



# County of San Diego

JACK MILLER  
DIRECTOR

## SOLID WASTE LOCAL ENFORCEMENT AGENCY

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ELIZABETH POZZEBON  
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### DECISION ON GREGORY CANYON LANDFILL 2010 ADDENDUM TO THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT

As the Director of the San Diego County Solid Waste Local Enforcement Agency (LEA) in the Department of Environmental Health, I am the decision maker for the Addendum to the Certified Revised Final Environmental Impact Report (2010 Addendum) and the Revised Final Environmental Impact Report (RFEIR) for the proposed Gregory Canyon Landfill. On May 7, 2010, I took the following actions:

1. I reviewed and considered the information in the 2010 Addendum. I also considered the information in the staff report provided by the County of San Diego Solid Waste Local Enforcement Agency dated April 28, 2010.
2. I determined that there were no substantial changes proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the RFEIR on the Gregory Canyon Landfill; and determined that there is no "new information of substantial importance" as that term is used in California Environmental Quality Act (CEQA) Guidelines Section 15162(a)(3).
3. I adopted the 2010 Addendum to the RFEIR on the Gregory Canyon Landfill.
4. I adopted the finding that circulation of the 2010 Addendum is not required. (Attachment A)
5. I adopted the statement regarding the custodian of the record of proceedings. (Attachment B)

**Jack Miller, DIRECTOR**

Local Enforcement Agency

Date: 5/7/10

Attachment A

**CIRCULATION OF THE 2010 ADDENDUM TO THE REVISED FINAL EIR IS NOT REQUIRED**

**Finding:** Circulation of the 2010 Addendum to the Revised Final EIR is not required. CEQA and the CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur or new information arises after an EIR is certified. Section 15164(a) states that:

*“The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

In order to give a degree of finality to EIR documentation, Section 15162 of the CEQA Guidelines requires that a Subsequent EIR need only be prepared if:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration,
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR,
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The 2010 Addendum was prepared to update information available on the scope of federal and state jurisdiction over waters on the landfill site, and to analyze any impacts arising from the updated information. The 2010 Addendum considered whether any significant environmental impacts, which were not identified in the 2003 Draft EIR or the RFEIR, would result or whether previously identified significant impacts would be substantially more severe in light of that evaluation. It determined that none of the conditions requiring preparation of a Subsequent or Supplemental EIR have occurred. Thus, pursuant to CEQA, the 2010 Addendum is the appropriate document to address the potential impacts from the updated jurisdiction information.

**Rationale:** The 2010 Addendum adds no new significant information to the Revised Final EIR that demonstrates that a new significant environmental impact would result. No new significant information was added to the Revised Final EIR by the 2010 Addendum that demonstrates that a substantial increase in severity of an environmental impact would result. No new significant information was added to the Revised Final EIR by the 2010 Addendum that demonstrates that there are feasible project alternatives or mitigation measures considerably different from others previously analyzed, or that there are alternatives or mitigation measures which would lessen significant impacts of the proposed landfill. Finally, the Revised Final EIR was not so fundamentally inadequate without this addendum that meaningful public review and comment on the Revised Final EIR were precluded.

The 2003 EIR and the Revised Partial Draft EIR were circulated for public review and comment, and a public hearing was held to take testimony on the Revised Partial Draft EIR and the proposed landfill. Thus, there has been substantial public review of the Revised Final EIR for the proposed landfill. No further public review of the Revised Final EIR, or the 2010 Addendum, is required.

Attachment B

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS  
OR OTHER MATERIALS THAT CONSTITUTE THE RECORD OF PROCEEDINGS**

Project Name: Gregory Canyon Landfill

Reference Case Numbers: Environmental Record (ER) 98-02-025; SCH # 1995061007,  
Addendum #3

CEQA requires the lead agency (in this case, the County of San Diego Department of Environmental Health) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. (Public Resources Code section 21081.6(a)(2).) It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

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

Custodian:

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