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 drivers will be disclosed and trucks will be rerouted to other landfills or transfer stations in the area, as appropriate. Therefore, there would not be a significant increase in air emissions or noise from the implementation of these mitigation measures.

RESPONSE 140-12

County DEH staff does not concur with the comment. The comment is general in nature and does not provide a specific comment regarding the cumulative analysis presented in the Revised Partial Draft EIR. As indicated in Response to Comment No. 140-10, the 2006 Traffic Study (revised 2007) contains a near-term and long-term (2030) cumulative analysis. In accordance with CEQA Guidelines Section 15130, the near-term cumulative analysis considers past, present and probable future projects in the project vicinity that could produce related or cumulative impacts. The 2030 analysis is based on the County's 2020 General Plan Update efforts.

RESPONSE 140-13

As indicated in Response to Comment No. 140-7, Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. Project-generated traffic would not exceed the 2,085 PCE daily restriction, which applies to all vehicular traffic of any type and has not increased from the levels analyzed in the 2003 Draft EIR. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 140-14

County DEH staff does not concur with the comment. 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. As indicated in the 2003 Draft EIR and the Revised Partial Draft EIR, the maximum water usage for the project is 205,000 gallons per day. 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. OMWD's wastewater treatment plant and recycled water system includes a 2 million gallon per day (MGD) treatment plant that converts wastewater to recycled water and 2 recycled water reservoirs that can store 4 million gallons of recycled water. The amount of recycled water produced by Olivenhain's treatment plant substantially exceeds its delivery commitment to the project. 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 water sources is substantial. This is because of the valid and binding contract between OMWD and the project. Please refer to Response to Comment No. 007-22 for additional information regarding this issue.

As indicated above, the transport and use of recycled water is analyzed in the Revised Partial Draft EIR. Section 4.5 of the Revised Partial Draft EIR contains an analysis of potential traffic and safety impacts that would occur from the transportation of recycled water. In addition, Appendix D of the Revised Partial Draft EIR contains an analysis of potential air quality impacts. These analyses consider the project impacts as well as the project's contribution to cumulative impacts.

RESPONSE 140-15

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.

Section 4.16, Human Health and Safety, of the 2003 Draft EIR contains a detailed discussion and analysis of potential hazardous situations that could occur on the landfill site. The Hazardous Waste Exclusion Program (HWEP) that would be implemented on the landfill site in compliance with 27 California Code of Regulations Sections 20220 and 20870, would serve to detect and prevent the disposal of regulated hazardous waste at the landfill site. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. Water requirements for these activities are minimal, and are included within the projected operational requirements set forth in the 2003 Draft EIR.

RESPONSE 140-16

The comment is conclusionary and general in nature. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 141

August 16, 2006

Environmental Health North San Diego County
9325 Hazard Way
San Diego, CA 92123

To Whom It May Concern:

This is an abomination! I don't belong to any of the groups involved with the Gregory Canyon Land fill on either side. I'm just a thinking member of the human race that has lived in North County for 35 years and would like to die here of as natural a death as possible.

I was at one of the public hearings about a year ago at the Escondido City Council Chambers. I heard the nonsense coming from the mouth of company's man –handsome, dressed in a fine tweed sports jacket, expensive loafers, etc.—but he's getting paid big bucks to get this thing okayed. You people are suppose to he interested in the welfare of humanity, particularly we citizens that pay your salaries. Who else is paying you? This thing should have not even got to the ballot box where it was written cleverly so the public mistakenly passed it . That's your job guys—a landfill that will destroy part of the water supply in this desert is a serious "no-no". In fact, if any normal mentally alert citizen thought about it for just a little bit, they'd know it without even high school physics or chemistry. So what's your excuse? You and I both know what gets put in landfills-legal and illegal and you really believe there's a liner that will hold forever???!!!! Years ago when I was into composting, I scared myself with the heat I created in my compost bin with weeds and chicken manure. I stuck my cooking thermometer down in there and it was hot—I won't pretend to remember how hot, but hot enough to wet it down frequently. 141-1

So, I'll confess, I have more than a high school chemistry and physics education. I took 4 semesters of chemistry and 2 of physics at UC Berkeley to get a degree in Physiology years ago. If you really don't know this won't work, I'll help you out and tell you—it won't work. But I know you know that and I don't know how people like you can live with yourself because you have presented yourself as someone who represents the public interest. You clearly don't. I feel sorry for the shame you bring on your families.

Sincerely,

Andrea V. Seavey
1937 Alexander Dr. Escondido, 92025

cc:NCT

LETTER NO. 141

Andrea V. Seavey
1937 Alexander Drive
Escondido, CA 92025

RESPONSE 141-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

Letter 142

From: Sherri Sharp [slsharp@san.rr.com]

Sent: Sunday, August 13, 2006 12:16 PM

To: LUEG, DEHComments

Subject: RPDEIR Gregory Canyon Landfill project (LOG No. 98-02-025)

There has got to be a better way!

To truck in water from this distance is ridiculous! Why was the landfill allowed on the ballot when the basic logistics of the plan were not worked out? It would be like me getting a building permit from the City of San Diego without knowing how I was going to get water to the site! There is no way in the world I would be granted the permit. 142-1

Please.....rethink this!

LETTER NO. 142

Sherri Sharp
slsharp@san.rr.com

RESPONSE 142-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to water supply, as indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into a 60-year agreement to meet the maximum water demand of 205,000 gallons per day. The Revised Partial Draft EIR contains detailed analyses of the potential impacts associated with the transport and use of recycled water.

Letter 143

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. 143-1

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. 143

Roy J. Shlemon, Ph.D.
P.O. Box 3066
Newport Beach, CA 92659-0620

RESPONSE 143-1

The comment refers to Comment Letter No. 146. Please see Response to Comment Nos. 146-1 through 146-5. 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.

Section 4.2 of the 2003 Draft EIR addresses geology and soils on the landfill site. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Letter 144

From: Jon & Gayle Hoxter [heartkeeper@wwdb.org]

Sent: Thursday, August 24, 2006 9:21 AM

To: LUEG, DEHComments

Subject: public comments to Gregory Canyon landfill

I am a resident of the Pala area and would like my comments to be considered regarding the Gregory Canyon Landfill proposal. I have two main concerns regarding the impact of establishing a landfill in this area.

1. The impact of increased traffic and air pollution to the local environment. This area has two difficulties with increasing traffic and noise. Adding several (probably hundreds) of commercial trucks delivering waste to this area will significantly increase the already overburdened roads.The probability of accidents will increase as a result. Highway 76 has been designated as one of the most dangerous highways in the county today. Second is the onshore winds that fill this valley most evenings. Give the current demographics of this valley, increasing commercial diesel traffic with degrade the air quality of this valley. I envision a "haze" in this valley most evenings from the increased commercial traffic. 144-1

2, My second issue is the proximity to the local watershed, San Luis Rey River. This sensitive habitat area is home to many species of plant and animals. The river levels increase and decrease periodically with the rainfall and local wells are fed from this watershed. Currently their EIR does not show enough water to supply the site via wells. Trucking in water from a nearby pump station will, again, increase air pollution levels and traffic on this road. The local land geography cannot support the increased demand for water to service this facility. 144-2

In my opinion, there appears to be many "band-aids" applied to this project to keep it moving forward. This site is a flawed and risky proposal. I have experience with over 20 years in public health and several years in public service. Please consider decertifying this
environmental report for the health of residents of North San Diego County. 144-3

Sincerely
Gayle Shockey-Hoxter, MPH, RD
37310 Magee Road
PO Box 60
Pala, CA 92059

LETTER NO. 144

Laurel Shockey
P.O. Box 60
37310 Magee Road
Pala, CA 92059

RESPONSE 144-1

Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis. The 2006 Traffic Study was conducted to understand the increases in traffic that had occurred since the 2003 Draft EIR. The analysis 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 incrementally adds traffic to the existing unacceptable level of service which is treated as a significant and unavoidable project level impact for purposes of this Revised Partial Draft EIR. Cumulative traffic impacts in the near term, the 2020 buildout condition, and the year 2030 on SR 76 and the intersections of SR 76 with Highway 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. With regard to air quality, Section 4.7 of the 2003 Draft EIR contained a detailed air quality analysis. Appendix D of the Revised Partial Draft EIR contains an update of the air quality analysis and concludes that as there were no changes to the project-generated traffic, no additional regional air quality impacts not disclosed in the 2003 Draft EIR would occur.

RESPONSE 144-2

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please refer to Response to Comment No. 001-4 for a discussion of potential water quality impacts to biological resources. The project proposes to use percolating groundwater and recycled water. Please refer to Response to Comment Nos. 022-122 through 022-124 for a discussion of the safe yield analysis. Section 4.15 analyzes potential traffic, noise, air quality and health risk impacts from the use of OMWD recycled water.

RESPONSE 144-3

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The comment suggests that a different site be found. 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 6 of the 2003 Draft EIR contained an analysis of alternatives, including two other sites in San Diego County. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

Letter 145

From: Kevin Silke [kevinsilke@hotmail.com]
Sent: Tuesday, August 22, 2006 5:32 PM
To: LUEG, DEHComments
Cc: dennis@dennishollingsworth.us; assemblymember.plescia@assembly.ca.gov
Subject: Gregory Canyon Landfill RPDEIR Comments

Attachments: Intersection.pdf

Intersection.pdf
(86 KB)

Dear Sirs:

Regarding the RPDEIR for the Gregory Canyon Landfill project, I have comments disputing the conclusions from this document. My comments center on the traffic impacts from the recycled water trips along Camino del Norte.

First, as a general comment, I strongly disagree with the conclusion on page 4.5-36 that "recycled water truck trips would not have a significant impact on Camino del Norte or Camino del Sur". The 1.5 PCE conversion factor may be appropriate for average traffic patterns, but this hugely underestimates the wear-and-tear impact on the roads from these heavy trucks carrying a load of water. The impact statement should account for the transportation impact fees necessary to help maintain these roads. 145-1

Further, I have a specific comment on the traffic impacts on Camino del Norte at the on-ramp to North Interstate 15. I believe that the traffic analysis failed to account for the unique traffic configuration that these trucks will have to travel through to reach the freeway. The attached PDF file illustrates what I will describe here.

Caltrans improvement of Camino del Norte to a 6-lane arterial resulted in the three East-bound lanes approaching the freeway to be configured with two turn lanes onto South Interstate 15 and one through lane continuing under the freeway. The through lane becomes two lanes under the freeway and, after a short distance, a turn lane for North Interstate 15. 145-2

Experience has shown that trucks taking the turn onto North Interstate 15 back up the traffic trying to continue under the freeway due to the short turn lane causing the turn lane traffic to back up into the through traffic lane (the length of the trucks has a far greater impact under these circumstances than a generic 1.5 multiplier). With the number of water trucks being proposed to support the Gregory Canyon Landfill, I can easily see traffic backing up in this area much, much worse than it does currently during the busy periods during the morning and evening commutes, as well as during the lunch time rush with people trying to reach Carmel Mountain Ranch.

Frankly, I believe that the traffic would get so bad that the water trucks would not be able to reach the freeway at the rate that has been proposed and the landfill would not be able to get the water that it needs. But 145-3

certainly there would be a substantial negative impact to the citizens trying to travel on this road.

145-3 Cont'd

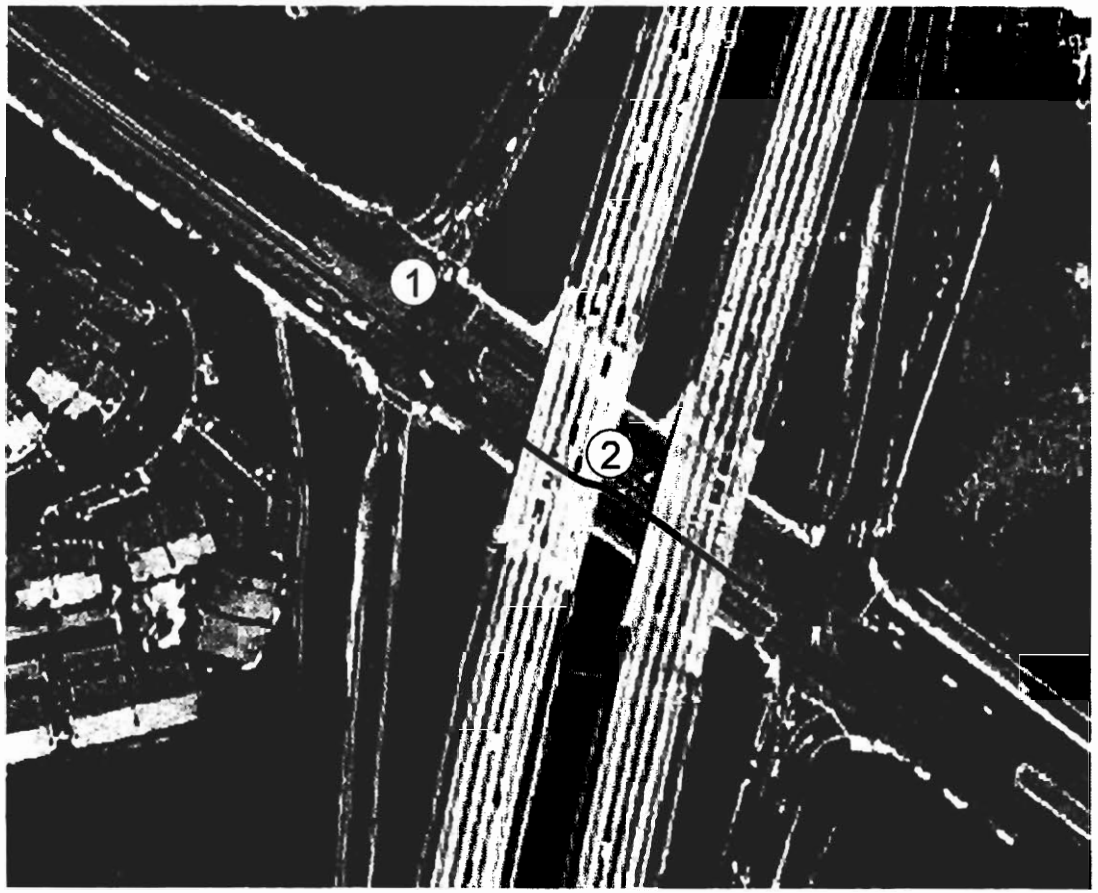
Kevin Silke
16713 Santanella St.
San Diego, CA 92127

Interstate 15 & Camino del Norte

Route for water trucks Stop lights

① A single through lane which shifts over for two lanes continuing under the freeway.

② After the shift over, turn into a relatively short turn lane onto North 15.



LETTER NO. 145

Kevin Silke
16713 Santanella Street
San Diego, CA 92127

RESPONSE 145-1

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.

RESPONSE 145-2

County DEH staff does not concur with the comment. Some of the traffic back up that occurs is a result of signal timing. Based on the restrictions for the use of Maranatha Drive (6:45 A.M. to 8:15 A.M. and 2:30 P.M. to 4:15 P.M.) 7.5 allowable hours of operation for the water trucks would result along Maranatha Drive. This would result in 12 trucks per hour (a worst case scenario of 1 truck every 5 minutes). This should allow ample time for the turn lane at the Camino del Norte/I-15 Northbound ramp intersection to clear. In addition, if a problem occurs, Caltrans is able to respond by revising the signal timing, if appropriate.

RESPONSE 145-3

The comment expresses an opinion with regard to the transport of recycled water from the OMWD Reservoir Site to the landfill site. Section 4.5 of the Revised Partial Draft EIR provides a detailed traffic analysis of the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 146

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. 146-1

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. 146-2

2. The surface and groundwater movement within Gregory Canyon has not been adequately addressed. 146-3

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. 146-4

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. 146-5

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
cgzip.

LETTER NO. 146

James E. Slosson
15500 Erwin Street, Suite 1123
Van Nuys, CA 91411

RESPONSE 146-1

The comment is introductory in nature. Please see Response to Comment Nos. 146-2 through 146-5 below for detailed responses.

RESPONSE 146-2

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 4.2 of the 2003 Draft EIR contains a detailed geologic analysis, including discussion of the Elsinore Fault. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 146-3

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.

Sections 4.3 and 4.4 of the 2003 Draft EIR address groundwater and surface water, respectively. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 146-4

As indicated in Response to Comment No. 146-1, 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.

RESPONSE 146-5

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.

Section 4.4 of the 2003 Draft EIR addresses issues related to extraordinary weather events. The project has been designed to handle the maximum flows and discharge requirements associated with the concurrent rupture of Pipelines 1, 2 and (future) 6 during a 100 year-24 hour storm event. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

TO: DEPT. OF ENVIRONMENTAL HEALTH, (DEH)
SAN DIEGO COUNTY, CA

AUG. 21, 06

Letter 147

FROM: ANDREW R. SOBEK
2025 BELLA VISTA DR, VISTA, CA. 92084
PHONE: 760-727-1575

SUBJECT: COMMENTS TO THE PROPOSED GREGORY CANYON LANDFILL REVISED PARTIAL DRAF EIR (RPDEIR)
(LOG NO 98-02-025)

THE RECENT RPDEIR POINTS OUT THE FACT THAT FAR TOO MANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS WOULD OCCUR IF THE PROPOSED GREGORY CANYON DUMP PROJECT IS BUILT - SUCH AS NOISE, DUST, AIR POLUTION, TRAFFIC AND OTHER ADVERSE IMPACTS PREVIOUSLY DOCUMENTED IN EARLIER E.I.R.s. THESE E.I.R.s, SINCE THEY ARE PREPARED BY THE DEVELOPER, TRY HARD TO MITIGATE ALL THE IMPACTS, BUT THEY FALL FAR SHORT OF REDUCING THESE IMPACTS TO AN ACCEPTABLE LEVEL. FOR EXAMPLE: 147-1

IN AN EARLIER EIR, THE TRAFFIC IMPACT AT THE GREGORY CANYON SITE ON S.R. 76 WOULD ALLEGEDLY BE "MITIGATED" BY SIMPLY CLOSING AN EXISTING DUMP IN SAN DIEGO COUNTY.!!! ANY FAIR MINDED PERSON CAN SEE THAT CLOSING ONE DUMP DOES NOT REDUCE (OR OFFSET) THE TRAFFIC PROBLEM AT A DIFFERENT DUMP SITE. CLOSING ONE DUMP SITE IS SAN DIEGO COUNT IS MORE LIKELY TO INCREASE DUMP TRAFFIC TO OTHER SITES

ANOTHER EXAMPLE:

AN EARLIER EIR CLAIMED TO MITIGATE THE DUST AND AIR POLUTION PROBLEM BY USING WATER SPRAYING ON THE DUST SOURCES DURING DUMP CONSTRUCTION AND OPERATION. A SUITABLE SOURCE OF WATER AT GREGORY CANYON IS NOT AVAILABLE. TO TRY TO CORRECT THIS UNFORSEEN PROBLEM, THE RPDEIR PROPOSES TO HAUL RECYCLED WATER BY TRUCK TO THE GEGORY CANYON SITE. THE ALREADY NON-MITIGABLE TRAFFIC IMPACT TO S.R. 76 BY TRASH HAULING TRUCKS WOULD THUS BE FURTHER ADVERSELY IMPACTED BY THE WATER CARRYING TRUCKS. S.R. 76 IS THE MAIN ROUTE TO THE GREGORY CANYON DUMP SITE ENTRANCE. THE POPULATION AND COMERCIAL GROWTH IN BONSALL, PALA, FALLBROOK, VALLEY CENTER, TEMECULA WILL CAUSE MORE TRAFFIC TO OCCUR ON S.R. 76 AND ALSO ON HWY I-15 EVEN WITHOUT DUMP AND WATER TRUCK TRAFFIC. 147-2

S.R. 76 ~~is~~ IS A NARROW, WINDING ROAD THAT CLOSELY FOLLOWS THE ROUTE OF THE SAN LUIS REY RIVER. IT WOULD BE VERY DETRIMENTAL TO THE ENVIRONMENT ALONG THE PATH OF THE RIVER TO WIDEN S.R. 76 TO GREGORY CANYON. THOSE OF US WHO HAVE DRIVEN S.R. 76 CAN SEE WITH THEIR OWN EYES THAT ATTEMPTING TO WIDEN OR STRAIGHTEN OUT PARTS OF S.R. 76 WOULD BE VERY ADVERSE TO THE RIVER ENVIRONMENT AND VERY EXPENSIVE. THE SUITABILITY OR NON-SUITABILITY OF S.R. 76 TO HANDLE TRAFFIC WITH AND WITHOUT 147-3

DUMP TRAFFIC OPERATIONS SHOULD BE REVIEWED BY THE CALIFORNIA DEPT. OF TRANSPORTATION I THINK THEY COULD PROVIDE VALUABLE INFORMATION ON THE IMPACTS OF DUMP TRUCK TRAFFIC WHEN IT IS ADDED TO PREDICTABLE INCREASING NON-DUMP TRAFFIC. 147-3 Cont'd

THERE ARE OTHER SIGNIFICANT IMPACTS TO THE ENVIRONMENT WHICH ARE DOCUMENTED IN THE PRDEIR. I AM LIMITING MY COMMENTS TO THE TRAFFIC IMPACT BECAUSE I HAVE DRIVEN S.R 76 TO THE GREGORY CANYON AREA MANY TIMES SINCE THE YEAR 1990.

I BELEIVE THE PEOPLE WHO WANT TO OPERATE A DUMP AT GREGORY CANYON ARE FAR MORE INTERESTED IN THE FINANCIAL BENEFITS TO BE OBTAINED FROM TRASH SITE OPERATIONS THAN THEY ARE INTERESTED IN ENVIRONMENTAL HEALTH. TO THE DEVELOPER, EIRS ARE A REQUIRED AND COSTLY NUISANCE. I TRUST THE DEH WILL RECOGNISE THIS NATURAL PROFIT-MAKING MOTIVE OF A DEVELOPER. I ALSO TRUST THAT THE DEH WILL RECOGNISE THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT AND THE FAILURE OF THE PROPOSED EIR MITIGATION PROPOSALS TO ACTUALLY PROTECT THE ENVIRONMENT. 147-4

Andrew R. Stitt

LETTER NO. 147

Andrew Sobek
2025 Bella Vista Drive
Vista, CA 92084

RESPONSE 147-1

The comment expresses an opinion with regard to the conclusions reached in the EIR for the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

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". County DEH staff does not concur that the mitigation measures proposed fall short of reducing the identified impacts. County DEH staff has made its own independent evaluation of the adequacy of the mitigation measures and has found that the mitigation measures are feasible and the reduction achieved through the implementation of the measures is adequately disclosed in the Final EIR. With regard to the example provided, it is not clear what mitigation measure suggests closing another landfill to mitigate an impact identified as a result of the proposed landfill. The mitigation measures provided in the 2003 Draft EIR and the Revised Partial Draft EIR do not include the closure of another landfill.

RESPONSE 147-2

The 2003 Draft EIR includes the use of water as a dust control measure. As indicated in the 2003 Draft EIR and in Section 4.15 of the Revised Partial Draft EIR, the maximum water demand, which includes water necessary for dust control, would result in a maximum demand of 205,000 gallons per day (gpd). The maximum demand would occur when periodic construction occurs simultaneously with landfill operation. Section 4.5 of the Revised Partial Draft EIR contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. 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.

The 2006 Traffic Study (revised 2007) contains a near-term and long-term (2030) cumulative analysis. The cumulative analysis considers the project impacts in association with other projects or development in the project vicinity. The cumulative analysis provides future conditions without the project and future conditions with the project.

RESPONSE 147-3

Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis. The 2006 Traffic Study (revised 2007) provides existing conditions and future (cumulative) analysis with and without the project. The mitigation measures for the project require that the project applicant shall pay the County's Transportation Impact Fee to fund its fair share of improvements that are proposed on SR 76. As SR 76 is a state route, improvements would be implemented by the California Department of Transportation (Caltrans). Environmental review would be required as part of the process to determine any future alignment, including roadway width.

With regard to roadway improvements, the project includes realignment of SR 76 at the access road. The potential impacts from this project feature were thoroughly analyzed in the 2003 Draft EIR. Caltrans has been a part of the environmental review process. Caltrans did comment on the Revised Partial Draft EIR. Please see Comment Letter No. 005 and the associated responses. Caltrans also commented on the 2003 Draft EIR. Please see Comment Letter Nos. E and 6V and the associated responses.

RESPONSE 147-4

The comment indicates that while the project would result in other significant comments, the comments have been limited to traffic. The comment is conclusionary in nature. The comment expresses opposition to the project and expresses an opinion with regard to the process. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 148

From: Sam Sweet [sweet@lifesci.ucsb.edu]
Sent: Wednesday, August 23, 2006 11:35 AM
To: LUEG, DEHComments
Subject: Comments on Arroyo Toad portion of Gregory Canyon Landfill RPDEIR

Director
Department of Environmental Health
County of San Diego

RE: Gregory Canyon Landfill RPDEIR

I have examined the revised portions of the Gregory Canyon Landfill EIR as they relate to impacts on and mitigation for Arroyo toads (Bufo californicus), and would like to state that in my professional opinion these revised materials do not sufficiently resolve some issues that were deemed to be defective in the 2003 EIR.

I have considerable research experience with Arroyo toads, and commented on the 2003 draft EIR.

148-1

1. In the present document the consultants (URS) appear to have conducted only four night surveys (unspecified methodology) that appear to have been restricted to already-identified occupied toad habitat in the vicinity of the confluence of Gregory Canyon and the San Luis Rey River (as per exhibit 4-9.5). Based apparently on soil maps, but without reporting any actual survey work on the ground, essentially all of the project footprint above the alluvial terraces of the river was excised from considerattion as occupied or suitable toad habitat. Specifically, the lower basin of Gregory Canyon at the core of the project footprint was deleted.

I regard it as at least inadequate and perhaps deceptive to excise adjoining habitat with at least some features suitable for occupancy by arroyo toads without any documentation of onsite survey efforts. In my view, an adequate effort to address site use would need to involve drift fence/pitfall tap installations in the lower portion of Gregory Canyon. Visual surveys can return positive results, but arroyo toads can be widespread yet difficult to detect in upland sites by visual surveys alone. Regardless, it appears that the RPD consultants did not conduct any surveys, and excised most of the footprint by reference to general soil maps and broad-brush statements about those soils.

Given the importance of the issue, I am quite surprized to see that no survey work in Gregory Canyon itself was reported. This leads me to assume that none was conducted, and that's just not facing up to the issue. A drift fence/pitfall survey does take resources and time, but it provides hard data in place of fuzzy assertions.

148-2

2. The present revised EIR dismisses prior observations of arroyo toads on dirt roads away from the riparian and river terrace landscapes. I do not understand the rationale as stated, which basically says "toads hop along roads, they can't burrow in roads, and we don't think the habitats they were found hopping through are suitable for them." The third part of this chain is nonsense. One of the signature features of arroyo toad biology, rangewide, is that they do *not* disperse any significant distance into unsuitable upland habitat. Wherever toad populations have been studied, dispersing individuals follow corridors of suitable habitat, and finding toads on a dirt road pretty much guarantees that there is upland habitat suitable for them to use, long-term, within 100 m or less.

148-3

At the very least, upland sightings of toads need to be included in the present EIR, and those records need to trigger proper evaluation of the potential for upland habitat in the immediate vicinity. As in #1 above, drift fence/pitfall surveys are the method of choice. 149-3 Cont'd

3. The RPDEIR acknowledges onsite and near-site effects that may include establishment of nonnative Argentine ants, and a likelihood that the landfill will attract scavenging and predatory birds and mammals whose staging areas are likeliest to be in the riparian corridor adjacent to the landfill site. These effects are chronic, and degrade adjoining 'reserve' areas, potentially to the point of making them uninhabitable by arroyo toads and other native species of concern. The RPDEIR does not address these chronic cumulative effects, even though they have the potential to make all of the proposed mitigation moot.

In my view the section of the RPDEIR revised to address issues previously raised about arroyo toads does not do so, and is either remarkably incompetent, given the advice generated by the 2003 EIR review, or an attempt to whitewash intractable problems. 149-4

Thank you for the opportunity to comment on the Gregory Canyon project.

Sincerely,

Samuel S. Sweet
Professor, Department of Ecology, Evolution and Marine Biology
University of California
Santa Barbara, Calif. 93106-9610

(805) 893-3730

LETTER NO. 148

Sam Sweet, Associate Professor
University of California
Department of Ecology, Evolution and Marine Biology
Santa Barbara, CA 93106-9610

RESPONSE 148-1

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. Please see Response to Comment No. 2K.189 through 2K.199 of the 2003 Draft EIR for responses to the commentor's previous comments on the EIR.

RESPONSE 148-2

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.

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. Section 4.9 and Appendix L of the 2003 Draft EIR established the mitigation ratios for impacts to various vegetative communities. None of these portions of the 2003 Draft EIR were 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.

As indicated in the Revised Partial Draft EIR and the Biological Technical Report (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 this 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 unable to reproduce some of the acreages identified in the 2003 EIR using GIS. The Revised Partial Draft EIR was, therefore, updated to reflect the acreage calculations from the GIS

analysis, which used the same assumptions as the 2003 EIR. County DEH staff believes the impact acreages calculated in the Revised Partial Draft EIR are more accurate than the prior calculations because the prior 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 found 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 EIR. However, reproducing the results from the 2003 Draft EIR was not possible. The GIS acreage calculation 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. In addition, for purposes of the Revised Partial Draft EIR, protocol surveys for arroyo toad were performed on seven occasions between March and May 2003, and field studies for adult arroyo toad were conducted on four occasions between March and May 2005. Additional field studies for arroyo toad were conducted by URS throughout 2005 and 2006. 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. 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.

The 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 May 2003 and are provided in Appendix F of the Revised Final EIR. Coupled with the four field studies performed by URS in 2005 and 2006, and additional

field observations in 2005 and 2006, the County believes that sufficient information exists to adequately assess impacts from the project on upland arroyo toad habitat.

Please refer to Response to Comment Nos. 001-6 and 022-152 for additional information regarding the delineation of upland arroyo habitat and the rationale for the proposed mitigation.

RESPONSE 148-3

This comment does not properly state the information presented in the Revised Partial Draft EIR regarding arroyo toad sitings on roads on site. All sitings of arroyo toads in uplands have been reported in the Revised Partial Draft EIR and the 2003 Draft EIR. The reported toad sitings that were in areas within 100m of lands and the San Luis Rey River channel outside of the landfill footprint considered suitable upland habitat for arroyo toad. The comment supports the findings by URS contained in the Revised Partial Draft EIR because the upland sitings of adult arroyo toads were within or adjacent to habitat that URS found to be suitable for arroyo toads. Most of this existing suitable habitat and the existing sitings of adult arroyo toads are, however, outside of the project's impact area on the landfill site. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. As indicated in Response to Comment No. 148-2, the comments regarding potential additional survey methods are acknowledged. However, the County believes sufficient information exists to adequately assess impacts form the project on upland arroyo toad habitat.

RESPONSE 148-4

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 and Appendix L of the 2003 Draft EIR includes a discussion of potential indirect impacts from among other things, nuisance animal species, argentine ants and other insects. Project design features and mitigation measures to reduce the impacts to less than significant were 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 see Response to Comment Nos. 2K.189 through 2K.199 of the 2003 Draft EIR for responses to the commentor's previous comments on the EIR, some of which address the attraction of scavenging and predatory birds and mammals.

Letter 149

From: Mark Swanson [mwswanson@cox.net]
Sent: Wednesday, August 23, 2006 5:20 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill Objection

Summary

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 contain approximately 30 million tons of refuse with an operating life of about 30 years.

The project now includes the purchase and delivery of recycled water from the Olivenhain Municipal Water District (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 project recycled water trucks at OMWD's Santa Fe Valley Reservoir and Pump Station site, in west Rancho Bernardo. The recycled water would be delivered to water trucks at this location and then trucked to the landfill site

Objection

We specifically object to the offsite water supply. The OMWD as a supplier of water is for economic convenience only, and does not adequately consider the impact of the trucking operation to the surrounding community, nor does the applicant properly address other possible water supply options much closer to the site. 149-1

As residents living along "the roadways that serve the project", we object to this project for several reasons.

<!--[if !supportLists]-->1. <!--[endif]-->The new Traffic and Noise studies did not address the fact that the portion of Camino del Norte from Rancho Bernardo Road to Maranatha Way is a 2 lane road.

<!--[if !supportLists]-->2. <!--[endif]-->A Commercial Trucking Operation was not part of the Neighborhood Specific Use Plan for Bel-Etage/Savenna communities, which are located along the above mentioned portion of Camino del Norte.

<!--[if !supportLists]-->3. <!--[endif]-->The school located along Maranatha Way would be impacted not only for the "Construction" related activities, but also for the remainder of the project "Operation" and is adamantly opposed to the project. Maranatha is currently involved in litigation on the issue.

Points of Objection:

These points are referred to as a part of the Noise and traffic amendments based on new traffic and noise studies, and therefore are portions of the 2003 EIR which have been revised in the RPDIER.

1 As stated in the RPDEIR, p. 20, "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."

2. Page 20 of the report also states, "Based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit." The proposed project would result in further exceeding those levels.

3. Page 22 states again, "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project." It is only any new residential uses that would not be anticipated to be within the 60 CNEL contour as a result of the project-generated traffic along the haul route, that the report states would not be affected.

149-1 cont'd

4. Page 23 states, "However, as discussed above cumulative traffic noise levels would be significant and unavoidable."

5. There is no data provided in any of the Tables that addresses the portion of Camino Del Norte west of Rancho Bernardo Road. This would include Rancho Bernardo Road to Maranatha Way, along Camino Del Norte.

6. Page 24 (as stated in the Conclusion section of the RPDEIR), "...the proposed project would contribute to the cumulative noise level along the roadways that serve the project including the recycled haul route and would thus result in a cumulative traffic noise impact."

7. The report states that OMLD "recommends" that trucks not be allowed to pick-up recycled water during the morning and afternoon school peak". There are no assurances that the trucks will not pick-up water during those times. This could result in increased risk to children attending the school as a result in the increased traffic of large trucks. Additionally, the applicant can not make any assurances the trucks would follow the anticipated route during high traffic hours, and trucks could short-cut though residential areas nearby.

The PRDIER includes revisions to the sections in which all of these issues are addressed. Therefore, we believe, should be responded to by the DEH during this recirculation period. 149-1 cont'd

Sincerely,

Mark and Joleen Swanson
Santa Fe Valley Homeowners

LETTER NO. 149

Mark Swanson
mwswanson@cox.net

RESPONSE 149-1

The comment expresses opposition to the project with regard to the off-site water supply. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This letter is similar to Comment Letter No. 051. Please see Response to Comment Nos. 051-1 through 051-9. As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. entered into an agreement with OMWD for recycled water. The use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. Please refer to Response to Comment No. 007-22 for additional information regarding OMWD recycled water.

Letter 150

Fann Swift
334 Luiseño Ave.
Oceanside, CA 92057

Aug 22, 2006

Gary Erbeck, Director
Dept. of Environmental Health
1255 Imperial Ave.
San Diego, CA 92101

Re: Gregory Canyon Landfill

Dear Mr. Erbeck,

As a resident of Oceanside, I am ardently opposed to the Gregory Canyon Landfill.

My first concern is the likelyhood of toxins leaking through the liner of the landfill, regardless of what the investors of Gregory Canyon Ltd. say, there is no perfect liner or barrier of any kind that would prevent the leakage of toxins into the ground water. 150-1

In years to come - the San Luis Rey River, our precious waterway through Oceanside could, and most likely would be **polluted**.

If the landfill were built, the increase in traffic would be tremendous. Heavy trucks on Highway 76 would further exacerbate the already hazardous driving conditions. There would be air pollution, noise pollution, and even general desecration of sacred American Indian sites east of I 15. 150-2

Please do whatever is necessary to stop this harmful project.

Thank you, Sincerely,

Fann Swift

LETTER NO. 150

Fann Swift
334 Luiseno Avenue
Oceanside, CA 92057

RESPONSE 150-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

RESPONSE 150-2

The comment expresses opposition to the project and concern with regard to traffic, air quality, noise and Native American interests. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Section 4.6 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic noise impacts. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. Section 4.12 of the 2003 Draft EIR contains an analysis of the potential impacts with regard to ethnohistory and Native American interests. With regard to significant impacts, 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".

Letter 151

From: Laura Lynn Szymanski [lszymanski@san.rr.com]

Sent: Thursday, August 24, 2006 10:57 AM

To: LUEG, DEHComments

Subject: Revised Partial Draft Environmental Impact Report for the Gregory Canyon Landfill Project (PRDEIR)

Attachments: OMWD Opposition.doc

Department of Heath Meeting; August 14, 2006, 6:30 p.m.

Re: Finding of Significant Adverse Impacts From Olivenhain Water Company Water Trucks

Good Evening:

My name is Laura Szymanski, and I moved to Bel Etage 9 months ago because of the serene, residential quality of life it affords my three young children, including one of whom has a significant disability and is easily disturbed by certain noises. Most of my neighbors have children as well and chose to live in a neighborhood that is almost exclusively residential.

I am very concerned to know about the proposal by the Olivenhain Water District, which is only a stone's throw away from my home. As I understand it, many water trucks will carry water each day along a service street and along Camino del Norte. I am concerned that the experts have found that there will be SIGNICANT ADVERSE IMPACTS associated with the noise and volume of traffic from these trucks. We learned only last week— 151-1

and not from the Olivenhain Water Company—about this new, highly intensified, proposed use of its facilities near our home.

I saw an estimate of 267 "to and from" trips from trucks each day. Even if the number of trips were 1/10th of that number, I am disturbed by the findings of the Impact Report and believe that they warrant disapproval of the Company's proposal. The level and type of this commercial activity is entirely incompatible with the residential character of Bel Etage and similar nearby communities. The noise, traffic, and visual blight of the perennial trucks will have a severe, adverse impact on the quality of life of literally hundreds if not thousands of people seeking a calm, residential lifestyle living in those communities, and in accessing their communities. 151-1 cont'd

Please enter these comments in the formal record of this case, and please keep me posted on any developments.

THANK YOU.

Laura Szymanski

LETTER NO. 151

Laura Lynn Szymanski
lszymanski@san.rr.com

RESPONSE 151-1

The comment expresses concern with regard to the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Recycled water trucks would use Maranatha Drive, and not the service street though the Bel Etage subdivision.

The transport and use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. With regard to the number of trucks, the maximum number of actual truck trips associated with the transport of the recycled water would be 89 one-way and 178 two-way truck trips. Using a passenger car equivalent (PCE) conversion factor of 1.5, this results in approximately 267 daily trips to the landfill site for recycled water on peak demand days, assuming all project water is trucked recycled water.

With regard to traffic noise, as indicated in Section 4.6 of the Revised Partial Draft EIR, based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit. The incremental increase on Camino del Sur and Camino del Norte would be a maximum of 0.1 dBA from project-generated trips. Project-generated traffic would extend the existing 60 dBA CNEL contour outward from four to six feet along the recycled water haul route. Future near-term cumulative traffic would extend the existing 60 dBA CNEL outward a maximum of 61 feet along the haul route. Because community noise environments are not immediate comparisons of noise levels, oftentimes a 3 dBA noise increase is considered as a significance threshold for human perception of noise increase. The incremental noise increase from recycled water trips falls well below that significance threshold. However, 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 impacts to residences along these roadway segments.

With regard to the activity that would occur at the Reservoir Site, 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 of recycled water or sale thereof by OMWD. 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. Please see Response to Comment No. 030-2 for a detailed discussion regarding the quality of life.

With regard to significant impacts, 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".

Letter 152

Paul A. Szymanski
17122 Coyote Bush Drive
San Diego, CA 92127

August 24, 2006 (2 pages)

By Email: dehcomments@sdcounty.ca.gov

County of San Diego Department
Of Environmental Health
DEH Local Enforcement Agency
9325 Hazard Way
San Diego, CA 92123-1217

RE: Revised Partial Draft Environmental Impact Report for the
Gregory Canyon Landfill Project (RPDEIR);
CATEGORICAL OPPOSITION TO THE USE OF WATER TRUCKS
TO TRANSPORT WATER TO/FROM OLIVENHAIN MUNICIPAL WATER DISTRICT
ALONG CAMINO DEL NORTE AND CAMINO DEL SUR

Dear Department of Environmental Health:

My residence is very near the Olivenhain Municipal Water District (OMWD) in West Rancho Bernardo. We are a family of 5 people and three young children. Like many families in the relatively new or soon-to-be-built neighborhoods adjacent or nearby the OMWD, we moved here to be in a quiet, peaceful area of San Diego, free from major commercial activity. In our case, we also have a child with a severe disability who is easily disturbed by persistent, abnormal, loud, or low pitched noises.

We are categorically opposed to the proposal that OMWD will use trucks to transport reclaimed water from its location near our house, passing directly in front of our ingress/egress areas to our neighborhood. We understand that there may be many such to/from truck hauls each day for an indefinite period of time. Like the truck movements associated with the ongoing nearby housing construction, we hear the trucks and find the traffic from them very unnerving in our otherwise quiet neighborhood. However, unlike the housing construction, the commercial operation from OMWD would be constant and indefinite. It would, without question, adversely affect the quality of our home life and that of many hundreds of existing families, as well as the thousands of families from 4S Ranch and Del Sur expected to be living near here in the near future.

We are particularly concerned about how the noise and traffic will impact our disabled daughter, Grace, both due to the increased noise at home from the trucks and also the increased traffic and hassle of merging in and out of the flow of commercial truck traffic (which occurs presently often at speeds in excess of 40 mph). In our case, these problems would be experienced several times each day, for trips to school, therapy, and other appointments, due to the trucks that would pass directly past our neighborhood. These types of real-world, significant impacts would be experienced each day for each family.

152-1

Additionally, RPDEIR does make several findings with regards to the noise and traffic impacts, and on all scores those impacts are "significant," "adverse," "unmitigable" as well as enduring (i.e., not temporary). For example, the RPDEIR states:

> Furthermore, noise levels along Camino del Sur, Camino del Norte, and I-15, which constitutes a portion of the haul route for recycles water trucks between the reservoir site and the landfill site, **exceed 60 CNEL** at existing residences. Therefore, the project would result in a **significant project impact** and would contribute to a **significant cumulative traffic noise impact** to the existing residences.
>
> Therefore, the project would have a **significant and unmitigable project traffic level noise impact** as well as contributing to a cumulatively **significant and unmitigable traffic noise impact** to residences along SR 76, I-15 and Camino del Norte/Camino del Sur. (RPDEIR at p. 11-2, emphases added). See also RPDEIR at 20, 22, 23, 24.

152-2

These are unquestionably specific, harsh findings that would adversely and significantly affect many people on a daily basis. They cannot be overlooked or dismissed as politically inspired. Nor can the severity of these findings be mitigated by restricting the truck haul periods to restricted times of the day, as the adverse impacts would exist both when the residents are at home (e.g., noise) as well as when the come and go (e.g., traffic). Thus, the problem is pervasive and ubiquitous.

As far as we can determine, OMWD has not notified the public of these issues or offered to discuss its proposal openly with the community. If it had, I would expect that the opposition to the truck haul frequency and route would be great and at least as emphatic as ours.

Moreover, some at the public hearing asserted that our opposition is "sponsored by the Pala Indians" and "NIMBYISM" regarding the landfill. My opposition to the proposal to haul water is based squarely on the RPDEIR's findings which I can corroborate from my own personal experiences; they have nothing to do with the Pala Indians or the uses for which the water would be hauled.

152-3

In conclusion, my family respectfully **implores** the DEH and all other decision-makers to reject the OMWD proposal to haul water by trucks along Camino del Norte and Camino del Sur. The proposal totally disregards the community interests of hundreds and perhaps thousands of residents who want to preserve the unique and exclusively residential character of the neighborhoods near OMWD and avoid the "significant, adverse, unmitigable impacts" noted by the RPDEIR.

Respectfully submitted,

Paul A. Szymanski

LETTER NO. 152

Paul A. Szymanski
17122 Coyote Bush Drive
San Diego, CA 92127

RESPONSE 152-1

The comment expresses opposition to the recycled water truck route. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

The transport and use of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. As indicated in Section 4.5, the transport of the recycled water would add a maximum of 89 one-way and 178 two-way truck trips. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. With regard to traffic noise, as indicated in Section 4.6 of the Revised Partial Draft EIR, based on estimated noise levels from existing traffic volumes, homes in close proximity to Camino del Norte and Camino del Sur are currently exposed to noise levels that exceed the County's Noise Element limit. The incremental increase on Camino del Sur and Camino del Norte would be a maximum of 0.1 dBA from project-generated trips. Project-generated traffic would extend the existing 60 dBA CNEL contour outward from four to six feet along the recycled water haul route. Future near-term cumulative traffic would extend the existing 60 dBA CNEL outward a maximum of 61 feet along the haul route. Because community noise environments are not immediate comparisons of noise levels, oftentimes a 3 dBA noise increase is considered as a significance threshold for human perception of noise increase. The incremental noise increase from recycled water trips falls well below that significance threshold. However, 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 impacts to residences along these roadway segments.

With regard to the activity that would occur at the Reservoir Site, 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 of recycled water or sale thereof by OMWD. 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. Please see Response to Comment No. 030-2 for a detailed discussion regarding the quality of life.

With regard to merging traffic, a traffic signal will be installed at the intersection of Camino del Sur and Maranatha Drive as a condition of approval of the Maranatha School. Such a signal will serve to create gaps in the flow of traffic, which will serve to make merging from the residential subdivisions simpler.

With regard to significant impacts, 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".

RESPONSE 152-2

The comment provides the conclusions reached in the Revised Partial Draft EIR with regard to traffic noise from the recycled water trucks. The comment expresses an opinion with regard to the conclusions reached regarding traffic noise. Please see Response to Comment No. 152-1 for a more detailed discussion regarding the traffic noise impacts.

RESPONSE 152-3

The comment expresses opposition to the project with regard to the transport of recycled water from the OMWD Reservoir Site. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 153

August 18, 2006

DEH
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123

RE: Gregory Landfill - RPDEIR

To Whom It May Concern:

I am writing this letter to comment on the RPDEIR that was recently released. I have several concerns about traffic, noise and pollution.

I live on Pala Loma between Lilac and Couser Canyon. My wife and I regularly use Couser Canyon as the main route to and from our home. We drive on Highway 76 every day.

I am concerned about the amount of traffic on Highway 76 as it is right now, both west and east of Interstate 15. Allowing approximately 675 loaded trucks (which means another 675 unloaded) on that section of road will make a Highway 76 even more dangerous. That will mean approximately 1300 trucks (counting ingress and egress of the same trucks) will have to negotiate the corner at Rice Canyon and block passage to and from Couser Canyon. If ingress and egress to the site is going to be on Couser Canyon itself, that will be beyond intolerable. There is already considerable truck traffic due to agricultural and construction projects on Highway 76. There is considerable agricultural and homeowner traffic on Couser Canyon each day. Adding more just doesn't make sense. Adding 1000 feet for ingress and egress on Highway 76 is a half measure. Highway 76 should be upgraded to a full 4 lane highway from Oceanside to the Pala Resort in order to handle the traffic it has right now. 153-1

I am also concerned about the noise that will be generated not only by the truck traffic, but by heavy equipment used to move trash around the dump site, compact it and the ensuring dust and dirt caused by those operations. 153-2

Lastly, I am concerned about the contamination of small creeks and the San Luis Rey River by leaking trucks, accidents or leakage in the dump site itself. 153-3

It is my opinion that the Gregory Landfill site could not be in a poorer location based on narrow, winding roads, environmental factors and degradation to surrounding home sites. 153-4

Thank you for allowing my input.

Sincerely,

Edward Thacher

Edward Thacher
11181 Pala Loma Drive
Valley Center, CA 92082
760-742-3677

LETTER NO. 153

Edward Thacher
11181 Pala Loma Drive
Valley Center, CA 92082

RESPONSE 153-1

The comment expresses concern with regard to traffic, noise, and water quality. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. 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 incrementally adds traffic to the existing unacceptable level of service which is treated as a significant and unavoidable project-level impact for purposes of this 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 of SR 76 with Highway 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.

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 access to the landfill site, access would not be from Couser Canyon. Rather, access would be from SR 76 on a new landfill access road. As indicated in Chapter 3 and Section 4.5 of the 2003 Draft EIR, the project includes improvements to SR 76 at the access road to improve sight distance. With regard to the number of lanes on SR 76, the roadway is a state route and as such is under Caltrans jurisdiction. This portion of the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 153-2

Section 4.6 of the Revised Partial Draft EIR contains an updated analysis of traffic noise impacts on SR 76 based on the traffic volumes and projections provided in the 2006 Traffic Study. Section 4.6 of the 2003 Draft EIR contains a detailed analysis of potential noise impacts associated with the construction and operation of the landfill. Given the changes to the landfill design, Appendix D of the Revised Partial Draft EIR provides an updated analysis of potential construction noise impacts. As the additional improvements on the landfill site would be within the same footprint as the initial construction activities (distance to closest receptor would not change) and the initial construction reflects a conservative estimate of construction equipment, the analysis is sufficient to account for the proposed improvements. As a result, potential construction noise levels

provided in the 2003 Draft EIR would not change. The analysis regarding construction and operation noise on the landfill site contained in Section 4.6 of the 2003 Draft EIR were not overturned by the Court or included in its writ. Appendix D also analyzes air quality impacts in light of the changes in landfill design, and concludes that the conclusions have not changed from those in Section 4.7 of the 2003 Draft EIR. That portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 153-3

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

RESPONSE 153-4

The comment expresses an opinion with regard to the location of the proposed landfill. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 154

From: Terry Van Koughnett [terry@paradisecommunity.org]

Sent: Wednesday, August 23, 2006 1:22 AM

To: LUEG, DEHComments

Subject: Oppose the Gregory Canyon Landfill Project

August 23, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I oppose the Gregory Canyon Landfill Project for several reasons previously identified and those detailed in the new EIR:

Excessive traffic and noise pollution from the garbage and water trucks on Highway 76
Degradation of the scenic stretch of highway due to heavy "industrial" traffic
Environmental dangers of the potential waste leakage through the proposed plastic liner into the San Luis Rey watershed
Inappropriate location for a landfill project – too close to existing and developing residential homesites

It is the duty of the Department of Environmental Health to oppose this project regardless of the developers' profit-seeking intention. It is clear that they are opportunistically attempting to develop this project regardless of the negative environmental impacts on the region. There is no way to mitigate the devastating impact this landfill would have on the environment, and the only solution is to deny the project.

154-1

Sincerely,

Terry A. Van Koughnett
10770 W. Lilac Rd.
Valley Center, CA 92082

LETTER NO. 154

Terry A. Van Koughnett
terry@paradisecommunity.org

RESPONSE 154-1

The comment expresses opposition to the project and concern with regard to traffic, noise, aesthetics, water quality, and location. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Section 4.6 of the Revised Partial Draft EIR contains an updated analysis of traffic noise. Aesthetics and Land Use were thoroughly analyzed in Section 4.13 and 4.1 of the 2003 Draft EIR, respectively. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 154.1

From: Mimi Van Koughnett [mimi@paradisecommunity.org]
Sent: Wednesday, August 23, 2006 9:00 AM
To: LUEG, DEHComments
Subject: FW: Gregory Canyon Landfill Project (LOG No. 98-02-025)

August 23rd, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am a resident of Valley Center, and writing to urge DEH decision makers to deny a permit for this project.

My comments are based on my knowledge of planning in the area; and on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside. Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District invites 267 water trucks to lumber back and forth through Olivenhain to the reservoir.
Why would we condone this destruction in exchange for a superfluous landfill? Why?
It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.
The public interest in this case clearly is NOT to build an unnecessary landfill smack in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to:
" protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water, 154.1-1
" protect drivers and residents along this scenic highway from a daily assault of several thousand thundering garbage and water trucks,
" protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
" build necessary facilities in appropriate places; this landfill is neither necessary, nor is it proposed for an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that buckets of private money apply freely and without conscience, and so often in the name of fairness and due process! It is so important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. The PR people are clapping their hands at their triumphant confusion of the facts. But the public has been here already with the tobacco and pharmaceutical industries. People are more aware and less tolerant of unethical corporate behavior. Public deception is not a CEQA

issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste, as well.

154.1-1 cont'd

Sincerely,

Mimi Van Koughnett

LETTER NO. 154.1

Mimi Van Koughnett
mimi@paradisecommunity.org

RESPONSE 154.1-1

The comment expresses opposition to the project. This letter is the same as Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 155

From: Melvern@aol.com

Sent: Thursday, August 24, 2006 2:21 PM

To: dehcomments@scounty.ca.gov

Subject: GREGORY CANYON LANDFILL

8-24-06
COUNTY OF SAN DIEGO
DEPT. OF ENVIRONMENTAL HEALTH
9325 HAZARD WAY
SAN DIEGO CA. 92123

THE GREGORY CANYON LANDFILL PROJECT SHOULD BE STOPPED FROM GOING FORWORD.
IT THREATENS TO POISEN OUR WATER SUPPLY OF THE SAN LUIS REY RIVER,
NOT ONLY FOR US BUT FOR OUR FUTURE GENERATIONS TO COME.
WHEN THIS HAPPENS THE EXPERTS WHO SOLD US THIS PROJECT WILL BE LONG GONE.
WHAT KIND OF PROJECT BENEFITS A COMMUNITY BY DISTROYING IT'S WATER??

155-1

MEL VERNON
SAN LUIS REY BAND OF MISSION INDIANS
4010 LOMA ALTA DR.
SAN DIEGO CA. 92115

LETTER NO. 155

Mel Vernon
San Luis Rey Band of Mission Indians
4010 Loma Alta Drive
San Diego, CA 92115

RESPONSE 155-1

The comment expresses opposition to the project. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

Letter 156

From: JonVick2@aol.com
Sent: Monday, August 21, 2006 3:08 PM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill Project LOG No. 98-02-025

August 21, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am writing to urge DEH decision makers to deny a permit for the Gregory Canyon landfill project.

My comments are based on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside.

Evidently, in addition to many hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District proposes over 250 water trucks to lumber back and forth through Olivenhain to the dump per day.

Why would we condone this destruction in exchange for a superfluous landfill? Why?
It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest.

The public interest in this case clearly is NOT to build an unnecessary landfill in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to: 156-1
1. protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water,
2. protect drivers and residents along this scenic highway from a daily assault of over 2000 (2085, according to the EIR, to be exact) daily trips of thundering garbage and water trucks,
3. protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
4. build necessary facilities in appropriate places; this landfill is neither necessary, nor is it an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that private money applies freely and without conscience, and so often in the name of fairness and due process! It is important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. Public deception is not a CEQA issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste of one of San Diego's precious rivers. 156-1 cont'd

Best regards,

Jon Vick

Jon Vick
13678 McNally Road
Valley Center, CA 92082
Tel 760-751-0250

LETTER NO. 156

Jonathan C. Vick
13678 McNally Road
Valley Center, CA 92082

RESPONSE 156-1

The comment expresses opposition to the project. This letter is similar to Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 157

From: JonVick2@aol.com
Sent: Tuesday, August 22, 2006 11:51 AM
To: LUEG, DEHComments
Cc: Currierplumbing@aol.com; LaelMontgomery@aol.com; chizland@nethere.com
Subject: Gregory Canyon Landfill
Attachments: Fwd: NCTimes-Randolph: Leakage at San Marcos park contaminated by landfill, b...

Dear Sirs,

Please enter the communication below regarding leakage from landfills in the record and take this into consideration when considering the **Gregory Canyon Landfill EIR**. There is no way to stop leakage from a landfill, and we all know this. Leakage is going to happen and the Gregory Canyon Landfill is going to contaminate the San Luis Rey River. It is in your power to prevent this castrohphe. Please do the right thing and deny this dump. Thank you. 157-1

Sincerely,

Jon Vick
Citizens for VC Parkways
760-751-0250

See 8-21-Comments.

Tuesday, August 22, 2006
Last modified Monday, August 21, 2006 11:16 PM PDT

Leakage at San Marcos park contaminated by landfill, board finds

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Discharge discovered after heavy rains in a Bradley Park drainage ditch was indeed contaminated by the closed landfill beneath the park, according to a letter received by the city Monday from the Regional Water Quality Control Board.

The letter, a copy of which was obtained by The North County Times, orders the city to conduct further soil and water quality samples around the soccer field where the discharge occurred.

The Linda Vista Landfill was closed by the county in 1969, and lies under a portion of Bradley Park owned by the city of San Marcos.

To prevent rainwater and other irrigation from percolating into the landfill, the city installed an underground drainage system of slotted "burrito" pipes that absorb the water and direct it toward a drainage ditch that runs into Bradley Creek.

After two heavy rains in 2005 and 2006, rusty-colored water was discovered in the ditch, prompting fears that the water was contaminated.

But in follow-up investigations, the city concluded there was no relationship between the run-off and the landfill below.

In the letter received Monday, however, the regional board's executive officer John Robertus states: "The regional board does not agree with the (city's) conclusion" that there is no relationship between the discharge from the sub-drain pipe and the landfill.

The letter says that materials discovered in the pipe are consistent with "our conclusion that there has been a release of waste (materials) from the municipal solid wastes located in the landfill."

The city has until Sept. 30 to submit a revised work plan for a complete investigation of the landfill site, including groundwater and oil vapor samples from a monitoring network of soil vapor wells, according to the letter.

And by Dec. 18, the city must have a developed a "corrective action plan" approved by the board that includes the removal or containment of all identified solid wastes, the letter said.

It wasn't clear why the regional board's data differed from the city's. Calls to the board's geological engineer Amy Grove were not returned on Monday.

City Public Works Director, Mike Mercereau, said city officials will review the new orders and schedule a meeting with the regional control board.

"I think it would be best if we met with them to figure out what they see is the connection between the soccer field, under-drain, and the landfill," he said. "I don't see any connection myself, but it does appear that they want an extensive survey of the old landfill to determine impacts to groundwater and where the waste lies."

He said the county would probably share responsibility with the city since the county owns and monitors the landfill.

"These are all things that the county is responsible for, so I'm sure any ongoing discussions relative to this would include the county," he said.

"The water quality control board is asking the city apparently to expand upon what the county is doing. We need to have some further discussions with them to figure out why they're coming to the city and not going to the county for this," he said.

The county's Director of Landfill Management, Candace Gibson, said she also received a copy of the letter on Monday and will have to meet with the department's attorney, who is out all week.

In the past, she has suggested that the issue of responsibility for the landfill would require litigation.

"I don't think a decision has been made," she said Monday. "We've been in discussions with the city to negotiate an agreement with them over responsibility for the site, and that hasn't been resolved. We'll have to sit down and look at everything they're asking."

The first leak at the park was observed by a county agent in late 2004. In May 2005, the city was ordered to stop the seepage, which it did by capping a drainage pipe. Heavy rains in March this year caused the capped pipe to back up with water, which seeped through a joint seal.

The city was then ordered by the regional water board on April 17 to investigate that leak and submit a work plan for removing the materials.

On July 17, the city submitted its report, which argued that the drainage water did not come from the closed dump but from the sub-drainage system above it.

The report found a single occurrence of benzene above water quality standards. Mercereau proposed removing the contents, estimated to be between 30 to 50 gallons, from the capped pipe.

Neither Mercereau nor Gibson could say with certainty what data the regional control board was using to dispute the city's conclusion.

"We'll certainly continue to work with the county and regional board to address their concerns," Mercereau said. "It's a park now, and we're in it for the long haul. We want to make sure that things are the way they are supposed to be."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.

LETTER NO. 157

Jon Vick
13678 McNally Road
Valley Center, CA 92028

RESPONSE 157-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

Letter 158

Jonathan C. Vick
13678 McNally Road
Valley Center, CA 92082
760-751-0250

Received
AUG 2 3 2006
DEH / LEA

August 21, 2006

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

RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

Dear Mr. Erbeck and Decision Makers,

I am a member of the Valley Center Planning Group GP2020 Subcommittee, representing myself, and writing to urge DEH decision makers to deny a permit for the Gregory Canyon landfill project.

My comments are based on the high probability that the extremely significant and unmitigated impacts of this project will bring devastating and everlasting effects to Valley Center, Pauma Valley, Rainbow, Fallbrook, Bonsall and Oceanside.

Evidently, in addition to hundreds of garbage trucks every day on Rte. 76, the new agreement with the Olivenhain Municipal Water District proposes over 250 water trucks to lumber back and forth through Olivenhain to the dump per day.

Why would we condone this destruction in exchange for a superfluous landfill? Why?
It is true that the history of this project is convoluted, complicated and profoundly tainted by private financial interests, individual and corporate. There's been plenty of money to go-around. Evidently a few well-connected and already-wealthy investors intend to make a bundle on this dump. We've all read with disgust, especially recently because articles have been so plentiful, about the relationship of private profiteering to projects that "benefit" the public. Most people recognize the difference between a sham to enrich a few out-of-towners and what is genuinely the public interest. 158-1

The public interest in this case clearly is NOT to build an unnecessary landfill in the middle of one of the most scenic watersheds in Southern California. Rather, the public interest IS to:

A. protect the watershed; reject the absurd claims that a plastic liner will keep toxic waste from leaking into the drinking water,
B. protect drivers and residents along this scenic highway from a daily assault of over 2000 (2085, according to the EIR, to be exact) daily trips of thundering garbage and water trucks,
C. protect air and environmental quality of this unique, precious and scenic natural area from the degradation of a 24-hour industrial operation
D. build necessary facilities in appropriate places; this landfill is neither necessary, nor is it an appropriate location

The citizenry depend upon the Department of Environmental Health to transcend political pressure that private money applies freely and without conscience, and so often in the name of fairness and due process! It is important for decision makers not to be swayed by these arguments. Remember that the "ballot initiative" which bolsters this project's legitimacy is itself illegitimate: a textbook example of voter manipulation through twisted-up language: vote yes if you mean no; vote no if you mean yes. Public deception is not a CEQA issue; perhaps it should be. At the very least, specious arguments that the voters want the dump should be set-aside.

158-1 Cont'd

The new Environmental Impact Report details the devastating impacts of trucking, dumping, watering and packing huge amounts of trash into a uniquely precious canyon that our generation should be protecting -- and certainly NOT trashing.

In Valley Center, thank goodness, projects are denied routinely by the DEH to protect the community from contaminating the groundwater with human waste. May your wisdom protect us from this horrendous waste of one of San Diego's precious rivers.

Sincerely,

Jon Vick

LETTER NO. 158

Jon Vick
13678 McNally Road
Valley Center, CA 92028

RESPONSE 158-1

This comment letter is similar to Comment Letter No. 156 but was sent via email. The comment expresses opposition to the project. The information provided in this letter is similar to Comment Letter No. 098. Please see Response to Comment Nos. 098-1 through 098-3. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 159

From: Janet Wagner [jwagner@waltersmanagement.com]
Sent: Thursday, August 17, 2006 7:11 PM
To: LUEG, DEHComments
Cc: Sandy Desser
Subject: Water Truck Traffic Through Rancho Bernardo and 4S

To Whom It May Concern:

We have just become aware of the designated route for transporting 205,000 gallons of recycled water daily from the OMWD pump station on Maranatha Way to the North County landfill near Pala, using Camino Del Sur to Camino del Norte to Interstate 15. 159-1

Please tell me who can homeowners contact to voice their concerns about this issue and prevent this from happening?

Your immediate response would be very much appreciated.

Thank you,
Janet Wagner
Community Association Manager
Walters Management
9665 Chesapeake Dr. # 300
San Diego, CA 92123-1364
- 858-576-5545 (direct)
- 858-495-0900 (office)
- 858-495-0909 (fax)
- jwagner@waltersmanagement.com (email)
- www.waltersmanagement.com (website)

This e-mail, and any attachments, is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this e-mail message is not the intended recipient, or the employee or agent responsible for delivery of the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at 858-495-0900 and delete the e-mail and any attachments. Thank you.

LETTER NO. 159

Janet Wagner
9665 Chesapeake Drive, #300
San Diego, CA 92123-1364

RESPONSE 159-1

The comment expresses opposition to the project with regard to the transport of recycled water from the OMWD Reservoir Site. The comment does not provide a specific comment regarding information presented in the Revised Partial Draft EIR. Information regarding the process was provided on the DEH website and in the Notice of Availability, which was posted at the County Recorder's Office and published in the local newspaper. County DEH is the lead agency for the project. The decisionmaker is the Director of DEH. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 160

To the Dept of Environmental Health: Greetings —

The dump projet at Gregory canyon is a disaster in-waiting. No liner yet developed is leakproof. therefore, it is insanity to place a dump next to a river-particularly one that supplys water to Oceanside. 160-1

add to that the damage to the indian land and their spiritual center and the disaster is complete.

Please deny the whole project in all it's parts. Do not certify the EIR.

Eugene F. Walker
269 Barbara ave
Solana Beach, CA
92075

Received
JUL 24 2006
DEH / LEA

LETTER NO. 160

Eugene F. Walker
269 Barbara Avenue
Solana Beach, CA 92075

RESPONSE 160-1

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The potential impacts of the project relative to water quality is not a section that was included in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

With regard to Native American interests, Section 4.12 of the 2003 Draft EIR contains a detailed analysis of the potential impacts to ethnohistorical resources and Native American interests. Section 4.12 of the 2003 Draft EIR indicates that Gregory Mountain and Medicine Rock are cultural sites to the Pala Band of Mission Indians. The EIR concludes that the project would have significant unmitigable impacts to Ethnohistory and Native American resources and to historical, cultural and ethnohistorical resources in the event that Gregory Mountain was listed in the National Register of Historic Places.

Letter 161

From: Welsh Pat [patwgrdn@mac.com]
Sent: Tuesday, August 22, 2006 1:23 PM
To: LUEG, DEHComments
Subject: Re: Gregory Canyon Landfill

Dear Sirs:

I am deeply concerned about and profoundly against the Gregory Canyon Landfill. This is to beg you to stop this patently unwise, irresponsible, and possibly even evil scheme in its tracks now. There is no public benefit to this plan, but on the other hand, many reasons why it should never be built.

The watershed of the San Luis Rey River and aquifer deserves our continual protection. The idea that a "high tech" liner can protect this landfill from leaking for all time is ludicrous in the extreme. Such a risky operation should be prevented at all costs. We have absolutely nothing to gain by allowing this landfill to be built and much to lose. 161-1
There is no reason good enough to endanger our heritage of fresh water and a clean environment.

I respectfully request that you do all in your power to prevent the Gregory Canyon Landfill from being built now or at any time in the future.

Sincerely,

Patricia R. Welsh

Pat Welsh
P.O. Box 2509
1825 Zapo Street
Del Mar, CA 92014
Email: patwgrdn@mac.com
Website: www. Pat Welsh.com

LETTER NO. 161

Patricia R. Welsh
1825 Zapo Street
Del Mar, CA 92014

RESPONSE 161-1

The comment expresses opposition to the project. As such, 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.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

Letter 162

Pat Welsh
P.O. Box 2509
1825 Zapo Street
Del Mar, CA 92014
Phone: 858/755-2554
Fax: 858/350-5886
Email: patwgrdn@mac.com
Website: www.PatWelsh.com

Received
AUG 24 2006
DEH / LEA

August 23, 2006

Department of Environmental Health
Local Enforcement Agency Office
9325 Hazard Way
San Diego, CA 92123-1217

Re: Gregory Canyon Landfill

Dear Sirs:

I am deeply concerned about and profoundly opposed to the Gregory Canyon Landfill. This is to beg you to stop this patently unwise, irresponsible, and possibly even evil scheme in its tracks now. There is no public benefit to this plan, but on the other hand, many reasons why it should never be built.

The watershed of the San Luis Rey River and aquifer deserves our continual protection. The idea that a "high tech" liner can protect this landfill from leaking for all time is ludicrous in the extreme. Such a risky operation should be prevented at all costs. We have absolutely nothing to gain by allowing this landfill to be built and much to lose. There is no reason good enough to endanger our heritage of fresh water and a clean environment. 162-1

I respectfully request that you do all in your power to prevent the Gregory Canyon Landfill from being built now or at any time in the future.

Sincerely,
Pat Welsh
Patricia R. Welsh

LETTER NO. 162

Patricia R. Welsh
1825 Zapo Street
Del Mar, CA 92014

RESPONSE 162-1

The letter is the same as Comment Letter No. 161. Please see Response to Comment No. 161-1 for a response.

Letter 163

From: dhwhi@aol.com

Sent: Wednesday, August 23, 2006 12:33 PM

To: LUEG, DEHComments

Subject: RE: Gregory Canyon Landfill Project (LOG No. 98-02-025)

August 24, 2006

Dear Mr. Erbeck and Decision Makers,

I am writing to state my opinion about the proposed Gregory Canyon Landfill. Please do not "dump" this unnecessary dump in our rural backyard. The impact on traffic, due to the number of large trucks which would drive back and forth from the landfill each day, would be enormous and would further jeapordize our safety on already-treacherous roads. 163-1

Our air and water quality are also at risk. Let's protect the beauty and safety of this environment from destruction, for our mutual benefit and for future generations.

Thank you,

Tracy White
Valley Center

LETTER NO. 163

Tracy White
dhwhi@aol.com

RESPONSE 163-1

The comment expresses opposition to the project and concern with regard to traffic, air quality, and water quality. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Letter 164

From: karen [karenwinn@speedband.com]
Sent: Thursday, August 17, 2006 9:55 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill

Dear DEH,

As a new resident of Pauma Valley I am concerned about the approval of the Gregory Canyon Landfill and the environment impact in the future pollution and the increased traffic it will cause. As you know the only route into Pauma Valley is Cole Grade Road and Highway 76. In the short year we have lived here there has been a steady increase in normal traffic not to mention the big trucks from growers, deliveries etc. I can only imagine that the traffic pattern will cause enormous delays to an already existing problem. It would seem to me that the normal placement for landfills would be away from public view and not impose congestion in traffic and the serious impact of future pollution.

The information that I have read about the investors and the $$$ they have already spent leads me to believe this is a high profit center for someone, I guess I also question as to why the local government isn't involved in the development if this is in fact such a large profit potential. And, who is this investment LLC??? I haven't really seen anything on the personnel or their profile ??? Is it a secret???

164-1

Thank you for your time.

Karen Winn
Pauma Valley Resident
PVCC

LETTER NO. 164

Karen Winn
karenwinn@speedband.com

RESPONSE 164-1

The comment expresses opposition to the project and concern with regard to traffic and pollution. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. The comment also expresses an opinion with regard to the placement of landfills. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The applicant for the project is Gregory Canyon, Ltd., a California Limited Liability Company.

Letter 165

Received
JUL 1 3 2006
DEH / LEA

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

July 10, 2006

Subject: Gregory Canyon RPDEIR

The RPDEIR traffic analysis is unclear about the effect of a traffic signal on the level of service between I-15 and the project entrance. Is LOS D maintained with a traffic signal in that location? If, for example, departing trucks are made to wait for up to five minutes to depart the project site and allowed one minute to enter S76 westbound, then the east bound traffic will be compelled to stop ten times per hour for one minute each time. This will reduce the average speed on that segment to something substantially less than 37.3 mph.

References:

Page 44: " A speed survey was conducted by Darnell & Associates to establish the current average speed through the state highway segments between I-15 and the project site". The average speed was found to be 37.3 mph. 165-1

Page 45: "...the condition of S76 has been analyzed based upon LOS D as the required level of service" [upon completion of the project].

Page 46 Table 4.5-2: The existing condition traffic volume on S76 from I-15 to the project site is LOS D from 12:00 pm to 5:00 pm.

Page 57 and Table 4.5-9: Traffic management to maintain LOS D and avoid unacceptable LOS E was found by analysis to be achievable by limiting traffic to 72 trucks between 2:00 pm and 3:00 pm and 37 trucks per hour thereafter.

Page 77 "The installation of a traffic signal at the intersections of S76 and the landfill access road subject to the approval of Caltrans".

Charles Witt
1846 Spyglass Circle
Vista, CA 92081

LETTER NO. 165

Charles Witt
1846 Spyglass Circle
Vista, CA 92081

RESPONSE 165-1

The installation of a traffic signal at the landfill site access road is a project design feature, which would only be installed with Caltrans approval. The purpose of the signal would be to enhance safety along SR 76. The project also includes improvements to SR 76 at the landfill access road to improve sight distance. These improvements would serve to make the traffic signal more visible. The installation of a traffic signal at the landfill access road would not affect the capacity of the roadway.

With regard to the references provided, the speed survey relates to the determination of an appropriate passenger car equivalent (PCE) factor that was used for converting trucks to passenger cars for purposes of the traffic analysis. As indicated in Section 4.5 of the Revised Partial Draft EIR, LOS D is the significance threshold that is used for purposes of determining whether or not the project would result in a significant impact. The third reference indicates that the existing conditions on SR 76 are at LOS D. The fourth reference refers to the fact that a mitigation measure is available that would reduce the identified impact to a less than significant level. MM 4.5-3 limits project traffic on SR 76 between the hours of 2:00 P.M. and 5:00 P.M. The final reference is the project design feature regarding the installation of the traffic signal at the landfill access road. No further response with regard to the references is necessary.

Letter 166

From: LAYOUNG7@aol.com
Sent: Saturday, August 19, 2006 10:30 AM
To: LUEG, DEHComments
Subject: Gregory Canyon Landfill project (LOG No. 98-02-025)

regarding the above referenced project:

Those in favor of the proposed landfill argued that growth in San Diego County has made another local landfill a necessity and reiterated their claims that an advanced liner system beneath the vast solid waste dump would keep any harmful substances from leaking into the surrounding aquifer or the nearby San Luis Rey River.

Proposition C, a 1994 ballot measure approved by 68 percent of San Diego County voters that re-zoned the rural Gregory Canyon so that it could hold a solid waste facility. Attorneys representing the county and Gregory Canyon Ltd. argued that since voters approved a ballot measure supporting the landfill in 1994, it is exempt from county regulations. But this was an uneducated vote by 68% of those people. If asked, they more than likely don't know where Gregory Canyon is and didn't know about the water used from this area. Whoever got the most political commercials out to the public at that time, won. But the votes were not coming from educated minds on the given area and those political commercials were misleading the public on the issue (as most campaign commercials do).
The idea that someday toxins will leak into one of the county's last free-flowing rivers has spurred opponents of the landfill more than anything else--- I, being one of them. Also, the landfill will worsen traffic on Highway 76 and harm sensitive habitat near Gregory Canyon beyond repair. 166-1

Oceanside gets about 20 percent of its drinking water from the San Luis Rey River via groundwater wells, and city officials have said they would like to someday increase that to 60 percent. Landfill opponents have long argued that building the dump near the San Luis Rey River, over a major aquifer and near a County Water Authority aqueduct would endanger drinking water used by the Pala Band of Mission Indians and several North County cities. I would hope that this alone would cause politicians to see the dangers of landfills near or on precious water as the Senate in Kunia did :

Senate puts hold on bill to allow dump in Kunia

By Richard Borreca
rborreca@starbulletin.com

The Senate handed environmentalists a victory yesterday by shelving a bill that would have permitted construction of garbage dumps over drinking water supplies.

City ordinances forbid garbage dumps over aquifers, and the Sierra Club argued that a water supply below a landfill could be contaminated by poisons leaching out from the trash.

City Councilman Mike Gabbard --

"At present there is no current landfill technology that can provide an unconditional 100 percent guarantee that hazardous substances in a landfill over the city's aquifer will not enter our previous drinking water supply," Gabbard said.

http://starbulletin.com/2003/03/07/news/index11.html

It would be foolishness to not do the same thing and just plain put Gregory Canyon somewhere else and close the subject for this area once and for all.

166-1 Cont'd

Thank you for listening.

Lisa A Young

4801 Lake Park Place

Fallbrook, CA 92028

760 723-0424

LETTER NO. 166

Lisa A. Young
4801 Lake Park Place
Fallbrook, CA 92028

RESPONSE 166-1

The comment expresses opposition to the project. In addition, the comment provides an excerpt from a newspaper article regarding a landfill in Kunia from the Star Bulletin. The comment and article are acknowledged and will be forwarded to the decisionmaker for review and consideration.

With regard to Proposition C, while Proposition C amended the General Plan designation for the landfill site and revised the planning process for the project, the Proposition requires County review and approval of the project, including environmental review.

Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis for the project. In addition, Section 4.9 of the Revised Partial Draft EIR contains a revised analysis with regard to biological resources. With regard to water quality, Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR contain a detailed analysis of the potential impacts to water quality. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to the landfill liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

Letter 167

REPORTER'S TRANSCRIPT OF PUBLIC HEARING

SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH

REVISED PARTIAL DRAFT EIR FOR

THE GREGORY CANYON LANDFILL

DATE: AUGUST 14, 2006, 7:00 P.M.

COUNCIL CHAMBERS, ESCONDIDO, CALIFORNIA

REPORTING
&LITIGATION
SERVICES

PAULSON

Reported by Kelly Barbera, CSR No. 8295

PRS JOB NO. 60-339891

MONDAY, AUGUST 14, 2006, 7:00 P.M.

* * *

MR. ERBECK: Good evening everyone. My name is Gary Erbeck. The purpose of this meeting tonight is to receive oral comment on the revised partial draft environmental impact report that's currently being circulated. This is part of a state mandated review process related to the California Environmental Quality Act sometimes known by its initials as CEQA.

While a public review process is mandated for CEQA, this public meeting is not required by CEQA. However, as director of the Department of Environmental Health, I wanted to provide all of you with an opportunity to comment directly to me on the proposed changes to the environmental impact report. 167-1

First a little history. After three draft versions and two public meetings, I certified the environmental impact report on February 6, 2003. On January 20th, 2006, Judge Anello found that the environmental impact report was defective in three aspects. One was water supply and the impacts of water use. Two is that the environmental impact report did not consider the impacts identified in the 2003 traffic needs assessment of tribal development projects in the

1 San Diego region, and thirdly, biological mitigations
2 needed to be in conformance with Proposition C.
3 To address these three areas, we required that
4 Gregory Canyon conduct studies on water, traffic,
5 noise, and biology. These studies are the basis of the
6 revisions to the 2003 EIR, environmental impact report,
7 and are part of the revised partial draft environmental
8 impact report now being circulated for public comment.
9 The revised partial draft environmental impact
10 report has been placed at libraries serving your
11 communities, on the DEH, Department of Environmental
12 Health website, and at our field offices. And while 167-1 Cont'd
13 this meeting is to receive your verbal comments on the
14 revised partial draft environmental impact report, you
15 also have the option of submitting written comments by
16 mail, e-mail, hand-delivery to our offices, or at this
17 meeting as well. The comment period ends on
18 August 24th.
19 Let me emphasize that this comment period is
20 only for the changes to the environmental impact report
21 found within this revised partial draft environmental
22 impact report. Only comments related to the revisions
23 will be responded to in the final revised partial draft
24 environmental impact report. So please keep your
25 comments focused on the revised partial draft

1 environmental impact report. DEH will only respond to
2 comments received that are related to the document now
3 in circulation.
4 And one last thing. I respect that regardless
5 of your position on this proposed project that you
6 respect the comments of all those that come up to speak
7 tonight. Thank you for your participation, and now
8 please listen to the following instructions for
9 speakers.
10 MS. McNEILL: Okay. The speaker slips were
11 numbered to indicate the order in which they were
12 provided. This is the order that we will use tonight
13 to hear your comments. We ask that you follow these 167-1 cont'd
14 rules for tonight's meeting.
15 First we will have the proponents or the
16 in-support-of speakers, and they will be individuals.
17 We have no group presentations. And then we will have
18 group presentations and opposition of the draft and
19 they will be called. After group presentations
20 individual speakers in opposition will be called.
21 Your name will be called to come to the podium
22 to speak. We will call a few speakers at a time. When
23 we call your name, please if you'd like to sit up front
24 so that we can expedite the process and give everybody
25 a chance to speak. When the first speaker is finished,

then please come to the podium and you can begin your speaking.

Speakers will be limited to three minutes a person. There will be ten minutes for a group presentation. A group is considered to be three or more individuals each speaking in a cohesive manner. On the speaker's podium is a timer. When the comments begin a green light will come on. When the amber light comes on one minute remains. When speaking time expires a red light will come on. The speakers should conclude comments at that time.

After you have spoken you're requested to return to your seat or leave the room, although we do have not standing room only. So you're welcome to be seated again. Staff will collect any written comments you wish to submit. So if you brought something with you, please leave it with us. We have a box available for placement of written comments. 167-1 cont'd

The meeting will be recorded electronically as well as by a court reporter. Please use the microphone and speak clearly so that we can accurately record your comments and respond to them. Please remember comments should be limited to the revised partial draft EIR. If you wish to submit written comments tonight, please give them to any of the County staff persons here and

we will ensure that they are included in the record of tonight's meeting. This meeting will adjourn when we are completed or at 10:00 o'clock, whichever comes first.

MR. MILLER: Just one last opportunity for anybody that would like to fill out a speaker slip. After this moment in time, we'll consider all the speakers to be here and we'll move forward. 167-1 cont'd

Okay. First speaker is Robert Simmons. Following Mr. Simmons, if we could have Samantha Bowman and Nancy Chase sit in the two seats right next to the speaker's podium, please.

MR. SIMMONS: Mr. Erbeck, before you start the timer, would you please accommodate my blindness by asking one of your staff to give me verbal cues at the two- and three-minute mark?

MR. ERBECK: Yes, of course.

MR. SIMMONS: Thank you very much. My name is Robert Simmons, P.O. Box 19932, San Diego. I am a retired professor of law at the University of San Diego. I am active in environmental issues in and out of court. I've served as lead counsel for the Sierra Club in both federal court and state court cases, and most recently I served as a member of the executive committee of the Sierra Club. 167-2

1 I am here to express my strong support for
2 this project and my dismay that ten years after the
3 voters of this county voted approval to have Gregory
4 Canyon created, not one spadeful of dirt has been
5 turned. And yet it's obvious to you and anyone else
6 living in North County that the need for this landfill
7 is much greater now than it was ten years ago. Our
8 population has exploded as have the volume of tonnage
9 of garbage and trash also has exploded.
10 There's an axiom in environmental law, and the
11 axiom goes like this: That garbage and trash generated
12 in one region should be disposed of in that region, not
13 exported by trucks down freeways to other regions where 167-2 cont'd
14 they're burdened by not only traffic congestion, but in
15 addition to that, the risk of accidents and injuries
16 and the much greater increase in air pollution from
17 diesel discharges.
18 I'm very familiar with over the years that
19 I've been a practicing attorney with CEQA. I've had
20 many cases involving CEQA issues, and it's clear to me
21 after studying the documentation --
22 MR. MILLER: One minute left, Mr. Simmons.
23 MR. SIMMONS: -- this supplemental document
24 not only meets the judge's objections but fully
25 complies with CEQA.

As far as the objections are concerned, and you're going to hear those soon before the end of this evening, it's important to realize, I think, that the River Watch organization is a proxy for the Pala Casino operators who are concerned to make Route 76 a private road for the use of the increasing traffic of gamblers coming to and from, not only to the expanded casino at Pala but to the other nearby casinos. The Pala Casino operators that are paying for the opposition to this project simply don't want to share Route 76 with trucks coming to the landfill. 167-2 cont'd

MR. MILLER: Your time has expired, Mr. Simmons. Thank you.

MR. SIMMONS: Please -- in closing, please accept the document and support the establishment of this landfill. Thank you very much.

MR. MILLER: Samantha Bowman.

MS. BOWMAN: My name is Samantha Bowman, and I'm here to read this letter written from the San Diego Regional Chamber of Commerce into the public record.

"In 2004 the San Diego Regional Chamber of Commerce joined Gregory Canyon, Limited in support of the Gregory Canyon Landfill project by supporting the defeating of Proposition B. We are again -- we, the San Diego Regional Chamber of Commerce, are again 167-3

urging the 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 unique because after a well-publicized campaign and a full airing of the issues from both sides, voters in San Diego County made it overwhelmingly clear that they want this project to go forward. Our citizens have been able to weigh the benefits and impacts of this project and have made their informed judgment.

"The Chamber feels that the completion of this project is vital to our growing community and is a solution to North County waste issues. Without Gregory Canyon Landfill, freeway traffic congestion," excuse me, "may increase as trucks would have to travel long distances to more distant landfills. 167-3 Cont'd

"In addition, without this project a virtual monopoly on county waste disposal will threaten residents and businesses with significant increases in disposal fees. In addressing environmental concerns, Gregory Canyon Landfill's EIR demonstrates full protection of the area's resources.

"In the best interest of the voters, the environment, and our area's economy, please join us in

1 supporting this privately funded and voter approved
2 document. Respectfully, the San Diego Regional Chamber
3 of Commerce." 167-3 cont'd
4 MR. MILLER: Nancy Chase and after Nancy, Mike
5 Gotch and Ash Hayes.
6 MS. CHASE: Yes. Nancy Chase, 324 Clark
7 Street, Solana Beach, 92075. I'm here as a member of
8 the Board of Directors of the San Diego County
9 Taxpayers Association, and I'd like to read our letter
10 into the record.
11 "We are writing to urge that you support the
12 proposed Class 3 municipal solid waste Gregory Canyon
13 Landfill project. As a nonprofit, nonpartisan 167-4
14 organization dedicated to promoting cost effective and
15 efficient government and opposing unnecessary new taxes
16 and fees to the San Diego County taxpayer, we are
17 uniquely qualified to weigh in on this project.
18 "Gregory Canyon, a privately funded
19 infrastructure development, is also unique due to its
20 overwhelming support from the area's voters. The
21 landfill is designed to serve the citizens of
22 San Diego's North County as a much needed, state of the
23 art, environmentally safe, and convenient disposal
24 facility.
25 "The completion of this project is vital for

our growing community. The lack of solution to address North County's waste may increase freeway traffic, disposal fees, and suspend needed economic growth opportunities. We urge you to support Gregory Canyon Landfill and certify the redraft of the EIR. Thank you." 167-4 cont'd

MR. MILLER: Mr. Gotch.

MR. GOTCH: Good evening. Mike Gotch. Thank you to the three of you for coming up from downtown and holding this hearing. I've been asked to read into the record a letter from my colleague, my former colleague, State Senator Lucy Callay (phonetic) who represented San Diego both as a council member, as a member of the assembly, and as a state senator for a number of years.

Lucy writes, "For over ten years Gregory Canyon Landfill, Limited has been working toward one goal, providing a state of the art, environmentally safe, and convenient disposal facility to serve the residents and businesses of San Diego County. I fully support construction of the Gregory Canyon Landfill as a critical part of San Diego's county-wide integrated waste management plan. 167-5

"In addressing the much publicized environmental concerns, the Gregory Canyon Landfill seven-layer liner system provides the most advanced

1 protection of any landfill in this county and as
2 documented in the project's EIR will fully protect the
3 area's water resources. In the best interest of the
4 voters, the environment, and our area's economic
5 interest, please join me in supporting this twice voter
6 approved project. Sincerely, Lucy Callay, former state
7 senator." Thank you for your time.

167-5 cont'd

8 MR. MILLER: Mr. Hayes. Following Mr. Hayes,
9 Mike Rodgers and David Shibley.
10 MS. HAYES: My name's Ash Hayes. I live in
11 San Marcos. Thank you, Mr. Erbeck, for this
12 opportunity to speak. I am here to support the Gregory
13 Canyon Landfill. The important issues for the need for
14 this facility are adhering to the political process
15 that defines our country.
16 Two points are two elections in which voters
17 gave overwhelming support for this project. Voters
18 have had every opportunity to review this issue as a
19 result of well-funded presentations by both sides. It
20 is this open debate and full public airing of differing
21 points of view with media and third party public
22 interest groups participating that we must respect.
23 Voters in every supervisorial district and
24 every city in the county but one approved Gregory
25 Canyon. It is my understanding our regulatory

167-6

1 processes required for Gregory Canyon are in place for
2 protecting the health and well-being of San Diego
3 citizens. We have confidence in your role in this
4 important responsibility. 167-6 cont'd
5 As a six-decade San Diego voter watching
6 San Diego grow, I agree with other voters who know
7 continued growth requires adequate landfill and would
8 like for Gregory Canyon to move forward with all due
9 haste. Thank you.
10 MR. MILLER: Mr. Rodgers.
11 MR. RODGERS: Yes. My name is Mike Rodgers.
12 I am here to read for the record a letter from the
13 Associated General Contractors of America, the
14 San Diego Chapter.
15 "On behalf of the 1,300 members of the
16 Associated General Contractors of America, San Diego
17 Chapter, I would urge for the support of the Gregory 167-7
18 Canyon Landfill. After years of meeting local planning
19 and permitting requirements as well as requirements of
20 the California Integrated Waste Management Act, the
21 completion of this much needed infrastructure project
22 must go forward.
23 "We understand the importance of monitoring
24 compliance and note that the landfill will be closely
25 watched and regulated by state, regional, and county

1 environmental agencies and by the San Luis Rey
2 Municipal Water District to insure the environmental
3 resources are fully protected. In addition, these
4 safeguards are backed by the unprecedented financial
5 guarantees.
6 "The time is now. Please join respected civic
7 leaders throughout the county, responsible
8 environmentalists, and professional water quality
9 exerts in support of Gregory Canyon."

167-7 cont'd

10 MR. MILLER: Mr. Shibley, and after
11 Mr. Shibley, Matt Simmons and Sharon Mooney.
12 MR. SHIBLEY: Yes. My name is Dave Shibley.
13 I've been a land broker in this county for the past
14 31 years. There's probably not a developer I haven't
15 sold to. I see every large land parcel.
16 My point would be here that I don't see any
17 alternatives here. I mean, you're just not going to
18 find alternative sites. If you're talking about the
19 watershed out in that area, any piece of ground that
20 you pick east of here you're probably going to be in
21 the same watershed.
22 I think we finally reach a point with this
23 world that's got some diminishing returns. It's about
24 time we take care of our own problems and they stay
25 local. Our sewage goes out to an out haul. I think in

167-8

some areas we're already doing tertiary secondary treatment. I think we have a responsibility to take care of our own trash that's generated here.

This is local. It should stay here. It's just that simple. And it should be taken care of. I think that's our responsibility. We're already talking about toilet to tap already in some popular areas in the City of San Diego, and these are the type of alternatives in a world that's getting shorter and smaller every day that we're going to have to look into.

I also have to take into consideration that this landfill has a life of about 30 years, and at the end of that life it probably turns into a golf course or reverts to open space with native habitat and the rest of it. Alternatives for the opposition would be would you rather look at two or 3,000 houses out there? 167-8 Cont'd

I'd also ask you folks who like to study -- I know Warner Ranch has recently submitted a new application. You have a couple large properties at the intersections of Gopher Canyon and Couser Canyon. It's only a matter of time before they go. You have the three P's. I think it's time for the opposition to realize that I think this game is over.

It might be delayed for a couple more years.

I'd much rather see constructive suggestions of working together taking into account additional traffic, additional projects, and making sure that 76 is wide enough. If folks are worried about the amount of trash and where trash comes coming from this landfill, that can be regulated. The opposition is worried about bringing trash in from Los Angeles and the rest of that. That can be regulated.

I also do not believe that we have the right to say that we can export our trash and our problems to the desert or all the way down to the Sycamore Landfill or the Miramar Landfill or Otay. Those days are gone. You create more environmental problems by doing that than you do by taking care of what's here locally. 167-8 Cont'd

I also think new recycling techniques in the future will allow us to be more careful about what gets placed in any landfill that we build. Based on all that fact, I just feel that Gregory Canyon, even though the location may not be the greatest in the world, we need one in that area. It's central to where the growth patterns are going to go, and I think it needs to happen. Thank you.

MR. MILLER: Matt Simmons.

MR. SIMMONS: Matt Simmons, San Marcos resident, born and raised in San Marcos. For over 10 167-9

1 years Gregory Canyon Landfill, Ltd. has been working
2 toward one goal, providing a state of the art,
3 environmentally safe, and convenient disposal facility
4 to serve the residents and businesses of San Diego
5 County.
6 I, along with 1.3 million voters who came
7 together to support the development of a state of the
8 art landfill and recycling center, support this
9 responsible response to the needs of a vastly growing
10 area within our county. The completion of this project 167-9 Cont'd
11 is vital for our growing communities.
12 The lack of a solution to address North
13 County's waste may increase freeway traffic congestion,
14 increase in disposal fees, and suspend economic growth
15 opportunities. The time is now. Encourage those who
16 are willing to invest in our future. Please join
17 respected civic leaders throughout the county,
18 responsible environmentalists, and professional water
19 quality experts in support of Gregory Canyon. Thank
20 you very much.
21 MR. MILLER: Sharon Mooney. After Ms. Mooney,
22 Jim Simmons and George Zanter.
23 MS. MOONEY: Thank you. San Diego County only
24 has five garbage dumps, and at the rate we're growing, 167-10
25 according to the San Diego Union Tribune, they will be

full by the time the second graders graduate from high school. To avert a trash crisis the region needs to build a new landfill, expand existing ones, or both. This is according to a draft that's being prepared by the Department of Public Works for a report to the state.

The alternative would be to have trucks, garbage trucks, out of the county, and it would be very expensive. About seven percent of the trash is now being trucked out of the county. Eight landfills in the county have closed since 1977 including the San Marcos Landfill which opened and closed during that time. Of the five remaining, the City of San Diego Miramar Landfill is expected to reach capacity in ten years. 167-10 Cont'd

Space in the landfills will shrink even faster as population expands and the amount of trash grows. Based on the County's estimate the five landfills have about collectively 11 years left. In the short term innovation in recycling has helped to forestall the crisis.

Reducing the amount of trash that goes into the landfill is an important part of the solution. The draft report is counting on everybody to reduce up to 50 percent. In many parts of the county that is

already close or they've reached those goals.

Hauling trash out of the town is costly and is becoming more so all the time as the landfills shun out-of-town trash. Some landfills in southwest have quit accepting it from other counties. Others charge extra and, of course, we know what the cost of gasoline is going to do. These are the simple facts that show that it's time now for Gregory Canyon, and I urge your support. Thank you. 167-10 cont'd

MR. MILLER: Jim Simmons.

MR. SIMMONS: Thank you, Mr. Erbeck. My name is Jim Simmons. I'm a former city councilman, City of San Marcos, and a former planning commissioner for the City of San Marcos, and believe it or not, 30 years ago this spring I was involved in the decision to site the San Marcos Landfill.

This landfill at Gregory has been in the process now to replace that landfill which closed back in '96. I had young sons then. They were three-years-old and one-years-old. One of them just spoke, he's 30, and I have a 33-year-old in the back of the room that will speak soon. I have five grandchildren. 167-11

All of them are affected by this process and this problem, and we've been working hard over all

these years to try to put together a landfill that was effective, both environmentally and economically. And I believe that after we've gone through this process this many times, had the voters speak on it twice, it's time to face the reality that we need to have a landfill and this is the right place to put it.

We have a document that has been vetted professionally and scientifically that gives unequivocal evidence that this is the right place to put this landfill. The traffic mitigation that's proposed in this document, as you have seen in the second part of it or the second writing, I think adequately resolves the traffic issues that will make major improvements through 76 and has analyzed the kinds of impacts that come from long distance hauling of trash in a way that will make more sense for the residents of North County. 167-11 cont'd

So I've come a long way, 30 years. I was -- I'm 62. I hope I see this happen before I'm 92, and I really urge you to look very carefully at the facts, the scientific basis for this, and move forward to certify the document. Thank you.

MR. MILLER: George Zanter and last speaker would be Jason Simmons. 167-12

MR. ZANTER: George Zanter. The Gregory

1 Canyon Landfill project is unique because after a
2 well-publicized campaign and full airing of the issues
3 from both sides, voters in San Diego County made it
4 overwhelmingly clear that they want this project to go
5 forward. Our citizens have been able to weigh the
6 benefits and impacts of the project and have made their
7 informed judgment.
8 As a member of the business community, I know
9 that the completion of this project is vital for our 167-12 Cont'd
10 growing cities and is the solution to North County
11 waste issues. Without Gregory Canyon Landfill freeway
12 traffic congestion may increase as trucks would have to
13 travel long distances to more distant landfills.
14 In addition, without this project a virtual
15 monopoly on waste county -- on county waste disposal
16 will threaten residents and businesses with significant
17 increases in disposal fees. Thank you.
18 MR. MILLER: Jason Simmons.
19 MR. SIMMONS: Thank you. I'm Jason Simmons,
20 resident of San Marcos. You're going to be hearing
21 plenty of arguments in opposition and a lot of those
22 are based on myth, and I want to address a couple of 167-13
23 those tonight.
24 One is that the Gregory Canyon Landfill lies
25 on top of an important source of drinking water. The

1 fact is that the boundary of the Pala basin aquifer
2 lies north of the footprint of the Gregory Canyon
3 Landfill and is not threatened by the proposed
4 landfill.
5 The liner system has been designed with
6 significant redundancies to protect the groundwater
7 from being polluted by the landfill. We not only have
8 this redundant liner system, but we have included
9 monitoring points within the liner system to detect a
10 release before it leaves the landfill and a line of
11 wells at the down gradient edge of the landfill along
12 the path that a contaminant might take if it were to
13 exit the landfill. 167-13 cont'd
14 If a contaminant were detected at any point,
15 we would be able to act quickly either with the on-site
16 treatment system or other measures to deal with the
17 release before it mitigated -- before it migrated,
18 excuse me, any distance from the landfill. The Gregory
19 Landfill poses no threat to the area drinking water
20 resources.
21 Another argument, San Diego has adequate waste
22 disposal capacity to meet waste generation for the
23 foreseeable future and the current successful recycling
24 program has eliminated the need for the Gregory Canyon
25 Landfill. That's just not true.

The county waste generation totals have continued to grow with the population growth since 1994 despite our county's successful recycling program. Without Gregory Canyon the 15-year disposal capacity requirement mandated by the County's solid waste disposal plan cannot be met using county facilities. San Diego County's solid waste plan relies on the Gregory Canyon Landfill and the planned expansion of existing landfills to meet the County's solid waste disposal needs over the next 30 years.

San Diego County currently generates more than 3.3 million tons of trash each year. Over 1500 tons of garbage is collected in North County alone with no local North County landfill to meet the need since the closure of San Marcos. The Gregory Canyon Landfill would be able to accommodate one million tons of solid waste per year for 30 years. 167-13 Cont'd

If the Gregory Canyon Landfill is eliminated, there's no other landfill project on the horizon to address the waste disposal needs of San Diego County. Let's stop the misinformation and stick to facts. I urge you to vote for this project.

MR. MILLER: That concludes our slips for those in favor. I do want to mention that we have six slips of people that are in support but do not choose 167-14

1 to speak tonight.

2 At this point in time we'll move to those that 167-14 Cont'd

3 requested to comment in opposition. First I have

4 Supervisor Slater-Price.

5 MS. SLATER-PRICE: Thank you and good evening.

6 It's ironic that I'm here again because when I took

7 office in late 1992 the waste industry was big on the

8 horizon, and we were dealing with the trash burning

9 plant which, by the way, the same industry is behind

10 the Gregory Canyon that was also the proponent of the

11 trash burning plant in San Marcos which fortunately was

12 eliminated.

13 I will limit my comments to the important

14 following points for which there is either no answer

15 available in the revised partial draft EIR prepared by 167-15

16 the proponents of Gregory Canyon or there is

17 inconsistent information that results in faulty

18 conclusions.

19 Traffic. The traffic section of the EIR

20 estimates that the maximum recycled water usage will be

21 205,000 gallons per day. The proponents use this

22 number to calculate the number of truck trips per day

23 to and from the Olivenhain Municipal Water District and

24 the landfill site.

25 However, the public services section of the

1 EIR, the same EIR, state that the amount of the water
2 used will actually be up to 244,000 gallons per day.
3 This higher number, an increase of 39,000 gallons per
4 day, results in an additional 17 truck trips carrying
5 water. 17 additional trucks mean it's an additional 34
6 truck trips per day.
7 This greatly changes the results of the 167-15 Cont'd
8 traffic analysis from 178 two-way truck trips to 212
9 two-way truck trips, an increase of 34 trips. This
10 discrepancy means faulty traffic information has been
11 produced, and for the residents of Rancho Bernardo it
12 means every day for nine hours a day water trucks will
13 drive to and from Gregory Canyon every two and a half
14 minutes. By the way, that goes on for 60 years.
15 My second issue is biology. This project will
16 permanently destroy 224 acres of contiguous, pristine
17 coastal sage scrub and chaparral habitat. To replace
18 it mitigation measures require the on-site creation of
19 63.6 acres of coastal sage scrub and chaparral and the
20 off-site acquisition of 384.4 acres. 167-16
21 However, Gregory Canyon is not required to
22 provide one contiguous parcel to match the contiguous
23 parcel they propose to destroy. Instead, the
24 developers are permitted to piecemeal mitigation land
25 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. 167-16 cont'd

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 the proponents are counting on-site mitigation acreage under both columns, double counting, which would be counter to the ballot initiative language and I believe illegal. 167-17

Lastly, I'm gravely concerned about the possible contamination of drinking water. Gregory Canyon will be lined, but all studies show that liners eventually leak. To date there has been no liner which has not failed. It's simply a matter of time. As we all know, if this water source is contaminated, water must come from other sources. This will put a strain 167-18

on our already scarce imported water sources. Since this 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. 167-18 cont'd

This landfill was placed on the ballot in 1996 after the proponents failed to receive approval at least eleven 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 crisis in landfill capacity.

Nothing could be further 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 the 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. 167-19

The proponents seem to be counting more on providing lower cost 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. This is not a viable solution. It is a disaster from an environmental standpoint and it should not be approved. Thank you. 167-19 cont'd

MR. MILLER: Laura Szymanski. Would you like to bring your children up so they can sit in the seats?

MS. SZYMANSKI: Good evening. My name is Laura Szymanski and I moved to Bel Etage in Rancho Bernardo nine months ago because of the serene, residential quality of life it affords my three young children, including one of whom has a significant disability and is easily disturbed by certain noises. Most of my neighbors have children as well and chose to live in a neighborhood that is almost exclusively residential. 167-20

I am very concerned to know about the proposal by the Olivenhain Water District which is only a stone's throw away from my home. As I understand it, many water trucks will carry water each day along a service road and along Camino Del Norte. I am concerned that the experts have found there will be a significant adverse effect associated with the noise and volume of traffic from these trucks.

We learned only last week, and not from the Olivenhain Water Company, about this new and highly intensified proposed use of its facility near our home.

1 I saw an estimate of 267 to and from trips from trucks
2 each day. Even if the number of trips were one-tenth
3 of that number, I am disturbed by the findings of the
4 impact report, and I believe that they warrant
5 disapproval of the company's proposal.
6 The level and type of this commercial activity
7 is entirely incompatible with the residential character
8 of Bel Etage and similar nearby communities. The 167-20 cont'd
9 noise, traffic, and visual blight of the perennial
10 trucks will have a severe adverse impact on the quality
11 of life of literally hundreds, if not thousands of
12 people, seeking a calm residential style living in
13 those communities and in accessing their communities.
14 Please enter these comments in the formal record of
15 this case, and I thank you for your time and putting up
16 with my children.
17 MR. MILLER: John Ljubenkov? I'm sorry, John.
18 What is it, John?
19 MR. LJUBENKOV: Ljubenkov.
20 MR. MILLER: Thank you.
21 MR. LJUBENKOV: I'm sorry that it's spelled so
22 hard. 167-21
23 MR. MILLER: Could I ask -- before you get
24 started, could I add Philip Stone and Carmen Mojado to
25 come up and wait?

1 MR. LJUBENKOV: My name is John Ljubenkov.
2 I'm from both the Pala/Palma sponsor group and from
3 River Watch. Throughout the new language in this
4 RPDEIR that's devoted to biological impacts, basically
5 Section 4.9-1, the phraseology used throughout is that
6 such and such a habitat shall be mitigated through
7 on-site creation or enhancement, unquote, of comparable
8 habitat.
9 Of course, there's no known way to create
10 these habitats on site or anywhere else. So when the
11 EIR waves its hand and asserts that it shall be
12 mitigated, perhaps new acreage will be created in an 167-21
13 alternative universe. I mean, actually, their solution cont'd
14 is to just double count it in two columns.
15 I suppose that's what the EIR means by, quote,
16 off site within the unincorporated area of San Diego
17 County. Constant reiteration of the promise that such
18 mitigation would occur prior to or concurrent with the
19 first construction that disturbs that habitat is just
20 environmental ease and means that the bulldozers get --
21 that once the dull dozers get their meal, you get what
22 they burp up.
23 This dump is a bad idea and should be just
24 rejected. Throughout this document there are so many
25 airy promises that are made that their philosophy

1 appears to be promise them anything but give them 167-21 cont'd
2 garbage. Thank you.
3 MR. MILLER: Philip Stone.
4 MR. STONE: I'm Philip Stone. I live in Palma
5 Valley, P.O. Box 1370. I'm here to represent the
6 friends of the Wilderness Gardens Preserve. This
7 700-acre preserve is located on Highway 76 at Pala.
8 I think it's interesting that people from the
9 City of San Diego seem to be very much in favor of this
10 dump ignoring the fact that those of us out in the
11 valley, we're people too. We need to have our health
12 protected. We are a minority.
13 We feel that the voters were in a sense
14 hornswoggled into buying something through the
15 proposition process. I think we all know how the 167-22
16 proposition process is flawed. I read that ballot
17 every year and I don't know which way to vote. This is
18 something that educated people, the Department of
19 Environmental Health, should make a judgment on. We
20 ask that you do that and look at us as human beings,
21 not as a garbage dump, because we're not a garbage
22 dump.
23 Some years ago a survey was conducted on a
24 large number of potential dump sites. Gregory Canyon
25 was either at or near the bottom. How did they get to

1 the top? They got to the top because Gregory Canyon
2 was owned by a garbage company that had millions of
3 dollars to spend on this flawed proposition process.
4 The site selection was driven by profit motive, not by
5 public good.
6 There's no urgent immediate need for a garbage
7 dump in San Diego County. There's still time to find a
8 less onerous location for a dump. A Gregory Canyon
9 dump will not serve the public good. It will serve the
10 private good of Gregory Canyon, Limited. The shear
11 weight and bulk of this thing testifies to the hazards
12 of the Gregory Canyon site. You've got to measure this
13 in inches and pounds, not by pages.
14 The report promises heroic but totally 167-22 Cont'd
15 unrealistic efforts by developers and government
16 agencies to prevent or mitigate disastrous damage to
17 our value. There's an invaluable rare aquifer to
18 protect. There's eagles and other rare species to
19 protect. Too much mitigation is required. Too much
20 monitoring is required. Too much enforcement is
21 required, and too many government agencies are
22 involved.
23 Can we trust the developers and the government
24 agencies to fulfill their obligations? Even if the
25 government agencies are willing to strictly enforce

ideas in this plan, do they have the financial resources to do it? Do they have the manpower to do it? I doubt it.

It would best serve the public good if a future garbage dump is sited where minimal mitigation and government oversight is required. That place is not Gregory Canyon. 167-22 Cont'd

MR. MILLER: Mr. Stone, that concludes your time. Thank you.

MR. STONE: I'll conclude. This dump issue is a money-driven, politically sensitive hot potato. We pray that the Department of Environmental Health will have the courage to accept the facts and take the side of public good.

MR. MILLER: Carmen Mojado. After Carmen, Nancy McCleary and Ruth Harber.

MS. MOJADO: Good evening. My name is Carmen Mojado and I belong to the San Luis Rey Band of Missions Indians. I'm going to read a letter for the record from Dr. Slosson & Associates. He's 88 years old and couldn't be with us, but he is a friend of ours. 167-23

Geological, hydrologic, both surface and groundwater, and great storms occurring during the historical past have caused extensive erosions and

raised questions, serious questions, which have not been previously addressed.

Specifically, No. 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.

No. 2, the surface and groundwater movement within Gregory Canyon has not been adequately addressed. No. 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. 167-23 Cont'd

No. 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 must be addressed regarding the proposed Gregory Canyon Landfill. Dr. James Slosson.

I'll read you his thing. He's a chief engineering geologist, registered geologist No. 46, registered engineering geologist No. 22, registered geophysicist No. 829, registered environmental assessor No. 01849, and professional hydrologist No. 933. Thank you. 167-23 cont'd

MR. MILLER: Thank you. Nancy McCleary.

MS. McCLEARY: I'm Nancy McCleary, president of the San Diego County League of Women Voters. We are very concerned that the environmental impact report for Gregory Canyon's revisions do not address the problem of hazardous waste as a potential impact of water contamination at the Gregory Canyon groundwater basin from toxins such as mercury like from batteries or from the older thermometers, from lead, and pesticides.

The league supports the public's right to know the potential harmful effects of materials they encounter in the home, in the workplace, and the community. We request that the Gregory Canyon environmental impact report provisions provide a public list of hazardous waste that will be deposited into Gregory Canyon Landfill and how the public will be alerted and protected from the risk of household hazardous waste. 167-24

Household hazardous waste is a vital concern

since there will be no prescreening of municipal solid waste to remove hazardous waste. Plans and environmental analysis should establish provisions of managing hazardous waste.

The Gregory Canyon EIR delineates computer models of landfill failure and flows of a few contaminants, but these models do not address how household hazardous waste can enter and be dispersed within the groundwater system of Gregory Canyon. Household hazardous waste can remain a hazard for thousands of years.

167-24 cont'd

The League of Women Voters of San Diego County urges the San Diego County Department of Environmental Health to require that the Gregory Canyon EIR depicts plans to manage hazardous waste to prevent water contamination in the Gregory Canyon groundwater basin. Thank you.

MR. MILLER: Ruth Harber, and after Ms. Harber, Loren Harber and Ruth Calac.

MS. HARBER: My name is Ruth Harber. I'm secretary/treasurer of the environmental group River Watch. I want to set the record straight, first of all, that River Watch is not a proxy for anyone.

167-25

I have been fighting this dump for 18 years and frankly I'm tired and then -- first of all, before

1 I go on with my speech I want to thank Supervisor
2 Slater for coming here today and making such a precise
3 and detailed report on the traffic that is discussed in
4 this EIR, and I thank you very much. I also wish the
5 Fifth District Supervisor Bill Horn were present, but
6 he apparently does not care enough for the people here
7 in this district.
8 Now to my text, the origins of the dump go
9 back to a board of supervisors unwilling to take the
10 responsibility of siting a dump in a proper and
11 environmentally safe location. They allowed
12 out-of-county and out-of-state interests to run amuck
13 in our county. I'm not including you because you were 167-25
14 not on the board when that happened.
15 The Department of Environmental Health fails
16 at every turn. Look at the fiasco in San Diego beaches
17 a couple of weeks ago when it took three weeks to
18 detect and tell the people that ecoli had invaded the
19 beaches. This problem is still not resolved today.
20 Look at Rancho Bernardo and Rancho Penasquitos where
21 people were told to boil their water and now the same
22 problem exists in Campo.
23 These areas are all the responsibility of your
24 department. You will be responsible to monitor this
25 dump. How long will you wait to alert the public when

leachates, gunk, and chemical residue from imported water pollute the San Luis Rey River? You are the gang that can't shoot straight. How can we trust you?

I guess this meeting today and the comments we are to send to you on this dump are all an exercise in futility. You will no doubt again invoke overriding considerations that you have to certify the earlier environment development. Why you do this is beyond comprehension.

I read the full EIR and for every item the Court ordered new studies, whether traffic, air quality, biology. The conclusion of your experts is always the same. Impacts are significant and unmitigable. So why do you invoke -- 167-25 cont'd

MR. MILLER: That concludes your --

MS. HARBER: -- you probably will again, overriding consideration? I'm really angry.

MR. MILLER: Ms. Harber, that concludes your time.

MS. HARBER: This dump has haunted and destroyed my life for the past 18 years, but that's not important to you, is it? Thank you.

MR. HARBER: I have to put up with her every day. You just have to deal with it when you come out with these fiascos of an EIR. Anyhow, my name is Loren 167-26

Harber. I reside at 11132 San Antonio Way in Valley Center. I'm a retired engineer. So I'm very familiar with how numbers can be manipulated to support any cause one desires.

I see that even now the proponents of this dump now concur that they cannot manipulate the numbers any further and have concluded that they cannot meet the CEQA changes ordered by the Court and admit that these items are unmitigable.

This dump is unnecessary as there presently exists over 30 years capacity for the economy of San Diego in the current and expanded facilities. Alternatives have been ignored. Technology is ever changing. Even Richard Chase's trash to energy fiasco that almost bankrupt the county in the '90s is today a feasible alternative. In fact, the Europeans are utilizing this process reducing their dependency on foreign oil, thus reducing greenhouse effects by creating trash to energy. 167-26 Cont'd

Why are we still creating dinosaurs that will someday leak into our groundwater and ultimately become a future superfund? The proponents of this project will be long gone when this occurs, and the costs will have to be absorbed by the county and Richard Chase will then have completed his mission of bankrupting the

1 County of San Diego. Thank you.
2 MR. MILLER: We have Ruth Calac. After her,
3 Guss Pennell and Sheila Manning.
4 MS. CALAC: Hi. My name is Ruth Calac. I'm
5 from -- yeah, Calac. Post office Box 1083, Palma
6 Valley, California. I reside on the Rincon Indian
7 Reservation.
8 I've been listening really hard to this
9 debate, but my points are from a different view and
10 that is, of course, the significance of the Gregory
11 Canyon to the tribal people and their traditional
12 religion. So in that respect I would ask you to think
13 about the fact that, you know, if you put a dump in
14 Nazareth I don't think anybody's going to be real 167-27
15 happy, and that's the way we look at this canyon.
16 Some of the other things, though, that are
17 really on my mind are the fact that I see two sides of
18 this situation, and I see that on one side you have
19 developers, realtors, a lot of people depending on
20 livelihoods from this dump. And on the other side you
21 have environmentalists and people who are talking about
22 life and the quality of life, and it seems to me that
23 your department is an environmental health department
24 and should be thinking about quality of life.
25 So I'm here for opposition to this canyon, the

canyon dump, and I think that the very definition of your department should be to think about the environmental impact to the people and the quality of life and to the water source and to the people that are even downwind of this mess that's going to be coming. Thank you. 167-27 cont'd

MR. MILLER: Guss Pennell.

MR. PENNELL: My name is Guss Pennell. I live in Carlsbad. I'm representing the City of Oceanside tonight. Thank you very much for allowing me to come and speak to you.

The landfill will cause irreparable harm in five areas; noise and vibration, traffic congestion, air quality, aesthetics, and desecration of holy land. More than two large trash or water trucks a minute will use Highway 76 and other surface roads in the area spewing out airborne pollutants to the surrounding air. Think of the health effects. 167-28

It's the opinion of the City of Oceanside that this project has nothing but negative impacts and should not be approved. For 16 years the City of Oceanside has opposed the siting of Gregory Canyon Landfill. In 1990, 1999, 2003, and 2004 the city council unanimously voted against aspects of Gregory Canyon, be it the siting element or supporting repeal

of Proposition C.

Since the late 1800s the City of Oceanside has used the basin as a source of drinking water. We plan on using it for another thousand years or more. We consider the landfill a threat to our municipal water supply. We hear about the seven-layered liner and all this concept.

And the gentleman that spoke about the myth that the landfill is not on the basin, it may be separated by 50 feet, but it's sitting on the side of a hill in fractured granite that flows directly north. How else would it -- I mean, if it leaks, it goes into the basin. This idea that it's somehow separated by an impervious wall is bogus and everyone knows it. The city's invested a lot of money in our groundwater facilities. We are concerned that this will render them useless. 167-28 cont'd

I have two questions about the EIR in particular. You talk about monitoring wells that are now being talked about as water supply wells. How can they be used as both? It seems like it will cause a problem if you start using monitoring wells as water supply wells because I don't believe the Olivenhain water truck fiasco is going to be approved in the long haul. 167-29

1 The second question would be how can bedrock
2 wells, which you're talking about using for a water
3 supply, be recharged if you have a liner and diversion
4 of perimeter drains around the landfill? How is water
5 going to get into this fractured granite unless it's 167-30
6 from the leaking liner?
7 I believe that there's enough negative impacts
8 that this landfill should not be approved, that there's
9 too many overriding negative situations. Thank you
10 very much.
11 MR. MILLER: Sheila Manning, and after
12 Ms. Manning, Walter Rusinek and Mel Vernon.
13 MS. MANNING: Sheila Manning, 1427 Tecalote
14 Drive, Fallbrook, and I also serve as president of
15 River Watch. Concerned residents of North County
16 San Diego have been addressing issues pertaining to the
17 proposed Gregory Canyon dump for the past 17 years.
18 An employee starting work at the DEH when this
19 project was first being considered would be planning 167-31
20 for retirement today, yet we the taxpayers have had to
21 keep working because of the need for us to keep coming
22 back before you responding to EIRs that have been
23 worked and reworked.
24 We have told you that the Gregory Canyon dump
25 is not necessary. The location adjacent to the

San Luis Rey River places the potable water supply for thousands of families in danger of contamination. The destruction of critical habitat is unacceptable. There are significant public health risks due to pollution from diesel engines, increased traffic bringing thousands of truck trips a day onto an already dangerous two-lane winding road, and now the use of recycled water being trucked in and stored in tanks at the dump site.

Over all of these years and revision after revision, this site has not become a better location. It is still the worst location in the county for a dump. Circumstances have changed and times have changed. We are currently facing an energy crisis. Perhaps it makes better sense to create energy from our trash rather than putting it into the ground. 167-31 Cont'd

Potential degradation of groundwater quality with the use of recycled water is of great concern. The recycled water will introduce water with a different quality that could affect the existing water quality conditions in the basins.

It's stated in the revised draft it is recognized that this water will contain higher concentrations of some components compared with existing alluvial and bedrock water quality. Part of

1 the formula is to dilute the concentration with an
2 average rainfall of 865 acre feet a year. What is the
3 plan during dry years for dilution?
4 But the highest risk to groundwater as stated
5 in the draft will come from an overflow or damage to
6 the on-site storage tank. Has there been a plan
7 developed and when will it be ready for public review? 167-31 Cont'd
8 Diesel exhaust contains over 450 different
9 compounds, many known to cause cancer, respiratory
10 ailments, and reproductive problems. Your permit will
11 allow 2,085 daily truck trips on Highway 76. Your
12 permit will allow for mitigation for the health and
13 quality of the life of our children and seniors. The
14 threat to human health should never be mitigable in
15 exchange for a garbage dump. Thank you.
16 MR. MILLER: Walter Rusinek.
17 MR. RUSINEK: Thank you. Walter Rusinek. I'm
18 here on behalf of the Pala Band of Mission Indians. I
19 think you've heard a number of comments already that
20 went to substantive issues with the RPDEIR and where
21 there are inadequacies in those. I'd like to point out
22 a few more. 167-32
23 The court order indicated that the mitigation
24 acreage that was used was illegal under Proposition C
25 because it was used on site, open space land required

1 to be maintained as open space under Proposition C.
2 Rather than complying with the court order to find
3 proper mitigation land, what happened is that you went
4 in and tried to find less mitigation was necessary, and
5 you opened up this whole idea that the arroyo toad
6 surveys and analysis that had been done previously was 167-32 Cont'd
7 erroneous.
8 My question would be why didn't you do
9 analysis of other impacts to other endangered species,
10 update the surveys that had been done previously on
11 California gnatcatcher? I think that that right there
12 is a discretionary choice that was erroneous.
13 On traffic mitigation, to keep up with the
14 Proposition C issue, one of the mitigation proposals is
15 to obtain a tiff credit for the work that is required
16 by Proposition C which is a realignment of portions of 167-33
17 SR 76. That falls back into the same problem that you
18 had previously with mitigation acreage and the open
19 space. That is not additional mitigation, and it
20 shouldn't be counted toward any credit on a tiff.
21 Your cumulative impacts analysis, it's clear
22 that the County has dual standards on what constitutes
23 projects that need to be considered for cumulative
24 impacts analysis. In its letters going to the Pala 167-34
25 Reservation regarding their notice of preparation for

1 the casino, there are certain projects that are
2 mentioned that need to be addressed, specifically
3 Warner Ranch. Those don't appear to show up as 167-34 Cont'd
4 projects that need to be tested for cumulative impacts
5 in this EIR, and the listing of the projects used in
6 the cumulative impacts analysis is very unclear.
7 As to the Olivenhain Municipal Water District,
8 the problem there in part is that that as a public
9 agency failed to do any CEQA analysis before they
10 entered into the contract with Gregory Canyon. We have
11 filed suit against OMWD alleging failure to comply with
12 CEQA because they did not do any CEQA analysis. The 167-35
13 CEQA analysis done by the LEA is not sufficient and
14 obviously is not what needed to be done. So our
15 feeling is that contract does not exist even for
16 purposes of your EIR.
17 I think we have some other comments coming up.
18 Thank you.
19 MR. MILLER: Mel Vernon.
20 MR. VERNON: I'm Mel Vernon, 4010 Loma Alta
21 Drive, San Diego, California, member of the San Luis
22 Rey Band of Mission Indians. I have also spoke before
23 different boards about the opposition of the Gregory 167-36
24 Canyon site, and I've listened to both experts on both
25 sides.

The thing that I am impressed with is that it does seem to be a money driven for profit proposition by a certain people that are going to profit by it. The people that are going to be impacted are the ones that are going to live in the area, and if it does ruin a water supply, which we already have to boil water already, and cause more pollution, I think we're basically looking at the wrong place.

As far as the technology that we've got to have such a wonderful place to put our garbage, that technology doesn't impress me with anything because that's just basically somebody's job to sell somebody something that can do a better, quicker, faster less thing. It can be anywhere. It doesn't have to be at Gregory Canyon. 167-36 Cont'd

Going back to our wonderfulness here, I remember when my dad used to pull over to the side of the road to drop and change his oil as it wasn't going to impact our environment. That's our history. You know, we've come a long ways, but we haven't come so far that somebody with a lot of money can't do the same thing in a bigger way and maybe destroy a lot more than anybody dumping their oil back in the '50s can do.

I think we're faced with something here. Maybe we don't like to see it because that's part of

what we're dealing with. We're dealing with a lot of money and every time I hear it goes up. It was 20 million. Now it's 30 million, I hear. Somebody goes back to the East Coast and sells another good story of how it's going to happen.

But to me it's like being in front of a slot machine. You got so much money invested in it, you can't stop your losing and you're hoping to win. Well, this is a no win situation that I see. I'm not a scientist, but I do know I don't want to poison my future generations who live in Oceanside or anywhere else. I don't have to be an expert to know that. 167-36 cont'd

I think we're already faced with that situation. I think it's a sad situation to have that choice where somebody comes back with so much money or the attorneys or the people that crunch the numbers that can get any answer they want, be it scientific, academic, or expert. Thank you.

MR. MILLER: Everett DeLano. Following that, Navreet Uppal and Olive Rice.

MR. DeLANO: Good evening. Everett DeLano on behalf of River Watch. And, Mr. Erbeck, I want to start off with I realize I was the one that sued you last time. So I hope you'll listen to my comments despite the fact that I understand you didn't want to 167-37

be served with that first lawsuit.

And let me just say in that regard, the reason that River Watch and the City of Oceanside and the Pala Band of Mission Indians did decide to sue, remember that this has had a long history and there were a number of expressions of concern raised about the original EIR and about the original project, both of which have changed, as we know, over the course of the years. And we felt during that time, and apparently rightly so according to the judge, that certain aspects of the project and certain aspects of the EIR were inconsistent with what was required.

I want to remind you, too, because I think sometimes what happens is people start to think of CEQA as essentially a thing that says we're going to make sure and talk about all our impacts and then we're going to go ahead and do whatever the heck we want. That's not actually what CEQA means. CEQA is really about common sense. CEQA is also frankly about being conservative. 167-37 cont'd

We all know that we don't know everything that's going to happen in the future. We have to acknowledge that. So in light of that, we need to play it safe. CEQA essentially says we're going to think about these impacts and do the best we can to be

1 conservative about the role for the future.
2 Well, now you have an original EIR that
3 acknowledged impacts to aesthetics, to cultural
4 resources, to traffic, to noise, to air quality, and
5 you have a revised partial draft EIR that acknowledges
6 additional impacts, significant impacts in traffic and
7 noise and cultural resources and historic resources.
8 Somebody should sit back and say, whoa, enough is
9 enough. Let's not throw good money after bad, so to
10 speak. It's time to put a stop to this. It was a bad
11 idea at the time. It's only a worse idea today.
12 Now, I hear arguments such as, well, but the
13 voters have said it's a good idea. Think about what 167-37 cont'd
14 the voters actually said. The voters simply said we're
15 going to change the land use designation of this site.
16 They still relied upon you, Mr. Erbeck, Department of
17 Environmental Health, to make the right decision about
18 the permit.
19 They also didn't have, as we all know, a
20 revised partial draft EIR that acknowledges significant
21 new impacts associated with this project, and indeed as
22 you're going to hear both tonight and in comments in
23 the future, there are additional areas beyond what
24 these analyses have said of additional impacts that we
25 all need to be concerned about.

Also, times have changed, even in the last few years, whether it's additional opportunities for trash by rail, whether it's waste to energy opportunities. I was at a meeting recently with some staff from the energy commission who acknowledge that they're real excited about the new opportunities there. I'm not saying any one of these is going to be the ultimate solution, but those alternatives need to be considered before this project is done.

Finally, just to relay the myth -- if I could have just maybe 15 more seconds. Just to relay the myth of -- putting aside the myth that this somehow is a project for North County, I was at a meeting, a public meeting recently, in which one of the key proponents of the Gregory Canyon Landfill project, Mr. Richard Chase, was at and I asked him pointblank, would you be willing to limit this project to simply North County trash or even for that matter simply San Diego County trash. The answer from him, unequivocally no, he wouldn't do so. 167-37 cont'd

For these and other reasons it's a good idea to say enough is enough. This is a bad idea. Reject the project. Thank you.

MR. MILLER: Navreet Uppal.

MS. UPPAL: Hello. My name is Navreet Uppal 167-38

and I'm with Soil Water Air Protection Enterprise. I have a master's degree from UCLA School of Public Health in environmental health sciences and have worked on several landfill EIRs.

After review of the EIR, I found deficiencies in the traffic section. I ran an air model, Urbimyth (phonetic), using the number of vehicles given in the EIR and found an exceedance of particulate matter.

In addition, odor and carcinogens are issues at the landfill. An odor dispersion model was run using the fugitive emission values from the SAIC air quality report along with the EPA landfill gas emission values, and the results show exceedances of both carcinogens and odorants. 167-38 Cont'd

Seven out of ten constituents analyzed were above the EPA remediation goal with PCE and vinyl chloride exceeding the level six miles past the source where residents are located less than a mile from the proposed site. In addition, the odorants which exceeded their level were dimethyl sulfide and hydrogen sulfide. And thank you.

MR. MILLER: Thank you. Olive Rice and then Eleanora Robbins and Lenore Volturno.

MS. RICE: My name is Olive Rice. I live at 10590 Couser Way in Valley Center, and I have and 167-39

1 operate a farm on the adjacent property really. I'm
2 probably a mile at the outside so far as being the
3 distance from Gregory Canyon, and I have neighbors who
4 operate similar farms.
5 Interesting that the last speaker spoke about
6 the air quality, the carcinogens and other pollutants
7 that would affect both people and farming; trees, for
8 example, which I am certainly associated with.
9 Also, so far as the traffic, which is another
10 unaddressed aspect, the amount of trucks that are
11 coming through on this two-lane road obviously make a
12 terrible situation. There were two fatal accidents on 167-39
13 76 in this last week. With all of the trucks coming
14 down at two-minute intervals and for a 24-hour period
15 possibly or 12 at least, school buses will be
16 encountered. Youngsters from Palomar Mountain attend
17 school in Fallbrook, also in Valley Center. These are
18 accidents that probably will happen, and as everyone
19 has so eloquently remarked, it's a very bad idea to
20 have this.
21 The important thing to all of us here, and it
22 should be important to you too, is that the dump will
23 destroy the San Luis Rey River watershed. It will
24 destroy enumerable wildlife. It will destroy the
25 quality of our air, the quality of our water, and it

will destroy the quality of our lives, and it may very well kill us with the additional traffic on the unsafe Highway 76 and all this is for an unnecessary dump. Thank you. 167-39 cont'd

MR. MILLER: Eleanora Robbins.

MS. ROBBINS: Thank you. I'm Dr. Eleanora Robbins. I'm a geologist on the faculty at San Diego State. I'd like to share a sentence we were taught in remediation class. There is no such thing as a landfill liner that doesn't leak. From the revised EIR I'd like to discuss the new liner configuration. Then I'd like to discuss seismic issues that weren't addressed in either EIR.

A new drainage layer and geomembrane have been added to create newer configuration with five geotextile and three geomembrane layers. I went into the literature to learn more about this liner configuration, where it's been used, and the data that show its ability to withstand pounding by earthquakes. I read both EIRs to see how this issue was addressed and it wasn't. 167-40

I want to show you something about the pounding that this liner can expect. The Gregory Canyon Landfill is along the most active fault in Southern California, the Elsinore-Whittier Fault. I

pulled out a data set on all earthquakes felt in Pala, California between 1990 and 2001. These are small earthquakes, not a listing of the big earthquakes that characterize this fault system. Here it goes.

1990, July 27. 1991, none. 1992, May 15, August 17. 1993, May 11. 1994, January 10. 1995, none. 1996, January 25, February 20, March 18, April 8, July 1, July 22, August 26. 1997, March 17, July 3, July 16. 1998, none. 1999, none. 2000, none. 2001, January 5, January 13, March 2, April 6, July 31.

This is the kind of pounding that geotextile and clay will be subjected to. I went into the literature to read data on seismic strength of geotextile. All the studies I found were on shaker tables for foundations, not the actual field data and none on landfill stability. 167-40 cont'd

The shaker table data showed that the safest material for foundations was one that could slip with earthquake motion. That's the opposite from what's needed under a landfill built on a hillside in a seismically active area. Once the liner is broken, then the issue is toxic leachate leaking into the San Luis Rey Aquifer.

The 2000 population data show that almost 250,000 people live in this watershed segment and get a

percentage of their drinking water from the aquifer. When the San Luis Rey Aquifer is contaminated, these people are going to be going into competition with the rest of us for water drawn from elsewhere.

The second earthquake issue has to do with major earthquake motion on the Elsinore Fault. Neither EIR raised this point, but the dam holding the trash will probably break and all that material will be transported into the San Luis Rey. It's going to be an expensive clean-up job funded by unsuspecting taxpayers of the county. 167-40 Cont'd

MR. MILLER: Lenore Volturno. After her, Nina Hapner and Miguel Hernandez.

MS. VOLTURNO: All right. Good evening. My name is Lenore Volturno and I am the director of the Pala Environmental Protection Agency, and I'm speaking tonight on behalf of the Pala Band of Mission Indians.

As the county is aware, the Pala Band of Mission Indians has opposed the proposed Gregory Canyon Landfill since it was first identified as a possible site in the late '80s, not just since our casino was opened. Two of the main reasons for the tribe's opposition would be that the proposal would create a landfill on the banks of the San Luis Rey River and at the base of Gregory Mountain, a mountain considered 167-41

1 sacred by Pala and other Luiseno tribes.
2 No modification of this project and no
3 mitigation of impacts to endangered species, traffic,
4 or noise that the project would cause can change the
5 fact that placing a landfill in Gregory Canyon shows
6 disrespect for the sacred site and for the beliefs of
7 the Luiseno people. The fact that the county has
8 simply ignored these impacts by issuing findings or
9 statements of overriding considerations only increases
10 the insult.
11 As the county is also aware, without the
12 continued opposition of Pala, River Watch, the City of
13 Oceanside, Supervisor Pam Slater-Price, and other
14 parties, we would not be here tonight commenting on yet
15 another attempt by the County to paper over the impacts
16 that the proposed landfill would cause.
17 Based on our review of the revised partial
18 draft EIR, it appears that the County as the main
19 proponent of this project has forgotten that it is also
20 the main regulator of the project and the lead agency
21 responsible for insuring that a proper analysis of the
22 impacts of the proposed project is completed.
23 For example, to put this process in
24 perspective, the Pala Band recently received a 12-page
25 letter from the county detailing the comments on the

167-41 Cont'd

1 tribe's notice of preparation for the proposed
2 expansion of our casino. We are aware that the county
3 provided 18 pages of detailed comments on the notice of
4 preparation for the proposed Jamul casino.
5 We would be surprised if the County provided
6 any detailed comments to the revised partial draft EIR
7 for the Gregory Canyon Landfill, especially as it did
8 for the two proposed tribal projects. However, because
9 we may be wrong, we requested the County provide us
10 with a copy of all comments it provided on the draft
11 EIR and allow us to clarify this issue; more
12 importantly, the County's comments on the Pala notice 167-41 Cont'd
13 of preparation to raise issues concerning the revised
14 partial draft EIR for Gregory Canyon.
15 For example, the County's letter commenting on
16 the NOP states that Pala should coordinate with the
17 county regarding near term plan to proposed project and
18 the proposed long range land use plan for the North
19 County communities and specifically states that the
20 Warner Ranch project is a proposed large scale
21 development that should be included in the cumulative
22 impacts analysis.
23 The County's letter also states that the
24 recently announced Palma Casino expansion should also
25 be considered. However, the Gregory Canyon draft EIR

1 does not even include the Warner project or the Palma
2 Casino project in its list of potential projects for
3 which cumulative impacts on traffic and noise should be
4 evaluated.
5 Other examples of the County's disparate and
6 preferential treatment of the Gregory Canyon project
7 environmental review will be provided in our written
8 comments. The main point, however, is that while the
9 County continues to go through the process of trying to
10 approve the proposed Gregory Canyon Landfill,
11 circumstances have changed and technology has improved. 167-41 cont'd
12 First, the Gregory Canyon Landfill is entirely out of
13 place -- I'll be done in just a minute.
14 MR. MILLER: That concludes your time.
15 MS. VOLTURNO: I will. I'm concluding right
16 now. The proposed Gregory Canyon Landfill is entirely
17 out of place because it is proposed to be located not
18 only in the middle of a pre-approved mitigation area
19 for biological resources, but in an area in which the
20 county plans show will be developed into hundreds of
21 houses along Highway 76. We thank you and we'll also
22 be submitting more comments in writing.
23 MR. MILLER: Nina Hapner.
24 MS. HAPNER: I apologize for my frog-like
25 voice. My name is Nina Hapner. I'm the executive 167-42

1 director of the Native American Environmental
2 Protection Coalition, and the Pala Band is one of our
3 member tribes. The Native American Environmental
4 Protection Coalition is in support for opposition to
5 the Gregory Canyon Landfill. 167-42 cont'd
6 The location of this landfill is in the
7 vicinity of a sacred place, Gregory Mountain. This
8 mountain holds cultural and historical importance for
9 Luiseno people, and placing a landfill shows disrespect
10 for the sacred site and for their beliefs.
11 Excuse me. All of the revised liner includes
12 a double composite liner system with an additional
13 layer and an additional membrane. There is concern
14 that even with these additional layers there is no
15 guarantee that the groundwater will be protected from
16 high groundwater levels after post closure of the
17 landfill. I am sorry.
18 The revised liner design does not demonstrate 167-43
19 how the liner system will work if the liner system is
20 soaked from the bottom, which will happen after post
21 closure and high water tables infiltrate into the liner
22 system. Can the integrity of the system be compromised
23 when groundwater level rises above and falls below the
24 liner level?
25 There is no evidence in the EIR to guarantee

that this design is effective when landfills are built where groundwater 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 mediation of once a drinkable aquifer costing taxpayers millions of dollars. 167-43 Cont'd

We've already seen the costs incurred with other contaminants such as perchlorate when it has to be cleaned out of drinking water. And what will be the cost to remove multiple contaminants from the Pala basin?

The number of trucks coming to and from the landfill site will increase traffic on an already traffic-burdened road. The EIR does not include the Warner Ranch project or the Palma Casino project in its list of potential projects with cumulative impacts on traffic and noise which should be evaluated. Additionally, the effects on the number of idling diesel trucks and their effects on the air quality have not been analyzed. 167-44

In the revised partial draft of the environmental impact report it is said that monitoring wells will be used as protection wells. Using the 167-45

wells this way compromises any data gathered for the monitoring wells and, therefore, the data is invalid and cannot be used. 167-45 cont'd

Furthermore, the proposed Gregory Canyon Landfill is entirely out of place because it's proposed to be located not only in the middle of pre-approved mitigation area for biological resources, but is an area which the county plan shows will be developed into hundreds of houses along State Route 76. 167-46

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. Thank you.

MR. MILLER: Miguel Hernandez. Following him, Mark Mojado and Paula Stigler.

MR. HERNANDEZ: Good evening. I always wanted to say that. Anyway, I'm from Palma. My name's Miguel Hernandez. Am I talking too loud? My name's Miguel Hernandez, and I've been working for the environmental department in Palma for almost nine years. And everything that people are saying here I've heard too. 167-47

These guys almost had me going here earlier when they were saying how desperate we needed a dump,

but they use words like "progress" and "growth" and "scientific studies" and "state of the art," and what it all boils down to is that it's money driven like a few people over here said, and I'm believing that more and more.

I'm not into solid waste, but I've talked to a lot of good ol' boys and they have said every liner leaks. Every liner leaks. And so I don't know why we would even put one on the San Luis Rey watershed. Have we put in the flood plains into consideration, 100 year, 200? I hear there's even bigger floods than that. I'm not too sure. 167-47 Cont'd

And the seismic activity too, I worked out doing environmental over in Palma just for a water line and we had -- USGS and we had seismic activity all up and down through that area too.

Anyway, what else was I gonna say? Oh, yeah. New Orleans, look at that, their levies. You know, they thought that they had it going on and look at now. You know, I mean, when Mother Nature -- when Mother Nature comes knocking, man, it doesn't matter how many scientists or whatever, I mean, or brains or whatever we think we know. We don't know because you just don't put something on the river. It's going to bite us in the end.

And the Gregory Canyon mountain, I'm not -- I don't really know exactly what it means. I know it's sacred and I know you wouldn't put a -- I mean, you know, it's not written down. There's a few old anthropologists, you know, Kroger and Dubaugh (phonetic) and stuff and a few of the elders that talk about it as well, but you just don't go put a landfill say next to Stonehinge or the Vatican. You wouldn't do that. So don't do it next to our sacred sites either. Anyway, it's gonna bite us in the you-know-what later on if we do put it there. Thank you. 167-47 cont'd

MR. MILLER: Mark Mojado. Mr. Mojado, I think you had asked for a group presentation. Group presentation is for three or more people. So three minutes.

MR. MOJADO: My name is Mark Mojado of the San Luis Rey Band of Missions Indians and the cultural president for San Luis Rey Band. I live in Pala, California, P.O. Box I, 92059. I'm here on behalf of the sacredness of the site and also the wrongdoings for putting a dump near the greatest water resource in the North County, the San Luis Rey Band aquifer. 167-48

This actually goes into our plants and comes back to us in what we eat, oranges, avocados, anything that's grown down there. I don't know why we want to

kill ourselves. It'll just come back at us. The gases alone from the trash decaying is going to kill us. I mean, put a torch there for us for when our ancestors say this is what they did to us like they did lead pipes.

This place has a lot of history behind it. In 1862 when the water rained 52 inches on the north side of Pala Mountain, made a cut of 300 feet on aqua tibia, covered all across Pala, all the way mountain to mountain. That would also destroy anything there. Time reverts. It goes around and comes back. We have to look at the history to see what we do. 167-48 Cont'd

There's so much there. I mean, Mr. Slosson is a very good friend of ours. He speaks on behalf as a friend, not his firm. So we do not want to bother his son. He's 80 years old. He lives in a home. His wife got hurt by someone beating her up there, but anyway, that's another story. He's a good man.

I think it's important to hear (inaudible). There is so much more to be said about not only the geology, physiology, anthropology, archeology. It all goes together. It's not separate because there's a lot of places that have been covered up throughout time in the history of erosion and everything else.

We only look at the surface. Sometimes when

1 the machines go through maybe, what, an inch in 100
2 years, sometimes a foot in maybe 1,000 years. Who
3 knows? We don't have the manpower or the people to
4 watch our culture be disappearing so fast when these
5 earth movers move. We're here to preserve for the
6 respect of our sacred areas, and there's one right
7 there. And they're not just small areas. They're
8 large areas because there was a lot of people here
9 before disease came through, smallpox.
10 So they say this park is gonna be down river,
11 a huge park from 15 all the way to Bonsal. All the
12 people there that go to that park will get everything
13 that comes from there. Thank you.

167-48 cont'd

14 MR. MILLER: Paula Stigler.
15 MS. STIGLER: Good evening. My name is Paula
16 Stigler. I am here as a concerned citizen and also as
17 an employee of the Pala Band of Mission Indians
18 Environmental Department.
19 I've been working on environmental issues of
20 water quality and air quality issues in the San Luis
21 Rey watershed for over four years. Currently I am
22 completing a master's thesis in -- a master's degree in
23 environmental health sciences at the graduate School of
24 Public Health at San Diego State University. I've been
25 looking at nutrient modeling of groundwater and surface

167-49

1 water in the entire San Luis Rey watershed.
2 This landfill has many things inherently wrong
3 with it and can be noted by the lengthy process which
4 has occurred to even approve this EIR. This watershed
5 is a major drinking water source for multiple
6 communities. It's also located in the fractured rock
7 aquifer which has been stated already and is a highly
8 susceptible area to contamination and the flow of
9 contaminants. This becomes a public health threat to
10 place a landfill in this area.
11 I urge you to re-evaluate the quality of the
12 modeling that has already been done, and I urge you to 167-49 cont'd
13 conduct more modeling studies of air, water, and
14 hazardous waste in this area. To place a landfill in
15 such a critical habitat is virtually -- which is
16 virtually on top of a river is absurd.
17 I ask you to consider for how many years will
18 this liner fully protect our critical and dwindling
19 water source and guarantee the health and safety of our
20 environment and water sources? What is the protocol
21 for protection of the environment and the San Luis Rey
22 River when the liner breaks? Will our children be
23 charged with cleaning up the irreversible and
24 irreparable damage caused by this landfill, especially
25 when the liner fails? Because it will fail eventually.

As far as air quality is concerned, increased truck traffic will greatly impact this area. This area is already located in a critical area bordering the edge of Riverside County which is in severe non-attainment for many air quality standards, including particulate matter. Increased truck traffic will only increase this problem in this area. This area is located less than one mile from residential areas and will have an adverse effect on the people living in these communities. 167-50

Finally, on a personal note, out of respect for my neighbors and fellow community members I would never dream of dumping my trash at the steps of your places of worship, nor would I dream of getting a pretty park, nicely landscaped, as payment for leaving my garbage at those doorsteps. 167-51

Respect for those who were here long before us along with respect for their sacred sites should be given. A landfill in a sacred site or a place of worship is unacceptable. This landfill is a bad idea, bad for our community, and is money driven.

MR. MILLER: That concludes our requests to speak. We have 11 requests in opposition to the landfill but do not request to speak. That concludes this meeting. There is still an open comment period 167-52

1 till August 24th at 5:00 p.m. for -- we will receive
2 written comments. If you don't want to give it to us
3 today, we'll be glad to receive it to that point in
4 time. Thank you for coming.
5 MS. HARBER: Excuse me. I think your notice
6 said 4:30. If you say 5:00 p.m. to these people and
7 they come a half hour late you won't accept it?
8 MR. MILLER: We'll accept it at 5:00 o'clock.
9 Thank you for clarification.
10 (Meeting adjourned at 8:33 p.m.)
11
12 * * *
13
14
15
16
17
18
19
20
21
22
23
24
25

167-52 cont'd

REPORTER'S CERTIFICATION

I, Kelly Barbera, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the proceedings taken at that time.

In witness whereof, I have subscribed my name this 30th day of August, 2006.

Kelly Barbera

Kelly Barbera, CSR No. 8295

PAM SLATER-PRICE
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

Serving the communities of...
Cardiff
Carmel Mountain
Carmel Valley
Del Mar
Del Mar Heights
Del Mar Mesa
Encinitas
Escondido
La Jolla
Leucadia
Miro Mesa
Navajo
Olivenhain
Pacific Beach
Rancho Bernardo
Rancho Penasquitos
Sabre Springs
San Carlos
Scripps Ranch
Solana Beach
Tierrasanta
Torrey Hills
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.

167-53

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

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

trip every 2.5 minutes. This will have a significant effect on my constituents in the Rancho Bernardo area.

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.

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?

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?

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? 167-53 cont'd

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.

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.

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?

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.

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. 167-53 cont'd

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.

Sincerely,

Pam Slater-Price

Supervisor Pam Slater-Price
Third District
PSP/sk

Department of Heath Meeting; August 14, 2006, 6:30 p.m.

Re: Finding of Significant Adverse Impacts From Olivenhain Water Company Water Trucks

Good Evening:

My name is Laura Szymanski, and I moved to Bel Etage 9 months ago because of the serene, residential quality of life it affords my three young children, including one of whom has a significant disability and is easily disturbed by certain noises. Most of my neighbors have children as well and chose to live in a neighborhood that is almost exclusively residential.

I am very concerned to know about the proposal by the Olivenhain Water District, which is only a stone's throw away from my home. As I understand it, many water trucks will carry water each day along a service street and along Camino del Norte. I am concerned that the experts have found that there will be SIGNICANT ADVERSE IMPACTS associated with the noise and volume of traffic from these trucks. We learned only last week— 167-54

and not from the Olivenhain Water Company—about this new, highly intensified, proposed use of its facilities near our home.

I saw an estimate of 267 "to and from" trips from trucks each day. Even if the number of trips were 1/10th of that number, I am disturbed by the findings of the Impact Report and believe that they warrant disapproval of the Company's proposal. The level and type of this commercial activity is entirely incompatible with the residential character of Bel Etage and similar nearby communities. The noise, traffic, and visual blight of the perennial trucks will have a severe, adverse impact on the quality of life of literally hundreds if not thousands of people seeking a calm, residential lifestyle living in those communities, and in accessing their communities.

167-54 cont'd

Please enter these comments in the formal record of this case, and please keep me posted on any developments.

THANK YOU.

Laura Szymanski

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.

167-55

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
cgzip.

LEAGUE OF
WOMEN VOTERS®

August 14, 2006

LWV OF SAN DIEGO COUNTY
4901 MORENA BLVD. SUITE 104
SAN DIEGO, CA 92117
(858) 483-8696

To: Director of San Diego County Department of Environmental Health
Re: Public Comments – Revisions of Gregory Canyon EIR

I am Nancy McCleary, President of the San Diego County League of Women Voters. We are concerned that the EIR revisions do not address the problem of hazardous waste and the potential impact of water contamination in the Gregory Canyon groundwater basin from toxins such as mercury, lead and pesticides.

The League supports the public right to know the potentially harmful effects of materials they encounter in the home, workplace and community.

We request that the Gregory Canyon EIR revisions provide the public a list of hazardous waste that will be deposited into the Gregory Canyon land fill and how the public will be alerted and protected from the risk of household hazardous waste.

Household hazardous waste is of vital concern, since there will be no pre-screening of municipal solid waste to remove hazardous waste. Plans and environmental analyses should establish provisions for managing hazardous waste.

167-56

The EIR delineates computer models of landfill failure and flows of a few contaminants, but these models do not address how household hazardous waste can enter and disperse within the groundwater system. Household hazardous waste can remain a hazard for thousands of years.

The LWV of San Diego County urges the SD County Department of Environmental Health to require that the Gregory Canyon EIR depicts plans to manage hazardous waste to prevent water contamination in the Gregory Canyon groundwater.

Nancy McCleary, President
LWV of San Diego County

Linda Scott, President
LWV of San Diego City

Veronica Seay, Co-President
Peggy Dornish, Co-President
LWV of North Coast County

Suzanne Michel, Director
Natural Resources

Lisa Hamann, President
LWV East County

June Rady, President
LWV Escondido

Public Hearing on Gregory Canyon Revised EIR, August 14, 2006

I'm Dr. Eleanora Robbins, I'm a geologist and adjunct faculty at San Diego State University. I'd like to share a sentence we were taught in remediation studies—"there is no such thing as a landfill liner that doesn't leak."

revised From the revised EIR, I'd like to discuss the new liner configuration. Then I'd like to discuss seismic issues that weren't addressed in either EIR.

A new drainage layer and HDPE geomembrane have been added to create a new configuration with 5 geotextile and 3 geomembrane layers. I went into the literature to learn more about this liner configuration, where it's been used, and the data that show its ability to withstand discontinuous pounding by earthquakes. I read both EIR's to see how this issue was addressed and it wasn't.

As a teacher my job is to take complex vocabulary and turn it into concepts everyone can understand. So I want to show you something about the pounding that this liner can expect. The Gregory Canyon landfill is along the most active fault in southern California, the Elsinore-Whittier fault. I pulled out a data set on all earthquakes felt in Pala, California between 1990 and 2001. These are the small earthquakes, not a listing of the big earthquakes that characterize this fault system. Here goes:

1990 July 27
1991 none
1992 May 15, Aug. 17
1993 May 11
1994 Jan 10
1995 none
1996 Jan 25, Feb. 20, March 18, April 8, July 1, July 22, Aug. 26 167-57
1997 March 17, July 3, July 16
1998 none
1999 none
2000 none
2001 Jan 5, Jan 13, March 2, April 6, July 31

So this is the kind of pounding the geotextile and clay will be subjected to. I went into the literature to read data on seismic strength of geotextile. All the studies I found were on shaker tables for foundations, not actual field data and none on landfill stability. The shaker table data showed that the safest material for foundations was one that could slip with earthquake motion. That's the opposite from what is needed under a landfill built on a hillside in a seismically active area.

Once the liner is broken, then the issue is toxic leachate leaking into the San Luis Rey aquifer. I was curious how many people will be affected when this happens. The 2000 population data show that almost 250,000 people live in this watershed segment and get a percentage of their drinking water from the aquifer. When the San Luis Rey aquifer is contaminated, these people are going to be going into competition with the rest of us for water drawn from elsewhere. segment

second The second earthquake issue I'd like to raise has to do with major earthquake motion on the Elsinore fault. Neither EIR raised this point, but the dam holding the trash will probably break and all that material will be transported into the San Luis Rey. It's going to be an expensive clean up job—and I hope you have that money tucked into the analysis of how much this little proposed landfill is going to cost the unsuspecting taxpayers of San Diego County.

LETTER NO. 167

Reporting & Litigation Services
Transcript of August 14, 2006 Public Meeting

RESPONSE 167-1

The comment is the introduction of the public meeting, explaining the purpose and procedure. The comment is not relevant to the content of the Revised Partial Draft EIR. Therefore, no further response is necessary.

RESPONSE 167-2

The comment expresses support for the project. The comment expresses an opinion with regard to the adequacy of the EIR. The portion of the comment relative to SR 76 being a private road for use by the casinos is not a proposal at this time. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-3

The comment expresses support for 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.

RESPONSE 167-4

The comment expresses support for 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.

RESPONSE 167-5

The comment expresses support for 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.

RESPONSE 167-6

The comment expresses support for 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.

RESPONSE 167-7

The comment expresses support for 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.

RESPONSE 167-8

The comment expresses support for 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.

RESPONSE 167-9

The comment expresses support for 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.

RESPONSE 167-10

The comment expresses support for 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.

RESPONSE 167-11

The comment expresses support for the project. The comment expresses an opinion with regard to the content of the Revised Partial Draft EIR. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-12

The comment expresses support for 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.

RESPONSE 167-13

The comment expresses support for the project. As such, the comment will be forwarded to the decisionmaker for review and consideration. The comment raises issues that are not included in 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.

The potential impacts of the project relative to water quality were not analyzed in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

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 concludes that the project is an important component of the County's ability to achieve the 15 years of waste disposal capacity required by state solid waste law.

RESPONSE 167-14

The comment is one of process and indicates that the previous speaker was the last person to speak in support of the project. There were slips from six people that expressed support but did not want to speak. Next will be speakers in opposition to the project.

RESPONSE 167-15

The first portion of the comment is introductory in nature. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

Please see Response to Comment No. 011-1 for a discussion regarding the recycled water trucks and the contract between Gregory Canyon, Ltd. and OMWD. The maximum water demand would occur at a time when operation of the landfill occurs simultaneously with periodic construction. In addition, at the time of closure of the landfill the water demand would be reduced to a minimum amount. Therefore, while the contract between Gregory Canyon, Ltd. and OMWD

would be in effect for 60 years, the transport of the entire contracted amount of recycled water would not likely occur over the entire time frame of the contract.

RESPONSE 167-16

Please see Response to Comment No. 011-6 for a discussion regarding mitigation measures for biological resources.

RESPONSE 167-17

The 212.6 acres of on-site mitigation would occur within the 1,313 acres open space area. Please see Response to Comment No. 011-8 for a discussion regarding open space preservation required by Proposition C relative to on-site mitigation for biological resources.

RESPONSE 167-18

Please see Response to Comment No. 011-09 for a discussion regarding the proposed landfill liner.

RESPONSE 167-19

The comment expresses opposition to the project. With regard for the need for the project, please see Response to Comment No. 011-11. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-20

The comment is the same as Comment Letter No. 152. Please see Response to Comment No. 152-1 for a discussion regarding the potential impacts associated with the recycled water trucks.

RESPONSE 167-21

The comment expresses opposition to the project with regard to impacts on biological resources. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. This comment is the same as written comments received from the speaker. Please see Comment Letter Nos. 103 and 104. Please see Response to Comment No. 104-1 for a discussion regarding habitat creation and enhancement on-site.

RESPONSE 167-22

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. With regard to location, as indicated in Section 4.1 of the Revised Partial Draft EIR, the County's 2005 Siting Element designates the landfill site as a reserved or proposed landfill site. 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 waste disposal capacity required by state solid waste law.

With regard to water quality, the potential impacts of the project relative to water quality is not a section that was included in the Revised Partial Draft EIR. However, water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ.

Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of potential impacts to biological resources. The analysis concludes that with the incorporation of mitigation measures the project would result in less than significant impacts with regard to biological resources. With regard to the amount of mitigation measures and enforcement, Chapter 10 of the Revised Partial Draft EIR contains the Mitigation Monitoring and Reporting Program (MMRP), which contains all of the mitigation measures associated with the project. These measures are considered to be feasible to reduce potential impacts that have been identified. DEH, among other agencies, would be responsible for enforcement of the MMRP. The comment expresses an opinion with regard to the number of mitigation measures and the implementation of the measures. This portion of the comment is forwarded to the decisionmaker for review and consideration.

RESPONSE 167-23

The comment is the same as Comment Letter No. 146. Please see Response to Comment Nos. 146-1 through 146-5 for a discussion regarding geology, surface and groundwater movement, and extraordinary weather events. The comment also provides the professional credentials for Mr. Slosson.

RESPONSE 167-24

As indicated in Chapter 3 of the 2003 Draft EIR, the proposed landfill is a Class 3 landfill and hazardous waste would not be accepted. A Hazardous Waste Exclusion Program (HWEP) would be implemented as described in Section 3.4.4 and Section 4.16 of the 2003 Draft EIR. In addition, 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. With regard to household hazardous waste, the County cooperates in regional HHW program efforts, which is a multifaceted program to reduce illegal and harmful disposal of HHW. 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.

RESPONSE 167-25

The comment expresses opposition to the project. The comment also expresses opinions with regard to the Department of Environmental Health and the process. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-26

As indicated in Chapter 1 of the Revised Partial Draft EIR, on January 20, 2006, the Court issued a final order and judgment decertifying the FEIR and requiring additional environmental review to comply with the Court's order. The Court held that the FEIR was required to evaluate traffic information contained in a 2003 County Tribal Traffic Study known as the 2003 Traffic Needs Assessment Study. 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. The Court did not order that any potentially significant impact identified through the additional analysis is to be mitigated to a level of less than significant.

With regard to need for the project, 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 waste disposal capacity with the implementation of several additional diversion strategies discussed in the Siting Element (p. SE-12). Chapter 6 of the 2003 Draft EIR provides an analysis of alternatives, including waste-to-energy. As indicated in the 2003 Draft EIR, even with waste-to-energy there is residual waste and as such 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 for biomass facilities. Please refer to Response to Comment No. 028-20 for further discussion regarding alternatives.

With regard to groundwater protection, impacts of the project relative to water quality were not analyzed in the Revised Partial Draft EIR. However, groundwater quality was thoroughly analyzed in Section 4.3, Hydrogeology, of the 2003 Draft EIR. The analysis concludes that with the incorporation of mitigation measures and project design features, the project would not result in adverse impacts to the groundwater. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

RESPONSE 167-27

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.

Section 4.12 of the 2003 Draft EIR indicates that Gregory Mountain and Medicine Rock are cultural sites to the Pala Band of Mission Indians. The 2003 Draft EIR concludes that the project would have significant unavoidable impacts to Ethnohistory and Native American resources and significant and unavoidable impacts to historical, cultural and ethnohistorical resources in the event these features were listed on the National Register of Historic Places. Section 4.1 of the 2003 Draft EIR contains an analysis of the potential impacts relative to the quality of life in the area of the landfill site. The 2003 Draft EIR concludes that the project would not result in a significant impact with regard to the quality of life. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

RESPONSE 167-28

The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. The City of Oceanside submitted a written comment letter. Please see Comment Letter No. 009 and the associated responses.

RESPONSE 167-29

The comment is similar to a comment included in the City of Oceanside comment letter (Letter No. 009). Please see Response to Comment Nos. 009-3, as well as Response to Comment No. 007-5, for a discussion regarding the use of monitoring wells for water supply. With regard to recycled water, Section 4.15 provides an analysis of the transport and use of recycled water for the project.

RESPONSE 167-30

The comment is similar to Comment No. 3 of the City of Oceanside comment letter. Please see Response to Comment Nos. 007-5 and 009-3 for a discussion of the use of the wells. With regard to significant and unavoidable impacts, 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".

RESPONSE 167-31

The comment is the same as Comment Letter No. 109. Please see Response to Comment Nos. 109-1 through 109-15 for responses to the points raised in the comment.

RESPONSE 167-32

The speaker is an attorney speaking on behalf of the Pala Band of Mission Indians. A detailed comment letter was submitted by this commentor's law firm on behalf of the Pala Band. Please see Comment Letter No. 022 and the associated responses. Please see Response to Comment Nos. 001-6, 022-3, 022-86, 022-93, and 022-108 for specific responses regarding habitat enhancement or creation in dedicated open space areas on the landfill site, the analysis of and mitigation for potential impacts to upland arroyo toad habitat, the reanalysis of vegetation impacts, and ongoing surveys or field studies for threatened species.

RESPONSE 167-33

The comment raises a concern with regard to a traffic mitigation measure. Mitigation Measure 4.5-4 has been edited in the Revised Final EIR to clarify that 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 measure in accordance with and consistent with Proposition C and County policies and procedures.

RESPONSE 167-34

Section 4.5 of the Revised Partial Draft EIR contains a cumulative traffic analysis, both near-term and long-term (2030). With regard to the Warner Ranch development, Section 4.5 of the Revised Partial Draft EIR indicates that while the County Board of Supervisors approved a General Plan Amendment allowing submittal of a tentative map application for the proposed Warner Ranch development, at the time the Revised Partial Draft EIR was prepared no application had been filed. For that reason, traffic from the Warner Ranch project has not been included in the list of cumulative projects. However, traffic from the Warner Ranch development would incrementally add to cumulative traffic on SR 76, which is already predicted to operate at an unacceptable level of service and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76. Please see Response to Comment No. 028-33 for a more detailed discussion regarding the cumulative analysis, specifically the Pauma Casino expansion.

RESPONSE 167-35

The CEQA lawsuit filed against OMWD and the contract to supply recycled water remains ongoing but 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.

The use and transport of recycled water is thoroughly analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water. Please refer to Response to Comment No. 007-22 for a discussion regarding the adequacy of the water source.

RESPONSE 167-36

The comment expresses opposition 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.

RESPONSE 167-37

The comment provides history relative to the CEQA process that has occurred. The comment generally refers to impacts identified through the EIR process. The comment raises the issue of alternatives. Chapter 6 of the 2003 Draft EIR contains a detailed analysis of alternatives. This portion of the EIR was not overturned by the Court or included in its writ. The comment expresses opposition to the project. As such, the comment is acknowledged and will be forwarded to the decisionmaker for review and consideration. Please see Comment Letter No. 022 for written comments submitted by the speaker as well as the associated responses.

RESPONSE 167-38

The comment is general in nature with regard to the air quality and health risk assessments. However, a detailed letter was submitted by the Soil Water Air Protection Enterprise. Please see Comment Letter No. 017 and the associated responses.

RESPONSE 167-39

Section 4.5 of the Revised Partial Draft EIR contains an updated analysis of the potential traffic impacts, including level of service at intersections and along roadway segments as well as safety. The 2006 Traffic Study indicates that the number of accidents per million vehicle miles has not increased while the traffic volumes have more than doubled on SR 76.

Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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. In addition, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill.

With regard to impacts on biological resources, Section 4.9 of the Revised Partial Draft EIR contains an updated analysis of these impacts. As indicated in the Revised Partial Draft EIR, the analysis concludes that with the incorporation of mitigation measures and project design features, the project would result in a less than significant impact to biological resources. With regard to air quality, Section 4.7 of the 2003 Draft EIR contains an air quality and health risk analysis. The project-generated traffic has not changed and would not exceed the 2,085 PCE daily restriction that was established in the 2003 Draft EIR. Appendix D of the Revised Partial Draft EIR contains an update of the air quality analysis and concludes that as there were no changes to the project-generated traffic, no additional regional air quality impacts not disclosed in the 2003 Draft EIR would occur. With regard to the quality of life, Section 4.1 of the 2003 Draft EIR contains an analysis of project consistency with the County's General Plan, including a policy regarding the quality of life. This portion of the EIR was not overturned by the Court or included in its writ.

RESPONSE 167-40

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 4.2, Geology and Soils, of the 2003 Draft EIR contains a detailed analysis of seismicity. The analysis concludes that with the incorporation of mitigation measures and project design features, the project would result in less than significant impacts associated with seismic activity. Water quality was thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concludes 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 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to the liner, the County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the

landfill. The U.S. EPA commissioned a study regarding modern landfill liners. 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. Please refer to response to Comment No. 035-6 for additional information regarding the performance of modern liner systems.

RESPONSE 167-41

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 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, historic, and ethnohistoric 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.

The County DEH is the Lead Agency for the project. As such, County DEH staff determines the content of the EIR. As such, the County would not provide a comment letter on the content of the Revised Partial Draft EIR. However, in this instance, the County is required to comply with the Court order. 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.

With regard to cumulative analysis, the 2006 Traffic Study (revised 2007) includes a near-term and long-term (2030) cumulative analysis. Over 150 related projects were considered in the near-term cumulative analysis. Appendix C of the 2006 Traffic Study, included as Appendix A to the Revised Final EIR, contains a list of the related projects considered. With regard to the Pauma

Casino expansion, as shown in Appendix C of the 2006 Traffic Study, the Pauma Casino expansion was included in the near-term cumulative analysis. The Pauma Casino estimated 500 new daily trips. Please see Response to Comment No. 028-33 for a more detailed discussion regarding the cumulative analysis, specifically the Pauma Casino expansion.

With regard to the Warner Ranch development, Section 4.5 of the Revised Partial Draft EIR indicates that while the County Board of Supervisors approved a General Plan Amendment allowing submittal of a tentative map application for the proposed Warner Ranch development, at the time of the preparation of the Revised Partial Draft EIR no application had been filed. For that reason, traffic from the Warner Ranch project has not been included in the list of cumulative projects. However, traffic from the Warner Ranch development would incrementally add to cumulative traffic on SR 76, which is already predicted to operate at an unacceptable level of service and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76. As indicated above, the 2006 Traffic Study includes a 2030 cumulative analysis. The 2030 analysis is based on the County's 2020 General Plan Update efforts.

In terms of future homes in the area, 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 occurred prior to initiation of the North County MSCP process. Please see Response to Comment No. 001-2 for a more detailed discussion regarding the issue.

Written comment letters were submitted by or on behalf of Native American tribes. Please see Comment Letter Nos. 018 through 023 for these comment letters and the associated responses.

RESPONSE 167-42

The comment expresses an opinion with regard to project impacts on Native American interests. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-43

As indicated in Chapter 3 of the Revised Partial Draft EIR, the project would include a double composite liner system. Potential impacts to water quality were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. The analysis concluded that with implementation of the single composite liner that was proposed at that time and 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 sections of the 2003 Draft EIR were not overturned by the Court or included in its writ. The double composite liner provides even more protection and a greater assurance that there would be no leakage from the landfill.

As shown in Exhibit 3-8b of the Revised Partial Draft EIR, the double composite liner consists of multiple layers. The containment layers would include the use of one 80-mil flexible membrane component, a synthetic clay component, two 60-mil flexible membrane components, and a 2 foot compacted natural clay component. The level of the groundwater would not compromise the effectiveness of the liner system. The groundwater would not enter the liner system. 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. In addition, pursuant to a 1996 agreement between the project 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. See Appendix C of the 2003 Draft EIR for the 1996 agreement and Appendix H of the Revised Final EIR for the 2004 supplement to the agreement. The County continues to believe that any potential impacts to water quality and water resources from the project are less than significant.

With regard to the performance of modern liner systems, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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 the project. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

RESPONSE 167-44

The Revised Partial Draft EIR contains an updated traffic study and revised cumulative analyses. The 2006 Traffic Study (revised 2007) includes a near-term and long-term (2030) cumulative analysis. Over 150 related projects were considered in the near-term cumulative analysis. Appendix C of the 2006 Traffic Study contains a list of the related projects considered. With regard to the Pauma Casino expansion, as shown in Appendix C of the 2006 Traffic Study, the

Pauma Casino expansion was included in the near-term cumulative analysis. The Pauma Casino estimated 500 new daily trips. Please see Response to Comment No. 028-33 for a more detailed discussion regarding the cumulative analysis, specifically the Pauma Casino expansion.

With regard to the Warner Ranch development, Section 4.5 of the Revised Partial Draft EIR indicates that while the County Board of Supervisors approved a General Plan Amendment allowing submittal of a tentative map application for the proposed Warner Ranch development, at the time of the preparation of the Revised Partial Draft EIR no application had been filed. For that reason, traffic from the Warner Ranch project has not been included in the list of cumulative projects. However, traffic from the Warner Ranch development would incrementally add to cumulative traffic on SR 76, which is already predicted to operate at an unacceptable level of service and would incrementally increase the extent of the identified significant and unavoidable cumulative traffic impact on SR 76. The 2006 Traffic Study includes a 2030 cumulative analysis, which is based on the County's 2020 General Plan Update efforts. The 2030 analysis includes full buildout of the Warner Ranch development.

Section 4.6 of the Revised Partial Draft EIR includes an updated traffic noise analysis based on the 2006 Traffic Study. With regard to air quality, as the project does not result in a change in the number of project-generated trips, no change in the air quality analysis was necessary. Please see the Air Quality, Health Risk, and Noise Technical Memorandum, which is contained in Appendix D of the Revised Partial Draft EIR.

Section 4.7 of the 2003 Draft EIR contains a detailed air quality analysis. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 167-45

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. Please see Response to Comment Nos. 007-5 and 009-3 for a more detailed discussion regarding the use of the wells on the landfill site.

RESPONSE 167-46

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. Please see Response to Comment No. 001-2 for a more detailed discussion regarding the issue.

In terms of future homes in the area, 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.

Section 4.14 of the 2003 Draft EIR contains a discussion of the demographic distribution of the environmental effects of the project. This information is a summary of Technical Appendix Q of the 2003 Draft EIR, which provides the data and detailed analysis. CEQA does not require that environmental justice be included in an EIR. However, the demographic distribution analysis in Appendix Q demonstrates that a disproportionate share of project impacts do not fall upon Native Americans. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ.

RESPONSE 167-47

The County selected the even more protective double liner alternative for the project, providing even greater assurance there would be no leakage from the landfill. In addition, the U.S. EPA recently commissioned a study to assess the performance of modern liner systems. The 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. Please see Response to Comment No. 035-6 for a more detailed discussion regarding the performance of modern liner systems.

With regard to the location of the floodplain and seismic activity, Sections 4.4 and 4.2 of the 2003 Draft EIR, respectively, address these issues. The project would not result in any significant impacts relative to the floodplain or seismic activity. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

With regard to Gregory Mountain, Section 4.12 of the 2003 Draft EIR indicates that Gregory Mountain and Medicine Rock are sacred sites to the Pala Band of Mission Indians. Therefore, the 2003 Draft EIR contains an analysis of potential impacts to these resources. The 2003 Draft EIR concludes that the project would have significant unavoidable impacts to Ethnohistory and Native American resources. This portion of the 2003 Draft EIR was not overturned by the Court or included in its writ. The Revised Partial Draft EIR concludes that there

would be a significant and unavoidable historical, cultural and ethnohistorical impacts in the event these features were listed on the National Register of Historic Places.

RESPONSE 167-48

The comment expresses opposition to the project. The comment is general in nature and raises general concern regarding the sacredness of the landfill site, water quality, flooding, geology, and archaeology. Sections 4.11 and 4.12 of the EIR address archaeological and Native American resources. Water quality and surface water were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. Section 4.2 of the 2003 Draft EIR provides a detailed analysis of geology and soils, including seismicity. These sections of the 2003 Draft EIR were not overturned by the Court or included in its writ.

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.

RESPONSE 167-49

The comment expresses opposition to the project. The comment is general in nature and raises general concern regarding the water quality and flooding, air quality, the landfill liner, geology, and archaeology. Water quality and surface water were thoroughly analyzed in Section 4.3, Hydrogeology, and Section 4.4, Surface Hydrology, of the 2003 Draft EIR. Section 4.7 of the 2003 Draft EIR provides a detailed analysis of air quality. Section 4.2 of the 2003 Draft EIR provides a detailed analysis of geology and soils, including seismicity. Section 4.11 and Section 4.12 of the 2003 Draft EIR address archaeological and Native American resources. These portions of the 2003 Draft EIR were not overturned by the Court or included in its writ.

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.

RESPONSE 167-50

Section 4.7 of the 2003 Draft EIR contains a detailed analysis of air quality. This portion of the EIR was not overturned by the Court or included in its writ. With regard to traffic, Section 4.5 of the Revised Partial Draft EIR contains an updated traffic analysis. However, the project-generated traffic has not changed and would not exceed the 2,085 PCE daily restriction that was established in the 2003 Draft EIR. Appendix D of the Revised Partial Draft EIR contains an update of the air quality analysis and concludes that there as there were no changes to the project-generated traffic, no additional regional air quality impacts not disclosed in the 2003 Draft EIR would occur.

RESPONSE 167-51

The comment expresses opposition to the project with regard to the impact to Native American resources. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

RESPONSE 167-52

The comment is relative to process for the public meeting. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. No further response is necessary.

RESPONSE 167-53

The comment is written correspondence that was submitted at the public meeting. The written letter is the same as Comment Letter No. 11. Please see Comment Letter No. 11 and the associated responses.

RESPONSE 167-54

The comment is written correspondence that was submitted at the public meeting. The written letter is the same as Comment Letter No. 151. Please see Comment Letter No. 151 and the associated responses.

RESPONSE 167-55

The comment is written correspondence that was submitted at the public meeting. The written letter is the same as Comment Letter No. 146. Please see Comment Letter No. 146 and the associated responses.

RESPONSE 167-56

The comment is written correspondence that was submitted at the public meeting. The written letter is the same as verbal comments provided at the meeting. Please see Response to Comment No. 167-22 for a response.

RESPONSE 167-57

The comment is written correspondence that was submitted at the public meeting. Please see Response to Comment No. 167-40 for a response to this comment. Also, please see Comment Letter No. 132 for a letter submitted by the same speaker during the comment period, and the associated responses.

Letter 168

From: Al Frowiss [mailto:frowiss@frowiss.org]
Sent: Thursday, August 24, 2006 6:20 PM
To: LUEG, DEHComments
Subject: GREGORY CANYON LANDFILL PROJECT RPDEIR

County Dept. of Environmental Health

The idea of OMWD trucking tertiary treated water from Santa Fe Valley to Pala for the landfill operations, whether during construction or ultimate operations, seems ludicrous on its face. Every road and highway in this region is LOS F, and to be adding more commuting 2,300 gallon trucks to the roadways is impactive. At the outset I am also baffled at what OMWD's role is as the supplier, since Santa Fe Valley's sewerage and wastewater reclamation facility is under the RSF CSD jurisdiction to the best of my knowledge. Is RSF CSD a party to this contract and use? Has their district board approved this diversion of reclaimed water? 168-1

Using toilet water to add to a landfill over an alluvial aquifer, with direct thalweg drainage to a major drinking water aquifer, Pala Basin, with downstream customers upwards of 200,000 residents drinking this water, is not my idea of a safe prospect.

Using toilet water as the conduit to flush toxic leachates through the Glad bag liner holes and rips seems equally dangerous. 168-2

Routing toilet water filled trucks across a bridge over the San Luis Rey River is also dangerous.

I would echo the technical concerns expressed on August 23, 2006 by the California RWQCB, San Diego Region, in relation to the use of reclaimed water on this site, and in particular, reclaimed water from another distant district which likely has no permit to take their reclaimed water from one area and sell it in another area. 168-3

Albert B. Frowiss
P.O. Box 909
Rancho Santa Fe, CA 92067

frowiss@frowiss.org

LETTER NO. 168

Albert B. Frowiss
P.O. Box 909
Rancho Santa Fe, CA 92067

RESPONSE 168-1

As indicated in Section 4.15 of the Revised Partial Draft EIR, Gregory Canyon, Ltd. and OMWD entered into an agreement for the recycled water. The use and transport of recycled water is analyzed in the Revised Partial Draft EIR. Potential impacts to the surrounding community are considered in Section 4.5, Traffic and Circulation, of the Revised Partial Draft EIR, which contains an analysis of the transport of recycled water from the Reservoir Site to the landfill site. Section 4.6, Noise and Vibration, contains an analysis of potential noise impacts associated with the recycled water trucks. Section 4.15, Public Services and Utilities, contains an analysis of the use of recycled water.

RESPONSE 168-2

As indicated in Section 4.15 of the Revised Partial Draft EIR, the water to be purchased from Olivenhain is disinfected tertiary recycled water. Due to the level of treatment of this water, it is generally usable for a wide variety of residential, commercial and industrial purposes. Section 4.15 also contains an analysis of the potential impacts of the use of recycled water on the landfill site. Based on the analysis, the use of recycled water would not result in a significant impact to the Pala Basin groundwater. In that regard, County DEH staff notes that the quality of OMWD recycled water is generally consistent with Water Quality Objectives for the Pala Basin. Please refer to Response to Comment No. 007-22 for a discussion of anticipated water quality standards related to the use of OMWD recycled water, and the ability of the project to comply with those standards.

RESPONSE 168-3

The comment refers to the comments received from the RWQCB. Please see Comment Letter No. 7 and Response to Comment Nos. 007-1 through 007-23 for the RWQCB comments and the associated responses.

Response to Comments
Late Letters

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. One letter was received on August 24 but after 4:00 P.M. This letter has been bracketed and responses are provided. See Comment Letter No. 168 and the associated responses.

County DEH staff has reviewed the other late letters. The letters do not raise any significant new issues that require response. In other words, the issues raised in the late letters were already raised and addressed in Appendix E, Response to Comments. For example, the comments raise issues regarding the need for the project, traffic conditions on SR 76, air quality, impacts on ethnohistoric resources and effectiveness of the liner.

One comment generally raises an issue with regard to the potential for future designation of SR 76 as a California Scenic Highway. However, no further specific information is provided and the article provided with the comment letter indicates that the process is at the early stages and would require a number of future steps prior to the determination. Therefore, the issue of designation is speculative and no further response can be provided at this time.

Here is another article regarding leaky landfills - you may have seen it - please add it to the files.

I hope you had nice holidays.

Anything new? When can we expect decision from your Director? Or rather, when are you sending the stuff to the Court or making your findings public.

When we saw you early December, you said it would be a while. RiverWatch members call me and want to know what's new. So, I'm asking you the same: WHAT'S NEW?

Thanks.

Ruth

From: Karen [witchywoman@earthlink.net]
Sent: Wednesday, January 17, 2007 11:40 AM
To: undisclosed-recipients
Subject: FW: SDUT-Rogers: Fixing landfill to cost millions: Base (Pendleton) closed dump over seepage fears

Karen
witchywoman@earthlink.net

----- Original Message -----
From: Charlene Ayers
To: Ranters Roost
Sent: 1/17/2007 11:32:20 AM
Subject: SDUT-Rogers: Fixing landfill to cost millions: Base (Pendleton) closed dump over seepage fears

Fixing landfill to cost millions

Base closed dump over seepage fears

By Rick Rogers
STAFF WRITER

January 17, 2007

Camp Pendleton faces a multimillion-dollar bill to fix a dump that threatens water supplies and has been called the greatest engineering failure of its kind in San Diego County history.

The Las Pulgas Landfill, situated near the base's central area, was expanded in 1999 to hold decades' worth of trash. But shoddy construction has turned the dump into a money pit.

Marine officials had to close the site in 2003. It will now cost $5.5 million to $29.4 million to address problems such as the landfill's ruptured liner, according to a new study commissione by Camp Pendleton and obtained by *The San Diego Union-Tribune.*

That's on top of the $2.3 million already spent to enlarge the landfill and the $400,000 for emergency measures to trap hundreds of thousands of gallons of hazardous waste – includin radioactive material and heavy metals – that have gushed from the site.

Government regulators fear such runoff could foul drinking-water wells and aquifers located just a few miles from the dump.

"Camp Pendleton has a vital interest in operating the landfill safely . . . and that includes the long-term interest of using the water in the Las Pulgas Basin," said John H. Robertus, executive officer of the San Diego Regional Water Quality Control Board.

Agency and Camp Pendleton officials will meet today to discuss land-use issues on the base. They plan to briefly mention the landfill report, which was compiled by the Pasadena-based consulting firm Tetra Tech Inc. More in-depth meetings about Las Pulgas are expected to follow.

"We share a common interest in the beneficial uses of groundwater in that area," said Robertus, a retired Marine colonel from Camp Pendleton. "I don't think we are going to have a hard time resolving this."

Once the water board and Camp Pendleton agree on a landfill fix, Marine officials will hire a contractor to do the work.

Proposed repairs include placing a liner system on top of the existing garbage. This would be the cheapest option, at an estimated $5.5 million to $7.3 million, Tetra Tech said.

LAURA EMBRY / Union-Tribune file photo

Some of the liquid contained at the Las Pulgas Landfill has levels of zinc and nickel high enough to qualify as hazardous waste.

"The remedy here appears to be limiting leaching by blocking the infiltration of liquid from the top. That's a fairly standard approach," said Lenny Siegel, director of the Center for Public Environmental Oversight in Mountain View. "At some point, however, it may fail. That's why it's important that the monitoring plan – barely mentioned (by Tetra Tech) – be robust, and that there be a contingency plan to address major failures."

The most expensive strategy, pegged at $14 million to $29.4 million, would entail removing the roughly 250,000 cubic yards of garbage already in the landfill and then permanently closing the dump.

"We are concerned with the deficiencies identified (at Las Pulgas) . . . and are eager to find a solution that prevents any potential impacts to the environment," Camp Pendleton officials sai in a recent statement.

During the late 1990s, the Marines decided to add a 17-acre section to the 39-acre landfill anc relied on contractors to do the project and monitor the work.

The contractors, whom the Marine Corps hasn't publicly identified, installed a liner in May 199 to prevent the dump's contaminants from seeping into the ground, according to records from the water board.

The first hint of problems with the liner came when the Marines failed to submit an inspection report that summer. When base officials did turn in a report in December, it was incomplete, the water board said.

Then in April 2003, the agency cited Camp Pendleton for erosion and runoff from the dump. The landfill closed that year after leachate and tritium, a radioactive isotope, gushed from it during heavy rains.

The Marines have stored about 300,000 gallons of leachate in large bladders and a metal tanl at the site. Some of the liquid contained levels of zinc and nickel high enough to qualify as hazardous waste.

Over the years, water board officials have cited engineering gaffes that likely caused the landfill's problems. For example, the builders created a liner system with rocks larger than those specified in the blueprint. These bigger rocks may have caused holes and rips in the liner, the water board said.

"There has never been a cleanup order in this county that has dealt with construction deficiencies like what we've seen at Las Pulgas," John Odermatt, a senior engineering geologist for the agency, has said. "I have never seen an engineering-related problem this large at another landfill."

▪Rick Rogers: (760) 476-8212; **rick.rogers@uniontrib.com**

Wednesday, November 29, 2006
Last modified Wednesday, November 29, 2006 8:55 AM PST

Report: Pala expansion could add traffic to Highway 76

By: EDWARD SIFUENTES - Staff Writer

PALA INDIAN RESERVATION -- A new environmental report says the planned expansion of the Pala casino and resort will pose no major off-reservation problems, except more traffic.

When completed, the project will increase the size of the megacasino by more than a third, from 182,000 square feet to 250,000, according to the report. The North County tribe, whose reservation is about five miles east of Interstate 15 on Highway 76, would add 1,372 parking spaces, remodel its hotel and increase the size of its spa.

Chantal Saipe, the county's tribal liaison, said county officials will review the 200-page document before negotiations begin with the tribe to help offset some of the potential problems. The public has 45 days to review and comment on the draft report.

The Draft Tribal Environmental Impact Report, which was produced for the tribe by Tierra Environmental Services, a San Diego consulting firm, studied potential effects ranging from traffic to public safety. It found that the expansion project would increase traffic on Highway 76 by an average of about 1,100 vehicles per day.

The casino's general manager, Jerry Turk, could not be reached for comment.

But according to the report, the tribe has said it will contribute to improvements designed to soften the impact of the expansion.

"Because the proposed project would contribute to the future significant traffic impact, the tribe would like to provide a fair-share contribution to the necessary improvements,"

North County Times 11/20/06

To be added to
Regory Canyon
Traffic Study -

For the record

Ruth Harber

Just a note...

North County Times 11/28/06

FATAL ACCIDENT

WALDO NILO / STAFF PHOTOGRAPHER

California Highway Patrol officers investigate a fatal accident on Highway 78 near the Wild Animal Park at 8:10 a.m. Monday. A Palomar College student was killed after her fishtailing vehicle was struck broadside by a San Diego Gas & Electric Co. truck, authorities said.

Two die in N. County crashes

Casino worker, college student killed in wrecks on highways 76, 78

JO MORELAND
STAFF WRITER

NORTH COUNTY — Two people died Monday morning in separate traffic crashes on wet pavement in the Pala and San Pasqual Valley areas, authorities said.

The name of the first victim wasn't being released until their next of kin was notified. Authorities said a 65-year-old San Diego man died in the Highway 76 crash after leaving work at nearby Pala Casino.

Less than 20 minutes later, 19-year-old Palomar College student Mavis Ledesma of Escondido, was killed in the San Paqual collision on Highway 78, a San Diego County medical examiner's investigator said.

With both highways closed at the crash sites, drivers were diverted until the investigations were completed.

"There wasn't a lot of traffic" on Highway 76, said Officer Tom Kerns, California Highway Patrol spokesman.

He said the man who died in that crash was with his wife in the couple's Toyota 4Runner after leaving work at the casino.

A Dodge Ram 1500 pickup truck driven by Annalleli M. Negrete, 28, of Temecula, was eastbound as she headed for work at the casino, Kerns said.

At 7:53 a.m., he said, the pickup crossed double yellow lines and smashed into the 4Runner a mile west of Pala Mission Road.

"She said the vehicle drifted over to the left," Kerns said. "She wasn't giving any reason

➤ **CRASHES,** B-4

CRASHES

Continued from B-1

(at the time)."

After the crash, he said, Negrete used her cell phone to call for help.

Negrete and the wife of the man who died were taken to a hospital, authorities said.

"It looks like they're going to be OK, mostly complaints of pain," said Kerns.

As investigation began into that crash, a 1999 silver Mercury Cougar was traveling east on Highway 78 in the San Pasqual Valley, southeast of Escondido, authorities said.

Sgt. Jeff Fellows, a San Diego police traffic detective, said witnesses reported that the Cougar, its rear tires without much tread, was fishtailing east of the intersection of Cloverdale and San Pasqual roads.

"It was misting, and the car went out of control into oncoming lanes," Fellows said. "I don't think she was speeding, per se, but it might have been unsafe speed for conditions."

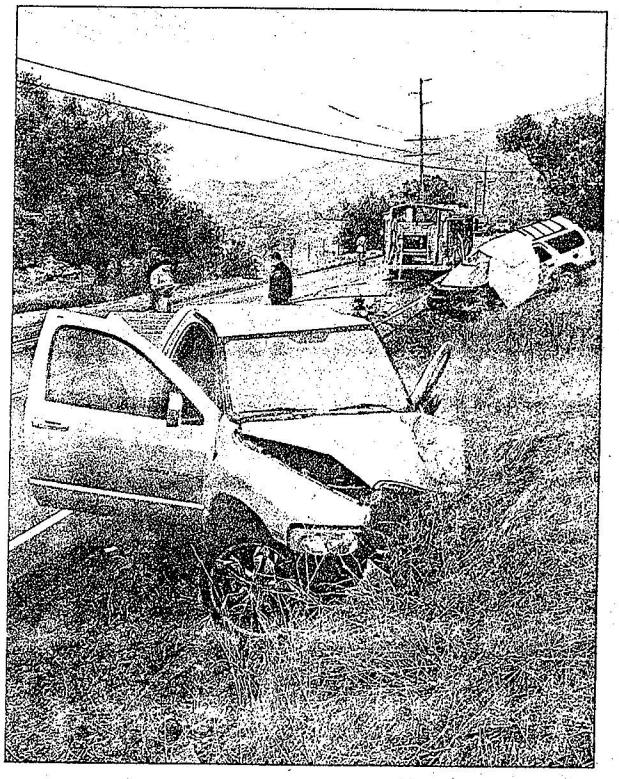
The car was struck broadside by a San Diego Gas & Electric Co. truck, the sergeant said.

Officials said the college student driving the Cougar was pronounced dead at the scene, despite the efforts of firefighters from San Diego, Escondido and San Pasqual. Fellows said some of her family came to the site.

The 58-year-old truck driver, whose name wasn't released, was taken to Palomar Medical Center in Escondido for treatment of minor injuries, Fellows said.

"He was walking around at the hospital," the sergeant said.

Contact staff writer Jo Moreland at (760) 740-3524 or jmoreland@nctimes.com.
Comment at nctimes.com.



California Highway Patrol officers investigate a fatal accident on Highway 76 west of the Pala Casino on Monday morning.
WALDO NILO / STAFF PHOTOGRAPHER

RiverWatch
To Protect the San Luis Rey River Valley

Received
SEP 2 5 2006
DEH / LEA

A Non-Profit Public Benefit Corporation
Federal ID# 33-0749555

Late Comment

September 21, 2006

Department of Environmental Health
County of San Diego
Local Enforcement Agency
9325 Hazard Way
San Diego, CA 92123-1217

Gentlemen:

Gregory Canyon Landfill RPDEIR – Log No. 98-02-025.

Although the response and comment time to the RPDEIR for the Gregory Canyon Landfill has passed, I am enclosing copies of two newspaper articles which are relevant to the RPDEIR.

Will you please see that these are added to the record of comments made by RiverWatch?

Thank you for your cooperation.

Sincerely,

Ruth Harber

Ruth Harber
Secretary-Treasurer
RiverWatch

Enc:
Article dated September 13, 2006 by David Garrick, North County Times re Palomar College's proposed new campus at I-15 and Highway 76

Article dated September 8, 2006 by Joe Naiman, Fallbrook Village News re State Route 76 Subject of hearing by the County's Planning Commission.

P.O. Box 582, Fallbrook, CA 92088
(760) 728-6923 (760) 742-3414 FAX (760) 742-1409

NC Times, 9/13/06
Note: Option to purchase 82 acres is with Tabb's Passerelle project.)
~~Karen~~
[redacted]

Wednesday, September 13, 2006
Last modified Wednesday, September 13, 2006 12:10 AM PDT

Palomar College moving forward on Fallbrook campus

By: DAVID GARRICK - Staff Writer

SAN MARCOS -- Palomar College trustees took an important step Tuesday night toward building a large satellite campus in Fallbrook when they hired a consulting firm to study the potential noise, traffic and environmental impacts of such a campus.

The college will not have the $100 million required to build a campus in Fallbrook unless voters in November pass Proposition M, a $694 million facilities bond that would also allow the college to dramatically renovate its main campus in San Marcos.

If the bond is not approved by the required two-thirds of voters, the study will immediately end and the college will only pay a portion of the $267,300 contract approved Tuesday with RBF Consulting of Carlsbad.

College officials decided to proceed with the study before the election because it is important to keep the ball rolling on a Fallbrook campus, said college President Bob Deegan, adding that he is confident the bond will pass.

The college hopes to break ground on the campus in 2010, with classes potentially starting in 2012, said Deegan.

The college acquired an option last year on an 82-acre parcel at the ~~southwest~~ NORTHEAST corner of Interstate 15 and Highway 76. Plans call for 75,000 square feet of buildings in phase one of the campus, with a second phase of roughly the same size planned for later on, said Deegan.

"There is plenty of room to build a comprehensive campus on that site," said Deegan.

Initial plans call for roughly 3,000 students when the campus opens, said Deegan. The curriculum will likely focus on math, English, natural sciences and social sciences. A 400-space parking lot is also planned.

Kelly Hudson-Macisaac, manager of facilities planning for the college, said the environmental study will examine noise and traffic impacts during construction and once the campus begins operating.

Friday, September 15, 2006 America Online: Corktoo

The study will also determine whether there are American Indian artifacts on the site and whether any endangered species would be disturbed by the project, she said, explaining that college officials do not believe that the site has such problems.

The study will also examine how the new campus would affect the surrounding area, where a large housing development called Passerelle is planned.

"When you are dealing with virgin property that has never been developed, you pretty much always have to do a full environmental impact report," said Hudson-Macisaac. "We need to determine what impacts this will have on the area."

Trustee Nancy Chadwick said it is crucial for Palomar to move forward with a Fallbrook campus so the college can adequately serve the northern portion of its district.

"These things take time, so we need to get started," said Chadwick. "We should have done all of this 10 years ago."

A similar satellite campus is planned for the Poway area, but the college has struggled to find a site. The bond would also include $100 million for that campus.

In other business at Tuesday's trustee meeting:

- trustees adopted a $92.8 million annual budget that projects a $4.7 million surplus. Bonnie Dowd, vice president for finance at Palomar, said the surplus is the result of $5.1 million in "one-time" state money. When individual departments decide how to spend the extra money, Dowd said it will be added into the budget and bring the budget much closer to balance.

- the 350-member Faculty Senate, the 38-member Palomar Administrator's Association and the leadership of the Associated Student Government announced that they have all endorsed Proposition M.

- trustees hired Stephen Wilson of Temecula as a new campus police officer. Wilson, a recent graduate of the Palomar College Police Academy, will receive an annual salary of $47,244. Wilson brings the number of officers on the college force to six.

- trustees learned that the college will save $80,000 it would have spent on an election this November if any challengers had chosen to run against incumbent trustees Michele Nelson and Mark Evilsizer.

– Contact staff writer David Garrick at (760) 761-4410 or dgarrick@nctimes.com.

State Route 76 to be subject of hearing
Joe Naiman
Village News Correspondent — Fallbrook

9/8/2006 3:03:52 PM

The county's Planning Commission will hold a public hearing on the possibility of approving a resolution to have State Route 76 designated as a California Scenic Highway.

A staff report August 25 on the California Scenic Highway designation process led to the motion to call for a public hearing, which was approved by a unanimous 7-0 vote. During a July 28 Planning Commission hearing on the Circulation Element for the updated general plan, the Planning Commission had referred the possibility of designating State Route 76 as a California Scenic Highway to staff for investigation after the chair of the Pala-Pauma Sponsor Group had informed the Planning Commission of the group's preference for a scenic highway designation.

The California Scenic Highway program was established by the state legislature in 1963. The goal of the program is to identify, acknowledge, and preserve highway corridors which provide a visual experience of the natural scenic landscape with a minimal degree of man-made visual intrusion. Development within the visual impact range of a California Scenic Highway would not be prohibited but would include a site plan review which addresses structures, billboards, grading, and other intrusive impacts.

Designation also does not impact design of highways. "Caltrans has made that very clear to us that they don't want it to be an impedance," said Department of Planning and Land Use planner Curt Gonzales.

Two highways in San Diego County currently have scenic highway status. One is State Route 78 through Anza-Borrego. The other is State Route 125, a designation which took place in the 1970s when that highway ran through Casa de Oro between Interstate 8 and State Route 94.

In addition to the extension of State Route 125 and some development along the corridor, another change since the designation of State Route 125 as a scenic highway was the incorporation of Lemon Grove as a city in 1977. In the event that the portion of State Route 76 to be designated as a highway includes the portions which pass through incorporated cities, concurrence of those cities as well as the county would be needed to include those portions in the designation. The process for designating a scenic highway is the same for highways running through multiple counties, such as State Routes 78 and 79, as for highways running through only a single county, such as State Routes 76 and 94, but a county's resolution for

designation of a multi-county highway would only cover the portion within that county.

In the 1990s an attempt was made to designate part of State Route 94 as a scenic highway, but that effort was unsuccessful. The County of San Diego rather than the State of California has given Interstate 15 north of the Escondido city limit status as a scenic highway; the I-15 Corridor Design Review Board was created to preserve the visual aesthetics of the corridor and if the County of San Diego believes that a proposed project may impact the visual aesthetics of the I-15 corridor it is sent to the I-15 Corridor Design Review Board for input.

There is no such scenic designation for I-15 in Riverside County. "It does make a difference," said Planning Commissioner David Kreitzer.

The first step for designation of a scenic highway is a visual assessment provided by the local jurisdiction. That assessment includes an inventory of the natural landscape such as landforms, vegetation, and water features along with the type and amount of visual intrusions along the proposed scenic highway.

"The visual assessment is primarily a written summary that familiarizes Caltrans staff with the proposed scenic highway," Gonzales said.

The second step is a consultation with Caltrans. Gonzales already has met with Caltrans staff on the possible designation of State Route 76 and will continue to work with Caltrans as the project progresses.

The third step is the preparation of a scenic highway resolution package. That includes a resolution of intent (one adopted by the Board of Supervisors would fulfill that requirement), a United States Geological Survey topographic map, a zoning map defining zones along the proposed corridor, a written description of the elements which support the scenic designation, and up to 15 minutes of video of the proposed corridor from a motorist's perspective.

Those three steps are the jurisdiction's requirements. Caltrans then reviews the resolution package, and that is followed by review by the Departmental Transportation Advisory Committee. Proposals passing such review are then sent to the state legislature for official designation, after which Caltrans places signs along the scenic highway.

Gonzales indicated that the process would entail approximately one year.

Planning Commissioner Adam Day noted that various projects along the Highway 76 corridor create an opportunity for designation. "There's a lot of work going on right now on SR 76," he said. "There are a number of big-ticket items going on where this is a good fit."

Those include available mitigation funding due to the widening of Highway 76 as well as other available funding for the widening project, the development of the San Luis Rey River Park, and the development of the North County Multiple Species Conservation

Program. "If there was ever a time to integrate this process into that and ride on somebody else's dime, this would be the time to do that," Day said.

The Planning Commission's motion did not set a specific date for the public hearing, nor did it include the specific portions of State Route 76 to be proposed for designation as a California Scenic Highway.

From: Karen [witchywoman@earthlink.net]
Sent: Sunday, November 19, 2006 12:53 PM
To: undisclosed-recipients
Subject: Another Project Joins the Parade of Housing Proposals East of Fallbrook

SDDT 11/14/06

Note: Brian Frtiz is a board member of San Luis Rey MWD.

Karen
witchywoman@earthlink.net

Another project joins the parade of housing proposals east of Fallbrook
By THOR KAMBAN BIBERMAN, The Daily Transcript
Tuesday, November 14, 2006

Pala Ranch, a maximum 817-unit development on 419 acres in the Pala area of North San Diego County is scheduled for the San Diego County Planning Commission Friday, and the fate of other big projects in the area with thousands of homes could hinge on the outcome.

Building would occur on 210 acres already used for agriculture, with approximately 545 single-family homes and 219 townhomes ranging from 2,625 to 9,900 square feet clustered on 151 acres of a flat valley floor in the center of the development area.

The land is east of Fallbrook and Interstate 15 on the north of the Rice Canyon Road and Pala Road (State Route 76) intersection. The property is owned by Brian and Helga Fritz and the applicants are Leonard Glickman and Zygi Wilf as **Pala Ranch LLC** of Beverly Hills. Glickman declined comment pending the outcome of the hearing. The other parties couldn't be reached at press time.

The Pala project faces an uphill battle. Gary Pryor, the county planning director, decided Sept. 13 not to approve the plan because of its density, among other considerations. The project would require a rezone since only 22 units would be permitted to be constructed on the entire 419 acres under the existing agricultural zoning.

"We do not see this as an appropriate use of this property," said Dennis Turner, county land-use chief.

The planning commissioners will have two choices Friday, and approval is not one of them. One option is to accept the planning director's recommendation to deny the project based on concerns over density. In that case, the project would be allowed to die unless and until the matter was brought to the board of supervisors by the developers.

Under the second option, the planning commissioners would withhold judgment pending a study to determine the impacts of a project at that location. This study would be conducted before the initiation of a required environmental impact report for the project.

The County Department of Planning and Land Use warns the plan would place a relatively dense development to the east of the north-south San Diego County Water Authority (CWA) boundary delineating the farthest east water services are currently available.

The county's planning document notes that the Pala project would not be the only large development in this region that is east of the CWA boundary. At least five other developments have been proposed that surround Pala Ranch.

- **Pardee Homes**, in conjunction with the Pankey family, is planning 1,244 units on 390 acres in a project called Meadowood.
- Warner Ranch, a horse ranch abutting the Cleveland National Forest proposes 1,000 units on its 423 acres.
- The proposed 1,366-unit Passarelle development by **Environmental Development** of San Diego is on 502 acres to the northwest of Pala Ranch.
- John Pappas, a Sacramento-based developer, wants to build as many as 500 homes on a 110-acres of the former **Hewlett-Packard** land at the junction of Interstate 15 and Highway 76. That property is west of the CWA line, but density is an issue.
- Passarelle, Meadowood and the Pappas projects are each being processed by the county planning department and when these might come up for a vote is not immediately clear.

Also in the same area are the proposed quarry at Rosemary's Mountain jus 1,000 yards from Pala Ranch and the proposed Gregory Canyon landfill to the southeast.

The county planning document also raised concerns that Pala Ranch could tax sewer service, fire protection service and the local school district, would cause leapfrog residential development in the area and cause the loss of agricultural lands.

The Fallbrook Community Planning Group also concluded at its Sept. 18 meeting the project was too big and in the wrong place.