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April 29, 2011

Mr. Jack Miller, Director  
County of San Diego  
Department of Environmental Health  
1255 Imperial Avenue  
San Diego, CA 92101

Re: County Department of Parks and Recreation

Dear Mr. Miller:

Gregory Canyon Ltd. (GCL) has received a copy of a letter addressed to you dated April 21, 2011 regarding a potential County trail through the GCL habitat restoration area. We appreciate the opportunity to comment on this letter.

GCL has had an ongoing interest in providing for a County trail through the habitat restoration area on the north side of the San Luis Rey River. One of the important features of the landfill project is the development of high quality habitat along the river corridor. The goal of the restoration effort is to recreate the vegetative communities that existed prior to development of dairy farms in this area, consistent with specific mitigation requirements set forth in the Revised Final Environmental Impact Report Mitigation Measures.

In accordance with MM 4.9-18, GCL prepared a Habitat Restoration and Resource Management Plan (HRRMP) in October 2008. The HRRMP included a 1928 aerial photo of this portion of the landfill property, and the specifics of the restoration plan, including the location of various vegetation communities and the plant palettes within each vegetation community were significantly informed by this aerial photo. Thus, the restoration plan not only would provide habitat for threatened or endangered animal species, but would become a park-like refuge consistent with conditions existing in the 1920's.

Given that, GCL has always believed that it would be highly desirable to locate a County trail through this area.

In 2008, GCL met with representative of Parks and Recreation, and then conducted a site tour to evaluate potential trail alignments.

On June 12, 2009, GCL entered into an easement agreement with San Diego Gas & Electric, granting an easement through the habitat restoration area on the north side of the river for

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construction of a gas pipeline. Given that the easement area would need to be accessible for maintenance purposes, GCL saw this as a potential opportunity for development of a County trail. It included a provision in the easement agreement stating: "If Grantor [GCL] or the County of San Diego desires to construct a trail on, over or upon the Easement, Grantor agrees to enter or will cause the County of San Diego to enter into a trail agreement in a form reasonably acceptable to Grantee [SDG&E]."

A graphic showing the location of the SDG&E easement is attached.

In reviewing the letter from Parks and Recreation, it appears there is some misunderstanding regarding the nature of any proposed overriding consideration, should you choose to make one. The benefit provided by the landfill project is not that it will provide a trail, but rather that the project would be compatible with future development of a County trail. Given the current situation, that is all it can be.

First, there is an implicit assumption that the habitat restoration would take place. While Proposition C mandates that this area remain open space, the habitat restoration will not occur unless GCL receives all required permits and approvals and commences construction and operation of the landfill. At this time, not all of the required permits and approvals have been received. Without the habitat restoration, the area is highly disturbed and would not, in GCL's view, be a good candidate for a trail.

Second, as part of the U.S. Army Corps of Engineers Clean Water Act Section 404 permitting process, the U.S. Fish & Wildlife Service (USFWS) will be undertaking a consultation under Section 7 of the Endangered Species Act. It is not known whether USFWS would approve the trail.

Finally, any required environmental impact review would need to be completed.

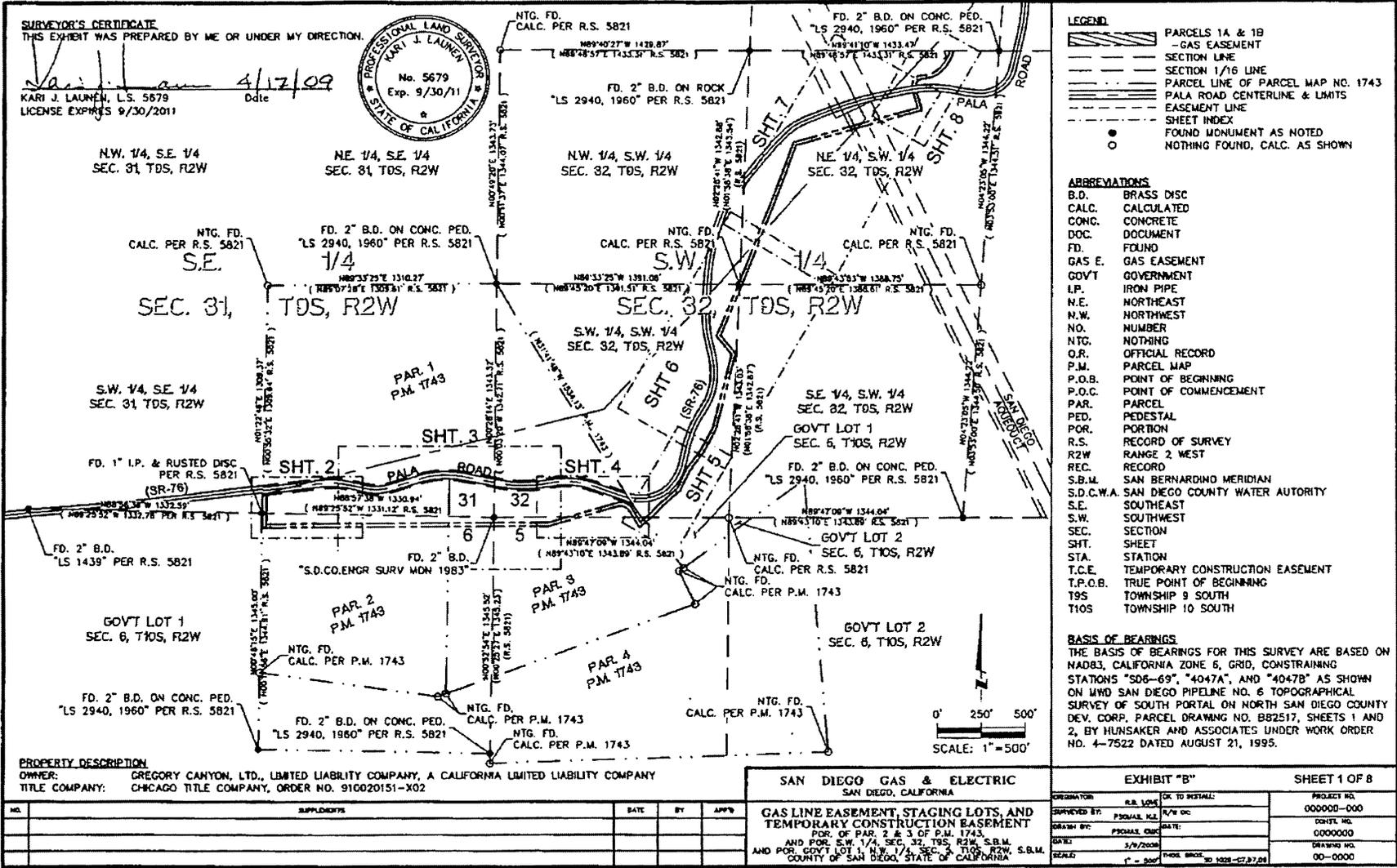
Thank you for your consideration of these comments. Please let me know if you have any questions, or can be of further assistance.

Sincerely,



E. William Hutton

Enclosure



**EXHIBIT "C"**

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May 3, 2011

Mr. Jack Miller, Director  
County of San Diego  
Department of Environmental Health  
1255 Imperial Avenue  
San Diego, CA 92101

Re: Comments on the Solid Waste Facility Permit for the Proposed Gregory Canyon  
Landfill

Dear Mr. Miller:

Thank you for forwarding a copy of the February 23, 2011 letter from Mr. Rusinek, on behalf of the Pala Band of Mission Indians (Pala Band), for review and comment by Gregory Canyon, Ltd. (GCL), the project applicant.

Based on our review of the comment letter, no new information has been presented that would change that conclusion that the application for a Solid Waste Facility Permit (SWFP) and the accompanying Joint Technical Document (JTD) were properly determined to be complete and correct, and is fully sufficient for review and action on the pending application.

On July 29, 2010, Mr. Rusinek submitted a request for hearing and statement of issues on an application package that had been deemed complete and correct by DEH. A copy of this letter is included as Attachment A. The application was then resubmitted as an incomplete application, and revisions were made leading up to LEA's complete and correct determination on February 1, 2010. The specific issues addressed in the July 29, 2010 letter were carefully reviewed and, where appropriate, fully responded to, in the course of preparing revisions to the application package.

LEA undertook a detailed review of the application package, and provided comments/proposed revisions. A table indicating the action taken in response to each LEA comment/proposed revision was submitted to LEA and was considered when making its complete and correct determination. A copy of that table is included as Attachment B.

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In addition, LEA commissioned a peer review of the application package by URS Corporation. URS submitted two reports and tables with detailed comments and proposed revisions to LEA on December 21, 2010. A copy of the URS reports are included as Attachment C. It is very significant that URS reviewed all of the key design assumptions for the landfill design, and made 35 separate findings in its report that they were reasonable and in compliance with applicable requirements.

All of URS's detailed comments were carefully reviewed, and revisions to the application package were made as appropriate. Two tables indicating the action taken in response to each URS comment/proposed revision were submitted to LEA and were considered when making its complete and correct determination. A copy of those tables are included as Attachment D.

The combined efforts of LEA, URS and the applicant produced a very high quality permit application, fully sufficient for purposes of LEA review and action on the pending application.

In order to facilitate review and response to the February 23, 2011 comment letter, it has been broken down into specific issues and bracketed, similar to the process in preparing responses to comments to a Draft EIR. A copy of the bracketed letter is included as Attachment E, and responses are set forth below.

Subsequent to submitting this comment letter to LEA, Procopio filed an appeal of LEA's complete and correct determination, and submitted a statement of issues. That submittal is included as Attachment F. In accordance with Public Resources Code Section 44310(a)(2), LEA submitted its response to the statement of issues. The LEA's response is included at Attachment G.

In light of the fact that some of the comments in the February 23, 2011 comment letter were not included in the statement of issues, GCL believes that the Pala Band is precluded from raising these issues at a later time for failure to exhaust administrative remedies.

Since there is considerable overlap between the comments in the February 23, 2011 comment letter and the statement of issues, this response will rely on LEA's response to the statement of issues where appropriate, and this will be noted where done.

On March 25, 2011, Procopio submitted a reply to LEA's response to the statement of issues. A bracketed copy of this letter is included at Attachment H. On March 29, 2011, a member of the solid waste hearing panel recused himself due a concern with a potential conflict of interest, and the appeal hearing did not take place.

This response will also respond to comments included in Procopio's March 25, 2011 reply.

## **I. Response to February 23, 2011 Comment Letter**

### Response to Comment #1 (Legal Standards):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #1.

### Response to Comment #2 (Type of Permitted Waste):

The 2003 Final Environmental Impact Report for the landfill project ("2003 Draft EIR"), p. 3-31, provided that the Gregory Canyon Landfill would accept non-hazardous solid wastes and inert wastes for disposal. In turn, the definition of "solid waste" in Public Resources Code §40191 broadly includes all putrescible and non-putrescible waste, and more specifically ashes and vegetative or animal solid matter, and other materials as discussed in the JTD, at p. B.1-5. This would include all of the items checked on Part 2.E of Form E-177. There is no conflict with the CEQA documents.

### Response to Comment #3 (Daily Disposal):

The comment concedes that the information in Part 3.B.1.a relates to other wastes, but fails to recognize that the acceptance and use of processed green material (PGM) is for alternative daily cover (ADC) and not for disposal of waste. Also, the truck trips for delivery of PGM would count against the daily and hourly trip limits set forth in MM 4.5-3 and MM 4.5-4, included as Appendix D-2 of the JTD.

### Response to Comment #4 (Landfill Capacity Survey):

The required CADD drawings were part of the complete and correct permit application, in Attachment SWFP-B.

### Response to Comment #5 (Status of Current Permits):

The first portion of this comment relates to the regulatory process at the San Diego Regional Water Quality Control Board (RWQCB). The March 1, 2005 complete and correct determination by the RWQCB remains current, and has not been rescinded. The fact that the JTD has been subsequently revised does not rescind RWQCB's completeness determination. 27 CCR §21710(a)(4) provides procedures for notification of changes to RWQCB, but does not provide for the automatic or inferential rescission of a prior complete and correct determination.

This comment also claims that certain information related to federal permitting processes was inaccurate. None of this information was material to LEA's review of the application, or compliance with applicable requirements for a SWFP. Moreover, the information alleged to be inaccurate did not relate to the "parameters of the solid waste

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facility,” which is the definition of “correct” in 27 CCR §21563(d)(2). The defect alleged in this comment is trivial and non-substantive.

Response to Comment #6 (Fire Protection):

For purposes of LEA’s complete and correct determination, Gregory Canyon was required to demonstrate compliance with Public Resources Code §44151 (setback) and 27 CCR §21600(b)(8)(B) (burning waste and landfill fires). That demonstration was made, and was not challenged in the comment. Gregory Canyon provided additional information describing the likely arrangements for fire protection service and response to wildfires, in Section B.5.3.5 of the JTD. The fire authority providing fire service would be responsible for verifying compliance with applicable provisions of the Consolidated Fire Code.

Response to Comment #7 (CEQA Compliance):

This comment was addressed in LEA’s response to the statement of issues, in Response to Issue #3.

In addition, Gregory Canyon will be required to obtain all other permits required under applicable law for construction, operation and closure of the landfill. However, that is not related to the SWFP.

Response to Comment #8 (PCPCMP):

This comment was addressed in LEA’s response to the statement of issues, in Response to Issue #2.

Response to Comment #9 (Conceptual Design):

This comment was addressed in LEA’s response to the statement of issues, in Response to Issue #9.

Response to Comment #10 (Other Permits):

Table 5 was never intended to provide the final and exact listing of all required permits and approvals. It is identified as a “Summary of Permits.” The JTD, at p. B.2-5, identifies other required permits. Gregory Canyon will be required to obtain all permits required under applicable law for construction, operation and closure of the landfill. Those may change over time. The defect alleged in this comment is trivial and non-substantive.

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Response to Comment #11 (Temporary Construction Storage):

The use of the temporary storage yard has been analyzed in Haggmann (2011), Air Quality, Health Risk and Noise Technical Memorandum, and those impacts were found to be less than significant. In addition, operation of the temporary storage yard will be subject to construction-related mitigation measures related to protection of biological resources, set forth in the FEIR, such as exclusion fencing for arroyo toad. Those mitigation measures were determined to reduce construction-related impacts to biological resources to less than significant. This portion of the FEIR was neither challenged nor overturned by the courts. Gregory Canyon recommends that a permit condition be included incorporating these measures into the operation of the temporary storage yard. Gregory Canyon recommends that full discussion of potential impacts from the use of the temporary storage yard be included in LEA's CEQA Section 15162 Findings, should it render a project approval.

Response to Comment #12 (Inclement Weather):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #5. In addition, Gregory Canyon has reviewed its property records and confirmed that it also has an access easement from Couser Canyon Way to the southern end of the landfill, which would provide a second alternative access for emergency purposes to that discussed in LEA's Response to Issue #5. The property description for this second access is set forth in Attachment SWFP-A on the permit application (Parcels 12 and 13).

Response to Comment #13 (Alternative Daily Cover):

The comment feigns surprise at the fact that processed green material (PGM) would be used for alternative daily cover (ADC), but fails to note that every prior version of the JTD over the past several years and the 2003 Draft EIR (p. 3-31) provided for the use of PGM as ADC. There is no change to the project. The additional detail provided in this version of the JTD responds to recent requirements promulgated by CalRecycle, primarily designed to assure that PGM would not be overused in an attempt to overinflate diversion percentages. Also, see response to comment #23 for a discussion of the refuse-to-cover ratio.

Response to Comment #14 (Leachate Collection and Removal):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #10.

Response to Comment #15 (Leachate Volumes):

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Leachate collection and treatment is undertaken for the purpose of protection of waters of the state, and falls within the regulatory authority of RWQCB.

The JTD, at p. B.5-4, states in detail the design basis for the LCRS. The peak leachate generation was calculated using the HELP3 model assuming a rainfall year of 34.8 inches, substantially larger than the 25 inches mentioned in the comment, and the peak leachate generation rate formed the basis for the design of the LCRS.

Response to Comment #16 (Analysis of Potential Impairment to Groundwater):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #7.

Response to Comment #17 (Groundwater Monitoring Well Locations):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #6.

Response to Comment #18 (Stormwater Permitting):

Storm water management relates directly to protection of waters of the state, and falls within the regulatory authority of RWQCB.

Attachment SWFP-D of the permit application and Attachment F of the SWPPP (Appendix D-1 of the JTD) both noted that the Notice of Intent to obtain coverage under the NPDES general storm water permit was submitted, and the WDID recertified, in September 2010.

Response to Comment #19 (Estimated Corrective Action Cost):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #7.

Response to Comment #20 (Dust Control):

Potential releases of contaminants relates directly to protection of waters of the state, and falls within the regulatory authority of RWQCB.

The comment fails to note that this issue was previously raised in the CEQA litigation and rejected by both the Superior Court and Court of Appeal.

The crux of commenter's argument made in its briefs filed in the CEQA litigation is that monitoring for certain constituents of concern (COC's) is infrequent, and may only be done every five years. This claim fails to grasp the monitoring program for the landfill by continuing to blur the distinction between Appendix I and Appendix II COC's. The

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JTD, at p. B.5-14 – B.5-15, provides that background sampling will be undertaken with respect to the full suite of COC's. Once that data is analyzed, the constituents detected in background samples or most likely to be released are identified and analyzed quarterly. These are known as the Appendix I COC's. The remainder are classified as Appendix II COC's and analyzed every five years.

Constituents can be added to the Appendix I list in one of two ways. The first is based on sampling of new background monitoring wells. The second is through constituents identified through annual composite sampling of the LCRS, as provided in the JTD, p. B.5-16, or from grab samples taken if liquid is observed during routine monitoring of the leachate storage tanks, as provided in the JTD, p. B.5-3. See response to comment #25.

Since any contaminants that might be released through the liner would initially pass through the LCRS, there is no likelihood that an undetected contaminant would be released through dust control operations. The comment does not allege that quarterly ground water monitoring is "infrequent."

Also, the comment does not recognize, even though the courts did, the virtual impossibility of any release of contaminants through the liner system.

Finally, since the above information is contained in the JTD, the comment's assertion that this was not discussed in the JTD is incorrect.

Response to Comment #21 (Fire Control):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #8.

Finally, the measures set forth in the JTD are fully enforceable through the SWFP. Standard Condition 15 of the SWFP lists other approvals that condition the operation of the landfill, and it is expected that the JTD will be included, as was done in the 2004 SWFP.

Response to Comment #22 (Design Features):

The comment once again raises the issue of the use of "conceptual drawings" in the JTD. See LEA's Response to Issue #9.

Construction of the perimeter storm drains (PSD) would be accomplished through excavation of the foundation, followed by installation of the PSD. URS reviewed the proposed storm water management system for the landfill, and found at p. 2-4 that "the perimeter storm drain (PSD) system consisting of a reinforced concrete trapezoidal drainage channels placed around (outside) the refuse footprint and earthen berms to divert run-on from adjacent slopes and the up-canyon areas of the undisturbed footprint into the perimeter storm drains is appropriate for the site", that "the phased construction of the

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PSD moving up canyon as the landfill is developed is reasonable”, and that the “discharge and percolation area appears to be adequately sized and the energy dissipaters proposed are typical”.

Response to Comment #23 (Material Availability):

Numerous prior versions of the JTD indicated that with the use of ADC, a refuse-to-cover ratio of 7:1 would be expected, and this conclusion has never been challenged previously. This version of the JTD, at p. B.4-18 – B.4-19 and C.2-2 – C.2-4 provides a detailed discussion on soil balance, and a rationale as to why a slightly larger refuse-to-cover ratio of 7.5:1 would be expected. The site engineer, with working experience at many landfills in the state, reports that it is widely recognized that 9:1 to 10:1 refuse-to-cover ratios have been achieved in California, therefore, a 7.5:1 refuse-to-cover ratio is reasonable and achievable. The specific measures identified at p. C.2-4 included the use of fill sequencing to reduce cover needs, ADC and reuse of materials from demolition of the former dairy operations. The impact of improved fill sequencing, which is a technique that is becoming standard in the industry, is that it will reduce the areas requiring intermediate cover, which in the case of Gregory Canyon would be a soil intermediate cover (JTD, p. B.4-17).

The URS report at p. 2-2 concluded “[t]he soil deficit at the site can be managed using the alternative daily cover (ADC) strategies in the JTD and these ADCs have been successfully used at other facilities.

Response to Comment #24 (Stockpile/Borrow Area)

Storm water management relates to protection of waters of the state, and falls within the regulatory authority of RWQCB.

The JTD at p. C.2-5 – C.2-6 provides a detailed discussion of the storm water control measures that would be undertaken, which is adequate for SWFP purposes. In addition, the SWPPP (Appendix D of the JTD), includes a discussion of the borrow/stockpile areas and a series of measures for achieving storm water control at p. 3-2 – 3-3, 3-6 and 5-4 – 5-18.

Figure 3 and Plate 1 of the Habitat Restoration and Resource Management Plan (Appendix I-3 of the JTD) include an aerial photo that depicts the location of the existing drainages.

See LEA’s Response to Issue #4 for a discussion on protection of the County Water Authority Pipelines.

Response to Comment #25 (Leachate Generation):

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Leachate collection and treatment is undertaken for the purpose of protection of waters of the state, and falls within the regulatory authority of RWQCB.

The JTD, at p. B.5-2, provides a detailed description of a LCRS that meets federal and state requirements. The LCRS was designed to collect and remove a minimum of twice the anticipated maximum daily volume of leachate generated from within the refuse prism, as well as maintain less than a 30-cm (12-inch) depth of leachate over the composite liner system. The maximum leachate volume was calculated using the HELP3 model assuming a rainfall year of 34.8 inches, substantially larger than the 25 inches mentioned in the comment, and the peak leachate generation rate formed the basis for the design of the LCRS.

As noted in response to comment #20, annual monitoring of the leachate would be primarily utilized to identify additional COC's to add to the Appendix I list of COC's for groundwater monitoring. In addition, grab samples of leachate will be taken if liquid is observed during monitoring of the leachate storage tank (JTD, p. B.5-3). Collected leachate will be taken off-site for treatment, and the grab sampling would provide the information required for waste characterization purposes, to assure proper treatment/disposal (JTD, p. B.5- 3).

Response to Comment #26 (Leachate Control and Recovery System):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #10.

Response to Comment #27 (Landfill Gas):

The discussion in the comment is misleading, in that it fails to acknowledge that three methods for treating/disposing of landfill gas condensate are provided in the JTD at p. C.2-14. The methods are incineration in the flares, treatment on site, or off-site treatment/disposal. The selection of the methodology to be used would be based on part on the analyzed constituents in the landfill gas condensate. There was adequate information for purposes of a complete and correct determination and permit action by LEA.

Gas condensate generated at a non-hazardous landfill is typically non-hazardous. Authority to incinerate gas condensate in the flares, and conditions on that activity, would be included in the Permit to Operate issued by SDAPCD.

Any permit requirements related to the landfill gas flare fall with the regulatory authority of SDAPCD.

Response to Comment #28 (Hydrology):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #4.

The discussion in the JTD at p. C.2-17 accurately states the current situation. The existing aqueduct pipelines may be protected or relocated in accordance with the terms of an agreement between Gregory Canyon and San Diego County Water Authority (see MM 4.1-3, 2003 Draft EIR, p. 10-9).

Response to Comment #29 (PSD Channel System):

Storm water management relates to protection of waters of the state, and falls within the regulatory authority of RWQCB.

The discussion in the comment about the PSD being designed for "sheet flow" is unsupported. There is no such discussion in JTD Section C.2.8.3.2. The PSD is designed to capture all flows from outside of disturbed areas.

A response to the comment letter submitted by Dr. Richard Horner to RWQCB and attached to the February 23, 2011 comment letter is included in Attachment I.

The URS report, at p. 2-3 – 2-4 concluded that "[t]he drainage control system designed for 100-year, 24-hour storm event run-off volumes complies with the regulatory requirements and is reasonable for the site", that "[t]he estimated run-off values calculated based on the San Diego County Hydrology Manual (2003 version) in conjunction with computer software developed by Advanced Engineering Software (AES) is appropriate", and that "[t]he hydrologic analysis conducted using the Rational Method Computer program (in accordance with the San Diego County Hydrology Manual Criteria) to determine the peak flows discharged from the Gregory Canyon watershed under pre- and post-developed conditions is reasonable for the project".

Response to Comment #30 (Storm Water Desilting Basin):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #11.

Response to Comment #31 (Landfill Construction Phasing)

The comment again raises the issue of "conceptual design". See LEA's Response to Issue #9.

The scope of information required by 27 CCR §21600(b)(8)(I) is a traffic control plan for the site itself. A series of measures is set forth in the JTD and p. B.5-43 – B.4-44 for the

purpose of ensuring that traffic flow into, on and out of the site minimizes interference and safety problems for customers and for traffic on adjacent and adjoining public roads. This meets the requirements of Title 27. The JTD, at p. B.5-44, also notes that mitigation measures related to traffic are set forth in Appendix D-2, Table 10-1 of the JTD. Consistent with the 2004 SWFP, it is expected that the SWFP would provide the enforcement mechanism for all CEQA mitigation measures and project design features.

The URS report at p. 2-2 concluded that “[t]he site-specific traffic control measures are more robust than typical and should minimize traffic impacts.

Response to Comment #32 (Liner System Development):

Design and construction of the liner system relates to protection of waters of the state, and falls within the regulatory authority of RWQCB.

This comment again addresses the issue of the required design detail. See LEA’s Response to Issue #9. Also, as noted by LEA, detailed designs must be submitted to and approved by RWQCB prior to initiating construction. This issue would be addressed as part of final design review by RWQCB.

Response to Comment #33 (Drainage Control Development):

Storm water management relates to protection of waters of the state, and falls within the regulatory authority of RWQCB.

The comment fails to note that this issue was raised in the CEQA litigation, but rejected by both the Superior Court and the Court of Appeal.

The JTD at p. C.2.23 – C.2.24 includes a discussion of interim storm water management features that will provide for the direction of storm water from undisturbed areas to the PSD’s at all times, and in particular during the period prior to completion of all phases of the PSD’s. In addition, Figures 21, 22 and 24 in the JTD show the configuration of the PSD and interim storm water control measures. The PSD’s will be fully completed during construction of Phase III.

Response to Comment #34 (Floodplain):

This comment was addressed in LEA’s response to the statement of issues, in Response to Issue #12.

Response to Comment #35 (Precipitation):

The rationale for providing a range of values was included in the JTD at p. D.3-1, arising from the fact there are no long-term precipitation gauging stations in the vicinity of the Gregory Canyon site. The use of a range represented the best available data.

As noted in response to comment #15 and #25, the HELP3 leachate generation modeling was based on assumed maximum rainfall year of 34.8 inches, and the design of the LCRS was based on leachate generation in that maximum rainfall year.

The response to Dr. Horner's comment letter includes a discussion of on-site observations and on-site rainfall data taken during large storm events in the 2009-2010 and 2010-2011 rain years.

Response to Comment #36 (Geologic Hazards):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #13.

Response to Comment #37 (Local Hydrogeologic Setting):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #7.

Response to Comment #38 (Final Cover Construction):

The preliminary final cover design consists of, in part, a two-foot vegetative layer of silty sand to sandy silt available from Borrow/Stockpile A. The specific soil types that would be excavated and placed in Borrow/Stockpile A or excavated from Borrow/Stockpile A are described at p. C.2-3, and include topsoil, alluvium and colluvium. Since vegetation is currently established on these soil types on the landfill property in the pre-development condition, it is reasonable for LEA to conclude that these same soil types would be suitable for establishment of vegetation over the final cover.

Response to Comment #39 (Floods):

This comment was addressed in LEA's response to the statement of issues, in Response to Issue #5.

Response to Comment #40 (Emergency Response Notification):

Applicable regulations, at 27 CCR §§21130 and 21132 do not require that a training plan be included in the Emergency Response Plan (ERP). Nonetheless, the JTD at p. E.3-1 provides that the Site Manager and the Site Safety Officer will be training in emergency response procedures, and that the Site Safety Officer will oversee the management of all emergency response procedures.

Since the ERP is for use during the post-closure maintenance period, it is not possible or realistic to identify the future site engineer as part of the JTD at this time. The qualifications for the site engineer would be the same as those required for certifying the

PCPCMP, which would be a registered civil engineer or a registered engineering geologist. The current site engineer is Bryan A. Stirrat, P.E., R.C.E No. C 22631.

## **II. Response to March 25, 2011 Reply to LEA Response to Statement of Issues**

### Response to Comment #1 (PCPCMP):

The comment evidences a continued mischaracterization of applicable regulations. 27 CCR Section 21860 does not, and cannot, bind the RWQCB. However, that regulation simply says what it says – that if RWQCB does not provide notice of incompleteness of the PCPCMP within 30 days, the LEA can deem the PCPCMP complete. The RWQCB can undertake its completeness review in any way it deems fit. Moreover, LEA does not have any legal obligation to inform RWQCB of applicable requirements.

### Response to Comment #2 (County Water Authority Pipeline):

This comment disagrees with but does not add anything in substance that was not addressed in LEA's Response to Issue #4.

SDCWA's position, as expressed at the February 23, 2011 LEA public meeting, is that the SWFP require that the Agreement between SDCWA and Gregory Canyon be in place "before landfill construction commences." LEA has indicated its intention to do that. Finally, LEA's Response to Issue #4 correctly notes that the timing demanded in the comment is not necessary. The pipelines would not be affected until landfill construction commences. An agreement at this stage of the process is not required to protect the pipelines, and the comment is ultimately nothing more than a stalling tactic.

### Response to Comment #3 (CEQA Compliance):

This comment continues to be adequately addressed in LEA's response to the statement of issues, in Response to Issue #3. No new information or argument is raised in the reply.

### Response to Comment #4 (Lack of Secondary Access):

See response to comment #12 in the February 23, 2011 comment letter, which notes the existence of a second secondary access from Couser Canyon Way for emergency purposes that does not involve crossing the San Luis Rey River channel.

### Response to Comment #5 (Lack of Sufficient Groundwater Monitoring Wells)

This comment continues to be adequately addressed in LEA's response to the statement of issues, in Response to Issue #6. 27 CCR Section 20420(b) provides that the purpose of the detection monitoring system is for "detecting, at the earliest possible time, a release from the Unit." Without waste, there is no release possible. As a result, the timing for installing the monitoring system is prior to waste receipt, not prior to a complete and

Mr. Jack Miller, Director  
May 3, 2011  
Page 14

correct determination or even issuance of the SWFP or WDR's. If anything, the Gregory Canyon Landfill is unique in having so many wells already in place coupled with a substantial volume of sampling results at this stage of development.

Response to Comment #6 (Floodplain):

This comment continues to be adequately addressed in LEA's response to the statement of issues, in Response to Issue #12.

The mapping provided in the application package is consistent with the County's floodplain mapping for FEMA purposes.

Finally, the comment reflects a misunderstanding of applicable requirements. Federal Subtitle D regulations, at 40 CFR Section 258.11, provide a location restriction "potentially" applicable to waste management units within the 100-year floodplain. The comment deals with a desilting basin, and there is no assertion that the waste management unit is within the 100-year floodplain. In fact, the waste management unit at the Gregory Canyon Landfill is outside of the 500-year floodplain.

Thank you again for the opportunity to respond to these comments. If you have any questions regarding the information in this letter, please do not hesitate to contact me.

Sincerely,



E. William Hutton

Enclosure

cc: Rodney F. Lorang, Esq., LEA (w/att.)  
KariLyn Merlos, LEA (w/att.)  
Rebecca Lafreniere, LEA (w/att.)  
James Henderson, LEA (w/att.)  
Dr. Spencer D. MacNeil, USACE (w/att.)  
James Smith, RWQCB (w/att.)  
Chiara Clemente, RWQCB (w/att.)  
Mike Porter, RWQCB (w/att.)  
Carol Tamaki, RWQCB (w/att.)  
Bob Morris, RWQCB (w/att.)  
Steve Moore, SDAPCD (w/att.)

# ATTACHMENT A



Procopio, Cory, Hargreaves and Savitch LLP

Walter E. Rusinek  
Direct Dial: (619) 525-3812  
E-mail: walter.rusinek@procopio.com

July 29, 2010

Mr. Jack Miller  
Director  
San Diego Local Enforcement Agency  
1255 Imperial Avenue  
P. O. Box 129261  
San Diego, CA 92112-9261

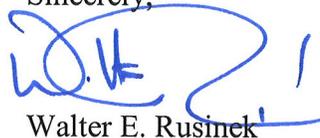
Re: Request For Hearing on the Solid Waste Facility Permit Application for the Proposed Gregory Canyon Landfill

Dear Mr. Miller:

Pursuant to Public Resources Code sections 44307 and 44310(a)(1), we hereby request on behalf of our client, the Pala Band of Mission Indians, that the Local Enforcement Agency ("LEA") hold a public hearing to review its July 23, 2010, decision that the solid waste facility permit application submitted by Gregory Canyon Ltd. ("GCL") was complete and correct. Enclosed with this request for a hearing is a Statement of Issues which identifies the numerous deficiencies in the permit application.

As required by state law, within 15 days of this request please provide us with written notice of the date, time, and place of the hearing. Because state law requires that the hearing be held within 30 days of this request, your prompt attention to this matter is required. Because a prospective date for this hearing could be scheduled for a date after the informational public meeting on the permit application, we request that the LEA postpone that meeting until after this hearing is completed and the decision issued.

Sincerely,



Walter E. Rusinek

Enclosure

cc: Robert H. Smith, Chairman, Pala Band of Mission Indians  
Ms. Lenore Lamb, Director, Pala Environmental Services  
San Diego County Board of Supervisors  
Mr. Jim Wood, Mayor, City of Oceanside

Mr. Jack Miller  
July 29, 2010  
Page 2

Mr. Spencer MacNeil, U.S. Army Corps of Engineers  
Ms. Alexis Strauss, USEPA, Region IX  
Ms. Michelle Moreno, U.S. Fish & Wildlife Service  
Mr. Mark Leary, CalRecycle  
Mr. David Gibson, Regional Water Quality Control Board  
Mr. Stephen Moore, San Diego County Air Pollution Control District  
Ms. Maureen Stapelton, San Diego County Water Authority  
Susan Trager, Esq., San Luis Rey Municipal Water District  
Damon Nagami, Esq., NRDC  
Pamela Epstein, Esq., Sierra Club  
Ms. Laura Hunter, Environmental Health Coalition  
Mr. Joe Chisolm, Pala Pauma Sponsor Group  
Everett L. DeLano III, Esq.  
Johnny Pappas, Surfrider Foundation

## **STATEMENT OF THE ISSUES FOR A HEARING ON THE DETERMINATION THAT THE SOLID WASTE FACILITY APPLICATION FOR THE PROPOSED GREGORY CANYON LANDFILL WAS COMPLETE**

On behalf of our client, the Pala Band of Mission Indians (“Pala Band”), we respectfully submit the following Statement of the Issues in accordance with Public Resources Code section 44310. We appreciate the opportunity to raise these issues before this Hearing Panel.

A hearing has been requested to challenge the decision of the County of San Diego Department of Environmental Health, acting as Local Enforcement Agency (“LEA”), that the solid waste facility permit application submitted by Gregory Canyon, Ltd. (“GCL”) and dated June 24, 2010, for the proposed Gregory Canyon landfill (“SWFPA”) was complete. The LEA’s erroneous determination that the SWFPA was complete constituted a failure by the LEA to “act as required by law or regulation” pursuant to Public Resources Code section 44307.

This “Statement of Issues” identifies a number of reasons why the SWFPA failed to meet regulatory standards. Any one of the numerous reasons listed below is sufficient for this Hearing Panel to determine that the SWFPA was not complete and to direct the LEA to rescind its determination and to stop preparing a solid waste facility permit for the Gregory Canyon landfill until a complete and correct SWFPA has been submitted.

### **I. History of the Solid Waste Facility Permit**

In reviewing this Statement of Issues, it is important to consider the history of this permit. In 2004, the LEA approved a solid waste facility permit for the proposed landfill as well as a benefit analysis, statement of overriding considerations, and findings under the California Environmental Quality Act (“CEQA”). The Pala Band, RiverWatch, and the City of Oceanside filed lawsuits challenging the adequacy of the final environmental impact report (“FEIR”) for the proposed landfill and the project’s compliance with Proposition C, the 1994 voter initiative that had amended the land use designations for the property.

In late 2005, the San Diego Superior Court agreed that the FEIR was inadequate and that the project violated Proposition C. Although the LEA and GCL argued that the court should not order the LEA to decertify the FEIR or to rescind the solid waste facility permit, that is exactly what the court did.

Rather than accept the court’s order, however, the LEA brazenly continued to treat the permit as if it was still valid. The LEA also engaged in discussions with the California Integrated Waste Management Board (“CIWMB”) (now “CalRecycle”) regarding the permit, but also ignored CIWMB’s conclusion that the permit no longer

was valid. The LEA through the Office of County Counsel even challenged the scope of CIWMB's authority.<sup>1</sup>

The LEA's untenable position that the permit was still valid forced yet another lawsuit that resulted in the Superior Court confirming in June of this year that the permit had not been valid since 2006. The court rejected what it termed the LEA's reliance on a "hyper-technical, and out-of-context, reading of a portion of the writ of mandate" to support its position.

The LEA's decision to ignore both the Superior Court and the CIWMB on this issue raises serious questions about the LEA's ability to act as a regulatory agency and not as an advocate for the project. The LEA's decision to rotely approve this SWFPA, which is littered with dated and inadequate information, is additional evidence that the LEA may not be able to perform its role as a regulatory agency for this project.

## II. Legal Standards for a Complete and Correct SWFPA

The CalRecycle rules specify what information must be included in a SWFPA for an application to be deemed "complete and correct." (27 C.C.R. § 21570(e).) The rules list the specific, but *minimum*, information that must be contained in the SWFPA. In relevant part, and in the order they are discussed below, the minimum information required to be submitted for a SWFPA to be complete is:

1. An "Application for Solid Waste Facility Permit/Waste Discharge Requirements" (the "Joint Application Form") (27 C.C.R. § 21570(f)(1));
2. Current documentation of acceptable funding levels for the required closure, postclosure maintenance and corrective action Financial Assurance Mechanisms (*id.* at (f)(8));
3. Current documentation of compliance with operating liability requirements (*id.* at (f)(9));
4. A landfill capacity aerial survey in an electronic format (*id.* at (f)(10));
5. A determination by the LEA, the Regional Water Quality Control Board ("RWQCB") and CalRecycle that the preliminary closure plan for the facility is complete (*id.* at (f)(6)); and

---

<sup>1</sup> Claims made by County Counsel in one 22-page letter caused CIWMB's Chief Counsel to respond that CIWMB "vigorously disputes your interpretation of state law" because it "misstated the fundamental relationship between CIWMB and EAs as set out in statute and regulation."

6. A “complete and correct” Report of Disposal Site Information in the form of a Joint Technical Document (“JTD”) (*id.* at (f)(2)).

The CalRecycle rules define the term “complete” as meaning that “all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package.” (27 C.C.R. § 21563(d)(1).) The rules define the term “correct” as requiring that “all information provided by the applicant regarding the solid waste facility must be accurate, exact, and must fully describe the parameters of the solid waste facility.” (27 C.C.R. § 21563(d)(2).)

The rules also state that the information in a SWFPA must be “supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility.” (27 C.C.R. §§ 21570(d).) Finally, the rules are clear that a complete and correct application “shall include, but not necessarily be limited to” the information listed in the rule. (*Id.* § 21570(f).)

These definitions demand that a “complete and correct” SWFPA contain a rigorous level of detail that this SWFPA sorely lacks. Because the rules state that the minimum required information may not be sufficient, a determination as to whether a SWFPA is “complete and correct” must be based on site-specific factors. In this case, significant detail is necessary because, among other things, the landfill is proposed to be located

- (1) in a steep canyon that flows into the San Luis Rey River,
- (2) above a fractured bedrock “aquifer” system that the San Diego Regional Water Quality Control Board admits makes discharges of pollutants “difficult to detect, delineate, and remediate”
- (3) above a fractured bedrock “aquifer” that is interconnected with down-gradient alluvial aquifers that provide drinking water for individuals and municipalities, including the City of Oceanside, and
- (4) in an area where numerous endangered or otherwise protected species are present.

Because the Gregory Canyon site is a uniquely complex project site, the lack of detail in the SWFPA and the JTD is another reason why the SWFPA is not complete and correct. Because of the numerous failings in the SWFPA discussed below, the LEA failed to comply with the law when it found the application to be complete and correct.

### **III. The SWFPA Was Not Complete and Correct**

#### **A. The Joint Application Form**

The SWFPA was submitted with a cover letter dated June 24, 2010, which identifies the various portions of the SWFPA. The first item listed in that letter is the Joint Application Form, which is attached with the cover letter as Exhibit A to this Statement of Issues. A review of the Joint Application Form alone shows that the information in the SWFPA was not complete and correct.

#### **1. Joint Application Form - Page 3, Part 6, Section B**

Section 6.B of the Joint Application Form identifies required documents that must be submitted for landfills, specifically information identifying the landfill's (1) operating liability financial assurance and (2) evidence of financial responsibility for closure, post-closure, and corrective action. The document claimed to be evidence of financial responsibility for closure, post-closure, and corrective action was included as Attachment 7 to the SWFPA and is attached as Exhibit B here. The documents purporting to show assurance of operating liability coverage is included as Attachment 7 to the SWFPA and is attached as Exhibit E here. Neither of these documents satisfies the regulatory requirements.

#### **a. The Evidence of Financial Assurance is not Current**

The CalRecycle rules specifically state that, to be complete and correct, the financial assurance information submitted in a SWFPA must include

- (1) "current documentation of acceptable funding levels for required closure, postclosure maintenance, and corrective action" in accordance with CalRecycle rules (27 C.C.R. § 21570(f)(8), and
- (2) "current documentation of compliance with operating liability requirements" in accordance with CalRecycle rules. (27 C.C.R. § 21570(f)(9) (emphasis added).)

But the SWFPA does not contain the required "current" documentation.

Rather, the documentation showing compliance with the closure, postclosure and corrective action requirements is a nine-year old letter from the CIWMB approving a 2001 trust agreement. Not only is the letter not "current" documentation, but the trust agreement is not even included in the SWFPA. (The trust agreement is included as Exhibit B.) Likewise, the certificates of liability insurance provided as current documentation of operating liability coverage all expired on June 23, 2010. While other problems with the documents provided are identified below, the fact that none of them are current as required by law raises questions as to whether the LEA even reviewed the SWFPA before it approved it as complete and correct.

**b. The Trust Agreement is Not Current, Provides Insufficient Financial Assurance, and is Not on the Required Form**

The trust agreement cited in the CIWMB's 2001 letter is dated June 1, 2001, hardly "current" as required. (Exhibit B.) But it is deficient in a number of other ways as well.

First, the trustee is listed as being the "Greater Bay Trust Company." However, we understand that the Greater Bay Trust Company was purchased by Wells Fargo in 2008, so the validity of the trust agreement is questionable. The trust agreement also lists an address for GCL that may no longer be valid and that differs from the address included in the Part 7 of the Joint Application Form ("Owner Information").

A critical problem is that the trust agreement states that the sums covered include (1) \$15.6 million for closure; (2) \$8.1 million for post-closure; and (3) \$778,000 for corrective action. The JTD, however, estimates the cost of closure as \$22 million (JTD at F.1-2); the cost of 30-year post-closure maintenance as \$36.4 million (JTD at F.1-6); and (3) the cost of corrective action for a reasonably foreseeable event as \$4.8 million (JTD at B.5-22.) But the CalRecycle rules require that the "operator" of the landfill must demonstrate financial responsibility for closure, postclosure and corrective action in the estimated amounts. (*See, e.g.*, 27 C.C.R. §§ 22206, 22221.) Without accepting the JTD's cost estimates, we note that they far exceed the estimates in the trust agreement.

Finally, the rules require that CalRecycle Form 100, dated February 20, 2010, and attached as Exhibit C must be used if a trust agreement is the chosen financial assurance mechanism. (27 C.C.R. § 22240(b); Pub. Res. Code § 44006(b).) The 2001 trust agreement is not on Form 100 and so is invalid. We note that the instructions for completing the Joint Application form specifically state that the current dollar value of the instrument must reflect the estimated costs determined during the preceding 12-month period. The SWFPA cannot be complete and correct until adequate evidence of financial assurance is provided on the required form.

**c. The Certificates of Insurance Are Expired and on the Wrong Form.**

The rules also require that operators of disposal facilities demonstrate adequate financial ability to compensate third parties for bodily injury and property damage caused by operations prior to closure. (27 C.C.R. § 22215(a).) The amounts of required coverage are set out in the rules. (27 C.C.R. § 22216(a).)

An operator can show evidence of liability insurance by providing a "certificate of liability insurance established by using form CIWMB 107 (12/01) which is incorporated by reference." (27 C.C.R. § 22251(e)(1).) Form 107, a copy of which is attached as Exhibit D, specifically states that "[c]ompletion of this form is mandatory. The

consequence of not completing this form is denial or revocation of a permit to operate a solid waste disposal facility.” Although the language in the rule and on Form 107 is crystal clear, the LEA has ignored the fact that the document in the SWFPA does not satisfy these legal requirements.

Rather, the three certificates of liability insurance submitted by GCL as proof of coverage (Exhibit E) are not on the “mandatory” Form 107. That means that none of the certificates include the insurer’s certification, under penalty of perjury, that must be signed on Form 107. In addition, one of those certificates identifies “La Jolla Loan” as an additional insured, which also violates regulatory requirements. Again, the applicant’s failure to provide evidence of operating liability insurance as required by law is proof that the SWFPA was not complete or correct.

### **c. Landfill Capacity Survey Results**

The rules also clearly require that an application involving a disposal site must include a ground or aerial survey of the site submitted in the form of CADD drawings or a vector graphics data file. (27 C.C.R. § 21570(f)(10).) But the SWFPA merely contains a letter stating that an “aerial survey of the site was flown in 1991” nearly 20 years ago. (Exhibit F.) There is no indication that this aerial survey was submitted as part of the SWFPA or that the required data format was followed. That lack of information also is evidence that the SWFPA was not complete and correct.

## **2. Joint Application Form - Page 3, Part 6, Section C**

This section of the SWFPA also provides outdated and misleading information. Specifically, the SWFPA refers to a Notice of Intent (“NOI”) for coverage under the 1999 NPDES Stormwater program. What the SWFPA fails to note is that the NOI expired as a matter of law on June 30, 2010, under the terms of the new general stormwater permit issued by the State Water Resources Control Board (“SWRCB”) (Order No. 2009-0009-DWQ), which states that all NOIs under the 1999 SWRCB General Permit terminated as of July 1, 2010. The SWFPA should indicate there is no existing coverage under the storm water program.

This section also refers to correspondence from 2006 with the San Diego County Water Authority (“SDCWA”) concerning the need for access across the SDCWA’s pipeline easement. The SWFPA conveniently fails to mention the fact that the right-of-way has never been granted and it fails to include correspondence from the SDCWA in which the agency expressed its concerns with the proposed project’s impacts on its water-supply pipelines and the failure of GCL to address those concerns. (Exhibit G.)

## **B. Completeness Determination for the Preliminary Closure/Post-Closure Maintenance Plan (“PCPCMP”) - (Attachment 5 to the SWFPA)**

The SWFPA claims that this requirement is satisfied because the PCPCMP “was deemed complete in the LEA’s letter dated August 30, 2007.” But that 2007 letter from the LEA determined that the GCL’s application to modify the permit was complete. (Exhibit H.) Of course, no permit existed at that time which could be modified, so the LEA’s determination that an application to modify a non-existent permit has no legal value.

Moreover, the CalRecycle rules state that if the preliminary closure plan is submitted as part of the JTD the “*EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing agencies, the permit application package could then be accepted for filing if all the other information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure plan to be deemed complete by reviewing agencies before the application package is submitted to the EA.*” (“Note” at 27 C.C.R. § 21570(f)(6) (italics in original, emphasis added).

This language clearly requires that the preliminary closure plan be approved not only by the LEA but by the RWQCB and CalRecycle (the “reviewing agencies”) before the SWFPA can be deemed complete. As the SWFPA provides no evidence that the 2010 preliminary closure plan has been deemed complete by any agency, the SWFPA cannot be complete and correct.

## **C. The Joint Technical Document (Attachment 1 to the SWFPA).**

### **1. General Comments on the JTD**

In addition to the numerous problems with the SWFPA described above, the JTD submitted as part of the SWFPA also fails to include required information and sufficient detail for a proposed project of this complexity and sensitivity. Specifically, the JTD continually refers to fact that it is based on “conceptual designs” for project elements. That is not the level of detail required by law for this proposed project. Construction designs must be provided in greater detail to ensure that the true costs of the projects and problems that may be encountered in the field are assessed so that unforeseen economics of the project do not become the driving force in its final design and construction. Even a permit to remodel a private residence would require more than “conceptual” designs and that is not sufficient for this project.

### **2. Comments on Specific Sections of the JTD**

#### **Section A.5 - Certification**

This page of the JTD includes a certification by the President of GCL that the 2004 JTD and revisions to the SWFPA through June of 2009 comply with state law.

(Exhibit I.) Although the certification is not dated, the revised page was added to the JTD in July of 2009. As this is a new application submitted in June of 2010, any certification must be dated as of the date of submission at the earliest.

Likewise, a letter included at page A.5-4 of the JTD describing leasing arrangements on the property is dated March 24, 2004. That letter may not reflect the existing situation on the property, and the information should be updated.

#### **Section B.2.2.5 - CEQA**

The JTD only describes CEQA-related activities through 2008. To be complete and correct, the JTD should provide the current status of CEQA compliance. While that may be simple to fix, the failure to update the information in the JTD reflects the fact that the LEA has continued to treat this as if it is not a new permit application.

#### **Section B.5.1.4 – Stormwater Permitting**

This section needs to be updated to reflect the fact that the current NOI for coverage under the general stormwater permit terminated on July 1, 2010

#### **Section B.5.1.7 - Estimated Cost for Mitigating a Reasonably Foreseeable Release**

27 C.C.R. section 22221(a) requires that an applicant demonstrate financial responsibility for initiating and completing all “known or reasonably foreseeable corrective action” at a facility. In calculating the cost for addressing the “known or reasonably foreseeable corrective action” at the facility, the JTD states that corrective action financial assurance analysis is based on the costs associated “with a release to the underlying bedrock as described in Section B.5.1.6.4 above.” (JTD at B.5.1.7.)

However, there is no estimate of the costs of mitigating contamination of the alluvial aquifer. There is no dispute that groundwater in the fractured bedrock system flows into the alluvial aquifer, so it is reasonably foreseeable that corrective action in the alluvial aquifer also would be needed. Without a discussion of how that remediation would occur and an analysis of the costs of such a remediation, the JTD is incomplete. For example, a pump and treat system designed for the fractured bedrock most likely would be insufficient to handle the far greater amount of water in the alluvial aquifer.

The JTD also should consider the potential impairment of surface water in the San Luis Rey River if leachate is not properly handled or if there is a spill of leachate or other material from a truck crossing the bridge. Hundreds of large truck would cross the bridge every day and it is reasonably foreseeable that an accident would result in a discharge to the river. A description of the response to such an accident should be provided along with a cost estimate of the corrective action.

### **Section B.5.3.1 - Dust Control**

The JTD claims that water for dust control would be obtained primarily from pumping point-of-compliance groundwater monitoring wells and using the pumped water on the site. The JTD does not explain how the operator will ensure that water pumped from these wells is not contaminated by a leak from the landfill before the pumped groundwater is used on the site. The only method of ensuring that such contamination does not occur is to require additional sampling of the pumped water before its use. That issue should have been addressed in the JTD.

### **Section B.5.3.5 - Fire Control**

The JTD never explains how the operator will be able to address fires that begin on the site or threaten the site from outside. Although the JTD identifies protective measures to prevent on-site fires, the on-site fire-fighting capabilities of the operator are never explained, and thus the claim that “additional fire suppression forces are available from the California Department of Forestry (CDF) station” begs the question as to what on-site “forces” those CDF capabilities would supplement. The JTD also should identify the location of the CDF station and provide written confirmation that the CDF will provide fire-protection services.

This issue of fire protection is critical given that the proposed facility would be located in an area designated as a very high fire hazard severity zone by the California Department of Forestry. That designation applies in part because the site is susceptible to Santa-Ana-wind-driven fires such as the Rice Canyon fire which burned thousands of acres nearby.

In addition, although the JTD does not discuss the issue, documents submitted with the air quality permit application indicate that nearly 800,000 tons of material would need to be blasted to construct the proposed landfill, requiring up to 88 blasts a year. A single blast could consist of up to eight tons of a mixture of ammonium nitrate and fuel oil (“ANFO”), and would be designed to impact an area of up to 0.5 acres or approximately 650,000 cubic feet of material. Given the significant blasting that would occur the lack of any discussion of blasting in the context of fire safety is inexcusable. There also should have been some discussion of Section 96.1.3301.2 of the 2009 County Consolidated Fire Code, which describes specific permitting and inspection requirements for such major blasting.

Moreover, the only source of water to fight fires would be groundwater wells and any remaining water stored in the 20,000-gallon water tank. But that is a small amount of water and the JTD does not describe how the water would be used to fight a fire, including what equipment would be available for fire-fighting purposes. The fact is that a fire on the site could severely damage the facility, including the liner, the bridge, the hazardous waste storage area, and all the structures in the facilities area. In addition, a

fire at the proposed landfill could increase the risk to neighboring structures and areas given that tires and hazardous waste would be stored on the site and there may be fuel storage for dispensing to trucks at the site. Without a better discussion of these risks and of the operator's fire-fighting capabilities, the SWFPA is not complete and correct.

### **Section C.2.1 – Design Features**

The admission in this section of the JTD that the engineering drawings and designs supporting the SWFPA are “conceptual in nature” is troubling, and the LEA must require more detail regarding the design of the facilities. While final drawings are not required, conceptual designs are not acceptable.

For example, the JTD states that storm water falling on the steep sides of the canyon would be prevented from washing out the garbage by the construction of perimeter storm drain (“PSD”) channels. The only design drawings of these PSD channels are found on Figure 19 of the JTD (identified as “PCC”), which simply show that the channels will be three or four foot wide trapezoidal channels. (Exhibit J.)

But the eastern PSD channel would be located on the steep and rugged slopes of Gregory Mountain high above the bottom of the canyon. The JTD contains no discussion or figures showing how this PSD channel would be constructed on the side of the mountain or how would be anchored to ensure that it would be able to properly perform its water-collection functions. More construction details of these PSD channels and other landfill features are needed before the LEA can approve the SWFPA as complete.

### **Section C.2.2.4 - Stockpile/Borrow Areas**

The JTD fails to provide sufficient information to support the claim that “proper drainage control will be maintained in Borrow Area A.” (JTD at C.2-5). While the JTD states that erosion control measures would include desilting basins, down drains, and/or rip rap, it does not state where or when these features would be installed or describe the size or construction details of these features. The discussion of the 150-foot deep Borrow Area B also fails to provide a description or location of proposed water-control facilities.

The JTD also claims that surface waters would be “conveyed from the borrow/stockpile areas and discharged into the existing natural drainage courses.” (C.2-5.) But a map is not provided to show which existing channels would be used.

### **Section C.2.5.3.1 - Leachate Generation**

This section of the JTD, which is dated 2004, claims that peak leachate generation would be 1236 cubic feet per day (9,245 gallons per day (“gpd”).) But the estimated amount of leachate generation was not based on the use of an average annual rainfall amount of 25 inches per year rainfall which GCL now claims applies at the site. (See page 10 of the 2007 “Water Supply Report” attached as Exhibit K.) GCL used 25 inches

per year to calculate the amount of recharge to the fractured bedrock to show pumping capabilities of on-site groundwater wells.

GCL used a higher annual average rainfall amount to increase the amount of groundwater that it claims can be pumped from the fractured bedrock. GCL used a lower rainfall amount to calculate leachate generation because it would result in less leachate being generated. GCL cannot use one rainfall amount when it supports its claims and another when it does not.

The issue of how much leachate would be generated is critical because the leachate control and recovery system (“LCRS”) must be designed “to collect and remove twice the maximum anticipated daily volume of leachate.” (27 C.C.R. § 20340(b).) The fact is that the leachate generation rate must be recalculated using the higher annual average rainfall amount for the JTD to be complete and correct.

The JTD also states that one or two 10,000-gallon leachate storage tanks “will be monitored for the presence of liquid by the operator during the routine quarterly sampling events or as specified by the WDRs.” (JTD at C.2-12). Given that the peak leachate production would be at least 9,245 gpd (more if the 25 inches per year were used), quarterly monitoring of the tanks would not be sufficient. To be complete, the JTD must reassess the leachate generation at the site and require daily or weekly leachate inspections during certain periods of operation.

#### **Section C.2.5.4 – Leachate Control and Recovery System**

The JTD admits, in passing, that federal and state regulations require that the LCRS extend up the side slopes of a facility and that the proposed design would not meet those standards. (27 C.C.R. § 20340.) But the JTD merely glosses over the issue in a short paragraph and fails to identify the regulatory exemption from those requirements or to discuss in detail how the proposed alternative system would be protective of human health and the environment. That lack of information also makes the SWFPA incomplete.

#### **Section C.2.7.1 - Landfill Gas**

The JTD states that gas condensate would be collected and possibly incinerated on site. The JTD must clarify that all condensate would have to be analyzed to determine if it was a hazardous waste and if so, managed properly and not incinerated on site without appropriate permits.

#### **Section 2.8.2 – Hydrology**

This section states that the San Diego CWA aqueduct is “planned to be relocated” to the west away from the landfill footprint, but GCL has refused to agree to relocate the aqueduct as required by Proposition C. This information needs to be removed from the

JTD or GCL must confirm to the SDCWA that GCL would fund the relocation of the aqueduct.

### **Section C.2.8.3.2 - PSD Channel System**

The JTD states that “[a]ll run-on from surrounding areas and the undisturbed areas of the site” would be captured by the PSD channels and discharged directly to the San Luis Rey River. (JTD at C.2-21.) Stormwater from the “disturbed” areas of the landfill footprint (up to 75 acres at one time) would be collected in underground pipes that would discharge to two desilting basins.

The discussion of this system in the JTD fails to answer a number of critical questions. For example, while the PSD channels are designed to capture “sheet flow” water during storm events, given the steep nature of Gregory Mountain, run-off from the mountain occurs in defined drainages and not as sheet flow. That raises serious questions about the ability of the eastern PSD channel to collect run-off and to withstand severe storm flows in those steep drainages.

In addition, the JTD provides conflicting definitions of what would constitute the “undisturbed” areas, stating both that an area would be considered “undisturbed” when (1) “native vegetation reaches a state of 70 percent coverage (based on pre-development conditions)” (JTD at C.2-22) and (2) “[o]nce an area reaches 20 percent of pre-developed vegetative condition.” (JTD at C.2-28 and C.2-32.) That internal conflict must be resolved.

### **Section C.2.8.3.5 - Storm Water Desilting Basin**

The JTD also fails to provide a rationale for using a 10-year, six-hour rainfall event to size the desilting basins, given that the JTD claims that the perimeter piping which will discharge into those basins will be sized to carry water from a 100-year, 24-hour storm event. There is no discussion of what will happen to those desilting basins when larger events occur.

The JTD states that the desilting basins were designed to the 10-year storm event based on the 2003 California Stormwater Best Management Practices Handbook published by the California Stormwater Quality Association (“CASQA”). But the CASQA website states that it no longer supports the 2003 Handbook because of the new stormwater permit. The JTD should be updated to reflect current regulatory standards.

### **Section C.2.9.1 - Landfill Construction Phasing**

The JTD states that the project “includes some modifications to improve site distance and to facilitate truck movement on Pala Road (SR 76) near the access road entrance.” But no further discussion of these modifications is provided, although Proposition C requires the permit applicant to provide “detailed plans for the realignment

of Highway 76” to provide approximately 1000 feet of site distance in both directions for traffic leaving the landfill and for widening the road to allow deceleration and acceleration lanes. As these improvements to State Route 76 are required elements of the project pursuant to Proposition C, detailed design drawings approved by CalTrans should be part of the SWFPA.

In addition, the rules require that a traffic control plan be provided showing that traffic flow “into, on and out of the site is controlled to minimize interference and safety problems for traffic on-site and adjacent public streets or roads.” (27 C.C.R. § 21600(b)(8)(I).) No traffic control plan or any analysis of safety issues related to ingress and egress along SR 76 is included in the JTD or the SWFPA.

#### **Section D.4.7 - Geologic Hazards Due to Surface and Near-Surface Processes**

The JTD concludes that “there is clear evidence that rock falls have occurred at the site” and that “construction of a ‘catching’ wall or other diversion structure near the edge of the landfill is recommended to effectively mitigate the risk of rock fragments rolling onto the landfill.” (JTD at D.4-21, 4-22). But, there is no further discussion regarding the specifications and location of this “catching” wall. In addition, the analysis in the JTD does not consider the impact of rolling or bouncing boulders on the integrity of the eastern PSD channel and does not identify where this “catching wall” would be located in relation to the PSD channel.

#### **Section E.1.3.1.4 - Final Cover Construction**

Neither this section of the JTD nor the CQA Plan in Appendix M provide any information indicating why material from the borrow areas will be suitable for the “vegetative cover” layer for the landfill. Given the enormous amount of material that will be needed, it is critical to show that the excavated material will be suitable as the vegetative cover layer.

#### **Section E.3.6 - Floods**

As part of the post-closure emergency plan, GCL describes the procedures it will take “if flood waters occur at the GCLF in excess of the handling capability of the storm water control system.” (JTD at E.3-3.) But this contingency should be addressed for the operating period, especially for those periods before the PSD channels are completed or both desilting bases installed.

The JTD states that during a 100-year flood, water in the San Luis Rey River would rise to approximately 18 inches below the bridge. (JTD at E.3-3.) Even assuming that those calculations are correct (and that the level of the water will not actually be higher), the JTD should provide contingency measures describing when the access road and bridge would be closed for safety purposes, and describing what would occur if a

larger storm event damaged the bridge. Neither the JTD nor the SWFPA adequately address the risks created by building a landfill that can only be accessed by a bridge over the San Luis Rey River.

### **Section E.3.3 - Emergency Response Notification Procedure**

The JTD should discuss how maintenance personnel would be trained to identify an “emergency situation” and should identify the “site engineer” and the qualifications for that position.

### **Section E.4 – Professional Certification of Accuracy of Closure Plans**

The closure plans must be certified by a registered engineer. But the stamp on this page indicates that the professional engineer’s registration expired in 2007. (Exhibit L.) As this is a new permit application dated June of 2010, and information in the JTD and the closure plan has been updated since 2007, the certification must be made by a currently registered licensed engineer.

## **III. Conclusion**

This Statement of Issues highlights the numerous and serious deficiencies in the SWFPA submitted for the proposed Gregory Canyon Landfill. The facts clearly show that the LEA violated its legal obligations when it deemed the SWFPA complete, even ignoring readily apparent deficiencies. Consequently, the LEA should be directed to rescind its approval of the SWFPA as complete and to only accept as complete a SWFPA for the proposed landfill that meets legal requirements.

# ATTACHMENT B

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
1	GCL Cover Letter		Should have one verifying the complete submission.	To be provided.
2	BAS Cover Letter	4	Water course alternative permit, should be alteration	Text of letter corrected.
3	Application Form	All	Left side with hole punch, either tab over on electronic form or place into a protective sheet to ensure all the information is intact and readable	Printed new copy which has been inserted into plastic sleeves with hole-punch.
4	Application Part 2 B.1.2	1	Tab over for 1) Physical Address and 2) Lat and Long to make room for hole punch	Printed new copy which has been inserted into plastic sleeves with hole-punch.
5	Application Part 2 B.1.2	1	2) Lat and Long add note that this is for the center of waste footprint	Noted that Lat and Long are for the "approximate center of the project."
6	Application Part 2 B.1.2	1	The latitude and longitude used for the landfill is not consistent with the latitude /longitude used in other	The Lat and Long have been revised to be the same as that reported for the 404 Permit Application.
7	Application Part 2 E.1	1	Agricultural material is not checked; however the JTD lists manure and animal solids as a waste stream accepted for disposal. If this is correct, this box needs to be checked.	Agricultural box is now checked.
8	Application Part 2 E.3	1	Ash box is not checked, the JTD does discuss the acceptance of ash for disposal. This box needs to be checked.	Ash box is now checked.
9	Application Part 2 E.5	1	Compostable Material is not checked as a waste to be received. The JTD does not specifically state that compostable materials will not be received for disposal. If there are any compostable materials received for disposal then this box needs to be checked.	Compostable material is now checked and green material has been specified.
10	Application Part 2 E.8	1	Dead Animals is not marked, however the JTD states that animal solids will be accepted for disposal. This box needs to be checked.	Dead Animals box is now checked.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
11	Application Part 2 E.14	1	The Tires box has been checked, this is specifically for discarded tire castings. The JTD discusses the collection of whole tires at the landfill for further processing and disposal. Note: an additional permit for the storage and processing of the unaltered waste tires may be required by CalRecycle before this activity can begin.	No change proposed. The items in Part 1.E are those received, not necessarily for immediate disposal. Waste tires will be received for processing and subsequent disposal. Additional permits will be obtained as needed prior to initiation of this activity.
12	Application Part 3 B.1.A.2	2	B.1.A.2 -Other would normally include ADC.	No change proposed. This was discussed with LEA several years ago and it was decided to leave it at 0 tons, since this ties to the hard cap on vehicle trips that was based on waste receipts of 5,000 tpd.
13	Application Part 3 B.3.b, c, and e	2	Change in volumes, change to account for cap?	The total site volume (gross) was originally calculated utilizing the contour-cut method with an electronic planimeter (digitizer). The current total site volume has been updated using a CADD grid volume analysis.
14	Application Part 3 B.3.f	2	The instruction for completing the SWFP Application form for Part 3.B.3.f states <b>Date Of Capacity Information (date)</b> : The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the application date by no more than three months. The complete application must include current capacity information.	The date of the capacity information is January 2011. The SWFP application has been revised to reflect this as well as the CD.
15	Application Part 3 B.3.k.2	2	Add an N/A to the blank	N/A has been added to Part 3, B.3.k.2.
16	Application Part 4 A	2	Provide the name and address of the water purveyor or where in the SWFP Application package this information will be located.	The name and address of the San Gabriel Valley Water Company has been added to the application.
17	Application Part 6.A	3	List the relevant attachment for JTD after date September 2010 (Attachment 1) and Mitigation March 2007 (Attachment 3). Include JTD as New September 2010.  Under the EIR box include (CEQA Statement included as Attachment 2) and move the Addendums to the addendums line.	Part 6 A of the application has been revised as requested.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
18	Application Part 6.B	3	Closure/Post Closure Maintenance Plan indicate New September 2010. This is a new submission in whole, should not have revisions.	The application now references the September 2010 date only.
19	Application Part 6.C	3	WDR: The WDRs are noted in two places, once in the form of a JTD and second as tentative with attachment SWFP-D-2. These conflict with each other as one is a WDR and the other WDR is a tentative order.  Wetlands Permits: indicate which permits are approved, tentative or pending.	Part 6.C references the Report of Waste Discharge (ROWD) which is the technical document which the RWQCB requires; however, current regulations in 27 CCR allow the technical documents for the RWQCB and CalRecycle to be a joint document or Joint Technical Document so reference to the ROWD as the JTD is correct and is not referencing the WDR. The next box is for the WDR which are tentative at this time.
20	Application Part 9	4	Signatures are from 6/24/10 and the application appears to have been received in September. Ensure signatures are for the correct timeline of application submittal.	The signature page has been corrected to include the September date.
21	Exhibit 4.3 - 4A and 4.4-1		Need better maps.	Clean color copies of the Exhibits are provided herein.
22	SWFP Attach D-2	RWQCB	The SWFP application package under review is for a new landfill with a new JTD dated September. The completeness determination letter from RWQCB dated March 1, 2005 for a November 2004 JTD is not valid and should be removed from this application package.	No change proposed. The JTD serves as part of an application for both the SWFP and WDR's. The application for WDR's is not new. The March 1, 2005 completeness letter describes the status of the WDR's, which is the purpose of Attachment SWFP-D.
23	SWFP Attach D	RWQCB	Tentative Order may still be valid, but a workshop has been held and there are both a staff report and public comments on the www. The Permit application must either give a valid status update or list the permit as pending and not address the status.	The SWFP application under Part 6C has been revised to indicate that the WDRs are tentative and pending. The cover sheets in Attachment SWFP-D have been revised to reflect that the WDRs are tentative and pending.
24	SWFP Attach D	SDWA	Same thing as the previous comment, either provide a valid status update with all related correspondence or list as pending.	Revised to indicate this permit application is pending.
25	SWFP Attach D-4	USACOE	Indicate if this application has been approved or is still pending.	Revised to indicate this permit application is pending.
26	SWFP Attach D-4		The Habitat Restoration and Resource Management Plan is dated October 2008, indicate if this Plan is still applicable or if amended what date(s) amended.	The October 2008 HRRMP is the most recent version, and has not been amended.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
27	SWFP Attach D-7	Fire District	The fire district compliance letter provided is dated May 24, 2004; this issue is under review with County Counsel.	Updated fire protection compliance letter provided in Attachment SWFP-D. <b>Bill I need a copy of this. I CONTACTED JIM SIMMONS TO SEE WHAT HE HAS TO DATE, WE MAY NEED TO JUST PROVIDE THE APPLICATION FOR FIRE SERVICE AS A PLACEHOLDER</b>
28	Attachment 3A	MM	This may be an old list need to update, and or review and update MM 4.5-7, 4.7-1, 4.11-6A and 4.12-2A	No change proposed. The April 2007 User's Guide reflects the most recent version of the MMRP, which was included in the Revised Final EIR dated March 2007.
29	Attachment 4	Conformance Finding	Should be the most current siting element.	The Siting Element approved by then-CIWMB in 2005 is the most recent version.
30	Attachment 6	Liability Insurance	The certificate(s) of Liability Insurance from Greenwich insurance Company indicate an effective date 6/23/2010, however the certificates were not executed with signatures until 10/12/10.  In the privacy statement the agency requesting information is stated as California Integrated Waste Management Board, this needs to be updated to indicate California Department of Resources Recycling and Recovery	No change proposed. The date of the certificate is simply the date it was prepared, the coverage went into effect in 6/23/10. A standard ACORD certificate dated 6/23/10 was provided to LEA, but there was a request to also obtain Form 107 from the carrier(s). Form 107 is a CalRecycle form, and GCL would not be authorized to alter it. Until CalRecycle publishes a new form that deletes the reference to CIWMB, this is the correct form to use to document coverage.
	<b>JTD</b>			
31	JTD Cover		The JTD is new not revised; correct this on the cover page for the JTD.	The cover page is dated September 2010 with no revision date.
32	Table of Contents	i-xxi	Reminder to update page numbers of the contents to correctly correlate to the actual page(s) within the JTD.	The table of contents has been updated.
33	A.5	A.5-1	The Certification of Contents and Affidavits is not signed.	This page is now signed.
34	A.5	A.5-1	The certification from a registered civil engineer or a certified engineering geologist is missing for the preliminary closure/post closure maintenance plan.	The certification from a registered civil engineer for the preliminary closure/post-closure maintenance plan is included in Section E.4 of the JTD.
35	A.3.4	A.3-2	For unusual occurrences add all the words from 20510(c), missing injury and property damage and rejection of loads.	Section A.3.4 has been revised to include all items in 27 CCR, Section 20510(c).

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
36	B.1.5.2.1	B.1.6	Waste Types: inert waste such as asphalt and concrete...will be accepted at the landfill. This material may be utilized for the construction of a winter deck and maintenance of the internal roads and drainage control facilities at the landfill. Provide a discussion on how this material will be processed for use at the landfill.	No change proposed. The material will be suitable as received for this use, no processing on site is proposed.
37	B.1.5.2.1	B.1-6	Waste Types: green wastes will be accepted for disposal at the landfill; however they are not identified as a waste stream on the SWFP application.	Green material is now included in Part 2E of the SWFP application.
38	B.1.5.2.2.	B.1-6	Hazardous Wastes: treated wood is a common waste in the CDI waste stream as well as the landscape waste streams, provide a brief discussion if treated wood waste will be accepted at the landfill.	Non-hazardous treated wood waste is classified as solid waste and may be accepted at the GCLF. Hazardous wood waste will not be accepted. Per the EIR, only inert waste that does not contain hazardous waste or soluble pollutants in excess of applicable water quality objectives will be accepted.
39	B.1.5.2.3	B.1.7	Other Waste Requiring Special Handling: Appliances provide a discussion on the process for removal of mercury switches and freon.	Section B.1.5.2 has been revised to include the following sentence: "Any freon and/or mercury switches will be removed from appliances by a licensed contractor prior to disposal at the GCLF."
40	B.1.5.2.3	B.1.7	Other Waste Requiring Special Handling: Provide a better discussion on how large bulky waste such as furniture and appliances will be managed and how these are different from bulky waste used for winter deck construction. The way it currently reads sounds like appliances might be used for winter deck construction.	The last paragraph in Section B.1.5.2.3 has been revised to differentiate between bulky wastes that may be used for the winter deck construction and those that will be disposed in the landfill.
41	B.1.7	B.1-12	Site Life: 3 <sup>rd</sup> paragraph, 4 <sup>th</sup> sentence states This daily and intermediate cover ratio may be adjusted over time due to the proposed use of synthetic blanket ADC as allowed under 27 CCR Section 20690. The term synthetic blanket is not consistent with B.1.5.4 which uses geosynthetic blankets to describe the ADC. The JTD must be consistent throughout, choose which one you want to use then be consistent. Note: the EIR has "geosynthetic fabric or panel products (blankets)"	The text has been revised to "geosynthetic blankets."

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
42	B.2.2.1	B.2-1	California Integrated Waste Management Board: Replace this section title with California Department of Resources Recycling and Recovery.	Text has been corrected.
43	B.2.2.3	B.2-5	Department of Environmental Health: there will be a maintenance area for equipment and vehicles, if you generate any hazardous waste or have hazardous materials in discloseable quantities you also are required to obtain a permit from the Hazardous Materials Division.	The text in Section B.2.2.3 has been revised to reflect the requested information.
44	B.2.2.3	B.2-5	Countywide Integrated Waste Management Plan (CIWMP): the CIWMP was approved by CIWMB so it is appropriate to keep CIWMB listed the two (2) times here and not CalRecycle.	Revised back to CIWMB and added "now known as CalRecycle).
45	Table 5	B.2-6	Change CIWMB to CalRecycle	Corrected
46	B.3.1.5	B.3-6	This section discusses the support facilities and that portable toilets will be used. Portable toilets are not generally approved for use at a permanent facility and the support facilities will be permanent at the landfill. This is supported by the EIR even though it may be inconsistent with normal standards.	Facilities will be temporary (or interim facilities) at the beginning of operations at the GCLF. However, upon completion of permanent facilities, the portable toilets will be replaced with permanent restrooms. Section B.3.1.5 has been revised to reflect this information.
47	B.3.2.22	B.3-8	List which figure the temporary construction yard is located.	The text has been revised to note that the temporary construction yard is located on the north side of the San Luis Rey River on the former Lucio Dairy. The Site Map in Figure 2 shows this location (the semi-circular road south of SR 76) and is referenced in Section B.3.1.11.
48	B.4.2.1	B.4-2	Table and discussion is max staff needed. JTD needs to include min staff requirements.	Table 6 has been revised to reflect both minimum and maximum staffing.
49	B.4.2.1	B.4-2	Table lists 2 personal for Traffic Director/Spotter, however section.3.1.6 states there will be a full-time spotter who will observe unloading activities during all refuse hour of operation. Clarify the wording and make the descriptions consistent.	The text in Section B.3.1.6 has been revised to indicate that a full-time traffic director/spotter will observe unloading activities to correlate with Table 6 in Section B.4.2.1.
50	B.4.2.1	B.4-3	Indicate who will be responsible for the environmental controls such as landfill gas monitoring wells, operational emergency situations and health & safety issues.	Administrative and engineering staff will handle these items. Section B.4.2.1 has been revised to reflect this information.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
51	B.4.3.1	B.4-6	Table and discussion is max equip. needed. JTD needs to include min equip. requirements.	Table 7 has been revised to reflect both minimum and maximum equipment requirements.
52	B.4.4.1.1	B.4-7	Excavation/Stockpiling Operations: there is no discussion regarding the excavation or stockpiling in Borrow/Stockpile Area A. Will this area no longer be used during the construction period? However discussion of borrow/stockpile A returns in Part C; ensure consistency throughout the document	No change proposed. Borrow/Stockpile Area A is only used for initial construction, and thereafter at the end of the operating life and for closure. Section B.4.4.1.1 relates to periodic liner construction following initial construction, and for that purpose only Borrow/Stockpile Area B would be utilized.
53	B.4.4.1.1	B.4-7	No discussion of export of rock for sale, change in plan? Has it been removed from all areas. Is in EIR	Rock will not be sold. Will not be discussed in JTD.
54	B.4.4.1.1	B.4-7	This section removed the discussion for the off-site export of excess rock materials. This appears to be in conflict with B.5.3.1 page B.5-38 first paragraph which states... "trucks carrying aggregate off-site...". This indicates that there will be off-site transport of rock materials from the landfill.	Excess rock will not be exported. Section B.5.3.1 has been revised to delete reference to "trucks carrying aggregate off-site..."
55	B.4.4.2	B.4-9	3 <sup>rd</sup> paragraph last sentence states Refuse placed during the working day...covered with soil or ADC, as allowed under 27CCR section 20690(b)(1). Several places in the JTD it states the use of processed green materials (PGM) may also be used as ADC. This section should include PGM as an ADC for consistency throughout the document.	PGM has been added to the text in this section.
56	B.4.4.2.1	B.4-10	Part of the hazardous waste exclusion plan components listed is Random inspections of incoming loads unless the owner or operator takes other steps to ensure incoming loads do not contain regulated hazardous wastes or PCB waste. This item seems to be in conflict with B.3.2.6 which states the landfill will have a full time spotter that will observe unloading activities during all refuse hours of operation as well as further in this section as part of the Load Checking Program. Provide for consistency throughout the JTD of hazardous waste exclusion activities and personnel usage. Possible clarification is needed to state that a full time spotter is used for hand unloads and load checks are conducted on commercial loads.	"unless the owner or operator takes other steps to ensure incoming loads do not contain regulated hazardous wastes or PCB waste" has been removed from the text to avoid any confusion that load checks will not be performed.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
57	B.4.4.2.1	B.4-11	1 <sup>st</sup> paragraph states overpack drums containing hazardous waste will be monitored on a regular basis. This is too vague; provide a time frame for this monitoring such as daily or weekly.	The text has been revised to indicate that the drums will be monitored weekly.
58	B.4.4.2.1	B.4-11	In this same paragraph it is unclear when the hazardous waste will be placed into the over pack containers and who will facilitate this and who will complete the manifests. Provide a more complete paragraph details the storage of and overpacking of the hazardous waste collected at the landfill.	Section B.4.4.2.1 has been revised to indicate that collected on-site hazardous waste will be placed in overpack drums at the time the waste is collected. Prior to shipment off site, site personnel trained in hazardous waste management will overpack and manifest the materials with a licensed hazardous waste hauler/disposer.
59	B.4.4.2.1	B.4-11	Load Checking Program: the 3 <sup>rd</sup> sentence states "As part of the overall HWEP, the operator will also, on regular basis, randomly select a commercial load for a detailed load check. On a regular basis is too vague; provide an estimate of how many load checks will be completed, for example one a day or twice weekly.	Appendix F – Hazardous Waste Exclusion Program indicates that random load checks will be performed weekly. Therefore, the text in Section B.4.4.2.1 has been revised to indicate "weekly."
60	B.4.4.5	B.4-14	"PGM" spell out Processed Green Material first use in doc.	Processed green material (PGM) is spelled out in Section B.4.4.2.
61	B.4.4.8	B.4-18	Cover Availability: There is an overall shortfall of 4.7 mcy which comes out to around 156,667cy/yr, the JTD states the shortfall can be addressed through the use of ADC, fill sequencing to minimize cover needs, some additional crushing of hard rock and reuse of materials from the demolition of the former dairy facilities. Provide more detail on how these items will make-up this shortfall.	No change proposed. As noted in Section B.4.4.8, a more detailed discussion of soil balance is contained in Section C.2.2.3. The URS report determined that the soil availability assumptions were reasonable.
62	B.4.5.1	B.4-19	Provide information on where the white goods, universal/e-waste, unaltered tires that are removed from the working face will be stored at the landfill.	Section B.4.5.1 has been revised to indicate that these materials will be stored at the site facilities area.
63	B.4.5.3	B.4-19	Removal of Salvaged Goods: Provide information on how long the salvaged goods will be stored prior to shipment off-site for recycling.	The text has been revised to indicate that salvaged goods will be removed once a suitable volume is received to fill a collection vehicle, but in any event not less than every six months.
64	B.4.6.1	B.4-20	Sanitary Facilities: provide information on the sanitary facilities, if any, will be provided near the working face or other locations around the property other than near the ancillary facilities area.	The placement of portable toilets near the working face has been added to Section B.4.6.1.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
			This section discusses the use of portable chemical toilets at the ancillary facility area. Portable toilets are not generally approved for use at a permanent facility and the ancillary facility area will be permanent at the landfill. These toilets are allowed for use at/near the working face or other temporary work areas around the landfill since those are ever changing work areas.	Facilities will be temporary (or interim facilities) at the beginning of operations at the GCLF. However, upon completion of permanent facilities, the portable toilets will be replaced with permanent restrooms. Section B4.6.1 has been revised to indicate that permanent restrooms will be installed.
65	B.4.6.3	B.4-20	Consider adding cell phone for communication.	Cell phones have been added to the text.
66	B.4.6.4	B.4-20	Lighting: There is not enough information to ensure compliance with 27CCR 21600(b)(5)(E) Lighting--Describe the locations, numbers, and types of all permanent lighting to assure safety of employees during nighttime operations, if applicable. Portable lighting not covered in FIR.	The lighting stands will be portable so no location can be indicated; however, the text has been revised to indicate that approximately two (2) stands will be utilized.
67	B.5.1.1.2	B.5-2	Deleted dendritic in second paragraph, left it in the fourth paragraph. (last work on page) descriptive but overly technical term.	Dendritic removed from text.
68	B.5.1.1.2	B.5-2	Last paragraph, provide information on procedures to be used if the flow rate and volume are impacted or the system does become clogged or if the system requires repair.	The collection header under the waste footprint may be accessed through the outfall or cleanouts that will be included in the final design.
69	B.5.1.1.2	B.5-3	Last paragraph second sentence states "the outfall pipe is connected to up to two 10,000 gallon tanks...", this statement is in conflict with C.2.5.4 which states "The outfall pipe will discharge to two 10,000 gallon leachate collection storage tanks..." Will it be up to two storage tanks or will it be two storage tanks, the JTD needs to be consistent throughout.	It will be two storage tanks. The text has been corrected in Section B.5.1.1.2.
70	B.5.1.1.4	B.5-5	Analysis of Potential Impairment to Groundwater: last bullet on second page sentence states "This will provide for substantial capture ...". Provide greater detail to what is considered substantial, 80%, 90% etc.	The text has been revised to indicate "substantial (approximately 90%+) capture..."
71	B.5.1.7	B.5-24	Estimate of Mitigation Costs, what is the date of the estimate for Table 8?	Cost estimate revised January 2011.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
72	B.5.1.2	B.5-10	Subdrain System: last paragraph, last sentence of section states "In the unlikely event that there is measureable accumulation of groundwater in the subdrain system collection tank it will be used onsite...", provide information on what activities and where at the landfill this groundwater will be used onsite. Note - Use of collected water not addressed in EIR.	The Tentative WDRs allow spraying of this water on covered areas to reduce immediate dust hazards. Section B.5.1.2 has been revised to reflect this information.
73	B.5.2.3.1	B.5-30	Change "placed approximately 1000 feet" to "less than 1000 feet"	The text has been revised to indicated "less than 1000 feet."
74	B.5.2.3.3	B.5-33	Gas Condensate Collection System: provide a description where the holding tank will be located.	The gas condensate holding tank will be located within the flare station area shown on Figure 11. Section B.5.2.3.3 has been revised to reflect this information.
75	B.5.3.1	B.5-37	3 <sup>rd</sup> paragraph, the use of SDAPCD and APCD are inner mixed, both are the same agency. Pick one title for the agency and use it consistently within this section and the entire document.	Text has been revised to indicate SDAPCD.
76	B.5.3.1	B.5-38	States trucks carrying aggregate off-site" which indicates that aggregate from landfill will be exported from the landfill. This is in conflict with B.4.4.1.1 page B.4-7 the eliminates the discussion of export of rock from the landfill	This sentence has been deleted since rock will not be exported off-site.
77	B.5.3.2	B.5-38	Vector and Bird Control: states site personnel will inspect area monthly. This seems a long time between inspections to discover any damage, holes or deficiencies created by vectors/rodents/birds, consider inspection every two weeks or even weekly.  2 <sup>nd</sup> paragraph last sentence, consider adding "but are not limited to" to These techniques may include	Monthly has been changed to "bi-weekly".  Text has been added as requested.
78	B.5.3.2	B.5-38	Vector and Bird Control:2 <sup>nd</sup> paragraph last sentence, consider adding "but are not limited to" to These techniques may include	Text has been added as requested.
79	B.5.3.5	B.5-40	Fire Protection statement added, may want to take this back out. Issue under review with County Counsel.	No change proposed. Application for service from North County Fire District has been submitted.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
80	B.5.3.5	B.5-41	Fire Control; add a statement to which fire agency will be responding in case of a fire. Issue under review with County Counsel.	Text revised to indicate that an application for service from the North County Fire Protection District has been submitted. North County Fire Protection District would enforce the requirements of the 2009 Consolidated Fire Code.
81	B.5.4	B.5-42	2 <sup>nd</sup> paragraph, The western channel is sized to accommodate a rupture of existing Pipelines 1 & 2 and future Pipeline 6 in addition to a 100-year, 24 hour storm event. This is in conflict with C.3.5 page C.3-2 which does not include the rupture of the pipelines as part of the design for the draining conveyance system. Ensure consistency throughout the documents.	No change necessary to this section. C.3.5 has been revised.
82	B.5.5	B.5-43	Traffic Control: 1 <sup>st</sup> bullet states the entrance facilities will be located a sufficient distance to prevent queuing or stacking problems onto SR76. Explain where the sufficient distance is located from. Provide the distance the entrance is located from.	The entrance facilities are located approximately 2,700 feet from SR76; therefore, providing sufficient distance to prevent queuing or stacking problems onto SR76. The text has been revised to reflect this information.
83	C.2.2.4	C.2-5	Discussion of crossing the aqueduct, but no description of the relocation option.	Text has been revised to indicate that the crossing facilities will not be required if the aqueduct is relocated.
84	C.2.2.4	C.2-6	Stockpile/Borrow Areas: 1 <sup>st</sup> paragraph 3 <sup>rd</sup> sentence the s in basins and areas appears to have been strikethrough. There is more than one basin and borrow/stockpile area, add the s back to these words.	The s has been added back in.
85	C.2.3	C.2-7	Subdrain System: provide information to where the subdrain system eventually flows to for storage prior to treatment on-site or off-site for disposal. To a tank per the EIR.	Text revised to indicate that water from the subdrain would flow to a holding tank in the landfill facilities area. The location of this tank is shown on Figure 8.
86	C.2.5.3.1	C.2-11	Anticipated Leachate Volume: 2 <sup>nd</sup> paragraph uses both HELP3 to describe Hydrologic Evaluation of landfill Performance Version 3. Later in the paragraph this is referred to as just HELP. Be consistent in the use of acronyms throughout the documents.	References to HELP have been revised to HELP3.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
87	C.2.5.4.1	C.2-13	Access Risers and Leachate Extraction: 3 <sup>rd</sup> sentence states "...two above ground tanks with a minimum storage capacity of 20,000 gallons". This conflicts with B.5.1.1.2, C.2.5.4 which each indicates a storage capacity of 20,000 gallon. Remove the word "minimum" to ensure storage capacity is consistent throughout the documents.	Text has been removed as requested.
88	C.2.5.5	C.2-13	Alternative use of the leachate <del>will require prior approval</del> <del>be approved</del> by the RWQCB and possibly be APCD.	Text has been revised as requested.
89	C.2.7.2	C.2-15	Landfill Gas System Facilities and Operations: 3 <sup>rd</sup> paragraph last sentence indicates that condensate could be treated on-site or removed off-site for disposal. Provide information on the type, volume and location of the storage container(s) for the condensate.	The condensate will be stored in a dual-wall crosslinked polyethylene tank with a minimum capacity of 3,000 gallons. This tank will be located at the flare station area shown on Figure 11. Section C.2.7.2 has been revised to reflect this information.
90	C.2.7.3	C.2-16	The following wording " <del>notification will be immediately provided to the LEA and a corrective action plan will be provided to the LEA ASAP (see 20937(a)(3))</del> " needs to be added after that statement "when compliance levels are exceeded in any probe"	Text has been revised as requested.
91	C.2.7.3	C.2-16	1 <sup>st</sup> paragraph 2 <sup>nd</sup> sentence indicates a total of 16 probes will be installed and references Figure 10D. This conflicts with B.5.2.3.1 page B.5-30 which indicates 14 probes will be installed. In addition Figure 10D only shows 14 probe locations. Decide how many probes will be installed (15), at a minimum to meet CCR27 requirements, and ensure consistency throughout the document. <b>EIR said 15 probes.</b>	Section C.2.7.3 has been revised to indicate that 14 probes and two temporary probes are proposed.
92	C.2.8.2	C.2-17	Some wording about relocation of the aqueduct is in <del>strikeout</del> , should stay in and change to say if aqueduct relocation is required design of perimeter drains will be re-evaluated and updated.	Text has been revised as suggested.
93	C.2.8.3.1	C.2-18	Last line, Inspection of the buried storm drain pipes will be conducted on a routine basis. Provide a minimum inspection frequency, for example monthly or quarterly, and an inspection method.	The text has been revised to state that inspection of the buried storm drain pipes will be conducted in September, prior to the onset of the stormwater season, and monthly during the stormwater season.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
94	C.2.9.1.2	C.2-26	Excavation: The sentence the excavated slopes will have a overall gradient of 2:1 or less than 15 to 20 feet- wide benches located every 40 foot vertical feet does not make sense. Explain how the discussion of the 2:1 gradient is the equivalent to the width of the bench roads every 40 vertical feet.	Added comma to sentence for clarity "...overall gradient of 2:1, or less than 15 to 20 feet-wide benches..."
95	C.2.9.1.2	C.2-27	Excavation: 1 <sup>st</sup> paragraph 1 <sup>st</sup> sentence indicates two stockpile locations. This conflicts with B.4.4.1.1 page B.4-7 which indicates only Stockpile B. Be consistent throughout the document on the number of stockpile areas at the landfill.	No change proposed. This section deals with initial construction, where both stockpiles will be utilized, while Section B.4.4.1.1 deals with future periodic construction, where only Borrow/Stockpile Area B will be utilized.
96	C.2.9.1.4	C.2-28	SWRCB spell out appears to be the first use.	Not the first reference. Previously referenced in Section B.2.2.2.
97	C.2.9.2	C.2-28	Phase 1: Overall provide a discussion on the multiple phases involved in the construction of the landfill, how the initial construction phase differs from the pre-construction phase and the formal landfill construction phase.	Section C.2.9.2.1 has been revised to better describe pre-construction phase and the construction phase.
98	C.2.9.2.1	C.2-28	Initial construction will include "removal of existing dairy buildings and residences", "removal of manure". Not sure these should be part of the initial construction of the landfill if you want to do any grading or demo prior to being ready to start construction.	These will be part of the pre-construction phase. Section C.2.9.2.1 has been revised to better describe pre-construction phase.
99	C.2.9.2.2	C.2-29	Excavation: the volumes excavated stated in this paragraph conflicts with the volumes stated in B.4.4.1.1 page B.4-7. Ensure consistency throughout the document.	There is no discussion of excavation volumes in Section B.4.4.1.1.
100	C.2.9.2.3	C.2-29	Liner System Development: 2 <sup>nd</sup> paragraph 1 <sup>st</sup> appears to indicate the LCRS will not be installed until the entire liner system has been completed. Likewise the sentence appears to indicate the mainline will not be extended to the sump until the entire liner system has been completed. Re-write this sentence to be more concise.	The text has been revised to clarify the liner and LCRS construction.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
101	C.2.9.2.6	C.2-31	Landfill Access Road/Main Haul Road/Bridge: states each slab will be 26 feet wide and 64 feet in length, they will be placed over the pipeline. This conflicts with C.2.2.4 page C.2-5 which indicates the slabs over the pipelines will be 28 feet wide and 40 feet in length. EIR "Each two foot thick slab will be 28 feet wide by 40 feet in length"	The text has been revised in Sec C2.9.2.6, C2.2.4 and B.3.1.1 (approximately 28' x 64' slab dimensions).
102	C.2.9.4.5	C.2-34	Drainage Control Development: 5 <sup>th</sup> sentence states "Once an area reaches 20% of pre-development vegetative condition...". This conflicts with C.2.9.2.5 page C.2-30 and C.2.9.3.5 page C.2-32 which both state 70% pre-development vegetative conditions. Ensure consistency throughout the document. EIR says 70%.	Text has been revised.
103	C.3.5	C.3-2	Drainage System Capacity Requirements: indicates the drainage control feature will control a surface run-off from a 24 hour, 100-year storm event. This is in conflict with B.5.4 page B.5-42 2 <sup>nd</sup> paragraph, The western channel is sized to accommodate a rupture of existing Pipelines 1 & 2 and future Pipeline 6 in addition to a 100-year, 24 hour storm event. Be consistent throughout the document	The text has been revised for consistency.
104	D.4.7	D.4-22	Rockfall mitigation structure - is discussed and appears to be a valid need, but has not been designed or included in the package.	It is not appropriate to include the design of the rockfall mitigation structures in the JTD. Details as to the design of these systems will be included in the design report required prior to construction of the drainage facilities. This information has been added to Section D.4.7.
105	C.2.9.2.6	C.2-31	Discusses construction over pipeline, need to add the alternative description for the pipeline relocation option.	The text has been revised to indicate that if the aqueduct is moved , the crossing facilities will not be required.
106	C.4.1	C.4-1	Spell out SLRMWD	Text has been added as requested.
107	D.1.3	D.1-2	"South of the river, there are open fields for dairy cows" should be changed to read "former fields" or otherwise reword so that statement is current.	Text has been revised as requested.
108	Table 12B	D.5-3	Missing	Table is now included.
109	D.5.3	D.5-21	Middle of first paragraph delete "to" following 2007.	"From" has been added before 2007 and the "to" is needed as sampling was done until 2009.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
110	D.5.4	D.5-21	April 15, 1996, Agreement not included, but the supplement 2004 is as appendix Q. The original is required to be part of the JTD according to the supplement.	The entire agreement is now included in Appendix Q and the text has been revised to reflect this.
111	Closure		There is little discussion on soil quantity estimates and availability, soil is discussed in other areas of the JTD, but no clear discussion of what will be used during operation vs. closure and that onsite soil will be available for closure.	A complete discussion of soil quantities and usage are included in Sections B.1.7 –Site Life and C.2.2.3-Material Availability. Section E.1.3.1.2-Final Cover Design has been revised to reference these sections.
112	E.1.2	E.1-2	The benches will be 20 feet wide; this may conflict with C.2.9.1.2 page C.2-26 which indicates the benches will be 15 to 20 feet wide. Provide information to clarify the final bench roads will be wider than the bench roads used for operational or decide the width of the bench roads and ensure consistently throughout the document.	The text in Section E.1.2 has been changed to correlate with the text in Section C.2.9.1.2 as benches are typically 15 feet wide, but if a bench is utilized as an access road it is typically 20 feet wide. So the range is kept in the text to cover both.
113	E.1.3.1.4	E.1-5	Says soils will be added when existing soil is less than two feet but does not expressly state in this section that the layer is two feet deep.	Section E.1.3.1.4 has been revised to indicate that the foundation layer is to be a minimum two-foot thick.
114	E.2.8.2	E.2-14	Is it really adequate to correct significant depressions in the cover only once a year? This isn't new material and maybe if it is typical and fine, but it doesn't come across to me as saying problems will be fixed when they are found. If the intent is to make it SOP to at least correct the flow with added temporary fill, this should say so.	The text has been revised to add the following: "Significant depressions in the final cover, as observed during routine site inspections, will be promptly repaired with the goal of repairing all depressions prior to the onset of the rainy season (October to April)."
115	E.2.8.2	E.2-14	Agree that the wording is a little vague, should correct problems as they are identified.	See response to comment 115.
116	E.3.5	E.3-3	The reference is to the "local" fire department. Imprecise...	The text has been revised to include the following: "Contact the North County Fire Department, which the GCLF is within the sphere of influence, to provide fire protection, even if on-site capabilities are deemed adequate to extinguish fires or control future explosions."
117	E.3.10	E.3-5	On underground fires. Again, this isn't new but it seems pretty minimal to me, based on some of the County's experiences at Palomar.	The text in Section E.3.10 has been revised to include more detail as to steps to be taken to treat an underground fire.
118	F.1.2	F.1-1	Narrative has closure estimate in 2008 \$, table says 2010 \$.	The text has been corrected to read 2010.

## LEA comments on the Draft September 2010 permit application package

#	Section	Page	Comment	Response
119	Table 17	F.1-2	Under Item 1 "Foundation Layer 12" thick assumes 12" in place" should say "Foundation Layer 24" thick assumes 12" in place"	Item 1 description has been corrected to 24".
120	Table 17	F.1-2	Under Item 1 "Vegetation Layer" for the Slope is listed in sf, should be cy of soil not a sf number. Under Item 1 "Vegetation Layer" for the Deck is listed as cu, but the number looks like it is the sf number from the composite line above. These should be just the soil component as the vegetation is under item 3.	The unit for the vegetative layer has been corrected to cy. A note has been added to Item No. 1 of Table 17 to indicate that the vegetative layer in this section of the cost is the soil component.
121	Table 17	F.1-2	The numbers need to be rechecked, the math does not work for the first four lines and most of the other I sampled were wrong. Subtotals are also off.	The numbers have all been rechecked. There was a rounding error in the formula which has been corrected and the cost estimate adjusted accordingly. The cost back-up information has also been updated and included in Appendix R.
122	F.1.3	F.1-6	Narrative has estimate in 2008 \$, table says 2010 \$.	The text has been corrected to read 2010.
123	Table 18	F.1-7	Item 1 - Costs \$10K to install one extra well, but \$100K to replace one?	The 100K cost in Item 1 of Table 18 is correct, it is the description that was wrong. This cost is for replacement of piping, valves, etc. and non-routine maintenance calls. The table has been revised to reflect this.
124	Table 18	F.1-7	Check numbers, not as bad as the closure costs, but some are off.	The numbers have all been rechecked. There was a rounding error in the formula which has been corrected and the cost estimate adjusted accordingly. The cost back-up information has also been updated and included in Appendix R.

# ATTACHMENT C

**R E P O R T**

**GREGORY CANYON LANDFILL JOINT  
TECHNICAL DOCUMENT AND SOLID  
WASTE FACILITY PERMIT  
APPLICATION REVIEW –  
TITLE 27 COMPLIANCE**

Prepared for

County of San Diego  
Department of Environmental Health  
Local Enforcement Agency  
5500 Overland Ave, Suite 110 MS O560  
San Diego, CA 92123

URS Project No. 27650080.01000

December 20, 2010

**URS**

4225 Executive Square, Suite 1600  
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December 20, 2010

Jim Henderson  
County of San Diego  
Department of Environmental Health  
Local Enforcement Agency  
5500 Overland Ave, Suite 110 MS O560  
San Diego, CA 92123

Subject: Gregory Canyon Landfill Joint Technical Document and Solid Waste  
Facility Permit Application Review – Agreement # 536046  
URS Project/Reference No. 27650080

Dear Mr. Henderson:

URS Corporation Americas (URS) is pleased to provide this report for the above referenced project. The scope of work in Agreement # 536046 includes the following items:

- a. Compare Permit Application and RDSI/JTD to CEQA Documents.
- b. Compare Permit Application and RDSI/JTD to Regulatory Requirements.
- c. Analyze the RDSI/JTD to determine whether the landfill operations described in the document are internally consistent and provide adequate detail to allow the estimation described in California Code of Regulations, Title 27, and Section 21570(d) to be made.
- d. Compare the Preliminary Closure Post-closure Maintenance Plan (PCPMP) to CEQA Documents.
- e. Compare PCPCMP to Regulatory Requirements.

This report addresses scope items b., c., and e. A companion report addresses items a. and d. Please call me or Kristen Walker at 858.812.9292 if you have any questions. We appreciate the opportunity to assist you with this important project.

Sincerely,

URS CORPORATION



David Marx, REHS, REA  
Vice President and Project Manager



Kristen Potente Walker  
Senior Environmental Specialist

DM/KPW:mv

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## List of Acronyms and Abbreviations

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ADC	Alternative daily cover
AES	Advanced Engineering Software
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
cfm	Cubic feet per minute
COPCs	Chemicals of potential concern
DEH	Department of Environmental Health
JTD	Joint Technical Document
LEA	Local Enforcement Agency
LFG	Landfill gas
MSW	Municipal solid waste
NPDES	National Pollutant Discharge Elimination System
PCPMP	Preliminary Closure Post-closure Maintenance Plan
PSD	Perimeter storm drain
RWQCB	Regional Water Quality Control Board
SWFP	Solid Waste Facility Permit
USLE	Universal Soil Loss Equation

## SECTION 1 INTRODUCTION

### 1.1 BACKGROUND

The County of San Diego, Department of Environmental Health (DEH) is the Local Enforcement Agency (LEA) for administration of solid waste facility permits in the County of San Diego outside of the City of San Diego. The LEA is processing the Solid Waste Facility Permit (SWFP) application package and Joint Technical Document (JTD) dated September 2010 for the proposed Gregory Canyon Landfill project. The proposed landfill is a Class III solid waste disposal facility located in unincorporated San Diego County. DEH retained URS to assist in the review of the SWFP application package, including solid waste facility application and the JTD including the Preliminary Closure/Post-Closure Maintenance Plan (PCPMP), for consistency with the associated California Environmental Quality Act (CEQA) documents and for completeness and compliance with solid waste statutory and regulatory requirements. For the purpose of this work the CEQA documents included the Environmental Impact Report - 2003, Revised Final Environmental Impact Report - 2007; Reclaimed Water Addendum – 2008; Water Support Addendum - 2009; Jurisdictional Waters Addendum - 2010; and 2008 Habitat Restoration Resource Management Plan.

The specific tasks included for the review conducted by URS includes the following items:

Task A - Compare the JTD/SWFP application to the CEQA Documents to determine whether the JTD is consistent with the CEQA Documents.

Task B - Compare the JTD/SWFP application to the solid waste regulatory requirements in California Code of Regulations (CCR), Title 27 (27 CCR), sections 21590 and 21600 to determine whether the JTD complies with these regulations.

Task C - Analyze the RDSI/JTD to determine whether the landfill operations described in the document are internally consistent and provide adequate detail to allow the estimation described in California Code of Regulations, 27 CCR, Section 21570(d) to be made.

Task D - Compare the Preliminary Closure Post-closure Maintenance Plan (PCPMP) to the CEQA Documents to determine whether it is consistent with the CEQA Documents.

Task E - Compare the PCPMP to the solid waste closure plan regulatory requirements in California Code of Regulations, 27 CCR, sections 21770 through 21840, as applicable to PCPMPs to determine whether the PCPMP complies with these regulations.

This report addresses Tasks B, C and E above. A companion report addresses Tasks A and D.

### 1.2 METHODS

DEH provided URS with a hard copy and PDF files for the JTD (Volumes I, II-A, II-B and III) and SWFP application package. The SWFP application package included AutoCad files for the base excavation and the final grade for the purpose of confirming the projected airspace volume. URS reviewed the JTD and SWFP documents and prepared a matrix template to itemize the compliance with the specified requirements in 27 CCR and document consistency between the SWFP application package and the JTD. A separate template was used to document internal inconsistencies in the JTD itself.

## **SECTION 2 RESULTS**

The JTD includes an integrated PCPMP as allowed by 27 CCR section 21780(c)(2). Consequently, the review comments for Tasks B and E are included in a single matrix. It should also be noted that the original JTD Volume I PDF file had numerous sections that were not searchable. URS requested and received a revised searchable PDF file. During the review, it was discovered that the pagination in the new PDF file did not exactly match the pagination in the hard copy or initial PDF file. Consequently, the page numbers related to JTD Volume I in the Tables in this report may be off by one page, depending on whether the tables in this report are compared to the hard copy, initial PDF or searchable PDF file.

### **2.1 JTD/PCPMP COMPLIANCE WITH SPECIFIED 27 CCR SECTIONS**

#### **2.1.1 Tasks B and E**

The JTD is in compliance with 27 CCR 21590 as it includes a JTD index and addresses the requirement in 27 CCR 21600. Table 1 presents a summary of the JTD's compliance with 27 CCR sections 21590 and 21600 (Task B) and the PCPMP portion of the JTD's compliance with 27 CCR, sections 21770 through 21840 (Task E). Table 1 is an enhancement of the table that is included in the Statement of Work for this project. A number of items have been added with text shown in blue to reflect requirements that are referenced within the regulatory sections that were included in the initial table. A summary of the key JTD text that is relevant to determining compliance with each regulatory section has been added.

As shown in red on Table 1, there are six areas that appear to be incomplete due to minor items that are missing as noted in the comments column of Table 1. During the review for compliance with the 27 CCR requirements, a number of minor inconsistencies between the various JTD sections, appendices and the SWFP application were identified. These inconsistencies and other comments are provided on Table 2.

The JTD and PCPMP could be considered complete and correct in accordance with 27 CCR section 21563 by correcting the incomplete items on Table 1 and addressing the items on Table 2 as well as the LEA Comments on the Draft September 2010 Permit Application Package document that has previously been provided to the applicant.

#### **2.1.2 Airspace Estimate**

At the request of DEH, URS evaluated the airspace volume estimate included in the JTD. URS recreated the excavation and final grade surfaces using AutoCAD Land Development Desktop software and the AutoCad data generated by the applicant. Figure 1 provides the airspace volume estimate developed by the applicant and Figure 2 shows the airspace volume estimate developed by URS. As shown on the figures, the difference in the net airspace estimates vary by only 0.3% and both estimates are approximately 60,000,000 cubic yards.

### **2.2 ADEQUACY RELATED TO 27 CCR, SECTION 21570(d)**

27 CCR 21570(d) states:

(d) The application package shall require that information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility. The application package shall require, among other things that the applicant and the owner give the address at which process may be served upon them.

The JTD was evaluated with the intent of identifying whether the landfill operations described in the document are internally consistent and provide adequate detail to allow the estimations described in 27 CCR 21570(d). The JTD provides adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility.

The facility included in the JTD is an alternative addressed in the EIR process and a thorough evaluation of the environmental effects of the facility was conducted during the EIR process. Consequently, the JTD has adequate detail to permit thorough evaluation of the environmental effects of the facility.

The JTD also provides adequate information to permit an estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility. The following factors support this conclusion:

#### Operations

- The size of the facility, waste types, staffing level, equipment, operating procedures and disposal volumes are similar to other for municipal solid waste (MSW) landfills that have conformed to the same standards over many years.
- The soil deficit at the site can be managed using the alternative daily cover (ADC) strategies in the JTD and these ADCs have been successfully used at other facilities.
- The phasing of the site is logical for a canyon fill and has successfully been used at many other canyon fill landfills.
- Litter, dust, vector, bird, noise, fire, odor, and hazardous waste controls are typical to techniques that have been successfully used at other similar facilities.
- The site-specific traffic control measures are more robust than typical and should minimize traffic impacts.

#### Design and Construction

- The double composite liner exceeds the state and federal regulatory standards for MSW landfills.

## **Gregory Canyon Landfill Permit Documents –Title 27 Compliance**

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- The leachate collection system is gravity flow, eliminating the possibility of a pump failure causing a leachate release.
- The project includes a subdrain system to intercept potential groundwater, even though the bottom of the subdrain is at an elevation higher than the piezometric surface.
- The methods use for static and seismic stability assessment are current and reasonable for the site.
- The final cover design is reasonable and meets regulatory requirements.
- The Construction Quality Assurance plan is complete and methods are standard.
- The PCPMP contains typical techniques and procedures that have been successfully used at similar facilities.
- The corrective action and closure cost estimates appear reasonable for the facility and the appropriate financial assurance will be in place.

### Water Resources

- Leachate generation was estimated using HELP3 modeling and this is a typical model used for this purpose. The model results appear to be reasonable based on the size of the facility and the average annual precipitation at the site.
- The groundwater monitoring program, evaluating water quality in 3 different geological formations with multiple wells in each formation is robust compared to the minimum requirements for upgradient and downgradient wells.
- Approach to addressing reasonably foreseeable release is reasonable.
- The estimated cost to mitigating the reasonably foreseeable release appears reasonable based on costs associated with mitigation at other sites. Groundwater treatment technologies are applicable to the types of anticipated chemicals of potential concern (COPCs).
- Estimated costs for groundwater monitoring and maintenance appearing in this table seem to be within the range of costs that would be expected for a monitoring program of this magnitude.

### Drainage Control

- The drainage control system designed for 100-year, 24-hour storm event run-off volumes complies with the regulatory requirements and is reasonable for the site.
- Desilting basins are designed based on the 10-year, 6-hour storm flows sediment capacity and for the storm water runoff flows of the 100-year, 24-hour storm event. The spillway is sized for the 100-year, 24-hour storm event. This complies with the regulatory requirements and is reasonable for the site.
- The surface control and down-drain system design are sized correctly and reasonable for the site.
- The estimated run-off values calculated based on the San Diego County Hydrology Manual (2003 version) in conjunction with computer software developed by Advanced Engineering Software (AES) is appropriate.

## **Gregory Canyon Landfill Permit Documents –Title 27 Compliance**

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- The hydrologic analysis conducted using the Rational Method Computer program (in accordance with the San Diego County Hydrology Manual Criteria) to determine the peak flows discharged from the Gregory Canyon watershed under pre- and post-developed conditions is reasonable for the project.
- The hydrology map for on-site flows, hydrology analysis and the hydraulic calculations appear to be reasonable.
- The perimeter storm drain (PSD) system consisting of a reinforced concrete trapezoidal drainage channels placed around (outside) the refuse footprint and earthen berms to divert run-on from adjacent slopes and the up-canyon areas of the undisturbed footprint into the perimeter storm drains is appropriate for the site.
- The phased construction of the PSD moving up canyon as the landfill is developed is reasonable.
- The stormwaters conveyed by the PSD system will discharge into percolation areas near the discharge point of the eastern and western desilting basins, located near the ancillary facilities. This area appears to be adequately sized and the energy dissipaters proposed are typical.
- The potential volume of silt generated from the contributing watershed area determined based on the Universal Soil Loss Equation (USLE) and the parameters, variables and coefficients used are reasonable for the project.
- The western perimeter channel is sized to accommodate the rupture of Pipelines 1 and 2 and future Pipeline 6 at the same time as the 100-year storm event. This method is reasonable for the project.

### Landfill Gas (LFG) Control

- LFG generation rate looks to be reasonable for the 29 year, and 30 million tons of MSW seems reasonable for an arid climate landfill.
- The LFG control well spacing of approximately 200-foot centers is a reasonable distance.
- The proposed LFG well depths and potential double depth wells are reasonable design.
- The LFG well head design is standard.
- LFG monitoring wells spaced 1,000 feet apart around the perimeter of the landfill waste footprint, considering the physical geometry of the areas surrounding the landfill is also reasonable.
- Four 1,500 cubic feet per minute (cfm) flares for a 6,000 cfm ultimate LFG flow rate is reasonable.

### **SECTION 3 LIMITATIONS**

The detailed review of documents was conducted for the purpose of assisting DEH as the LEA to support the issuance of a SWFP for the facility. Though other deficiencies may have been noted, the review did not include an evaluation of these documents for compliance with other agency requirements (e.g., Air Pollution Control District Authority to Construct, California Department of Fish and Game Streambed Alteration Agreement, Regional Water Quality Control Board (RWQCB) Stormwater National Pollutant Discharge Elimination System (NPDES) General Permit, US Fish and Wildlife Service Biological Opinion/Incidental Take Permit, etc.).

Reports, permit applications, and other data (e.g., EIRs, Addendums, etc.) have been furnished to URS by DEH and other third parties, which URS used in preparing this report. URS has relied on this information as furnished, and is neither responsible for nor has confirmed the accuracy of this information.

This report has been prepared based on certain key assumptions made by URS that substantially affect the conclusions and recommendations of this report. These assumptions, although thought to be reasonable and appropriate, may not prove to be true in the future. The conclusions and recommendations of URS are conditioned upon these assumptions:

- An internal review for consistency within and between CEQA Documents was not included within this scope of work. URS assumed the information contained within the CEQA Documents is consistent with the information presented in the attachments and appendices in the CEQA Documents. Appendices in the CEQA Documents were not reviewed for consistency.
- The most logical location(s) for a particular detail was reviewed in the CEQA Documents to determine whether the detail was consistent between the JTD and CEQA Documents, and the SWFP and CEQA Documents. If a detail was not located in the most logical location(s), the detail was assumed to not be contained within the CEQA Documents (e.g., a reviewer would not search for project area climate data in the traffic section of an Environmental Impact Report).
- Mitigation measures tables from the EIR documents were used for the consistency review. URS did not check the mitigation tables for consistency with the mitigation measures text within the individual resources sections of the CEQA Documents.
- The term “correct” reflects the standard of care.
- The following items have been noted; however, the scope did not include thorough peer review, technical edit or detail check related to:
  - Insurance/Financial assurances documents.
  - Legal description.
  - Calculations and models.
  - References.

URS and companies that have been acquired by URS conducted the following studies related to the Gregory Canyon Landfill project that were included in the review package:

## **Gregory Canyon Landfill Permit Documents – Title 27 Compliance**

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- The Geology and Hydrogeology Report, Gregory Canyon Landfill, Pala, San Diego County, California: Consultant's Report to Gregory Canyon Ltd. (March 1995) was prepared by Woodward-Clyde Consultants, now URS.
- The Evaluation of Air Toxics Health Risks – Final Report (January 1999) was prepared by Dames & Moore, now URS.
- The Storm Water Management Plan was prepared by URS.
- The Biological Assessment for the Gregory Canyon San Luis Rey River Bridge Replacement was prepared by URS.
- The Habitat Restoration and Resource Management Plan for Gregory Canyon Landfill Property was prepared by URS.
- The initial SWPPP was prepared by URS.



**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>General</b>								
Name of Facility, Site Operator and Owner, Type of Facility	21600(b)(1)(A)	Sec. A.1 – pg. A.1-1; Sec. A.2.2 – pg. A.2-3; Sec. A.2.1 – pg. A.2-1	Facility Name - Gregory Canyon Landfill (GCLF). Owner/Operator of Record – Gregory Canyon Limited, LLC. Day to Day Operator – contract operator. Facility Type – Class III Landfill.	2003 EIR: 3.1, p. 3-1 Not identified 3.1, p. 3-4 3.4.1, p. 3-31	Yes	Yes	Owner and operator certification executed in Form E-1-77.	
Description of the Operation Cycle	21600(b)(1)(A)	Sec B.4.2.1 – pg. B.4.2; Sec. B.4.4.2 thru B4.4.5.1 – pgs. B.4-8 thru B.4-16; Sec. B.4.5 – pgs. B.4-19, B.4-20	Receipt/Handling – Staffing depends on handling of 3,200 to 5,000 TPD received. Processing - refuse lifts ~20 ft. high & ~100-200 ft. length. Diversion/Transformation - Hazardous waste exclusion program (HWEP) w/load checking program. Spreading/Compaction - Working face sloped to gradient of ~5:1 (H:V). Disposal – Recycle & resource recovery, no public salvaging, no volume reduction activities at site, only tire shredding.	2003 EIR: 3.4, p. 3-31-41	Yes	Yes		
Site Plan Including Boundaries, Acreage, and Buffer Zones	21600(b)(1)(B)	Sec A.2 Sec. B.1.2.3 – pg. B.1-2; Sec B.1.4 – pgs. B.1-3, B.1-4; Figures 2, 3, 4, 6A, 9, 12, 21B-26, 27A, App. B-3, App. B-4 – pgs. SE44-45	Site - 1,770 acres Landfill activities – 308 acres Landfill footprint – 183 acres Predisposal topo map – Fig 27A Facility boundary of site – Fig 6A, App B-3 Plan w/disposal area – Fig 2 Plan w/extent of Solid Waste Facility permit – Fig 3, 4 Fill/Excavation sequencing plan – Fig 21B, 22, 23, 24, 25, 26 Fill/Excavation master plan – Fig 9, 12 Plan w/buffer zones – Fig 2 Vertical limits of site – Fig 2	2003 EIR: 3.1, p. 3-1, 5 3.2, p. 3-5 Exhibit 3-3 Exhibit 3-4	Yes	Yes	The siting element indicates a landfill footprint of 196 acres so the project at 183 acres is consistent with the siting element. There are other minor inconsistency in acres: EIR 2003 indicates “approximately 308” and “307.8”, and EIR 2007 and Habitat Restoration Plan indicates “308.6”. These rounding inconsistencies are not considered consequential.	
Hours of Operation	21600(b)(1)(C)	Sec. B.4.1 – pg. B.4-1	Public hrs. - Mon-Fri 7am to 6pm, Sat 8am to 5pm, no holidays. Commercial haulers hrs. and Compaction/Cover operation - Mon-Fri 7am to 6pm, Sat 8am to 5pm, no holidays. Yard and enclosed maintenance – no time limit Additional site specific activities – no time limit	2003 EIR: 3.4.7, p. 3-39	Yes	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>Waste Classification and Management</b>								
Types and Quantities of Waste	21600(b)(2)(A)	Sec. B.1.5.2 thru B.1.5.4 – pgs. B.1-5 thru B.1-11	Waste types – non-hazardous solid wastes/inert wastes including dewatered sludge, other waste requiring special handling (tires & bulky waste). Estimated daily waste avg volume – 3,200 tpd Estimated peak daily flow volume – 5,000 tpd Projected 5 yr. waste flow volume – 906,000 tons/yr. No liquid, designated, special or hazard waste.	2003 EIR: 3.4.1, p. 3-31	Partial – JTD says manure animal wastes and ashes will be received and boxes on app are not checked.	Yes	Table 1, page A.1-4 indicates that ash will not be accepted and is not consistent with Sec B.1.5.2.	
<b>Waste Management Unit Classification and Siting</b>								
Airport Safety	21600(b)(3)(A)	Sec. B.1.2.2 – pg. B.1-2	Not located w/in a 5 mi radius of airport used by turbojet aircraft or by piston-type aircraft.	2003 EIR Chapter 9, p. 9-2	NA	Yes		
Volumetric Capacity	21600(b)(3)(B)	Sec. B.1.6 – pg. B.1-11, B.1-12; Figure 2, Figure 27A; Apex B-2	675 trucks per day max. Gross Airspace – 59.3 mcy Cap req'd for liner system – 1.6 mcy. Cap req'd for final cover – 0.9 mcy. Net airspace – 56.8 mcy. Cap req'd for daily & intermediate cover – 11.4 mcy. Net refuse– 45.4 mcy. Topo map delineating disposal area w/in site boundary – Fig 2. Assumptions to determine gross cap – Refuse to cover ratio = 4:1; Compaction density = 1,350 pcy. Methods to determine gross cap – difference between proposed bottom grades & proposed final disposal area grading contours. Calculations to determine gross cap including copies & dates of topo maps used.	2003 EIR: 3.4.2, p. 3-32 3.6.1, p. 3-60 3.4.5.1, p. 3-36 Exhibit 3-4	Yes	Incomplete	The required certification by a registered civil engineer or geologist needs finalized.  Suggest that Figure 27A with the topo dated 1991 should be referenced in the text for this section.	
Site Life Estimate	21600(b)(3)(C)	Sec. B.1.7 – pg. B.1-12	Site life – ~30 years. Cap of site – net airspace (less liner and final cover) = 56.8 mcy. Refuse to cover ratio – 4:1. Waste flow projections – starting inflow rate = 1,950 tpd. Compaction density – 1,350 pcy.	EIR 2003: 3.6.1, p. 3-60	Yes	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Site Location (vicinity map)	21600(b)(3)(D)	Sec. B.1.3 – pg. B.1-3; Figures 2, 6	Site location description – 9708 Pala Rd, Pala, CA 92059; occupies parts of Sec 4 & 5 of Township 10 S and Sec 32 & 33 of Township 9 S, Range 2 W of USGS 7.5' Pala Quadrangle. Location map w/legal boundaries – Fig 6A. Location map w/points of access – Fig 2. Location map w/major access routes for waste deliveries Fig 6.	EIR 2003: Exhibit 3-1 Exhibit 3-2 3.1, p. 3-1	Yes	Yes		
<b>Waste Management Unit Classification and Siting</b>								
Surrounding Land Use and Zoning (plot plan)	21600(b)(3)(E)	Sec. B.1.2.4 – pg. B.1-2, B.1-3; Figures 3, 4, 5	Plot plan showing land uses for properties w/in 1000 ft. of facility boundary – Fig 3. Plot plan showing zoning for properties w/in 1000 ft. of facility boundary – Fig 4. Distances to structures on adjacent properties – Fig 5. Specific limits of existing & planned disposal area – Fig 5.	EIR 2003: Exhibit 4.1-1 Exhibit 4.1-2 Exhibit 4.1-3 Exhibit 4.1-4 Exhibit 4.8-2	NA	Yes		
Ancillary Facilities (include on plot plan)	21600(b)(3)(F)	Sec. B.3 – pg. B.3-1 thru B.3-7; Figures 8, 8A	Plot plan showing ancillary facilities including admin bldgs., entrance facilities, scales, maint structures, hazardous materials storage areas – Fig 8, 8A.	EIR 2003: 3.2.4, p. 3-19 Exhibit 3-3 Exhibit 3-8  EIR 2007 Exhibit 3-8 Exhibit 3.8c	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>Design and Construction Standards for All Waste Management Units</b>								
General Design Parameters	21600(b)(4)(A)	Sec D.1, D.2, D.3, D.4, D.5 and D.6	<p>Site design accommodates service area – 1,770 ac property w/ ~308 ac for landfill activities &amp; 183 ac for refuse disposal (Sec. D.1).</p> <p>Climatological factors – warm, dry weather during summer months &amp; cool, seasonal wet weather during winter months; avg. rainfall = 17.5 to 25.27 in/yr.; wind annual mean speed = 6.6 mph (Sec. D.3).</p> <p>Physical setting – site elevation range from ~1,200 ft. amsl at head of canyon to 300 ft. amsl at mouth of canyon in San Luis Rey River drainage; proposed landfill footprint not in 100-yr floodplain (D.2).</p> <p>Soils – Low areas consist of unconsolidated residual soils, colluvial, &amp; alluvial deposits w/in weathered tonalite; High areas consist of metamorphic/igneous w/varying degrees of weathering (Sec. D.4).</p> <p>Drainage – 2 distinct GW zones - alluvial aquifer hosted by sediment wedge at canyon mouth, &amp; bedrock aquiclude hosted by fractured tonalite that forms substrate of canyon; both GW systems move North toward alluvial aquifer of San Luis Rey River (Sec. D.5).</p>	<p>EIR 2003: 3.1, p. 3-4 3.2, p. 3-4 3.2.1, p. 3-5 4.7.1.1, p. 4.7-1 4.3.1.3, p. 4.3-8 4.2.1.3, p.4.2-3</p>	NA	Yes		
Design Responsibility	21600(b)(4)(B)	Sec. C.1.1 – p. C.1-2	Waste management unit was designed & construction will be certified by a registered civil engr &/or certified engr geologist.	<p>EIR 2003: 3.2.1, p. 3-11 3.5.1, p. 3-42 Table 10-2, p. 10-48</p>	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Construction Sequencing Plans	21600(b)(4)(C)	Sec. C.2.9 – pgs. C.2-25 thru C.2-34; Figures 20-26	Phase I includes ~3.7 mcy excavation & during filling, work will begin on excavation of next area. Phase I will provide ~8.1 mcy of gross airspace & require ~1.6 mcy of soil for daily & intermediate cover (Fig 20, 21, 21A, 21B). Phase II gross fill cap is ~6.3 mcy (Fig 22, 23). Phase III and IV includes ~489,000 cy and ~23,000 cy of excavation, respectively. Phase III fill phase completes landfill to final grading configuration & provides ~43.1 mcy of gross airspace (Fig 24, 25, 26).	EIR 2003: 3.3, p. 3-27-30 3.6.2, p. 3-61-70 6.7.2, p. 6-75 Exhibit 3-18 Exhibit 3-19 Exhibit 3-20 Exhibit 3-21 Exhibit 3-22 Exhibit 3-23 Exhibit 3-24	NA	Yes		
Grading Plan	21600(b)(4)(D)	Sec. B.4.4.1.4 – pg. B.4-8; Sec. E.1.2 – pgs. E.1-1, E.1-2; Figures 2, 9 and 20, 27A	Final landfill slopes were designed w/an overall gradient of 3.5:1 w/ 20-ft benches every 40 vertical ft. & max landfill elev, including final cover system, will be 1,100 feet amsl. Final deck area will have min grade of 3%.  Grading plan w/ existing borrow area contours (Fig 27A) & proposed borrow area contours (Fig 2).	EIR 2003: 3.7.3. p. 3-74 Exhibit 3-17 Exhibit 6-7	NA	Yes		
Gas Management Plan	21600(b)(4)(E) <a href="#">refers to 20919</a>	Sec. B.5.2 – pg. B.5-28 thru B.5-32; Sec. C.2.7 – pgs. C.2-14 thru C.2-16; Figures 2, 10D, 11, 16 and 16A	Gas migration monitoring system ultimately includes 14 probes spaced ~1,000-ft centers around entire refuse prism to detect potential gas migration prior to reaching property boundary – Fig 10D.  Landfill gas control system includes series of vertical gas extraction wells joined through a system of above ground lateral pipes, which will be connected to main header pipe leading to flare station – Fig 11, 16, 16A.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes	Regs state that JTD should describe any possible use of landfill decomposition gases; this information is not included so the assumption is that there are no plans for energy recovery.  Regs state that spacing between probes should not exceed 1,000 ft.; consider modifying text in JTD from <u>approximately</u> 1,000 ft. to no more than 1,000 ft.(This is what is shown on Figure 10D.)  There is confusion between 14 probes stated on JTD pg. B.5-29 & 16 probes stated on JTD pg. C.2-16; clarify that 2 probes are only temporary as shown on Figure 10D.	

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>Operating Criteria</b>								
Disposal Site Records	21600(b)(5)(A) <a href="#">refers to 20510, 20515</a>	Sec. A.3 – pgs. A.3-1 thru A.3-2	<p>Procedures for maintaining records include: (a) Refuse disposal vehicles req'd to check in at entrance facility &amp; weighed prior to unloading at working face. Daily receipts kept by scale operators in operating record.</p> <p>(b) Records showing excavation of future refuse area subgrade will be maintained.</p> <p>(c) Operator will maintain a daily log of unusual occurrences including landfill fire, landslides, flooding, unusual/sudden settlement, EQs &amp; resulting damage, property damage, accidents, explosions &amp; discharges of hazardous or other non-permitted wastes.</p> <p>(d) Personnel training record –health &amp; safety, hazardous waste identification, handling &amp; storage procedures, environ control sys management, waste handling &amp; disposal procedures, and emergency response procedures &amp; environ mitigation.</p> <p>(e) Operator of record - Gregory Canyon Limited.</p> <p>(f) Records available during business hours for inspection by authorized reps of regulatory agencies having jurisdiction.</p> <p>(g) Records for Disposal Reporting System – records on-site at admin office and available during normal business hours for inspection.</p>	EIR 2003: 3.4.11, p. 3-40-41	NA	Yes		
Site Security	21600(b)(5)(B)	Sec. B.3.2 – p. B.3-9	Entry during business hours controlled by site personnel at entrance facilities (single point of public access to site).	EIR 2003: 3.4.8, p. 3-39 4.16.2.2, p. 4.16-13	NA	Yes		
Sanitary Facilities	21600(b)(5)(C)	Sec. B.4.6.1 – p. B.4-21	Portable chemical toilets to be located at N end of ancillary facilities area.	EIR 2003: 3.2.4, p. 3-21	NA	Yes		
Communications Systems	21600(b)(5)(D)	Sec. B.4.6.3 – p. B.4-21	Telephones w/in offices in ancillary facilities area & at each fee booths for computer links w/truck scales. Two-way hand-held radios for communication between ancillary facilities & staff located w/in landfill property boundary.	EIR 2003: 3.2.4, p. 3-19, 20	NA	Yes	Use of cell phones for communication should be included in this section.	

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Lighting {for facilities which operate during darkness}	21600(b)(5)(E)	Sec. B.4.6.4 – p. B.4-21	Disposal equipment outfitted w/sufficient lighting &/or portable lighting fixtures or stands for safe work conditions (only needed for short winter nights as hours of operations stop by 6 pm). Security lighting around bldgs. in ancillary facilities area.	EIR 2003 3.2.3, p. 3-19 3.2.4, p. 3-21	NA	Yes		
Safety Equipment	21600(b)(5)(F)	Sec. B.4.6.5 – p. B.4-22	Hard hats, reflective vests, ear & eye protection, filtration masks, fire extinguishers.	EIR 2003 4.16 (in general) 4.16.2.2, 4.16-13 3.2.4, p. 3-21 3.5.4, p. 3-57 3.5.9, p. 3-60	NA	Yes		
Personnel Requirements	21600(b)(5)(G)	Sec. B.4.2 – pgs. B.4-1 thru B.4-5, Table 6	Site operation staffing (Table 6) req'd to conduct disposal & site maint operations, & record keeping during peak operation. Site personnel trained for health & safety, environ control sys management, & emergency response.	EIR 2003: 3.4.9, p. 3-39 Table 3-2	NA	Incomplete	Regs state <u>minimum</u> number of staff requirements. Suggest adding a column to Table 6 to show minimum.	
Personnel Training	21600(b)(5)(H) <a href="#">refers to 20610</a>	Sec. B.4.2.2 – p. B.4-3, B.4-4	Training emphasis in health & safety, hazardous waste identification, handling & storage procedures, environ control sys management, waste handling & disposal procedures, emergency response procedures & environ mitigation.	EIR 2003: 4.16.2.2, p. 4.16-13, 14	NA	Yes		
Supervisory Structure	21600(b)(5)(I)	Sec. B.4.2.3 – p. B.4-4, B.4-5	Operator will provide adequate supervision of a sufficient number of qualified personnel to conduct proper operation of the site in compliance with all applicable State and federal requirements. Operator will also provide a recycled water supervisor, who has completed a State-approved training course on use of recycled water.	EIR 2003: 3.4.8, p. 3-39 Table 3-2	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Spreading and Compaction	21600(b)(5)(J)	Sec. B.4.4.3 – p. B.4-14	Compactor or dozer will spread waste over working face in ~2-ft thick layers & then make repeated passes over working face to compact refuse.  Working face typically sloped to gradient of ~5:1 (H:V) or less to max refuse compaction.	EIR 2003 3.4.3, p.3-32 3.4.3.1, p. 3-34	NA	Yes		
<b>Cover</b>								
Cover Materials	21600(b)(6)(A)	Sec. B.4.4.1.1 - B.4-7; Sec. B.4.4.5 thru B.4.4.8 – pgs. B.4-15 thru B.4-19; Sec. C.3.2 – p. C.3-1; Sec. C.2.2.3 – pgs. C.2-2 thru C.2-4; Figures 14 and 31	Soil materials excavated for daily & intermediate cover of active waste disposal operations obtained from 3 on-site sources: landfill footprint (7.9 mcy), Borrow/Stockpile Area A (1.3 mcy) & Borrow/ Stockpile Area B (3.2 mcy).  Excavation/stockpile sequence – Once initial excavation for site facilities area & 1st stage of Phase I refuse area completed, subsequent excavation & stockpiling operations to be conducted concurrent w/refuse disposal throughout landfill development. Borrow/Stockpile Area A (W of landfill footprint) & Borrow/Stockpile Area B (SW & adjacent to footprint). Rock crushing (conducted concurrently w/landfill construction) to occur onsite & excavated rock to be stored on-site for future use, or ground for use as daily or intermediate cover areas.	EIR 2003 3.4.5.1 p. 3-36-37 6.7.2, p. 6-75	NA	Yes		
Alternative Daily Cover and Beneficial Reuse	21600(b)(6)(B) <a href="#">refers to 20690 and 20695</a>	Sec. B.1.5.4/p. B.1-10 B.4.4.5.1 pgs. B.4-16, B.4-17	ADC reduces refuse-to-daily/intermediate cover ratios from 4:1 to 7:1.  Geosynthetic blankets & PGM to be used as ADC.  Geosynthetic blankets – handling & procedures described in App. F-1.	EIR 2003 3.4.5.1, p. 3-37-38	NA	Incomplete	Regs state that handling and procedures of ADC should be included. A description of PGM application methods and an estimate of range in tons of PGM is required. This language should be consistent with 20690(b)(3)(B to D).  The JTD should also state that the PGM will be weighed at the scales.  “Synthetic” blankets ADC is specified on pg. B.1-12 in the JTD and this should say “geosynthetic” to be consistent with the regulatory language.	

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Cover Frequency	21600(b)(6)(C) <a href="#">refers to 20680 and 20695</a>	Sec. B.4.4.5 – p. B.4-15 thru B.4-17	Daily cover in form of soil material compacted to min thickness of 6-in or an ADC, such as geosynthetic blanket or PGM, to be placed over all exposed refuse at end of each working day.	EIR 2003 3.4.5.1, p. 3-36-38	NA	Yes		
Intermediate Cover	21600(b)(6)(D)	Sec. B.4.4.6 – pgs. B.4-17, B.4-18	Min 12-in thick layer of suitable cover material to be placed over top, side slopes & working face of advancing lift, refuse cell or portions of disposal area where no additional refuse is to be deposited w/in 180 days.	EIR 2003 3.4.5.2, p. 3-38	NA	Yes		
<b>Handling</b>								
Public Health Design Parameters	21600(b)(7)(A)	Sec. B.5.3 – pgs. B.5-32 thru B.5-41	Dust control – includes both construction/operations & maint procedures & will utilize on-site well water. Noise control – on-site equip noise controlled by installation & maint of mufflers on all motorized vehicles. Fire control – refuse burning not allowed at landfill facility. Odor control – landfill gas control system & placement of daily, ADC or intermediate soil cover over all exposed refuse at end of each operating day. Control of birds, flies, rodents & other vectors – refuse compaction, application of daily cover & professional pest control services. Litter control – perimeter fencing, commercial loads covered w/tarp, disposal operations suspended during high winds, inspection conducted every day landfill is open & cleaned up on 6th day.	EIR 2003 3.5 (in general) 3.5.4, p. 3-57 3.5.5, p. 3-58 3.5.6, p.3-58 3.5.7, p. 3-59 3.5.8, p. 3-59 3.5.9, p. 3-59-60	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Salvaging Activities	21600(b)(7)(B)	Sec. B.4.5 – pgs. B.4-19, B.4-20	Public salvaging not allowed & no salvaging operations other than public dropoff area. Storage – bins for source-separated recyclable materials. Materials handled – tin, newsprint, white paper, aluminum, glass, white goods. White goods physically removed by hand or w/ heavy equipment, as needed from waste stream at working face. Procedures for salvage removal to prevent fire/health problems – Materials kept away from disposal operations & limited to volume & storage time.	“Salvaging” Not identified EIR 2003 3.2.4, p. 3-19	NA	Yes		
Volume Reduction Activities	21600(b)(7)(C)	Sec. B.4.5.5 – p. B.4-20	Volume reduction activities such as incineration, bailing, shredding or composting will not be conducted at landfill, only collection of source separated materials & waste tire processing or shredding.	EIR 2003 3.4.1, p. 3-31 3.2.4, p. 3-19 3.4.6, p. 3-38-39	NA	Yes		
Equipment	21600(b)(7)(D)	Sec. B.4.3 – pgs. B.4-5, B.4-6, Table 7	On-site equipment maint – 4 Dozer, 2 Compactor, 2 Scraper, 1 Water Truck, 6 Light Duty Vehicles, 1 Motor Grader, 1 Surge Bin, 1 Mechanic Truck, 1 Portable Rock Crusher, 1 Fuel Truck, 1 Mobile Tire Shredder. Hawthorne Machinery Company utilized for rental equipment. Operating equip maintained w/preventative maint program for min breakdowns.	EIR 2003 3.4.10, p. 3-39 Table 3-3		Incomplete	Regs state <u>minimum</u> equipment requirements. Suggest adding a column to Table 6 to show minimum.	
Waste Handling	21600(b)(7)(E)	Sec. B.1.5.2 – pgs. B.1-5 thru B.1-7; Sec. B.4.4.2.1 – pgs. B.4-9 thru B.4-14; Sec. B.5.6 – pg. B.5-43; App. F	Non-hazardous solid wastes, inert wastes & dewatered sludge accepted at site. Special handling waste – tires and bulky wastes accepted; tire storage area < 5,000 sf of contiguous area, < 50,000 cf in volume, < 10 ft. in height, > 20 ft. from property line or perimeter fencing, > 40 ft. separation from vegetation & other potential flammable materials. Hazardous waste – Disposal of hazardous wastes, pesticides or other toxic wastes is prohibited.	EIR 2003 3.4.1, p. 3-31 3.2.4, p. 3-19 3.4.6, p. 3-38-39	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>Environmental Controls</b>								
Nuisance	21600(b)(8)(A)	Sec. B.5.3 – pgs. B.5-32 thru B.5-41	Procedures to prevent/control public nuisance - dust control, noise control, fire control, odor control, vector control, litter control, noise control, mitigation monitoring & reporting program for project impacts.	EIR 2003 3.5 (in general) 3.5.4, p. 3-57 3.5.5, p. 3-58 3.5.6, p.3-58 3.5.7, p. 3-59 3.5.8, p. 3-59 3.5.9, p. 3-59-60 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Fire Control	21600(b)(8)(B)	Sec. B.5.3-5 – pgs. B.5-39, B.5-40	Burning of refuse not allowed, refuse placed w/in 150 ft. of landfill perimeter, application of daily & intermediate soil cover placement, load checking for smoldering or burning wastes & separation of these wastes if spotted by a dozer & covering of fire w/soil.	EIR 2003 3.5.4, p. 3-57 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Leachate Control (for purposes of public health)	21600(b)(8)(C)	Sec. B.5.1.1 – pgs. B.5-1 thru B.5-9; Sec. C.2.5 – C.2-10 thru C.2-13; Fig. 13, 14, 15, 15A	Containment system design includes LCRS above liner to collect & convey leachate generated w/in refuse prism.  LCRS designed to reduce time leachate remains on liner, thereby, reducing potential for migration of leachate through liner system.  Leachate collected in storage tanks will be transported off-site for treatment & disposal.	EIR 2003 3.5.3, p. 3-56 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Dust Control	21600(b)(8)(D)	Sec. B.5.3.1 - pgs. B.5-33 thru B.5-37	Main access Rd paving; proper maint, soil sealant & watering on internal haul roads; water spraying of soil excavated & placed for cover; water spraying of areas where soil excavation is occurring for purposes of cell development; ancillary dust control activities; applying water &/or planting temp veg on intermediate soil cover areas; planting & maintaining veg cover on completed slopes.	EIR 2003 3.5.8, p. 3-59 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP) Addendum 2009 4.0, p. 5	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Vector Control	21600(b)(8)(E)	Sec. B.5.3.2 - p. B.5-37, B.5-38	Refuse compaction; daily cover appl; professional pest control services; monthly inspections of landfill areas; items which attract vectors stored in closed containers &/or w/in enclosed structures; bldg. openings, ground holes & deficiencies in perimeter fence repair; removal of existing dairy, operations staff to use dispersal techniques to disturb bird behavioral patterns; proper grading & drainage to eliminate puddles & wet areas; desilting basins cleaned out regularly; tire shredding at min of every 6 month.	EIR 2003 3.5.5, p. 3-58 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Drainage & Erosion Control	21600(b)(8)(F)	Sec. B.5.4 – pgs. B.5-41, B.5-42; Sec. C.2.8 – pgs. C.2-16 thru C.2-25; Figures 17, 19	Perimeter drainage systems for open channels & buried pipe, drainage berms, downdrains, energy dissipaters, desilting basins, drainage swales, structural media filtration, bio-treatment swales & percolation areas.	EIR 2003 3.2.2, p. 3-13-14 3.3.1, p. 3-29 3.5.2, p. 3-44 3.5.2.2, p. 3-44-47 3.5.2.5, p. 3-55 3.7.1.3, p. 3-73 3.7.4, p.3-75 Exhibit 3-14 Exhibit 3-15 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Litter Control	21600(b)(8)(G)	Sec. B.5.3.3 – p. B.5-38, B.5-39	Perimeter fencing; 12-ft high litter fence along bridge deck to control litter from waste collection vehicles; commercial loads require tarp cover; portable, temp fencing to control windblown papers at working face; disposal operations suspended during high winds; clean up team to inspect for & clean up litter & illegal dumping, litter inspection every day that landfill is open to accept refuse & litter clean up on 6th day.	EIR 2003 3.5.6, p. 3-58 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Noise Control	21600(b)(8)(H)	Sec. B.5.3.4 – pgs. B.5-39	Installation & maint of mufflers on motorized vehicles; controlled blasting if necessary w/written notice to residents w/in a 1-mi radius of blast site; site personnel provided w/hearing protection; rock crushing & tire shredding to occur at least 1,500 ft. from nearest residences unless other forms of noise attenuation, such as berms or acoustical curtains, are utilized.	EIR 2003 3.5.9, p. 3-59-60 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Traffic Control (within the facility)	21600(b)(8)(I)	Sec. B.5.5 – p. B.5-42, B.5-43	Entrance facilities located at distance from SR76; monitoring of incoming traffic; early warning sys implemented to assure that traffic requirements are met; on-site internal haul roads to be asphalt or tightly-compacted dirt roads w/speed limit on landfill of 15 mph; modifications to SR76 to improve sight distance & facilitate truck movements; gate at N side of bridge opened 1-hr prior to hours of operation; landfill operator to report traffic count info to Depart of Environ Health on weekly basis in writing.	EIR 2003 3.5.8, p. 3-59, 60 3.2.4, p. 3-21 3.4.3.1, p. 3-32 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Hazardous Waste/Load-checking	21600(b)(8)(J)	Sec. B.4.4.2.1 – pgs. B.4-9 thru B.4-14; Sec. B.5.6 – B.5-43; App. F	HWEP includes descriptions of acceptable & prohibited wastes; gamma-scintillation counter at scale facility to detect radioactive materials; refuse unloading activities obsv by full time spotter at tipping area; random inspections of incoming loads; inspection records; site personnel training to recognize regulated hazard waste & PCB wastes; notification if regulated hazard wastes or PCB wastes are discovered.  Designated storage area located in SE corner of ancillary facilities area for temp disposition of wastes collected.  On-site storage limited to 90 days & prior to shipment off site, all materials will be overpacked & manifested w/licensed hazard waste hauler/disposer.	EIR 2003 3.4.4, p. 3-34-35 3.4.4.1, p. 3-35, 36 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
<b>Approvals</b>								
Compilation of Approvals	21600(b)(9)	Sec. B.2 – pgs. B.2-1 thru B.2-8; Table 5	Approval agencies include CA Integrated Waste Management Board, CA Regional Water Quality Control Board, Department of Environmental Health Services.  San Diego APCD, DPLU, CIWMP, USACE, US Fish & Wildlife, SD Public Works Depart, SD Sheriff's Depart, CALTRANS, State Historic Preservation Office, Public Utilities Commission, CA Depart of Fish & Game, etc.  Permits req'd & issuing agencies listed in Table 5.	EIR 2003 3.8, p. 3-75-80 Table 3-6	NA	Yes		
<b>CIWMB - Closure/Postclosure Maintenance Plan Requirements if part of Joint Technical Document (JTD) - Preliminary Closure Plans</b>								
Closure/PCM Cost Estimate	21790(b)(1) <a href="#">refers to 21815 and 21820</a>	Sec. F.1 – Tables 17, 18	2010 closure cost estimate – \$25.6M.  Estimate includes design, materials, equipment, labor, administration, quality assurance, and 20% contingency. Annual PCM cost = \$29.5M.	NA  EIR 2003 3.7.2, p. 3-74	NA	<b>Incorrect</b>	The formula in the spreadsheet used to generate Tables 17 and 18 need to be rechecked. For example, the Subtotal Closure Cost on Table 17 is shown as \$19.7M but adding up sections 1 to 10 results in \$21.6M.  The footnotes for the Tables indicate that 2008 costs were adjusted by CalRecycle inflationary factors to obtain the 2010 values. Suggest adding this section to the text. Also, considering the economic conditions between 2008 and 2010, the cost estimates may be skewed to the high side.	

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Location Maps	21790(b)(2 & 4)	Figures 1, 2, 5 6, 13, 14, 15, 15A, 16, 16A, 17, 19	Location map w/property boundary & existing, permitted & proposed final limits of waste placement – Fig 6. Location map w/entry roads – Fig 2. Location map w/structures outside property boundary but w/in 1000 ft. – Fig 5. Location map w/general location of landfill – Fig 1. Location map w/leachate control – Fig 13, 14, 15, 15A. Location map w/drainage & erosion control – Fig 17, 19. Location map w/gas monitoring & control system – Fig 16, 16A.	EIR 2003 Exhibit 3-1 Exhibit 3-2 Exhibit 3-3 Exhibit 3-4 Exhibit 3-6 Exhibit 3-7 Exhibit 3-8 Exhibit 3-9 Exhibit 3-10 Exhibit 3-16 EIR 2007 Exhibit 3-8 Exhibit 3.8c	NA	Yes		
Post-Closure Land Uses	21790(b)(5)	Sec. B.1.9 – p. B.1-14; Sec. D.1.3 – p. D.1-2	Post-closure land use will be undeveloped open space. In accordance w/Prop C.	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	Yes		
Estimate of Required Closure	21790(b)(6)	?	Implies entire site will be closed at the same time.	Not identified EIR 2003 3.7.2, p. 3-74	NA	Incomplete	The regs require a statement regarding the maximum extent of the landfill that would require closure at any given time.  Add a sentence to Section E.1.1 that states that the Closure Plan assumes that maximum extent of the landfill that will require closure at any given time during the life of the landfill is the entire landfill. This can be changed in the future if a decision is made down the road to initiate a phased closure.	

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Estimated Closure Date	21790(b)(7)	Sec. B.1.7 – p. B.1-12	Site life – ~30 years. Estimate includes settlement & volume occupied by daily cover. Cap of site – net airspace (less liner & final cover) = 56.8 mcy; Liner system = 1.6 mcy Final cover = 0.9 mcy; Daily & immediate cover = 11.4 mcy. Refuse to cover ratio = 4:1 Waste flow projections – starting inflow rate = 1,950 tpd Compaction density = 1,350 pcy	EIR 2003 3.6.1, p. 3-60	NA	Yes		
Closure Activities	21790(b)(8)	Sec. E.1.12 – pg. E.1-16 thru E.1-19	Closure construction to start w/in 30 days after final shipment of waste & occurs over 14 mos. Equip Mob (2 wk); Site Security Fencing/Signage (2 wk); Site Exploration/Survey (3 wk); Structure Removal/Demo (3 wk); Drain Control Sys Const (6 wk); Fndn Layer Prelim Grading (8 wk); Fndn Layer Place (10 wk); Barrier Layer Place (20 wk); Veg Layer Place (16 wk); Drain Control Sys Const - over refuse (6 wk); Access/Internal Rd Grading (3 wk); Gas Extract Sys (13 wk); Demob (3 wk)	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Site Security and Structure Removal	21790(b)(8)(A) <a href="#">refers to 21135 and 21137</a>	Sec. E.1.10, 11 – pgs. E.1-14, E.1-15	Site security includes perimeter fence/gates; signs posted 60 days prior to last receipt of waste & not <180 days after final waste shipment received; notice in local newspaper 30 days prior last receipt of waste; operator to secure all points of access w/lock & gate & place signs at all access points prohibiting unauthorized entry. Structures removal includes scales & scalehouse, admin, maint & visitor bldg. Structures/ fndns to be demolished & disposed onsite. Scale pits & excavations to be backfilled & compacted. Scales & associated mechanisms, office supplies & computer equip for scalehouse to be removed & salvaged.	EIR 2003 3.7.4, p. 3-75 4.16.2.2, p. 4.16-13 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		

**Table 1  
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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
			No plans to decommission any of proposed environ control systems.					
Final Cover and Grading	21790(b)(8)(B) <i>refers to 21140, 21142, 21090(a)(1)-(3), (a)(6), 21090(b)(1)-(3) 21750(f)(5)</i>	Sec. B.1.7 – pg. B.1-12; Sec. C.3.3 – pg. C.3-2; Sec. E.1.2 – pgs., E.1-1, E.1-2; Sec. E.1.3 – pgs. E.1-2 thru E.1-6; Sec. D.4.6 – pgs. D.4-16 thru D.4-20; App. C – pgs. 3-6 thru 3-10; Figures 9 and 31	See below.	EIR 2003 3.7.1, p. 3-71 3.7.1.1, p. 3-71 3.7.1.2, p. 3-71 3.7.1.3, p. 3-73 3.7.3, p. 3-74-75 Exhibit 3-25 Exhibit 3-17	NA	Yes		
- Final Cover	21140 21090(a)(1)-(3)	See above.	Final cover consists of min 2 ft. thick frdn layer (random soil materials); barrier layer (60-mil LLDPE geomembrane); HDPE drainage geocomposite layer (deck areas only); & 2 ft. veg layer (silty sand to sandy silt) from Stockpile A.	EIR 2003 3.7.1, p. 3-71 3.7.1.1, p. 3-71 3.7.1.2, p. 3-71 3.7.1.3, p. 3-73 Exhibit 3-25	NA	Yes		
- Final Grading	21142 21090(b)(1)-(3) 21090(e)(1)-(3)	See above.	Max elev of landfill w/final cover = 1,100 feet amsl. Final deck area = 3% min grade (to promote drainage & allow for future settlement). Final landfill slopes w/overall gradient of ~3.5:1. Benches to be 20 ft. wide, placed every 40 vertical ft., sloped inward ~6%, overall horiz gradient 3%. Final cover surveys - operator to prepare an iso-settlement map of entire permitted site every five years thru post-closure maint period.	EIR 2003 3.7.3, p. 3-74-75 Exhibit 3-17	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Stability Analysis	21090(a)(6) 21750(f)(5)	See above.	<p>Static stability of refuse slopes – SLOPE/W used to find FS; method to calc FS: Bishop for circular failure, Spencer &amp; Morgenstern/Price for block &amp; non-circular failure; assumptions: refuse fill (unit weight = 80 pd, Phi = 30°, C = 200 psf), smooth HDPE (Phi = 8°, C = 0 psf), textured HDPE (Phi = 14°, C = 0 psf); FS&gt;1.5.</p> <p>Dynamic stability of refuse slopes – Bray &amp; Rathje (1998) used to estimate seismic displacement; assumptions: slope height = 300 ft, shear wave velocity = 1,200 ft. /s, M7.1 at 6 miles from site, MCE site acceleration = 0.4g, period of shaking = 0.5s, duration of MCE = 16s; displacement = 0.1 in (less than acceptable, OK).</p> <p>Static stability of final cover – SLOPE/W used to find FS; assumptions: veg layer thickness = 2 ft., soil density = 100 pcf, friction angle between soil/LLDPE = 27°, max slope gradient = 3:1, PGA = 0.4g; FS&gt;1.5.</p> <p>Dynamic stability of final cover – Makdisi &amp; Seed (1978) used to estimate seismic displacement; displacement = 1.7 to 5.1 in (depending on waste thickness); Bray &amp; Rathje (1998) used to estimate seismic displacement; displacement = 0.5 to 3.7 in (depending on waste thickness); less than the regulatory limit, both OK.</p>	EIR 2003 4.2.3.1, p. 4.2-27 4.2.3.2, p. 4.2-35, -42	NA	Yes		
Construction Quality Assurance	21790(b)(8)(C) refers to 20323, and 20324	Sec C.4 – pgs. C.4-1 thru C.4-12; Sec. E.1.6 – p. E.1-9; App. M and N		EIR 2003 3.2.1, p. 3-11 3.7.1.1, p. 3-71 3.7.1.4, p. 3-73, 74	NA	Yes		
- Professional Qualifications	20324(b)	See above.	Registered civil engr or certified engr geologist – CQA Officer, oversees CQA program, prepares CQA plan.	EIR 2003: 3.2.1, p. 3-11 3.5.1, p. 3-42 Table 10-2, p. 10-48	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Reports	20324(c)	See above.	Text identifies that CQA reports will include CQA management organization (CQA Management Org: Geo Project Director, Geo Officer, Geo Monitors), a detailed description of the level of experience and training for the contractor (Experience/Training requirements included for CQA Officer, CQA inspection personnel, geosynthetic installation contractor, geosynthetic placement superintendent, seaming personnel) and a description of the CQA testing protocols (Preconstruction test protocols: inspection of const materials, inspection of manufacturing process & QA procedures used in manufacturing geosynthetics, obsv in transport, handling, & storage of geosynthetics, inspection of fndn conditions. Construction test protocols: Obsv of all phases of const & documentation of contractor's compliance or noncompliance w/approved plans & specs, &/or direction of engr; field tests & visual obsv to evaluate construction practices).	EIR 2003 3.4.11, p. 3-40-41 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes	The positions of "Geo Project Director" and "Geo Consultant" are not defined in the JTD text in Sec. C.4.2 and C.4.3. Include position description from App. M and N or reference the appendices when position is first mentioned.  Consider adding a statement saying that "CQA inspection personnel" position described in JTD is same as "CQA monitors" described in App M and N.	
- Documentation	20324(d)	See above.	Daily summary reports – prepared daily by technician w/supporting inspection data sheets & records of problems that occur or corrective measures implemented thru construction period.  Acceptance reports – CQA Officer to review daily inspection reports, data sheets, & photos; reports evaluated for internal consistency, accuracy & completeness.  Document storage – after const completion, facility will store all original documents so protected from damage thru post-closure maint period.	EIR 2003 3.4.11, p. 3-40-41 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Laboratory and Field Testing Requirements	20324(e), (f)	See above.	Field testing – ASTM D 2488 93. Earthen material lab testing – ASTM D 1557 91, ASTM D 422 63, ASTM D 2487 93. Low hydraulic conductivity layer lab testing – ASTM 4318 93, USEPA 9100. Test program implemented prior to incorporation of material into containment sys & once approved, during const to evaluate components const according to design specs.	EIR 2003 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
- Test Fill Pad Requirements	20324(g)	See above.	Test fill pad fdn to be constructed by Contractor selected to complete liner construction w/designated equip to determine if specified density/moisture content/hydraulic conductivity relationships from lab can be achieved in field w/compaction equip to be used & at specified lift thickness & to find correlation between design hydraulic conductivity & density at which that conductivity is achieved.	EIR 2003 3.2.1, p. 3-11 Ch. 10 (MMRP) EIR 2007 3.2.4, p. 3-1 Ch. 10 (MMRP)	NA	Yes		
- Earthen Material Requirements	20324(h)	See above.	Field compaction testing to be conducted by nuclear gauge at min freq of 4 tests per 1,000 cy & evaluated by sand cone methods at min freq 1 test per 1,000 cy placed. ASTM 1557 & ASTM 4318 93 to be performed at freq of 1test for every 5,000 cubic yards of material placed, or per change in material. Permeability testing: lab - 1 test per 5,000 cy placed, field - 1 test per 2,500 cy placed.	EIR 2003 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Geosynthetic Membrane Requirements	20324(i)	See above.	Conformance samples taken & tested at > rate of 1 per lot or 1 per 100,000sf. Interface shear test conducted at rate of 1 per 200,000 sf. Conformance tests include density (ASTM D1505A); environ stress crack (ASTM 05397); tear resistance (ASTM 01004 Die C); carbon black content (ASTM 01603); thickness (ASTM 05199); tensile characteristics (ASTM 0638); direct shear testing for interface strength (ASTM 0-5321); puncture resistance (ASTM 04833). Electrical leak location survey - identify holes in geomembrane liner after LCRS gravel &/or operations layer soil is placed, after geomembrane subjected to construction activities & after 1st refuse lift is placed.	EIR 2003 3.2.1, p. 3-11 Ch. 10 (MMRP) EIR 2007 3.2.4, p. 3-1 Ch. 10 (MMRP)	NA	Yes		
Drainage and Erosion Control	21790(b)(8)(D) refers to 21150, 21090(a)(3)-(a)(3)(b)	Sec. E.1.7 – pgs. E.1-10 thru E.1-12; Sec. B.5.4 – pgs. B.5-41, B.5-42; Sec. C.2.8 – pgs. C.2-16 thru C.2-25; Figure 17, 19, 20	Final drainage control system includes exterior slope downdrains, engineered deck area gradients & drainage berms, deck inlets, bench drains & inlets, buried drain pipes, trapezoidal channels, & 2 desilting basins. Primary erosion control includes fill area grading, vegetation (erosion control mats, mulching, & hydroseed), & slope bench system.	EIR 2003 3.2.2, p. 3-13-14 3.3.1, p. 3-29 3.5.2, p. 3-44 3.5.2.2, p. 3-44-47 3.5.2.5, p. 3-55 3.7.1.3, p. 3-73 3.7.4, p.3-75 Exhibit 3-14 Exhibit 3-15 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Gas Monitoring	21790(b)(8)(E) – refers to 20920 thru 20939	Sec. E.1.8 – pgs. E.1-12, E.1-13; Sec. Sec. B.5.2 – pgs. B.5-22 thru B.5-25, Sec. C.2.7 – pgs. C.2-14 thru C.2-16; Figures 10D, 11, 16 and 16A	See below.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes		

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Gas Monitoring and Control	20921	See above.	Landfill gas control system includes 3 main subsystems; extraction well field; conveyance lines & treatment facility. A perimeter landfill gas migration monitoring network will be installed. Limitations for emissions from crushing, screening, transfer points & other operations & process. System taken off line in stages as final cover constructed.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes		
- Monitoring	20923	See above.	Landfill gas migration monitoring probes will be installed in native soils around perimeter to monitor for possible subsurface migration.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
- Perimeter Monitoring Network	20925	See above.	Location – Terrain surrounding footprint is very steep & heavily vegetated, requiring significant construction of access roads & drilling pads in order to place probes at or near facility boundary. This would create significant environ issues, thus probes will be placed closer to permitted refuse limit. Spacing/Depth – 16 probes (2 temp) will be installed at multiple depths on approx 1,000 ft. centers around refuse prism. Monitoring well construction – drilled by licensed drilling contractor or drilling crew under supervision of design engr or engr geologist & wells logged by a geologist or geo engr. Min 5-ft bentonite seal at surface & between monitored zones.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes	The closure perimeter probe locations on Figure 10D are no more than 1000 feet apart. Regs state that spacing between probes should not exceed 1,000 ft.; consider modifying text in JTD from approximately 1,000 ft. to no more than 1,000 ft. There is confusion between 14 probes stated on JTD pg. B.5-29 & 16 probes stated on JTD pg. C.2-16; clarify that 2 probes are only temporary.	
- Structure Monitoring	20931	See above.	On-site structures monitored for detection of potential landfill gas migrating into bldg. structures in accordance with 27 CCR, Sec 20931.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
				Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)				
- Monitored Parameters	20932	See above.	Landfill gas consists of methane & carbon dioxide along w/traces of other constituents. Production of landfill gas w/in refuse cell is of interest due both to flammability of methane in conc between 5 & 15 % by volume in air & for air pollution reasons.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
- Monitoring Frequency	20933	See above.	Monitoring probes will be sampled at min on quarterly basis to determine if landfill gas is migrating away from landfill.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		
- Reporting	20934	See above.	Results from perimeter gas monitoring probes will be compiled into report & submitted to SDAPCD, EA & CalRecycle on a regular basis.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
- Reporting and Control of Excessive Gas Concentrations	20937	See above.	If compliance levels are exceeded in any monitoring probe, adjustments to gas system will be initiated &/or additional extraction wells will be installed.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
- Control of Excessive Gas Concentrations	20939	See above.	Once gas control system is installed & operational, landfill gas flare station will be primary method for disposal of collected gas. Liquid condensate collected will be incinerated in flares, treated onsite, & removed off-site for disposal.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		
Leachate Monitoring	21790(b)(8)(F) <a href="#">refers to 21160, 20340, 21090(c)(2)</a>	Sec. B.5.1.1 – pgs. B.5-1 thru B.5-9; Sec. C.2.5 – C.2-10 thru C.2-12; Sec. E.1.9.1 – pg. E.1-13; Fig. 13, 15, 15A	LCRS designed on basis of max anticipated leachate generation for disposal area. LCRS design consists of granular drainage blanket constructed immediately above liner in bottom liner areas. Network of leachate collection pipes placed w/in granular drainage blanket will convey accumulated fluid by gravity flow to mouth of canyon to be discharged into two double-walled collection tanks. System in place at closure & maintained thru post-closure. LCRS design over slope liner areas consists of gravel pipe collectors wrapped w/geotextile filter fabric placed on interior benches along slopes. Prelim analysis includes HDPE pipe w/6-in ID & SDR of 11 to carry anticipated liquid volume & resist crushing under anticipated refuse loads. LCRS will be operated to function w/out clogging, clean-outs will be utilized to annually test LCRS flow capability.	EIR 2003 3.5.3, p. 3-56, 57	NA	Yes		
Items Under 21790 (Preliminary Plans)	21800(c)	Preliminary Closure Plan included in Parts E and F of the JTD.	The PCPMP specifies that the Final Closure Plan to include following items given in above rows for Preliminary Closure Plan – closure cost estimate, location maps, post-closure land uses, estimate of req'd closure, & closure activities.	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Sequence of Closure Stages With Dates	21800(c)	Not applicable to a Preliminary Closure Plan	NA	NA	NA	NA		
Schedule for Disbursement	21800(d)	Not applicable to a Preliminary Closure Plan	NA	NA	NA	NA		
Criteria for Cost Estimate	21815 and 21820	Table 17, 18 and Appendix R	Adequate documentation of costs provided. Estimates appear to be in compliance with Labor Code and Caltrans requirements in section 21815.	NA	NA	Yes		
Description of Planned Uses	21825(b)(1) <a href="#">refers to 21190</a>	Sec. B.1.9 – pg. B.1-14; Sec. D.1.3 – pg. D.1-2	Ultimate post-closure end use will be undeveloped open space. Final cover will be designed to meet reg requirements effective at time of closure. Final Closure Plan will be prepared & submitted to appropriate regulatory agencies at least 2 yrs. prior to landfill's anticipated closure date.	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	Yes		
Description of Maintenance	21825(b)(2) <a href="#">refers to 21180</a>	Sec. E.2 – pgs. E.2-1 thru E.2-21	Monitoring & Maint activities will include Landfill Gas Migration System (¼ yr.); Groundwater System (¼ yr.); Stormwater; Final Cover (¼ yr.); Settlement (iso settlement maps every 5 yrs.); Vegetative Cover (weed control, reseeding, mulching - ½ yr., rodent control - 1 yr.); Main Access Road & Bridge (¼ yr.); Drainage Control System (¼ yr.); Site Security (¼ yr.).	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Emergency Response Plans	21830(b)(1) <a href="#">refers to 21130</a>	Sec. E.3 – pgs. E.3-1 thru E.3-7	ERP will be carried out immediately whenever an event occurs such as fire, explosion, flood, EQ, vandalism, surface drainage problems or release of any waste product which may threaten public health &/or environ.  ERP Procedures include removal of non-essential employees & equip from incident vicinity; identify nearest equip/supplies for response; SSO may utilize on-site personnel to control incident if possible; Site Engr will communicate any damage &/or injury reports to SSO & coordinate all emergency actions directed by SSO; immediate surveillance of areas affected by incident; monitoring conducted to prevent an incident from affecting other areas; operator prepared for req'd immediate cover placement.	Not identified	NA	Yes	Note - Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	
List of Responsible Parties	21830(b)(2)	Sec. E.2.2 – pg. E.2-1; E.2-2	Gregory Canyon Limited 160 Industrial Street, Suite 200 San Marcos, CA 92708 Jim Simmons, Authorized Representative Phone: (760) 471-2365	2003 EIR: 3.1, p. 3-1	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	
Post-Closure Planned Uses	21830(b)(3) <a href="#">refers to 21190</a>	Sec. B.1.9 – p. B.1-14; Sec. D.1.3 – p. D.1-2	Ultimate post-closure end use will be undeveloped open space.	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	
As-builts for Monitoring and Control Systems, etc.	21830(b)(4)	Not applicable.	Not applicable.	N/A	NA	NA	Requirements apply to final, not preliminary post closure maintenance plans.	
Description of Maintenance	21830(b)(5)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	
Operations and Maintenance plan for Gas Control System	21830(b)(6)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	

**Table 1  
Gregory Canyon Landfill – Title 27 Compliance Matrix  
(Continued)**

Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution
Plan to Report Results of Monitoring and Collection	21830(b)(7)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	
Postclosure Maintenance Cost Estimates	21830(b)(8)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments**

Item #	Section	Page*	Inconsistency or Comment	Resolution
<b>JTD Volume I</b>				
1.	General		The PDF files would be much more useful with the following bookmarks: JTD Volume I to at least the second level on the Table of Contents and all of the Figures. Volume II – Appendices and sub-appendices (e.g., D-1, D-2, etc.) slip sheets. Volume 3 – Each drawing.	
2.	General		DEH contact info will need to be updated due to recent LEA move.	
3.	Table 2	A.1-11	The “Cover” section of Table 2 is missing a row. The four rows should be: Cover Materials 21600(b)(6)(A) <u>Alternative Daily Cover and Beneficial Reuse 21600(b)(6)(B).</u> Cover Frequency 21600(b)(6)(C). Intermediate Cover 21600(b)(6)(D).	
4.	B.2.2.3	B.2-4	Typo - Delete “n” in “Water Course Alternation Permit.”	
5.	B.4.4.8	B.4-17	Text states “... 11.4 million cubic yards (mcy) would be needed for daily operations during the life of the landfill. An additional 2.7 mcy of material will be necessary to provide for canyon shaping, the operations layer and final cover over for the site.” JTD Appendix. B-2 indicates 11.4 mcy + 1.2 for operations layer and final cover (JTD).	
6.	B.1.8	B.1-13	“Traffic counts will be made using computerized records. These records will be available for review by LEA during operational hours.” B.5.5 on page B.5-44 states – “The landfill operator shall report traffic count information to the Department of Environmental Health on a weekly basis in writing.”	
7.	B.1.8	B.1-14	The end of B.1.8 states “Those mitigation measures can be found in Attachment 3A, Table 10-1, Pages 6-7 of the Joint Technical Document.” Should be Appendix D of the JTD or Attachment 3 of the SWFP application.	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
8.	B.3.1.4	B.3-4	The location of the proposed well and 10,000-gallon storage tank is shown in Figure 1 of Appendix G-1 (2009 Technical Memorandum). These features are not shown on Fig 1 in G-1. Suggest adding them to JTD Fig 2 or inserting the existing Figure that shows them as Fig 2B.	
9.	B.4.4.5.1	B.4-15	“The use of ADC has been shown to reduce refuse-to-daily/intermediate cover ratios from 4:1 to 7:1” C.2.2.2, p. C.2-3 (and Table 9A, p. C.2-4) states – “The use of ADC has been shown to reduce refuse-to daily cover ratios from 4:1 to at least 7.5:1.”	
10.	B.4.4.8	B.4-17	Sections B.4.4.8, Appendix B-2 and C.2.2.3 need to be consistent. May be practical to develop text in B.4.4.8 and refer reader to that section in C.2.2.3 instead of repeating it. Additionally C.3.1 also needs to be consistent.	
11.	B.5.1.3.1	B.5-12 to 15	Groundwater Monitoring Well Locations: To eliminate inconsistencies and improve clarity to the reader it is suggested that a table be included that identifies the names of wells in the network, the groundwater zone or zones that will be monitored (alluvium, weathered bedrock, fractured bedrock, consistent with the Huntley recommendations) and the purpose of the well (compliance, sentry, background, upgradient, downgradient, cross gradient). It is recommended that the table be presented in this manner and in the order of the groundwater zone—alluvial, weathered bedrock and fractured bedrock. The number of the wells in the network should be updated in the text to reflect those wells recommended by Dr. Huntley that are yet to be installed. The proposed wells should be shown on a figure and designated as such.	
12.	B.5.2.2	B.5-28	Text should also include reference to:  San Diego Rule 59.1 – Municipal Solid Waste Landfills and its landfill gas control requirements, with respect to surface emissions.  New AB 32, Greenhouse Gas (GHG), requirements for landfills California Code of Regulations, Title 17, Subchapter 10 – Climate Change, Article 4, Subarticle 6, Sections 95460 to 95476 as it applies to the proposed GCLF.	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
13.	B.5.2.3.3	B.5-32	"The condensate will then be transported off-site." Section C.2.7.1 (second paragraph) and Section C.2.7.2 (paragraph 3) state that there are several options for condensate disposal including on-site treatment and/or injection into a LFG flare. Not consistent.	
14.	B.5.3.1	B.5-33 to 36	The discussion of riparian groundwater use and mitigation in the Dust Control section is a little odd. It would probably fit better in the groundwater monitoring, hydrogeology or utilities section.	
15.	B.5.3.1	B.5-33	"The location of the wells where riparian underflow would be pumped are shown on Figure 1 of Appendix G-1 (Water Supply Report)." Figure call out is not correct. Same issue on p. B.5-33.	
16.	C.2.2.2	C.2-2	The graphical documentation (stereographic plots showing the fracture data and proposed slope inclinations) to support the kinematic analyses of proposed the excavation slopes should be included in Appendix C.	
17.	C.2.2.4	C.2-4	The six critical sections, static analyses and psuedo-static analyses performed on the stockpile/barrow area sections are not included in Appendix C.	
18.	C.2.7.3	C.2-16	Landfill gas probes are on Figure 10D, not Figure 2. Also, text should be revised to reflect 14 perimeter probes and two temporary probes consistent with B.5.2.3.2.	
19.	C.2.9.4.5	C.2-34	"Once an area reaches 20 percent of pre-developed vegetative condition then storm water flows will be diverted to the perimeter channels." It should say 70%.	
20.	C.4.3	C.4-3	The terms Geotechnical Consultant and Geotechnical CQA Consultant are inconsistently used in the JTD text, App. M (pg. 3) & App. N (pg. 5).	
21.	C.4.2; C.4.3	C.4-2; C.4-3	CQA inspection personnel should be called CQA inspectors instead of monitors in Appendix M & Appendix N to be consistent with Title 27.	
22.	C.4.4.2	C.4-10	List of minimum requirements in Section 20324(d)(1) or for daily reports should be included in the JTD text, Appendix M ( pgs 32, 33) and Appendix N (page 49).	
23.	C.4.4.2	C.4-10, C.4-11	Monthly Construction summaries are included in App M and N but not in text.	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
24.	D.3.2; Appendix. I-1	D.3-1; 2-1	App. I-1 uses Fallbrook rain gauge data (~10 miles NW of project); median annual rainfall for 30 yrs. of data = 14.1in. D.3.2 uses gauging stations in Escondido to S, Fallbrook to W, & Lake Henshaw to E (10-20 miles from project); average annual rainfall = 17.5-25.27in. Figure 28A – laohyetal Map shows ~16.6 in.	
25.	D.3.2; Appendix. I-2	D.3-1; 2-2	App. I-1 uses rainy season from Oct thru April w/most significant rain events occurring Dec thru March. D.3.2 says rainy season from Nov thru April.	
26.	D.5.6	D.5-24	The JTD text correctly indicates that the wells are shown on Figure 30A, but the footnote on Table 12D says well locations are shown on Figure 2-2.	
27.	E.1.4.2	E.1.8	“Two settlement monuments and two permanent survey monuments will be placed on the landfill area in accordance with 27 CCR, Section 20950. The locations proposed for the monuments are shown on Figure 9.” Only one monument location is shown on Fig 9.	
28.	E.1.7.2	E.1-11	States USLE is used. Make consistent with Section C.2.8.3.4 and Appendix L.	
29.	E.2.3.4	E.2-4	“The general maintenance of the landfill gas extraction/control system involves weekly inspections by operating personnel of all wells, pipelines, mainline valves, and mainline sample points.” Table 14 and page E.2-7 says quarterly.	
30.	E.2.4.1	E.2-7	Suggest updating to reflect the surface emission limits of <= 200ppmv (per the California GHG regulations – Title 17, Subchapter 10, Article 4, Subarticle 6, Sections 95460 to 95476).	
31.	E.2.8.2	E.2-13	“Figure 30 shows a typical cross-section of the final cover system design.” The correct Figure is 31.	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
32.	Figure 11		The footprint shown on Figure 11 to accommodate the LFG flares, blowers, condensate knockout tanks, and condensate collection sumps that would be a little tight within the footprint included on this figure. Ultimately, generating the quantity of LFG expected would likely warrant the opportunity to install a LFG to energy facility and there does not appear to be enough room for this.	
<b>JTD Appendices</b>				
33.	Appendix A		Subtitle D Checklist, Location Restriction B2 - Wetlands - The location restriction addresses wetlands related to MSWLF units. The ACOE 404 permit application and indicates that <0.1 acres of wetlands would be impacted by the bridge construction. It would be reasonable to consider that the current location restriction analysis is correct considering that the bridge is not the MSWLF unit and that the bridge could be designed and constructed without impacting the wetlands (albeit at a significant cost). Legal counsel may be appropriate to determine if the checklist should be changed.	
34.	Appendix B , Appendix B-4		Siting element is included twice in the JTD (Appendix B and Appendix B-4) as well as in the SWFP App – Attachment 4. JTD Appendix B is 1997 version. Unclear why this is here since the 2005 version in Appendix B-4 supersedes it. DEH prefers it in the SWFP application and not the JTD.	
35.	Appendix. B-3		Legal Description same as SWFP-A (redundant).	
36.	Appendix. C;D.4.6,	3-7, Figs 3- 3A, 3- 3B; D.4- 17	Text says calculated min FS = 1.9 from results in Fig 3-3A and 3-3B; Fig 3-3A shows a FS = 1.5. The 1.9 number appears to be a typo.	
37.	Appendix. C	3-7	Cannot locate Figure 3-1 that is referenced in Appendix C.	
38.	Appendix. D		Though the BMPs and monitoring strategy is still current, it appears that all elements of the SWPPP may not have been updated per the latest General Construction Permit (Project Risk Level assessment, identification of the LRP, QSD, and QSP, etc.). If it is acceptable to the	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

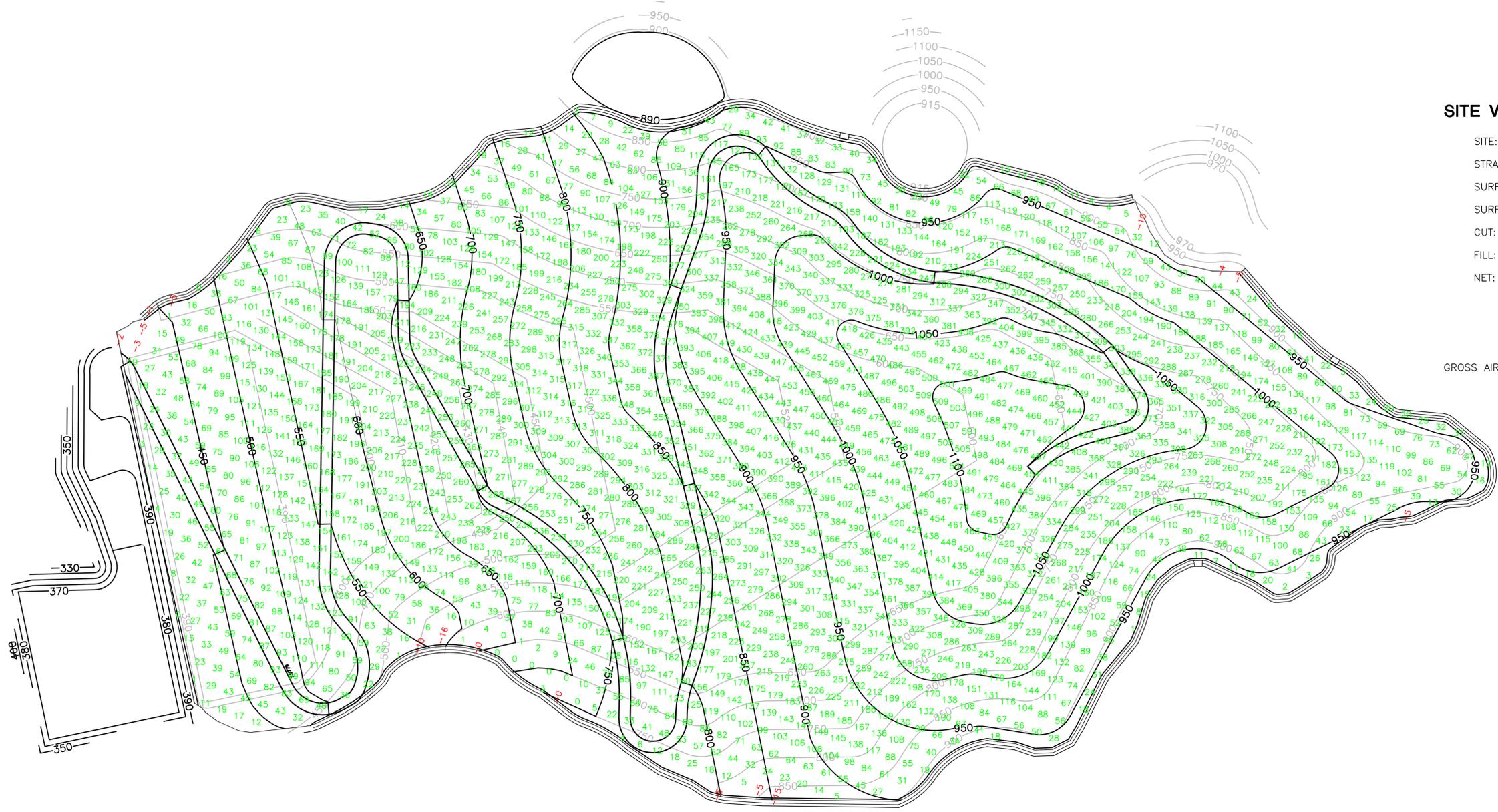
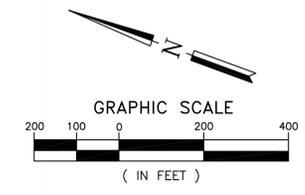
<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
			RWQCB and LEA, in order to avoid needing to amend the JTD every time the stormwater regs or SWPPP changes, it may be advisable to revise the JTD text to indicate that the facility will operate under a current SWPPP that has been prepared and updated to reflect the current general permit requirements, and that the current version of the SWPPP will be provided to the LEA (it has to be submitted to the RWQCB anyway) This language, combined with the general drainage and erosion control discussion in Section B.5.4 and the BMPs shown on the JTD Figures could be adequate for a complete and correct determination by the LEA.	
39.	Appendix D-2 and associated tables 10-1 and 10-3		The Mitigation Monitoring and Reporting Program (MMRP) users guide would be much more useful if it included the source document for each measure (e.g., Prop C, 2003 EIR, 2007 EIR, etc.). With this additional clarification, the source documents themselves could be cited as references in the JTD and MM excerpts from the source documents may not need to be included in the JTD.	
40.	Appendix. I		The 100-yr and 10-year, 6-hr calculations are provided but not the 100-yr, 24-hr calculations as stated on page B.5-41 in the JTD.	
41.	Appendix. I-1		Hydrogeomorphology report - The hydrology calculations in Appendix I show that the proposed condition reduces the flow compared to the existing conditions. In the Hydromod section, it states that the infiltration areas are used to reduce the WQ volume. If the proposed condition is less that existing, infiltration basins would not be needed for hydromod.	
42.	Appendix. J		Confirm that facilities were sized for 100-year, 24 hour storm event since calculations were not found in Appendix I.	
43.	Appendix. N	6, 7	Title 27 requires that the CQA Officer be a CA reg civil engr or certified engr geologist. Appendix N lists the Geotechnical Project Director with these qualifications.	
44.	Appendix P		Financial Assurance Docs are redundantly included in both Appendix R and in the SWFP application, Attachment 5 - "to be provided" is stated in both locations. (Finalized documents will be needed).	
45.	Appendix. S		WDRs are also in SWFP Tab D-2 (redundant).	

**Table 2  
Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments  
(Continued)**

<b>Item #</b>	<b>Section</b>	<b>Page*</b>	<b>Inconsistency or Comment</b>	<b>Resolution</b>
<b>SWFP Application</b>				
1.	SWFP	Part 6	Item C shows that date of the JTD as March 2010 instead of September	
2.	SWFP	D-2	County Water Authority ROW application is in PDF in this section but should be D-6 instead of D-2.	
3.	SWFP		EIR Mitigation Measures in Attachment 3 are redundant with JTD Appendix D-2. Suggest eliminating the copy in the SWFP app and replace with a slip sheet referring to JTD Appendix D-2.	
4.	SWFP		Attachment 6 Insurance cert in hard copy missing from PDF.	

\*Page number may be off by one in some sections, as electronic and "editable" PDFs had a page deleted and changed the numbering versus the hardcopies.





**SITE VOLUME TABLE: UNADJUSTED**

SITE:	GREGORY CANYON LANDFILL
STRATUM:	BASE GRADES VS PROPOSED GRADES
SURF1:	BASE GRADES
SURF2:	PROPOSED GRADES
CUT:	11,901 cu.yds.
FILL:	59,505,822 cu.yds.
NET:	59,493,921 cu.yds. (F)

GROSS AIRSPACE FOR PERMITTING PURPOSES: 60 MCY

**FIGURE 1**

GREGORY CANYON LANDFILL

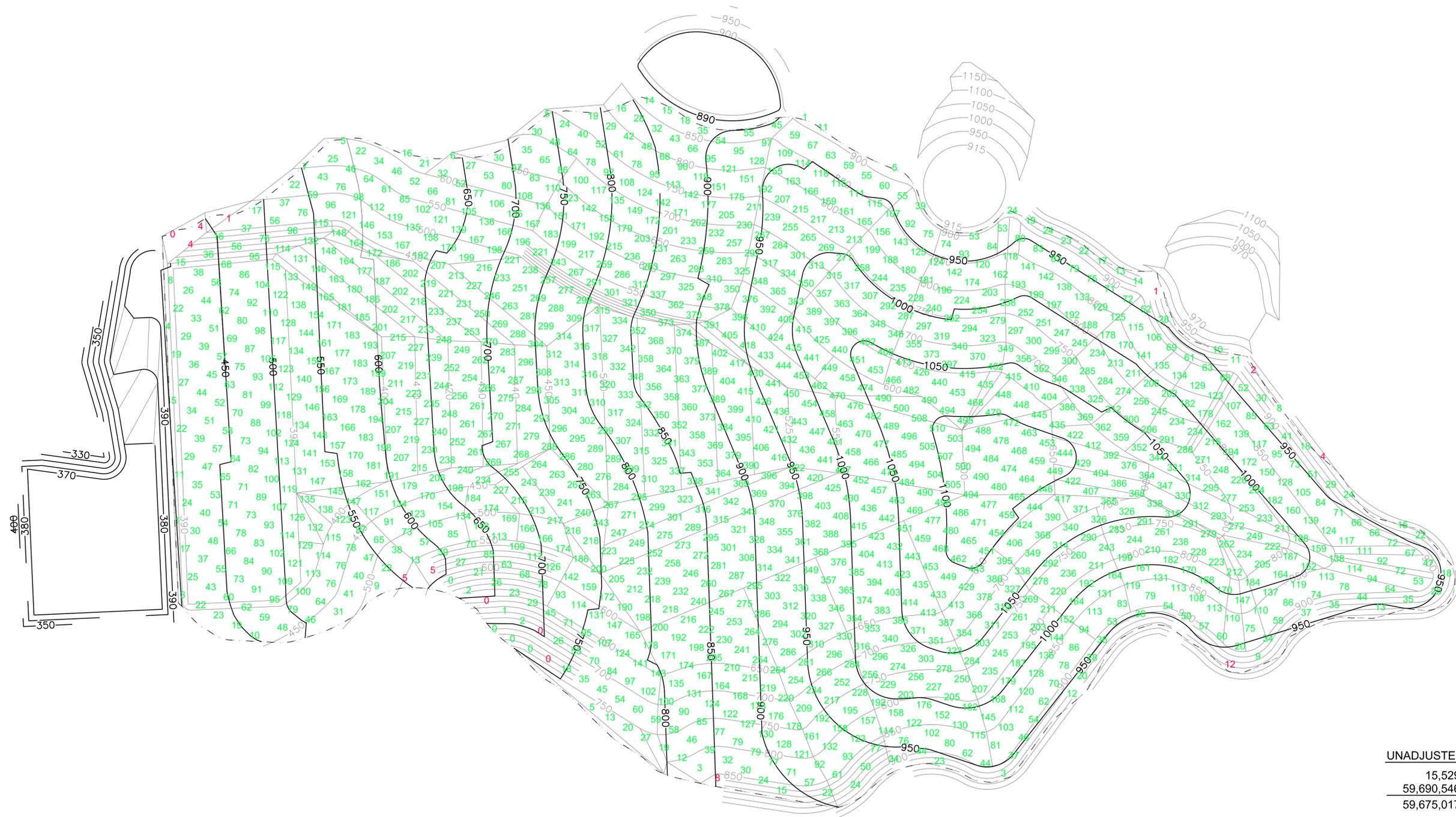
**BASE GRADES VS PROPOSED GRADES**

**BAS**  
 BRYAN A. STIRRAT & ASSOCIATES  
 CONSULTING CIVIL & ENVIRONMENTAL ENGINEERS  
 1360 VALLEY VISTA DRIVE  
 DIAMOND BAR, CALIFORNIA 91765  
 (909) 860-7777

DESIGNED BY :	SCALE : AS SHOWN
DRAWN BY : LHT	DATE : 12-2010 FILE NO.: 44-0007VOL
CHECKED BY : JSN	DATE : 12-2010
APPROVED BY :	DATE : 12-2010

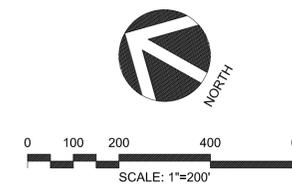
**DRAWING 1**

NO.	REVISION DESCRIPTION	BY:



UNADJUSTED SITE VOLUME  
 15,529 CY CUT  
 59,690,546 CY FILL  
 59,675,017 CY IMPORT

FIGURE 2



**R E P O R T**

**GREGORY CANYON LANDFILL JOINT  
TECHNICAL DOCUMENT AND SOLID  
WASTE FACILITY PERMIT –  
CALIFORNIA ENVIRONMENTAL  
QUALITY ACT DOCUMENTS  
COMPARISON**

Prepared for

County of San Diego  
Department of Environmental Health  
Local Enforcement Agency  
5500 Overland Avenue, Suite 110 MS O560  
San Diego, CA 92123

URS Project No. 27650080.01000

December 20, 2010

**URS**

4225 Executive Square, Suite 1600  
La Jolla, CA 92037  
858.812.9292 Fax: 858.812.9293

December 20, 2010

Jim Henderson  
County of San Diego  
Department of Environmental Health  
Local Enforcement Agency  
5500 Overland Ave, Suite 110 MS O560  
San Diego, CA 92123

Subject: Gregory Canyon Landfill Joint Technical Document and Solid Waste  
Facility Permit Application Review – Agreement # 536046  
URS Project No. 27650080.01000

Dear Mr. Henderson:

URS is pleased to provide this report for the above referenced project. The scope of work in Agreement # 536046 includes the following items:

- a. Compare Permit Application and RDSI/JTD to CEQA Documents.
- b. Compare Permit Application and RDSI/JTD to Regulatory Requirements.
- c. Analyze the RDSI/JTD to determine whether the landfill operations described in the document are internally consistent and provide adequate detail to allow the estimation described in California Code of Regulations, Title 27, Section 21570(d) to be made.
- d. Compare the PCPMP to CEQA Documents.
- e. Compare PCPMP to Regulatory Requirements.

This report addresses scope items a. and d. above. A companion report addresses items b., c., and e. Please call me or Kristen Walker Potente at 858.812.9292 if you have any questions. We appreciate the opportunity to assist you with this important project.

Sincerely,

URS CORPORATION



David Marx, REHS, REA  
Vice President and Project Manager



Kristen Potente Walker  
Senior Environmental Specialist

DM/KPW:mv

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## Tables

Table 1	Review of JTD (including PCPMP) and CEQA Documents
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## **List of Acronyms and Abbreviations**

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CCR	California Code of Regulations
CEQA	California Environmental Quality Act
DEH	County of San Diego, Department of Environmental Health
EIR	Environmental Impact Report
LEA	Local Enforcement Agency
JTD	Joint Technical Document
PCPMP	Preliminary Closure Post-closure Maintenance Plan
RFEIR	Revised Final Environmental Impact Report
SWFP	Solid Waste Facility Permit

## **SECTION 1 INTRODUCTION**

### **1.1 BACKGROUND**

The County of San Diego, Department of Environmental Health (DEH) is the Local Enforcement Agency (LEA) for administration of solid waste facility permits in the County of San Diego outside of the City of San Diego. The LEA is processing the Solid Waste Facility Permit (SWFP) application package for the proposed Gregory Canyon Landfill project. The proposed landfill is a Class III solid waste disposal facility located in unincorporated San Diego County. DEH retained URS to assist in the review of the SWFP application package, including the solid waste facility application and the Joint Technical Document (JTD), which includes the Preliminary Closure Post-closure Maintenance Plan (PCPMP), for consistency with the associated California Environmental Quality Act (CEQA) Documents and for completeness and compliance with solid waste statutory and regulatory requirements. For the purpose of this work, the CEQA Documents included the following six documents: Environmental Impact Report (2003 EIR); Revised Final Environmental Impact Report (2007 RFEIR); Habitat Restoration Resource Management Plan (2008); Reclaimed Water Addendum (2008); Water Support Addendum (2009); and Jurisdictional Waters Addendum (2010).

The specific tasks included for the review conducted by URS includes the following items:

- Task A - Compare the JTD/SWFP application to the CEQA Documents to determine whether the JTD is consistent with the CEQA Documents.
- Task B - Compare the JTD/SWFP application to the solid waste regulatory requirements in California Code of Regulations (CCR), Title 27 (27 CCR), sections 21590 and 21600 to determine whether the JTD complies with these regulations.
- Task C - Analyze the RDSI/JTD to determine whether the landfill operations described in the document are internally consistent and provide adequate detail to allow the estimation described in 27 CCR, Section 21570(d) to be made.
- Task D - Compare the PCPMP to the CEQA Documents to determine whether it is consistent with the CEQA Documents.
- Task E - Compare the PCPMP to the solid waste closure plan regulatory requirements in California Code of Regulations, 27 CCR, sections 21770 through 21840, as applicable to PCPMPs to determine whether the PCPMP complies with these regulations.

This report addresses Tasks A and D above. A companion report addresses Tasks B, C, and E.

### **1.2 METHODS**

DEH provided URS with a hard copy and PDF files for the JTD (Volumes I, II-A, II-B, and III) and SWFP application package. The JTD includes an integrated PCPMP as allowed by 27 CCR Section 21780(c)(2). URS reviewed the JTD and SWFP documents and identified pertinent details within each document. Details included, but were not limited to, information regarding the project description, mitigation measures, and operation of the landfill. Details were highlighted for subsequent consistency

## **Gregory Canyon Landfill Permit Documents – CEQA Documents Comparison**

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review with each of the six CEQA Documents. Each highlighted detail in the JTD and SWFP was cross-checked for consistency with each of the six CEQA documents, beginning with the 2003 EIR and continuing through the remaining documents in consecutive order. Any discrepancies noted between the JTD and CEQA Documents, and the SWFP and CEQA Documents was documented and input into a spreadsheet, which includes a brief description of the inconsistency and the section and page numbers of the affected documents (Table 1).

### SECTION 2 RESULTS

The JTD includes an integrated PCPMP as allowed by 27 CCR section 21780(c)(2). Consequently, the consistency review comments for Tasks A and D are included in a single matrix (Table 1), sorted numerically by section/page number. It should also be noted that the original JTD Volume I PDF file had numerous sections that were not searchable. URS requested and received a revised searchable PDF file. During the review, it was discovered that the pagination in the new PDF file did not exactly match the pagination in the hard copy or initial PDF file. Consequently, the page numbers related to JTD Volume I in Table 1 may be off by one page, depending on whether the Table 1 is compared to the hard copy, initial PDF, or searchable PDF file.

This report briefly summarizes our comparison of the JTD and SWFP for the Gregory Canyon Landfill project with the CEQA Documents. The review found that the JTD and the SWFP are generally consistent with the CEQA Documents; however, more than 200 inconsistencies were noted. These inconsistencies range from typographical errors where the intent of the writer is evident, to the use of precise numbers versus rounded figures, to information that was eventually updated in subsequent documents. These inconsistencies are generally minor, as shown on Table 1, and can be resolved with slight revisions to the text, if necessary; however, one inconsistency warrants further discussion.

The mitigation measure tables identified in each of the documents reviewed contain numerous inconsistencies. The initial mitigation measures were identified in the 2003 EIR, and revised in the 2007 RFEIR; however, the 2007 RFEIR uses mitigation measure numbers previously used in the 2003 EIR, and also re-numbers mitigation measures previously identified in the 2003 EIR. For example, mitigation measure 4.5-2 in the 2003 EIR states, “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.” This same mitigation measure is identified as 4.5-5 in the 2007 RFEIR, and the number 4.5-2 has been re-used on a newly identified measure. This inconsistency between the EIR documents is relevant because the JTD makes reference to specific mitigation measures by number. However, the reader can decipher what measure is intended by the content of the requirement.

There are also examples of mitigation measures that contain slight variations between the 2003 and 2007 documents. For example, mitigation measure 4.5-1 in the 2003 EIR states, “This analysis shall *not* be extended west...” (emphasis added); however, mitigation measure 4.5-1 in the 2007 RFEIR states, “This analysis shall be extended west...” Further, separate copies of the 2003 and/or 2007 mitigation measures are included as an appendix to the JTD, as an appendix to the SWFP, and as a section within the Habitat Restoration Resource Management Plan, which is an appendix of the SWFP. Having the mitigation measures in numerous areas within the application package allows for a greater chance of error and inconsistency between the documents.

URS suggests consolidating all of the project mitigation measures into one table within the JTD to eliminate the inconsistencies and redundancies. This will also provide a more organized and useful tool for both the operator and the LEA to manage mitigation activities for the project. Further, it may be advisable to remove the specific references to mitigation measure numbers contained within the text of the JTD, and instead generally referencing mitigation measures found in Appendix “X”.

# **Gregory Canyon Landfill Permit Documents – CEQA Documents Comparison**

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## **SECTION 3 LIMITATIONS**

The detailed review of documents was conducted for the purpose of assisting DEH as the LEA to support the issuance of a SWFP for the facility. Though other deficiencies may have been noted, the review did not include an evaluation of these documents for compliance with other agency requirements (e.g., Air Pollution Control District Authority to Construct, California Department of Fish and Game Streambed Alteration Agreement, RWQCB Stormwater NPDES General Permit, US Fish and Wildlife Service Biological Opinion/Incidental Take Permit, etc.).

Reports, permit applications, and other data (e.g., EIRs, Addendums, etc.) have been furnished to URS by DEH and other third parties, which URS used in preparing this report. URS has relied on this information as furnished, and is neither responsible for nor has confirmed the accuracy of this information.

This report has been prepared based on certain key assumptions made by URS that substantially affect the conclusions and recommendations of this report. These assumptions, although thought to be reasonable and appropriate, may not prove to be true in the future. The conclusions and recommendations of URS are conditioned upon these assumptions:

- An internal review for consistency within and between CEQA Documents was not included within this scope of work. URS assumed the information contained within the CEQA Documents is consistent with the information presented in the attachments and appendices in the CEQA Documents. Appendices in the CEQA Documents were not reviewed for consistency.
- The most logical location(s) for a particular detail was reviewed in the CEQA Documents to determine whether the detail was consistent between the JTD and CEQA Documents, and the SWFP and CEQA Documents. If a detail was not located in the most logical location(s), the detail was assumed to not be contained within the CEQA Documents (e.g., a reviewer would not search for project area climate data in the traffic section of an Environmental Impact Report).
- Mitigation measures tables from the EIR documents were used for the consistency review. URS did not check the mitigation tables for consistency with the mitigation measures text within the individual resources sections of the CEQA Documents.
- The term “correct” reflects the standard of care.
- The following items have been noted; however, the scope did not include thorough peer review, technical edit or detail check related to:
  - Insurance/Financial assurances documents.
  - Legal description.
  - Calculations and models.
  - References

URS and companies that have been acquired by URS conducted the following studies related to the Gregory Canyon Landfill project that were included in the review package:

## **Gregory Canyon Landfill Permit Documents – CEQA Documents Comparison**

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- The Geology and Hydrogeology Report, Gregory Canyon Landfill, Pala, San Diego County, California: Consultant's Report to Gregory Canyon Ltd. (March 1995) was prepared by Woodward-Clyde Consultants, now URS.
- The Evaluation of Air Toxics Health Risks – Final Report (January 1999) was prepared by Dames & Moore, now URS.
- The Storm Water Management Plan was prepared by URS.
- The Biological Assessment for the Gregory Canyon San Luis Rey River Bridge Replacement was prepared by URS.
- The Habitat Restoration and Resource Management Plan for Gregory Canyon Landfill Property was prepared by URS.
- The initial Storm Water Pollution Prevention Plan (SWPPP) was prepared by URS.



**Table 1**  
**Review of JTD (including PCPMP) and CEQA Documents**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
1	A.2.1, p. A.2-1	1,770 acres	3.1, p. 3-1	1,770 acre	N/A	N/A	N/A	N/A	SWFP (Habitat Restoration Plan) 2.2, p. 2-1 - 1,783 acres (discrepancy in acreage)
2	A.2.1, p. A.2-1	308 acres	3.2, p. 3-5	Approximately 308 acres; Table 3-1 = 307.8	Minor acreage inconsistency	4.9, p. 4.9-14	308.6 acres	Minor acreage inconsistency	SWFP (Habitat Restoration Plan) 2.3, p. 2-1 - 308.6 acres
3	A.2.1, p. A.2-1	Two dairies (the Lucio and Verboom properties) were operated for a number of years within the property limits though neither operated within the proposed disposal area footprint	3.1, p. 3-4	...one dairy is operational on the site	Minor inconsistency (also see EIR 2003 Land Use section)	N/A	N/A	N/A	N/A
4	A.2.1, p. A.2-1	183 acres will be used for refuse disposal	3.1, p. 3-5	Table 3-1: landfill footprint 196.3 acres	Different numbers (global - 196 figure seen thru EIR 2003). The EIR evaluation of a larger site is conservative.	N/A	N/A	N/A	N/A
5	A.2.2, p. A.2-3	Gregory Canyon Limited will also be shown as the operator of record on all permits and approvals. Actual day-to-day operations at the site will be conducted by a contract operator.	N/A	N/A	EIR 2003 speaks generally of "an operator", no mention of "contract operator" for day-to-day operations in Project Description	N/A	N/A	EIR 2007 speaks generally of "an operator", no mention of "contract operator" for day-to-day operations in Project Description	NA

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
6	A.2.2, p. A.2-3	Gregory Canyon Limited Certificate of President and Presiding Member of Gregory Canyon, Ltd. LLC (A.5)	3.1, p. 3-4	Gregory Canyon, Ltd.	Discrepancy in name	N/A	N/A	EIR 2007 uses Gregory Canyon, Ltd. In appendices	SWFP (Habitat Restoration Plan) 2.1, p. 2-1 - Gregory Canyon Ltd, LLC (Discrepancy in name used throughout doc (however, cover says Gregory Canyon Ltd.))
7	A.2.3, p. A.2-5	The proposed disposal area will provide approximately 30.734.4 million tons of refuse capacity	3.6.1, p. 3-60 ES3.2, p. ES-3	It is anticipated that an average of approximately 3,200 tpd, or 1.0 million tons annually, of waste will be deposited at the landfill over its site life with maximum peaks of 5,000 tpd experienced occasionally, based on the waste stream projections for North County. Accounting for the volume occupied by the containment system, daily, intermediate, and final covers, the estimated site life is approximately 30 years.  ...with a 30-million ton capacity	JTD = 30.7 million tons, EIR 2003 implies 30.0 million tons in EIR Project Description (PD), indicates 30 million in ES	4.5.3.2, p. 4.5-9	N/A	JTD = 30.7 million tons, EIR 2007 also implies 30.0 million tons	N/A
8	A.2.3, p. A.2-5, Appx B-2	The project described in the JTD was downsized from the "proposed project" in the FEIR and as a result has less potential impacts than would occur from the "proposed project" in the FEIR. Appendix B-2 presents comparison information contained in the FEIR and JTD to show these changes.  JTD App. B-2 indicates 49.44 mcy or 33.43 million tons (FEIR "Proposed Project")	3.6.1, p. 3-60	The total estimated refuse volume, based on a refuse to daily and intermediate soil cover volume ratio of 4:1, is approximately 49.44 49.52 mcy or 33.43 million tons based on an in-place refuse density of 1,350 lbs/cy	The extra digits in the EIR 2003 are a typo.	N/A	N/A	N/A	N/A
9	A.2.4, p. A.2-6	Total PGM accepted as ADC may not exceed 20% of the amount of waste accepted for disposal each day	N/A	N/A	Info not included in EIR 2003 PD	N/A	N/A	Info not included in EIR 2007	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
10	B.1.2, p. B.1-3	A sand and gravel extraction operation was formerly located south of SR76 approximately 3,000 feet north of the proposed landfill footprint, but is now inactive.	3.1, p. 3-4 4.1, p. 4-4	H.G. Fenton Materials...a sand and gravel operation...located to the northeast  The H. G. Fenton Materials, Inc. (formerly known as Fenton) sand and gravel mining operation is located south of SR 76 about 3,000 feet north of the proposed landfill footprint.	Contradicts (also see EIR 2003 Land Use section)	4.12, p. 4.12-2	Fenton Material currently used for sand and gravel operations	Contradicts	N/A
11	B.1.4, p. B.1-3	13 acres for power pole pads.	3.1, p. 3-5	Table 3-1: Footnote a: includes 13.1 acres for the three SDG&E transmission pads	Minor - JTD rounds number	N/A	N/A	N/A	N/A
12	B.1.4, p. B.1-3	The remaining 25 acres will be utilized for the main access roads and bridge, desilting basins, <del>stockpile/borrow area</del> , haul road and the ancillary facilities discussed in Section B.3. <del>(stockpiles = to 87 acres - should not be included in this sentence; delete)</del>	3.1, p. 3-5	Table 3-1: Ancillary Facilities Area (11.9 ac), access road and bridge (4.1 ac), borrow/stockpile haul road (3.1 ac), desilting basin E (1.8 ac), desilting basin W (3.7 ac) = 24.6 acres	Typo in JTD; Minor - JTD rounds number	N/A	N/A	N/A	N/A
13	B.1.4, p. B.1-4	Two additional parcels, totaling 13.43 acres, are within the overall project boundary but are owned and maintained by San Diego Gas and Electric (SDG&E).	3.1, p. 3-1	SDG&E owns two parcels totaling 13 acres	Minor - EIR 2003 rounds number	N/A	N/A	N/A	N/A
14	B.1.4, p. B.1-4	<del>The landfill owner is in the process of acquiring these parcels.</del>	3.1, p. 3-1	These parcels will be incorporated into the site area...resulting in a total size of approx. 1,766.5 acres	Info deleted from JTD	N/A	N/A	N/A	N/A
15	B.1.5.1, p. B.1-5	Though the service area has not been determined, it is anticipated that the GCLF will serve the North County area of San Diego County.	2.1, p. 2-1	(Objective) Provide a Class III solid waste disposal facility that is locally available, cost effective, and provides a long-term solution (i.e., 25 years) for disposal of waste generated in North County jurisdictions.	EIR more definitive that the objective is to serve North County	N/A	N/A	N/A	N/A
16	B.1.6, p. B.1-11	Site Capacity Section.	3.6.1, p. 3-60	Wastestream Characteristics and Volumes	Conflicting numbers (But JTD App. B-2 updates these)	N/A	N/A	N/A	N/A
17	B.1.8, p. B.1-13	Bullet list of vehicles includes 3 types of water trucks.	3.4.2, p. 3-32	Table 3-3: Bullet list on p-32 lists no water trucks; Table 3-3 lists only 5,000 Gallon Water Truck;	Consistency	4.5.3.2, p. 4.5-12	in contrast to previous traffic studies for the project, implementation of water trucks...	consistent with JTD in that water trucks are noted; however, not updated in Project Description	N/A
18	B.1.8, p. B.1-14	Mitigation measures related to the early warning system for both daily and hourly traffic restrictions are contained in Mitigation Measures 4.5-2 and 4.5-3 of the EIR.	Section 3, 4.5	N/A	Example of Different MM #s between 2003 and 2007 EIRs	N/A	N/A	JTD intended to use 2007 MMs numbering in JTD	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
19	B.1.8, p.B.1-13, 15	Implementation of the daily traffic restriction is set forth in Mitigation Measure MM 4.5-2 of the EIR...4.5-3 of the FEIR.	MM 4.5-2	MM 4.5-3	Example of different MM #s	N/A	N/A	JTD intended to use 2007 MMs numbering in JTD	N/A
20	B.1-7	14 CCR, Section 17354	Ch. 4-15, p. 15	EIR states "14 CCR, Section 1354" instead of "14 CCR, Section 17354" for tire storage on site.	Apparent typo in EIR				
21	B.2.2.3, p. B.2-4	A revised Siting Element was prepared and approved by the County of San Diego on January 5, 2005 and approved by the CIWMB/CalRecycle on September 20-21, 2005.	4.1, p. 4.1-16	The CIWMP (approved and adopted September 16, 1996 by the County Board of Supervisors) The County Siting Element, which is part of the CIWMP.	Updated siting element	4.1.3.9, p. 4.1-1	CIWMB approved the CIWMP for SDCo. On Feb. 12, 1997...Countywide Siting Element...approved by the CIWMB on September 21, 2005	consistency	N/A
22	B.3.1, p. B.3-1	The temporary facilities, such as scales and structures, will be replaced with permanent facilities within three years of the initial receipt of waste.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	N/A
23	B.3.1.1, p. B.3-1	In addition, the improvements will widen the roadway from 52 to 64 feet to provide for an eastbound deceleration lane and a westbound turn lane into the GCLF. The proposed access road from SR 76 will be two to three lanes, approximately 32-36 feet wide and will include a bridge over the San Luis Rey River.	ES3.2, p. ES-5	The improvements include an increase in pavement width west of the access road to 48 feet to provide for an eastbound deceleration lane, and pavement improvements east of the access road to a width of 36 feet to accommodate a westbound left turn lane. The proposed access road from SR 76 to the ancillary facilities area is a two to three lane paved road, 32 to 44 feet wide.	Minor inconsistency in Road lengths	N/A	N/A	Consistent with JTD	N/A
24	B.3.1.1, p. B.3-2	A bridge, approximately 681 feet in length, supported by five large diameter piers.	3.2.3, p. 3-14	A bridge, approximately 640 feet in length, with five sets of two piles each (for a total of ten piles).	Minor inconsistency	N/A	N/A	N/A	N/A
25	B.3.1.4, p. B.3-4	A 10,000-gallon water tank will be constructed within Borrow-Stockpile Area B to provide water for dust control related to excavation or placement of soil at this location. The water tank would be continuously refilled from proposed percolating groundwater wells located at the western edge of Borrow/Stockpile Area B.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	Addressed in 2009 addendum

**Table 1  
Review of JTD (including PCPMP) and CEQA  
(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
26	B.3.1.4.1, p. B.3-5	Based on a more recent evaluation of water needs, the operator has determined that it can purchase clay liner material pre-conditioned at the clay mine, eliminating the requirement for the 125,000 gallons per day of water. In addition, the operator will implement the widespread use of chemical dust suppressants for unpaved roads on the landfill site.	N/A	N/A	Not ID'ed in PD or 4.3	N/A	N/A	N/A	Addressed in 2009 addendum
27	B.3.1.5, p. B.3-6	The operations support facilities will consist of an office building to be used for administrative functions, a maintenance building, an equipment and storage area, <u>a parking area for employees and visitors</u> , a water tank, portable toilets, and a <u>concrete pad used for temporary storage of source separated recyclable goods, which will be transported off-site periodically</u> .	N/A	N/A	PD mentioned a recyclable area with bins for drop-off - minor inconsistency.	N/A	N/A	N/A	N/A
28	B.3.1.8, p. B.3-7	At this location, the LCRS outfall will discharge into one of two 10,000-gallon leachate storage tanks.  The outfall pipe is connected to up to two 10,000-gallon leachate collection storage tanks located in the southwest corner of the ancillary facilities area. (B.5.1.1.2, p. B.5-3).  The outfall pipe will discharge to two 10,000-gallon leachate collection storage tanks located in the southwest corner of the ancillary facilities. (C.2.5.4, p. C.2-12).  Leachate will flow from the outfall to two above ground tanks with a minimum storage capacity of 20,000 gallons (C.2.5.4.1, p. C.2-13).	3.2.4, p. 3-19	Two 10,000-gallon leachate holding tanks and one 10,000-gallon subdrain water tank will be located in the southwestern corner of the ancillary facilities area.	Minor inconsistency. JTD reasonably assumes that the EIR language intent is that the two tanks are the maximum, not minimum.	N/A	N/A	N/A	N/A
29	B.4.1, p. B.4-1	Traffic coming to the site before the hours of operation will be queued on the access road up to the fee booths/scales to prevent stacking of vehicles on SR76. To accommodate the queuing, the gates located at the north side of the bridge will be opened one hour prior to the hours of operation. Therefore, the entrance gates will be opened at 6:00 a.m. Monday through Friday, and 7:00 a.m. on Saturday. (B.5.5, p. B.5-43).	N/A	N/A	Minor inconsistency. It is reasonable to assume that opening the gate is not considered "operating".	N/A	N/A	N/A	N/A
30	B.4.2.1, p. B.4-2	Actual staffing is dependent on the waste inflow rate. This level of staffing is based on handling the average (3,200 TPD) to peak (5,000 TPD) tons per day received.	3.4.9, p. 3-39	The number of employees needed to operate and maintain a sanitary landfill is dependent on the hours a facility is open, the daily tonnage received, and the overall areas to be maintained.	Minor inconsistency	N/A	N/A	N/A	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
31	Table 6, p. B.4-2	Traffic Director/Spotter = 2; Recycled Water Supervisor = 1; Total = 22	Table 3-2, p. 3-40	Traffic Director/Spotter = 1; Total = 20	Minor inconsistency	N/A	N/A	N/A	N/A
32	B.4.4.1.1, p. B.4-7 B.5.3.1, p. B.5-37	Excavated rock will be stored on-site for future use, or ground for use as daily or intermediate cover, <del>or used as base material for the internal haul roads. Any excess material may be exported offsite.</del>  Most unpaved haul roads will be constructed with a non-toxic soil sealant, which is thoroughly mixed into the uppermost six inches of the road, and then maintained periodically with a topical application of soil sealant.	3.4.6, p. 3-38	Crushed rock will be stored for future use, ground for use as daily or intermediate cover or for use on the internal haul roads, and any excess material could be exported off site for sale if a MUP is obtained.	EIR analysis includes the potential to export rock and to use crushed rock for roads. This is has been removed from the JTD.	N/A	N/A	N/A	N/A
33	B.4.4.5.1, p. B.4-15	The use of ADC has been shown to reduce refuse-to-daily/intermediate cover ratios from 4:1 to 7:1,  The use of ADC has been shown to reduce refuse-to-daily cover ratios from 4:1 to at least 7.5:1 (C.2.2.2, p. C.2-3 & Table 9A, p. C.2-4).	3.4.5.1, p. 3-38	The use of ADC has been shown to reduce refuse-to-daily cover ratios from 4:1 to 7:1.	7:1 v 7:5.1 (conflict between JTD sections, and JTD and EIR 2003)	N/A	N/A	N/A	N/A
34	B.4.4.8, p. B.4-17 JTD Appx. B-2	Assuming a 4:1 cover ratio, approximately 11.5-4 million cubic yards (mcy) would be needed for daily operations during the life of the landfill. An additional <del>1.24</del> 2.7 mcy of material will be necessary to provide for canyon shaping, the operations layer and final cover <del>over</del> for the site. The total anticipated soil requirement, including cover, would be <del>12.9</del> 14.1 mcy. The proposed landfill development will include the excavation of approximately 7.9 mcy within the landfill footprint, of which approximately 4.9 mcy consists of topsoils, alluvium/colluvium, or weathered bedrock and rippable hard rock that would be suitable for cover material with limited processing required, primarily crushing of the rippable hard rock.	6.7.2.1, p. 6-76	The quantity of excavated rock and soil material would be about 7.93 million cubic yards (mcy), of which 1.48 mcy would be used in the formation of the landfill bottom prior to placement of the containment system. This alternative would reduce total excavation for the project by approximately 3.5 mcy in comparison to the proposed project. Approximately 6.44 mcy of rock and soil material would be available from the refuse footprint area and 4.5 mcy would be available from the stockpile/borrow areas for use as final, intermediate and daily cover soil. The amount of cover material needed for daily, intermediate, and final cover is estimated at 12.7 mcy.	Inconsistency and rounding.	N/A	N/A	N/A	N/A
35	B.4.4.8, p. B.4-18	<del>Based on drilling conducted on the site, approximately 60 percent of the material excavated from the landfill footprint, or 3.9 mcy, could be used directly as cover material.</del>	3.4.5.1, p. 3-37	Based on drilling conducted on the site, approximately 40 percent of the stockpiled 9.8 mcy of material excavated from the landfill footprint, or 3.9 mcy, could be used directly as cover material.	Deleted from JTD	N/A	N/A	N/A	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
36	B.4.4.8, p. B.4-18 JTD Appx. B-2	Therefore, approximately <del>89.4</del> mcy of material will be available on-site for cover, leaving a shortfall of readily useable material <del>over the life of the project of 3.54.74</del> mcy.	6.7.2.1, p. 6-76	Approximately 6.44 mcy of rock and soil material would be available from the refuse footprint area and 4.5 mcy would be available from the stockpile/borrow areas for use as final, intermediate and daily cover soil.	Inconsistency between JTD text, Appx B-2 and EIR.	N/A	N/A	N/A	N/A
37	B.4.6.3, p. B.4-20	Two-way handheld radios will be used for communication purposes at the ancillary facilities to the staff located at the working face or other locations around the landfill property boundary.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	N/A
38	B.4.6.4, p. B.4-20	All lighting at the GCLF will comply with the County Light Pollution Code.	4.1, p. 4.1-15	San Diego County Light Pollution Ordinance.	Minor consistency	N/A	N/A	N/A	N/A
39	B.4.6.4, p. B.4-21	Lighting will be low impact, focused, and shielded to minimize spill light into the night sky or adjacent properties <u>and to avoid significant impacts to biological resources.</u>	3.2.4, p. 3-21	Lighting will be low impact, focused, and shielded to minimize spill light into the night sky or adjacent properties.	Additional info added to JTD text.	4.9, p. 4.9-6	N/A	consistent with JTD	N/A
40	B.5.1.3, p. B.5-15	If a new <del>non-constituent</del> is identified in any sample, the LCRS will be resampled <del>in April of the following year for each non-COC.</del>	3.5.2.3, p. 3-53	Any constituent identified in the October leachate sample that is not currently included as a water quality monitoring parameter and is confirmed to be present by a retest sample collected and analyzed in April of the following year will be added to the list of routine (quarterly) water quality monitoring parameters.	April deleted in JTD text	N/A	N/A	N/A	N/A
41	B.5.1.3.1, p. B.5-13	The water quality monitoring program will also include monitoring in the San Luis Rey River valley from an upgradient replacement well Lucio #2R located at the Lucio Dairy near the eastern property boundary <u>and three wells downgradient of the project area including wells GMW-3; SLRMWD #34R, a replacement well adjacent to and slightly south of existing well SLRMWD#34 (SLRMWD designation); and well GLA-16 within the San Luis Rey River valley.</u>	4.3, p. 4.3-27	The water quality monitoring program will also include monitoring in the San Luis Rey River valley from existing Lucio Dairy well #2 and well <u>GMW-3, located upgradient of the project area,</u> and wells #34 (SLRMWD designation), and GLA-16 downgradient of the facility relative to groundwater flow direction.	Contradicts	N/A	N/A	N/A	N/A

**Table 1  
Review of JTD (including PCPMP) and CEQA  
(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
42	B.5.1.3.1, p. B.5-13	The groundwater monitoring system at the GCLF was initially designed to include a total of 20 wells, 16 of which monitor the bedrock fractured flow system...Additional groundwater monitoring wells have been proposed to reflect Dr. Huntley's recommendations (Appendix C-2), and the revised workplan is included in Appendix G-2. The water quality monitoring program will also include monitoring in the San Luis Rey River valley from an upgradient replacement well Lucio #2R located at the Lucio Dairy near the eastern property boundary and three wells downgradient of the project area including wells GMW-3; SLRMWD #34R, a replacement well adjacent to and slightly south of existing well SLRMWD#34 (SLRMWD designation); and well GLA-16 within the San Luis Rey River valley.	Table ES-1, p. ES-12	in addition to the 13 monitoring wells surrounding the landfill, the water quality monitoring shall include at a minimum monitoring of two production wells (downgradient SLRMWD well #34 and upgradient Lucio well #2), upgradient alluvial monitoring well GMW-3, and downgradient alluvial monitoring well GLA-16 located within the project boundary).	Consistency	N/A	N/A	N/A	N/A
43	B.5.1.8, p. B.5-25	If necessary, the effluent (clean water) will be stored in a tank and then discharged into the San Luis Rey River or used on site and would meet a standard of 500 parts per million (ppm) of TDS or a standard as set by the RWQCB for discharge to the San Luis Rey River.	5.3.2.3, p. 3-54	If necessary, the effluent (clean water) will be stored in a tank and then used for dust control onsite, <u>or with approved permits</u> , discharged to re-injection wells, or discharged into the San Luis Rey River. The water would meet a standard of 500 parts per million (ppm) of TDS.	Minor inconsistency.	N/A	N/A	N/A	N/A
44	B.5.2.3.1, p. B.5-29 Figure 10D	The gas migration monitoring system at GCLF will ultimately consist of 14 probes spaced at approximately 1,000-foot centers around the entire refuse prism.	3.5.3, p. 3-42 Exhibit 3-3	As required in 27 CCR Section 20925(b), a system of landfill gas migration monitoring probes will be installed on 1,000-foot centers around the entire refuse prism to detect gas migration at the property boundary...The 15 probes.	Inconsistent. However, even with fewer probes, the JTD presents a more conservative design as the probes closer to the landfill boundary and will allow earlier detection of landfill gas migration.	N/A	N/A	N/A	N/A
45	B.5.3, p. 5-33	Mitigation Measures included in the MMRP from the Certified FEIR are included in Appendix D-2 of the JTD.	N/A	N/A	Suggest consolidation, as multiple sets of varying MMs in several places	N/A	N/A	N/A	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
46	B.5.3.1, p. B.5-36	Traffic speeds of no more than 15 miles per hour will be maintained on all on-site, unpaved road surfaces.	3.5.8, p. 3-59	Traffic speeds of no more than 10 miles per hour will be maintained on all on-site, unpaved road surfaces.	15 v. 10	N/A	N/A	N/A	N/A
47	B.5.3.1, p. B.5-36	The main access road will be paved and swept regularly with a wet sweeper.	3.5.8, p. 3-59	The main access road will be paved until the last 500 feet of the road and will be swept regularly.	EIR 2003 has 500'	N/A	N/A	N/A	N/A
48	B.5.3.1, p. B.5-36	In addition, wheel wash trackout controls may also be installed as needed to meet APCD requirements. Most unpaved haul roads will be constructed with a non-toxic soil sealant, which is thoroughly mixed into the uppermost six inches of the road, and then maintained periodically with a topical application of soil sealant. Topical application would occur as needed, at an estimated frequency of between quarterly and biennially.	FN1, p. 3-5	Proposition C identified a truck wash and wash water treatment area, which was originally proposed in the ancillary facilities area, but has been removed. Rather than use a water dependent approach for tire wash, thereby increasing runoff, dry best management practices (BMPs), such as sweeping, the physical removal of loose impediments (i.e., good housekeeping practices), and the use of absorbents will be incorporated. Other features, such as berms around the fueling area and hazardous waste storage area will remain. Equipment maintenance will be conducted within an enclosed building. A Hazardous Waste Exclusion Program will be implemented on the site.	Suggest revision as follows to be consistent with EIR "...wheel wash trackout controls with appropriate runoff BMPS...".	N/A	N/A	N/A	N/A
49	B.5.3.3, p. B.5-38	Litter migrating off-site will be minimized by perimeter fencing. The operator has also proposed the installation of a 12-foot high litter fence along the bridge deck to control litter from waste collection vehicles from reaching the San Luis Rey River (a memorandum providing litter fence detail is included in Appendix T).	N/A	N/A	Minor inconsistency. Information/level of design detail not included in the EIR PD.	N/A	N/A	N/A	N/A
50	B.5.3.4, p. B.5-39	Such as berms or acoustical curtains, are used to reduce combined landfill noise levels to below the County Noise Ordinance limit.	4.6, p. 4.6-38	A 15- to 20-foot high berm will be constructed and maintained along the northern boundary of Borrow/Stockpile Area A from the haul road westward wrapping around the western boundary of Borrow/Stockpile Area A. Five-foot high berms will be constructed along the southern edge of the Borrow/Stockpile Area B and the landfill working face, which face the residential zoned property south of Gregory Canyon Landfill. A 10- to 16-foot high sound wall will be constructed along the northern edge of the facilities.	Level of specificity	N/A	N/A	N/A	N/A

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

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51	B.5.4, p. B.5-41	The drainage control system for the GCLF will consist of a variety of treatment BMP's, which may include perimeter drainage systems for the open channels (for adjacent area run-on) and buried pipe (for run-off from the landfill footprint), drainage berms, downdrains, energy dissipaters, <u>desilting basins, drainage swales, structural media filtration, bio-treatment swales and percolation areas.</u>	3.5.2.2, p. 3-47	This system will consist of a buried drainage pipe, <u>engineered grading</u> , drainage berms, downdrains, and energy dissipaters, and two desilting basins.	Minor inconsistency	N/A	N/A	N/A	N/A
52	B.5.4, p. B.5-41	The surface water drainage control system for the GCLF is designed to accommodate a 100-year, 24-hour storm event run-off volumes and the volume of water caused by a simultaneous rupture of the existing Pipeline 1 and 2 and the future Pipeline 6.	3.5.2.2., p. 3-44	The surface water drainage control facilities are designed to carry 100-year, 24-hour storm event runoff volumes.	Inconsistency but JTD design is more conservative.	N/A	N/A	N/A	N/A
53	C.2.1, p. C.2-1	All of the engineering plans reflecting the landfill are conceptual in nature and subject to change.	N/A	N/A	Minor inconsistency. "conceptual" used in EIR PD; however, "subject to change", though implied is not stated.	N/A	N/A	N/A	N/A
54	C.2.2.1, p. C.2-1	The excavation plan shown on Figure 12 presents final subgrade contours and limits of excavation. The overall interior slope gradient will be 2:1 and the flatter bottom areas will have a minimum gradient of 5 percent.	3.2.1, p. 3-10	The bottom area of the footprint will be graded to drain northerly at a minimum gradient of three percent	Minor inconsistency. JTD more conservative.	N/A	N/A	N/A	N/A
55	C.2.2.4, p. C.2-4	Stockpile Area A = ~22 acres, Stockpile Area B = ~65 acres = 87 acres total.	3.1, p. 3-5	Table 3-1: Stockpile Area A = 22.4 acres, Stockpile Area B = 64.5 acres = 86.9 acres total	Minor - JTD rounds number	N/A	N/A	N/A	N/A
56	C.2.2.4, p. C.2-4	The maximum height of the Borrow/Stockpile Area B ranges from about 940 to 1,020 feet amsl.	3.2.2, p. 3-13	Borrow/Stockpile Area B will have two decks, with a maximum elevation of 1,020 feet.	Minor inconsistency	N/A	N/A	N/A	N/A
57	C.2.2.4, p. C.2-5	Borrow/Stockpile Area A will be used for stockpiling or excavated material during the initial construction after which the area will be graded to promote proper drainage, and then revegetated with native plant species. Borrow/Stockpile Area A will then not be used again until the last few years of landfill operations, <del>about year 25</del> at which time material will be removed from Area A and utilized for cover.	3.2.2, p. 3-13	Borrow/Stockpile Area A will be used for stockpiling during the initial construction after which the area will be revegetated with native plant species. Area A will not be used again until about year 25 at which time material will be used from Area A for cover.	Minor inconsistency	N/A	N/A	N/A	N/A

**Table 1  
Review of JTD (including PCPMP) and CEQA  
(Continued)**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 - Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents
58	C.2.5.3.1, p. C.2-12	Modeling indicates that the leachate generation will peak at approximately 9,250 gallons per day.	4.3, p. 4.3-21	The peak daily leachate generation is estimated to be 142 ft <sup>3</sup> (1,062 gallons) for the floor areas and 1,094 ft <sup>3</sup> (8,184 gallons) for the slope areas during the 16th year	Minor - JTD rounds number	N/A	N/A	N/A	N/A
59	C.2.8.3.4, p. C.20-20	Revised Universal Soil Loss Equation (RUSLE).	3.5.2.2, p. 3-48	Universal Soil Loss Equation (USLE)	Typo in EIR 2003	N/A	N/A	N/A	N/A
60	C.2.8.3.4, p. C.20-21	J. Ateshian...The equation (R=16.55xP <sup>2.2</sup> ) utilizes 2-year, 6-hour rainfall data (P), and the product R is used in the RUSLE equation to estimate potential silt volume sediment loading.	FN22, p. 3-48	J. Ateshian...The equation (R=16.55xP <sup>2.2</sup> ) uses two-year, six-hour rainfall data (P), and the product R is used in the USLE equation to estimate potential silt volumes.	Minor inconsistency	N/A	N/A	N/A	N/A
61	C.2.9.2.2, p. C.2-29	It is anticipated that the initial excavation will be completed in an area of approximately 50 acres with approximately 34 acres lined to accommodate the first million tons of refuse received at the GCLF.	3.3.1, p. 3-27 3.6.2.1, p. 3-61	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected.  The initial construction of the project includes: Excavation of approximately 25 acres of Phase I of the landfill footprint.  The Phase I area will be divided into three smaller stages (Stages IA, IB, and IC).	Level of detail	N/A	N/A	N/A	N/A
62	C.2.9.3.2, p. C.2-32	Phase II will be excavated to a depth of approximately 525 feet amsl or 25 feet below ground level during filling of Phase I. The total Phase II excavation is approximately 3.7 mcy. Phase II gross fill capacity is approximately 6.3 mcy.	3.6.2.2, p. 3-64	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected.  The total Phase II excavation is approximately 6.4 mcy as shown on Exhibit 3-20. Phase II gross capacity will be approximately 10.8 mcy.	Level of detail	N/A	N/A	N/A	N/A
63	C.2.9.4.2, p. C.2-33	Once the Phase II excavation is complete two small final phases of excavation (Phases III and IV) are proposed prior to and in conjunction with Phase III fill operations	3.6.2.3, p. 3-64	During filling of Phase II, excavation of Phases III and then IV will begin.	Minor inconsistency	N/A	N/A	N/A	N/A
64	C.2.9.4.4, p. C.2-34	Phase III will provide approximately 43.1 mcy of gross airspace	3.6.2.3, p. 3-64	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected.  Phase III and IV fill sequences will provide approximately 43.6 mcy of gross capacity.	Level of detail	N/A	N/A	N/A	N/A

**Table 1  
Review of JTD (including PCPMP) and CEQA  
(Continued)**

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65	D.3.3, p. D.3-2	Figure 28 shows the annual wind speed and directions as recorded at the nearest meteorological station. <u>As indicated, predominant winds are from the west quadrant</u> with an annual mean speed of 6.60 miles per hour (see Figure 28). Winds from the southwest and west-northwest are also common. Weather data is recorded at the McClellan-Palomar Airport...The land/sea breeze is primarily easterly/westerly while the canyon topography is oriented north/south. Winds within the canyon are predicted to be light due to the conflicting perpendicular flow regimes. Wind directions in the canyon normally follow a pattern of weak south to north drainage at night, a light sea breeze from the south-southwest during the morning, and a strengthening onshore flow from the northwest beginning midday and continuing until late evening. The ridgeline east of Gregory Canyon also protects the canyon from the occasional Santa Ana winds that blow from the northeast.	4.7.1.1, p. 4.7-1	Weather data, including surface and upper air measurements, are routinely recorded at Miramar Marine Corps Air Station, the meteorological station nearest the project site....predominant winds at Miramar sre from the northwest quadrant...	consistency- McCellan-Palomar data in JTD v. Miramar data in EIR 2003 --- different wind roses shown of figures in JTD and EIR --- different predominant winds, etc. Also note Exhibit 4.7-1 in EIR 2003 displays the Miramar wind rose.  Miramar is over 10 miles further from the landfill site than McCellan-Palomar.	N/A	N/A	N/A	N/A
66	D.4.2.1, p. D.4-7	Table: References GLA (1998)	Table 4.2-1, p. 4.2-12	References GLA (1997)	consistency (Note - did not check all references, simply noticed this one)	N/A	N/A	N/A	N/A
67	D.5.1.2, p. D.5-6	There are 26 bedrock monitoring wells within the proposed landfill footprint and along the periphery of the site.	4.3.1.3, p. 4.3-8	There are 20 bedrock monitoring wells within the proposed landfill footprint and along the periphery of the site.	Consistency	N/A	N/A	N/A	N/A

**Table 1**  
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**(Continued)**

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68	D.5.2, p. D.5-17	Regional Groundwater Quality. Water quality data for wells in the Pala Hydrologic Subarea are sparse. One key indicator of groundwater quality is the total dissolved solids (TDS) concentration. As a result, for aesthetic reasons (i.e., taste, odor, appearance), the state has recommended that the TDS concentration be no greater than 500 mg/l in drinking water supplies. Currently, TDS concentrations in SDCWA imported supplies range from about 500 to 700 mg/l (SDCWA, 1997). Based on available groundwater quality data, the alluvial aquifer in the Pala Basin is good, with groundwater concentrations of TDS estimated in the range of 200 to 860 mg/l (J.A. Moreland, 1974) compared with 600 to 3,400 mg/l TDS for the Bonsall Basin. The average TDS concentration for the Pala Basin is estimated to be 600 mg/l (NBS Lowry, 1995)...Then, beginning in December 2000, samples were collected quarterly for one year from 15 bedrock wells and four alluvial wells, and analyzed for the full suite of "constituents of concern" (COCs) as defined by the Code of Federal Regulations	N/A	N/A	The JTD information is more robust as a majority of detail from this section not in not in 4.3	N/A	N/A	N/A	N/A
69	Figure 12	Excavation contours between 380 and ~925 feet	6.7.2.1, p. 6-76	The lowest depths of excavation for the Prescriptive Design with a Double Liner Alternative range from between approximately 400 feet above mean sea level (amsl) at the northern toe of excavation to approximately 700 feet amsl at the southern toe.	Minor inconsistency	N/A	N/A	N/A	N/A

\* Page number may be off by one in some sections, as electronic and "editable" PDFs had a page deleted and changed the numbering versus the hardcopies

**Table 1**  
**Review of JTD (including PCPMP) and CEQA**  
**(Continued)**

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The following inconsistencies between the various CEQA documents were observed during the JTD/CEQA consistency review:									
A	N/A	N/A	MM 4.5-1, p. 10-13	...This analysis shall not be extended west...	N/A	MM 4.5-1, p. 10-6	This analysis shall be extended west...	Discrepancy bet MMs, however, no highlight/underline in 2007 document to ID this. Consolidate MMs to eliminate transcription errors?	N/A
B	N/A	N/A	MM 4.5-2, p. 10-3	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.	N/A	MM 4.5-5, p. 10-8	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.	MMs same; however different number between 2003 and 2007	N/A
C	N/A	N/A	MM 4.5-3, p. 10-13	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 per the County of San Diego Circulation Element, including a designated bike route. In addition, the project applicant shall provide a fair share contribution for the cost to provide four lanes on SR 76 from the western boundary of the project site to the project access road.	N/A	MM 4.5-6b, p. 10-9	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 per the County of San Diego Circulation Element, including a designated bike route.	MMs same; however different number between 2003 and 2007 (note how this one is underlined); portion missing from 2007	N/A
D	N/A	N/A	N/A	N/A	N/A	MM 4.5-2, p. 4.5-36	New MMs (4.5-2, 4.5-3, 4.5-4, 4.5-6a, 4.5-7, 4.9b, 1g, 1h, 4.9-20)	New MMs; however, some re-use other MM numbers from 2003 EIR (confusing)	N/A

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**(Continued)**

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E	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Appendix in SWFP: Biological Assessment for the Gregory Canyon San Luis Rey River Bridge Replacement (August 2006); Section 5 - Note that SWFP contains MMs. Most are in line with the 2007 EIR; however, there are some that contain inconsistencies (e.g., MM 4.9-1d, 1e, etc.)
F	N/A	N/A	MM 4.9-1a, p. 10-18	N/A	Revised between 2003 and 2007	MM 4.9-1a, p. 4.9-20	Revised/New MMs (4.9-1a, 1b, 1c, 1d, 1e, 1f, 4.9-2, 3a 4.9-, 4.9-5a, 4.9-14, 4.9-18, 4.9-19b, 4.9-19c; p.10-10)	Revised/new MM; however, some re-use other MM numbers from 2003 EIR (confusing)	N/A
G	N/A	N/A	N/A	N/A	N/A	MM 4.9-3b, p. 4.9-22	N/A	EIR 2007 indicates change but no change is apparent.	N/A

# ATTACHMENT D

**Response to URS Comments**  
**Table 1 Gregory Canyon Landfill – Title 27 Compliance Matrix**

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution (NRR = No Resolution Required)
<b>General</b>								
Name of Facility, Site Operator and Owner	21600(b)(1)(A)	Sec. A.1 – pg. A.1-1;	Facility Name -Gregory Canyon Landfill (GCLF).	2003 EIR: 3.1, p. 3-1	Yes	Yes	Owner and operator certification	NRR
Type of Facility		Sec. A.2.2 – pg. A.2-3; Sec. A.2.1 – pg. A.2-1	Owner/Operator of Record – Gregory Canyon Limited, LLC. Day to Day Operator – contract operator. Facility Type – Class III Landfill.	Not identified 3.1, p. 3-4 3.4.1, p. 3-31			executed in Form E-1-77.	NRR
Description of the Operation Cycle	21600(b)(1)(A)	Sec B.4.2.1 – pg. B.4-2; Sec. B.4.4.2 thru B.4.4.5.1 – pgs. B.4-8 thru B.4-16; Sec. B.4.5 – pgs. B.4-19, B.4-20	Receipt/Handling – Staffing depends on handling of 3,200 to 5,000 TPD received. Processing -refuse lifts ~20 ft. high & ~100-200 ft. length. Diversion/Transformation -Hazardous waste exclusion program (HWEP) w/load checking program. Spreading/Compaction -Working face sloped to gradient of ~5:1 (H:V). Disposal – Recycle & resource recovery, no public salvaging, no volume reduction activities at site, only tire shredding.	2003 EIR: 3.4, p. 3-31-41	Yes	Yes		NRR
Site Plan Including Boundaries, Acreage, and Buffer Zones	21600(b)(1)(B)	Sec A.2  Sec. B.1.2.3 – pg. B.1-2; Sec B.1.4 – pgs. B.1-3, B.1-4; Figures 2, 3, 4, 6A, 9, 12, 21B-26, 27A, App. B-3, App. B-4 – pgs. SE44-45	Site -1,770 acres  Landfill activities – 308 acres Landfill footprint – 183 acres Predisposal topo map – Fig 27A Facility boundary of site – Fig 6A, App B-3 Plan w/disposal area – Fig 2 Plan w/extent of Solid Waste Facility permit – Fig 3, 4 Fill/Excavation sequencing plan – Fig 21B, 22, 23, 24, 25, 26 Fill/Excavation master plan – Fig 9, 12 Plan w/buffer zones – Fig 2 Vertical limits of site – Fig 2	2003 EIR:  3.1, p. 3-1, 5 3.2, p. 3-5 Exhibit 3-3 Exhibit 3-4	Yes	Yes	The siting element indicates a landfill footprint of 196 acres so the project at 183 acres is consistent with the siting element. There are other minor inconsistency in acres: EIR 2003 indicates “approximately 308” and “307.8”, and EIR 2007 and Habitat Restoration Plan indicates “308.6”. These rounding inconsistencies are not considered consequential.	NRR  NRR
Hours of Operation	21600(b)(1)(C)	Sec. B.4.1 – pg. B.4-1	Public hrs. -Mon-Fri 7am to 6pm, Sat 8am to 5pm, no holidays. Commercial haulers hrs. and Compaction/Cover operation -Mon-Fri 7am to 6pm, Sat 8am to 5pm, no holidays. Yard and enclosed maintenance – no time limit Additional site specific activities – no time limit	2003 EIR: 3.4.7, p. 3-39	Yes	Yes		NRR
<b>Waste Classification and Management</b>								
Types and Quantities of Waste	21600(b)(2)(A)	Sec. B.1.5.2 thru B.1.5.4 – pgs. B.1-5 thru B.1-11	Waste types – non-hazardous solid wastes/inert wastes including dewatered sludge, other waste requiring special handling (tires & bulky waste). Estimated daily waste avg volume – 3,200 tpd Estimated peak daily flow volume – 5,000 tpd Projected 5 yr. waste flow volume – 906,000 tons/yr. No liquid, designated, special or hazard waste.	2003 EIR: 3.4.1, p. 3-31	Partial – JTD says manure animal wastes and ashes will be received and boxes on app are not checked.	Yes	Table 1, page A.1-4 indicates that ash will not be accepted and is not consistent with Sec B.1.5.2.	SWFP has been corrected to include ash.
<b>Waste Management Unit Classification and Siting</b>								
Airport Safety	21600(b)(3)(A)	Sec. B.1.2.2 – pg. B.1-2	Not located w/in a 5 mi radius of airport used by turbojet aircraft or by piston-type aircraft.	2003 EIR Chapter 9, p. 9-2	NA	Yes		NRR
Volumetric Capacity	21600(b)(3)(B)	Sec. B.1.6 – pg. B.1-11, B.1-12; Figure 2, Figure 27A; Apex B-2	675 trucks per day max. Gross Airspace – 59.3 mcy Cap req'd for liner system – 1.6 mcy. Cap req'd for final cover – 0.9 mcy. Net airspace – 56.8 mcy. Cap req'd for daily & intermediate cover – 11.4 mcy. Net refuse– 45.4 mcy. Topo map delineating disposal area w/in site	2003 EIR: 3.4.2, p. 3-32 3.6.1, p. 3-60 3.4.5.1, p. 3-36 Exhibit 3-4	Yes	Incomplete	The required certification by a registered civil engineer or geologist needs finalized. Suggest that Figure 27A with the topo dated 1991 should be referenced in the text for this section.	The certified site capacity calculations are included in Appendix U of the JTD and Section B.1.6 has been revised to reference Appendix U.

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			boundary – Fig 2. Assumptions to determine gross cap – Refuse to cover ratio = 4:1; Compaction density = 1,350 pcy. Methods to determine gross cap – difference between proposed bottom grades & proposed final disposal area grading contours. Calculations to determine gross cap including copies & dates of topo maps used.					Figure 27 is Pre-Development Topography and does not make sense to reference in this Section. Figure 9 - Master Fill Plan and Figure 12 - Master Excavation Plan have been referenced since these are the plans which were utilized to calculate the site capacity.
Site Life Estimate	21600(b)(3)(C)	Sec. B.1.7 – pg. B.1-12	Site life – ~30 years. Cap of site – net airspace (less liner and final cover) = 56.8 mcy. Refuse to cover ratio – 4:1. Waste flow projections – starting inflow rate = 1,950 tpd. Compaction density – 1,350 pcy.	EIR 2003: 3.6.1, p. 3-60	Yes	Yes		NRR
Site Location (vicinity map)	21600(b)(3)(D)	Sec. B.1.3 – pg. B.1-3; Figures 2, 6	Site location description – 9708 Pala Rd, Pala, CA 92059; occupies parts of Sec 4 & 5 of Township 10 S and Sec 32 & 33 of Township 9 S, Range 2 W of USGS 7.5' Pala Quadrangle. Location map w/legal boundaries – Fig 6A. Location map w/points of access – Fig 2. Location map w/major access routes for waste deliveries Fig 6.	EIR 2003: Exhibit 3-1 Exhibit 3-2 3.1, p. 3-1	Yes	Yes		NRR
<b>Waste Management Unit Classification and Siting</b>								
Surrounding Land Use and Zoning (plot plan)	21600(b)(3)(E)	Sec. B.1.2.4 – pg. B.1-2, B.1-3; Figures 3, 4, 5	Plot plan showing land uses for properties w/in 1000 ft. of facility boundary – Fig 3. Plot plan showing zoning for properties w/in 1000 ft. of facility boundary – Fig 4. Distances to structures on adjacent properties – Fig 5. Specific limits of existing & planned disposal area – Fig 5.	EIR 2003: Exhibit 4.1-1 Exhibit 4.1-2 Exhibit 4.1-3 Exhibit 4.1-4 Exhibit 4.8-2	NA	Yes		NRR
Ancillary Facilities (include on plot plan)	21600(b)(3)(F)	Sec. B.3 – pg. B.3-1 thru B.3-7; Figures 8, 8A	Plot plan showing ancillary facilities including admin bldgs., entrance facilities, scales, maint structures, hazardous materials storage areas – Fig 8, 8A.	EIR 2003: 3.2.4, p. 3-19 Exhibit 3-3 Exhibit 3-8 EIR 2007 Exhibit 3-8 Exhibit 3.8c	NA	Yes		NRR
<b>Design and Construction Standards for All Waste Management Units</b>								
General Design Parameters	21600(b)(4)(A)	Sec D.1, D.2, D.3, D.4, D.5 and D.6	Site design accommodates service area – 1,770 ac property w/ ~308 ac for landfill activities & 183 ac for refuse disposal (Sec. D.1). Climatological factors – warm, dry weather during summer months & cool, seasonal wet weather during winter months; avg. rainfall = 17.5 to 25.27 in/yr.; wind annual mean speed = 6.6 mph (Sec. D.3). Physical setting – site elevation range from ~1,200 ft. amsl at head of canyon to 300 ft. amsl at mouth of canyon in San Luis Rey River drainage; proposed landfill footprint not in 100-yr floodplain (D.2). Soils – Low areas consist of unconsolidated residual soils, colluvial, & alluvial deposits w/in weathered tonalite; High areas consist of metamorphic/igneous w/varying degrees of weathering (Sec. D.4). Drainage – 2 distinct GW zones -alluvial aquifer hosted by sediment wedge at canyon mouth, & bedrock aquiclude hosted by fractured tonalite that forms substrate of canyon; both GW systems move North toward alluvial aquifer of San Luis Rey River (Sec. D.5).	EIR 2003: 3.1, p. 3-4 3.2, p. 3-4 3.2.1, p. 3-5 4.7.1.1, p. 4.7-1 4.3.1.3, p. 4.3-8 4.2.1.3, p.4.2-3	NA	Yes		NRR
Design Responsibility	21600(b)(4)(B)	Sec. C.1.1 – p. C.1-2	Waste management unit was designed & construction will be certified by a registered civil engr &/or certified engr geologist.	EIR 2003: 3.2.1, p. 3-11 3.5.1, p. 3-42 Table 10-2, p. 10-48	NA	Yes		NRR

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Construction Sequencing Plans	21600(b)(4)(C)	Sec. C.2.9 – pgs. C.2-25 thru C.2-34; Figures 20-26	Phase I includes ~3.7 mcy excavation & during filling, work will begin on excavation of next area. Phase I will provide ~8.1 mcy of gross airspace & require ~1.6 mcy of soil for daily & intermediate cover (Fig 20, 21, 21A, 21B). Phase II gross fill cap is ~6.3 mcy (Fig 22, 23). Phase III and IV includes ~489,000 cy and ~23,000 cy of excavation, respectively. Phase III fill phase completes landfill to final grading configuration & provides ~43.1 mcy of gross airspace (Fig 24, 25, 26).	EIR 2003: 3.3, p. 3-27-30 3.6.2, p. 3-61-70 6.7.2, p. 6-75 Exhibit 3-18 Exhibit 3-19 Exhibit 3-20 Exhibit 3-21 Exhibit 3-22 Exhibit 3-23 Exhibit 3-24	NA	Yes		NRR
Grading Plan	21600(b)(4)(D)	Sec. B.4.4.1.4 – pg. B.4-8; Sec. E.1.2 – pgs. E.1-1, E.1-2; Figures 2, 9 and 20, 27A	Final landfill slopes were designed w/an overall gradient of 3.5:1 w/ 20-ft benches every 40 vertical ft. & max landfill elev, including final cover system, will be 1,100 feet amsl. Final deck area will have min grade of 3%. Grading plan w/ existing borrow area contours (Fig 27A) & proposed borrow area contours (Fig 2).	EIR 2003: 3.7.3. p. 3-74 Exhibit 3-17 Exhibit 6-7	NA	Yes		NRR
Gas Management Plan	21600(b)(4)(E) refers to 20919	Sec. B.5.2 – pg. B.5-28 thru B.5-32; Sec. C.2.7 – pgs. C.2-14 thru C.2-16; Figures 2, 10D, 11, 16 and 16A	Gas migration monitoring system ultimately includes 14 probes spaced ~1,000-ft centers around entire refuse prism to detect potential gas migration prior to reaching property boundary – Fig 10D. Landfill gas control system includes series of vertical gas extraction wells joined through a system of above ground lateral pipes, which will be connected to main header pipe leading to flare station – Fig 11, 16, 16A.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes	Regs state that JTD should describe any possible use of landfill decomposition gases; this information is not included so the assumption is that there are no plans for energy recovery. Regs state that spacing between probes should not exceed 1,000 ft.; consider modifying text in JTD from approximately 1,000 ft. to no more than 1,000 ft.(This is what is shown on Figure 10D.) There is confusion between 14 probes stated on JTD pg. B.5-29 & 16 probes stated on JTD pg. C.2-16; clarify that 2 probes are only temporary as shown on Figure 10D.	Correct there are not plans for energy recovery at this time. The text in Section B.5.2.3.1 has been revised to indicate "less than 1,000 feet." Section C.2 has been revised to concur with Section B.5.2.3.1. The two temporary probes are also now discussed.
<b>Operating Criteria</b>								
Disposal Site Records	21600(b)(5)(A) refers to 20510, 20515	Sec. A.3 – pgs. A.3-1 thru A.3-2	Procedures for maintaining records include: (a) Refuse disposal vehicles req'd to check in at entrance facility & weighed prior to unloading at working face. Daily receipts kept by scale operators in operating record. (b) Records showing excavation of future refuse area subgrade will be maintained. (c) Operator will maintain a daily log of unusual occurrences including landfill fire, landslides, flooding, unusual/sudden settlement, EQs & resulting damage, property damage, accidents, explosions & discharges of hazardous or other non-permitted wastes. (d) Personnel training record –health & safety, hazardous waste identification, handling & storage procedures, environ control sys management, waste handling & disposal procedures, and emergency response procedures & environ mitigation. (e) Operator of record -Gregory Canyon Limited. (f) Records available during business hours for inspection by authorized reps of regulatory agencies having jurisdiction. (g) Records for Disposal Reporting System – records on-site at admin office and available during normal business hours for inspection.	EIR 2003: 3.4.11, p. 3-40-41	NA	Yes		NRR

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Site Security	21600(b)(5)(B)	Sec. B.3.2 – p. B.3-9	Entry during business hours controlled by site personnel at entrance facilities (single point of public access to site).	EIR 2003: 3.4.8, p. 3-39 4.16.2.2, p. 4.16-13	NA	Yes		NRR
Sanitary Facilities	21600(b)(5)(C)	Sec. B.4.6.1 – p. B.4-21	Portable chemical toilets to be located at N end of ancillary facilities area.	EIR 2003: 3.2.4, p. 3-21	NA	Yes		NRR
Communications Systems	21600(b)(5)(D)	Sec. B.4.6.3 – p. B.4-21	Telephones w/in offices in ancillary facilities area & at each fee booths for computer links w/truck scales. Two-way hand-held radios for communication between ancillary facilities & staff located w/in landfill property boundary.	EIR 2003: 3.2.4, p. 3-19, 20	NA	Yes	Use of cell phones for communication should be included in this section.	Cell phone use has been added to this section of the JTD.
Lighting (for facilities which operate during darkness)	21600(b)(5)(E)	Sec. B.4.6.4 – p. B.4-	Disposal equipment outfitted w/sufficient lighting	EIR 2003	NA	Yes		NRR
Safety Equipment	21600(b)(5)(F)	Sec. B.4.6.5 – p. B.4-22	Hard hats, reflective vests, ear & eye protection, filtration masks, fire extinguishers.	EIR 2003 4.16 (in general) 4.16.2.2, 4.16-13 3.2.4, p. 3-21 3.5.4, p. 3-57 3.5.9, p. 3-60	NA	Yes		NRR
Personnel Requirements	21600(b)(5)(G)	Sec. B.4.2 – pgs. B.4-1 thru B.4-5, Table 6	Site operation staffing (Table 6) req'd to conduct disposal & site maint operations, & record keeping during peak operation. Site personnel trained for health & safety, environ control sys management, & emergency response.	EIR 2003: 3.4.9, p. 3-39 Table 3-2	NA	Incomplete	Regs state minimum number of staff requirements. Suggest adding a column to Table 6 to show minimum.	Table 6 in Section B.4.2.1 has been revised to include minimum and maximum staff requirements.
Personnel Training	21600(b)(5)(H) refers to 20610	Sec. B.4.2.2 – p. B.4-3, B.4-4	Training emphasis in health & safety, hazardous waste identification, handling & storage procedures, environ control sys management, waste handling & disposal procedures, emergency response procedures & environ mitigation.	EIR 2003: 4.16.2.2, p. 4.16-13, 14	NA	Yes		NRR
Supervisory Structure	21600(b)(5)(I)	Sec. B.4.2.3 – p. B.4-4, B.4-5	Operator will provide adequate supervision of a sufficient number of qualified personnel to conduct proper operation of the site in compliance with all applicable State and federal requirements. Operator will also provide a recycled water supervisor, who has completed a State-approved training course on use of recycled water.	EIR 2003: 3.4.8, p. 3-39 Table 3-2	NA	Yes		NRR
Spreading and Compaction	21600(b)(5)(J)	Sec. B.4.4.3 – p. B.4-14	Compactor or dozer will spread waste over working face in ~2-ft thick layers & then make repeated passes over working face to compact refuse. Working face typically sloped to gradient of ~5:1 (H:V) or less to max refuse compaction.	EIR 2003 3.4.3, p.3-32 3.4.3.1, p. 3-34	NA	Yes		NRR
<b>Cover</b>								
Cover Materials	21600(b)(6)(A)	Sec. B.4.4.1.1 - B.4-7; Sec. B.4.4.5 thru B.4.4.8 – pgs. B.4-15 thru B.4-19; Sec. C.3.2 – p. C.3-1; Sec. C.2.2.3 – pgs. C.2-2 thru C.2-4; Figures 14 and 31	Soil materials excavated for daily & intermediate cover of active waste disposal operations obtained from 3 on-site sources: landfill footprint (7.9 mcy), Borrow/Stockpile Area A (1.3 mcy) & Borrow/Stockpile Area B (3.2 mcy). Excavation/stockpile sequence – Once initial excavation for site facilities area & 1st stage of Phase I refuse area completed, subsequent excavation & stockpiling operations to be conducted concurrent w/refuse disposal throughout landfill development. Borrow/Stockpile Area A (W of landfill footprint) & Borrow/Stockpile Area B (SW & adjacent to footprint). Rock crushing (conducted concurrently w/landfill construction) to occur onsite & excavated rock to be stored on-site for future use, or ground for use as daily or intermediate cover areas.	EIR 2003 3.4.5.1 p. 3-36-37 6.7.2, p. 6-75	NA	Yes		NRR

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Alternative Daily Cover and Beneficial Reuse	21600(b)(6)(B) refers to 20690 and 20695	Sec. B.1.5.4/p. B.1-10 B.4.4.5.1 pgs. B.4-16, B.4-17	ADC reduces refuse-to-daily/intermediate cover ratios from 4:1 to 7:1. Geosynthetic blankets & PGM to be used as ADC. Geosynthetic blankets – handling & procedures described in App. F-1.	EIR 2003 3.4.5.1, p. 3-37-38	NA	Incomplete	Regs state that handling and procedures of ADC should be included. A description of PGM application methods and an estimate of range in tons of PGM is required. This language should be consistent with 20690(b)(3)(B to D).	PGM use procedures and an estimate of the range in tons has been added to Section B.4.4.5.1. Text has also been added to indicate that the PGM will be weighed at the scale. Synthetic blankets has been corrected to read "geosynthetic."
Cover Frequency	21600(b)(6)(C) refers to 20680 and 20695	Sec. B.4.4.5 – p. B.4-15 thru B.4-17	Daily cover in form of soil material compacted to min thickness of 6-in or an ADC, such as geosynthetic blanket or PGM, to be placed over all exposed refuse at end of each working day.	EIR 2003 3.4.5.1, p. 3-36-38	NA	Yes		NRR
Intermediate Cover	21600(b)(6)(D)	Sec. B.4.4.6 – pgs. B.4-17, B.4-18	Min 12-in thick layer of suitable cover material to be placed over top, side slopes & working face of advancing lift, refuse cell or portions of disposal area where no additional refuse is to be deposited w/in 180 days.	EIR 2003 3.4.5.2, p. 3-38	NA	Yes		NRR
<b>Handling</b>								
Public Health Design Parameters	21600(b)(7)(A)	Sec. B.5.3 – pgs. B.5-32 thru B.5-41	Dust control – includes both construction/operations & maint procedures & will utilize on-site well water. Noise control – on-site equip noise controlled by installation & maint of mufflers on all motorized vehicles. Fire control – refuse burning not allowed at landfill facility. Odor control – landfill gas control system & placement of daily, ADC or intermediate soil cover over all exposed refuse at end of each operating day. Control of birds, flies, rodents & other vectors – refuse compaction, application of daily cover & professional pest control services. Litter control – perimeter fencing, commercial loads covered w/tarp, disposal operations suspended during high winds, inspection conducted every day landfill is open & cleaned up on 6th day.	EIR 2003 3.5 (in general) 3.5.4, p. 3-57 3.5.5, p. 3-58 3.5.6, p.3-58 3.5.7, p. 3-59 3.5.8, p. 3-59 3.5.9, p. 3-59-60	NA	Yes		NRR
Salvaging Activities	21600(b)(7)(B)	Sec. B.4.5 – pgs. B.4-19, B.4-20	Public salvaging not allowed & no salvaging operations other than public dropoff area. Storage – bins for source-separated recyclable materials. Materials handled – tin, newsprint, white paper, aluminum, glass, white goods. White goods physically removed by hand or w/ heavy equipment, as needed from waste stream at working face. Procedures for salvage removal to prevent fire/health problems – Materials kept away from disposal operations & limited to volume & storage time.	"Salvaging" Not identified EIR 2003 3.2.4, p. 3-19	NA	Yes		NRR
Volume Reduction Activities	21600(b)(7)(C)	Sec. B.4.5.5 – p. B.4-20	Volume reduction activities such as incineration, bailing, shredding or composting will not be conducted at landfill, only collection of source separated materials & waste tire processing or shredding.	EIR 2003 3.4.1, p. 3-31 3.2.4, p. 3-19 3.4.6, p. 3-38-39	NA	Yes		NRR
Equipment	21600(b)(7)(D)	Sec. B.4.3 – pgs. B.4-5, B.4-6, Table 7	On-site equipment maint – 4 Dozer, 2 Compactor, 2 Scraper, 1 Water Truck, 6 Light Duty Vehicles, 1 Motor Grader, 1 Surge Bin, 1 Mechanic Truck, 1 Portable Rock Crusher, 1 Fuel Truck, 1 Mobile Tire Shredder. Hawthorne Machinery Company utilized for rental equipment. Operating equip maintained w/preventative maint program for min breakdowns.	EIR 2003 3.4.10, p. 3-39 Table 3-3		Incomplete	Regs state minimum equipment requirements. Suggest adding a column to Table 6 to show minimum.	Table 7 in Section B.4.3.1 has been revised to include the minimum and maximum equipment requirements.

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Waste Handling	21600(b)(7)(E)	Sec. B.1.5.2 – pgs. B.1-5 thru B.1-7; Sec. B.4.4.2.1 – pgs. B.4-9 thru B.4-14; Sec. B.5.6 – pg. B.5-43;	Non-hazardous solid wastes, inert wastes & dewatered sludge accepted at site. Special handling waste – tires and bulky wastes accepted; tire storage area < 5,000 sf of contiguous area, < 50,000 cf in volume, < 10 ft. in	EIR 2003 3.4.1, p. 3-31 3.2.4, p. 3-19 3.4.6, p. 3-38-39	NA	Yes		NRR
<b>Environmental Controls</b>								
Nuisance	21600(b)(8)(A)	Sec. B.5.3 – pgs. B.5-32 thru B.5-41	Procedures to prevent/control public nuisance - dust control, noise control, fire control, odor control, vector control, litter control, noise control, mitigation monitoring & reporting program for project impacts.	EIR 2003 3.5 (in general) 3.5.4, p. 3-57 3.5.5, p. 3-58 3.5.6, p.3-58 3.5.7, p. 3-59 3.5.8, p. 3-59 3.5.9, p. 3-59-60 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Fire Control	21600(b)(8)(B)	Sec. B.5.3-5 – pgs. B.5-39, B.5-40	Burning of refuse not allowed, refuse placed w/in 150 ft. of landfill perimeter, application of daily & intermediate soil cover placement, load checking for smoldering or burning wastes & separation of these wastes if spotted by a dozer & covering of fire w/soil.	EIR 2003 3.5.4, p. 3-57 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Leachate Control (for purposes of public health)	21600(b)(8)(C)	Sec. B.5.1.1 – B.5-1 thru B.5-9; Sec. C.2.5 – C.2-10 thru C.2-13; Fig. 13, 14, 15, 15A	Containment system design includes LCRS above liner to collect & convey leachate generated w/in refuse prism. LCRS designed to reduce time leachate remains on liner, thereby, reducing potential for migration of leachate through liner system. Leachate collected in storage tanks will be transported off-site for treatment & disposal.	EIR 2003 3.5.3, p. 3-56 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Dust Control	21600(b)(8)(D)	Sec. B.5.3.1 -pgs. B.5-33 thru B.5-37	Main access Rd paving; proper maint, soil sealant & watering on internal haul roads; water spraying of soil excavated & placed for cover; water spraying of areas where soil excavation is occurring for purposes of cell development; ancillary dust control activities; applying water &/or planting temp veg on intermediate soil cover areas; planting & maintaining veg cover on completed slopes.	EIR 2003 3.5.8, p. 3-59 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP) Addendum 2009 4.0, p. 5	NA	Yes		NRR
Vector Control	21600(b)(8)(E)	Sec. B.5.3.2 -p. B.5-37, B.5-38	Refuse compaction; daily cover appl; professional pest control services; monthly inspections of landfill areas; items which attract vectors stored in closed containers &/or w/in enclosed structures; bldg. openings, ground holes & deficiencies in perimeter fence repair; removal of existing dairy, operations staff to use dispersal techniques to disturb bird behavioral patterns; proper grading & drainage to eliminate puddles & wet areas; desilting basins cleaned out regularly; tire shredding at min of every 6 month.	EIR 2003 3.5.5, p. 3-58 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Drainage & Erosion Control	21600(b)(8)(F)	Sec. B.5.4 – pgs. B.5-41, B.5-42; Sec. C.2.8 – pgs. C.2-16 thru C.2-25; Figures 17, 19	Perimeter drainage systems for open channels & buried pipe, drainage berms, downdrains, energy dissipaters, desilting basins, drainage swales, structural media filtration, bio-treatment swales & percolation areas.	EIR 2003 3.2.2, p. 3-13-14 3.3.1, p. 3-29 3.5.2, p. 3-44 3.5.2.2, p. 3-44-47 3.5.2.5, p. 3-55 3.7.1.3, p. 3-73 3.7.4, p.3-75 Exhibit 3-14 Exhibit 3-15 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR

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Litter Control	21600(b)(8)(C)	Sec. B.5.3.3 – p. B.5-38, B.5-39	Perimeter fencing; 12-ft high litter fence along bridge deck to control litter from waste collection vehicles; commercial loads require tarp cover; portable, temp fencing to control windblown papers at working face; disposal operations suspended during high winds; clean up team to inspect for & clean up litter & illegal dumping, litter inspection every day that landfill is open to accept refuse & litter clean up on 6th day.	EIR 2003 3.5.6, p. 3-58 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Noise Control	21600(b)(8)(H)	Sec. B.5.3.4 – pgs. B.5-39	Installation & maint of mufflers on motorized vehicles; controlled blasting if necessary w/written notice to residents w/in a 1-mi radius of blast site; site personnel provided w/hearing protection; rock crushing & tire shredding to occur at least 1,500 ft. from nearest residences unless other forms of noise attenuation, such as berms or acoustical curtains, are utilized.	EIR 2003 3.5.9, p. 3-59-60 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Traffic Control (within the facility)	21600(b)(8)(I)	Sec. B.5.5 – p. B.5-42, B.5-43	Entrance facilities located at distance from SR76; monitoring of incoming traffic; early warning sys implemented to assure that traffic requirements are met; on-site internal haul roads to be asphalt or tightly-compacted dirt roads w/speed limit on landfill of 15 mph; modifications to SR76 to improve sight distance & facilitate truck movements; gate at N side of bridge opened 1-hr prior to hours of operation; landfill operator to report traffic count info to Depart of Environ Health on weekly basis in writing.	EIR 2003 3.5.8, p. 3-59, 60 3.2.4, p. 3-21 3.4.3.1, p. 3-32 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Hazardous Waste/Load-checking	21600(b)(8)(J)	Sec. B.4.4.2.1 – pgs. B.4-9 thru B.4-14; Sec. B.5.6 – B.5-43; App. F	HWEP includes descriptions of acceptable & prohibited wastes; gamma-scintillation counter at scale facility to detect radioactive materials; refuse unloading activities obsv by full time spotter at tipping area; random inspections of incoming loads; inspection records; site personnel training to recognize regulated hazard waste & PCB wastes; notification if regulated hazard wastes or PCB wastes are discovered. Designated storage area located in SE corner of ancillary facilities area for temp disposition of wastes collected. On-site storage limited to 90 days & prior to shipment off site, all materials will be overpacked & manifested w/licensed hazard waste hauler/disposer.	EIR 2003 3.4.4, p. 3-34-35 3.4.4.1, p. 3-35, 36 Ch. 10 (MMRP)  EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
<b>Approvals</b>								
Compilation of Approvals	21600(b)(9)	Sec. B.2 – pgs. B.2-1 thru B.2-8; Table 5	Approval agencies include CA Integrated Waste Management Board, CA Regional Water Quality Control Board, Depart of Environmental Health Services. San Diego APCD, DPLU, CIWMP, USACE, US Fish & Wildlife, SD Public Works Depart, SD Sheriff's Depart, CALTRANS, State Historic Preservation Office, Public Utilities Commission, CA Depart of Fish & Game, etc. Permits req'd & issuing agencies listed in Table 5.	EIR 2003 3.8, p. 3-75-80 Table 3-6	NA	Yes		NRR

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<b>CIWMB -Closure/Postclosure Maintenance Plan Requirements if part of Joint Technical Document (JTD) -Preliminary Closure Plans</b>								
Closure/PCM Cost Estimate	21790(b)(1) refers to 21815 and 21820	Sec. F.1 – Tables 17, 18	2010 closure cost estimate – \$25.6M. Estimate includes design, materials, equipment, labor, administration, quality assurance, and 20% contingency. Annual PCM cost = \$29.5M.	NA EIR 2003 3.7.2, p. 3-74	NA	Incorrect	The formula in the spreadsheet used to generate Tables 17 and 18 need to be rechecked. For example, the Subtotal Closure Cost on Table 17 is shown as \$19.7M but adding up sections 1 to 10 results in \$21.6M. The footnotes for the Tables indicate that 2008 costs were adjusted by CalRecycle inflationary factors to obtain the 2010 values. Suggest adding this section to the text. Also, considering the economic conditions between 2008 and 2010, the cost estimates may be skewed to the high side.	The numbers in the cost estimate have all been rechecked. There was a rounding error in the formula which has been corrected and the cost estimate adjusted accordingly. The cost back-up information has also been updated and included in Appendix R. Also, it is appropriate to use CalRecycle inflationary factors as they require use of this factor for annual closure funding updating. In fact, CalRecycle inflationary factors have been reducing over the past few years. Not appropriate to note that costs were adjusted by CalRecycle inflationary factor in text of JTD as not all costs were updated in that manner. We feel notes on Tables 17 and 18 are sufficient.
Location Maps	21790(b)(2 & 4)	Figures 1, 2, 5 6, 13, 14, 15, 15A, 16, 16A, 17, 19	Location map w/property boundary & existing, permitted & proposed final limits of waste placement – Fig 6. Location map w/entry roads – Fig 2. Location map w/structures outside property boundary but w/in 1000 ft. – Fig 5. Location map w/general location of landfill – Fig 1. Location map w/leachate control – Fig 13, 14, 15, 15A. Location map w/drainage & erosion control – Fig 17, 19. Location map w/gas monitoring & control system – Fig 16, 16A.	EIR 2003 Exhibit 3-1 Exhibit 3-2 Exhibit 3-3 Exhibit 3-4 Exhibit 3-6 Exhibit 3-7 Exhibit 3-8 Exhibit 3-9 Exhibit 3-10 Exhibit 3-16 EIR 2007 Exhibit 3-8 Exhibit 3.8c	NA	Yes		NRR
Post-Closure Land Uses	21790(b)(5)	Sec. B.1.9 – p. B.1-14; Sec. D.1.3 – p. D.1-2	Post-closure land use will be undeveloped open space. In accordance w/Prop C.	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	Yes		
Estimate of Required Closure	21790(b)(6)	?	Implies entire site will be closed at the same time.	Not identified EIR 2003 3.7.2, p. 3-74	NA	Incomplete	The regs require a statement regarding the maximum extent of the landfill that would require closure at any given time.  Add a sentence to Section E.1.1 that states that the Closure Plan assumes that maximum extent of the landfill that will require closure at any given time during the life of the landfill is the entire landfill. This can be changed in the future if a decision is made down the road to initiate a phased closure.	The text has been revised in Section E.1.1 to indicate that the maximum extent of closure assumes closure of the entire landfill.

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Estimated Closure Date	21790(b)(7)	Sec. B.1.7 – p. B.1-12	Site life – ~30 years. Estimate includes settlement & volume occupied by daily cover. Cap of site – net airspace (less liner & final cover) = 56.8 mcy; Liner system = 1.6 mcy Final cover = 0.9 mcy; Daily & immediate cover = 11.4 mcy. Refuse to cover ratio = 4:1 Waste flow projections – starting inflow rate = 1,950 tpd Compaction density = 1,350 pcy	EIR 2003 3.6.1, p. 3-60	NA	Yes		NRR
Closure Activities	21790(b)(8)	Sec. E.1.12 – pg. E.1-16 thru E.1-19	Closure construction to start w/in 30 days after final shipment of waste & occurs over 14 mos. Equip Mob (2 wk); Site Security Fencing/Signage (2 wk); Site Exploration/Survey (3 wk); Structure Removal/Demo (3 wk); Drain Control Sys Const (6 wk); Fndn Layer Prelim Grading (8 wk); Fndn Layer Place (10 wk); Barrier Layer Place (20 wk); Veg Layer Place (16 wk); Drain Control Sys Const-over refuse (6 wk); Access/Internal Rd Grading (3 wk); Gas Extract Sys (13 wk); Demob (3 wk)	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Site Security and Structure Removal	21790(b)(8)(A) refers to 21135 and 21137	Sec. E.1.10, 11 – pgs. E.1-14, E.1-15	Site security includes perimeter fence/gates; signs posted 60 days prior to last receipt of waste & not <180 days after final waste shipment received; notice in local newspaper 30 days prior last receipt of waste; operator to secure all points of access w/lock & gate & place signs at all access points prohibiting unauthorized entry. Structures removal includes scales & scalehouse, admin, maint & visitor bldg. Structures/ fndns to be demolished & disposed onsite. Scale pits & excavations to be backfilled & compacted. Scales & associated mechanisms, office supplies & computer equip for scalehouse to be removed & salvaged. No plans to decommission any of proposed environ control systems.	EIR 2003 3.7.4, p. 3-75 4.16.2.2, p. 4.16-13 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Final Cover and Grading	21790(b)(8)(B) refers to 21140, 21142, 21090(a)(1)-(3), (a)(6), 21090(b)(1)-(3) 21750(f)(5)	Sec. B.1.7 – pg. B.1-12; Sec. C.3.3 – pg. C.3-2; Sec. E.1.2 – pgs., E.1-1, E.1-2; Sec. E.1.3 – pgs. E.1-2 thru E.1-6; Sec. D.4.6 – pgs. D.4-16 thru D.4-20; App. C – pgs. 3-6 thru 3-10; Figures 9 and 31	See below.	EIR 2003 3.7.1, p. 3-71 3.7.1.1, p. 3-71 3.7.1.2, p. 3-71 3.7.1.3, p. 3-73 3.7.3, p. 3-74-75 Exhibit 3-25 Exhibit 3-17	NA	Yes		NRR
-Final Cover	21140 21090(a)(1)-(3)	See above.	Final cover consists of min 2 ft. thick fndn layer (random soil materials); barrier layer (60-mil LLDPE geomembrane); HDPE drainage geocomposite layer (deck areas only); & 2 ft. veg layer (silty sand to sandy silt) from Stockpile A.	EIR 2003 3.7.1, p. 3-71 3.7.1.1, p. 3-71 3.7.1.2, p. 3-71 3.7.1.3, p. 3-73 Exhibit 3-25	NA	Yes		NRR
-Final Grading	21142 21090(b)(1)-(3) 21090(e)(1)-(3)	See above.	Max elev of landfill w/final cover = 1,100 feet amsl. Final deck area = 3% min grade (to promote drainage & allow for future settlement). Final landfill slopes w/overall gradient of ~3.5:1. Benches to be 20 ft. wide, placed every 40 vertical ft, sloped inward ~6%, overall horiz gradient 3%. Final cover surveys -operator to prepare an iso-settlement map of entire permitted site every five years thru post-closure maint period.	EIR 2003 3.7.3, p. 3-74-75 Exhibit 3-17	NA	Yes		NRR

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-Stability Analysis	21090(a)(6) 21750(f)(5)	See above.	Static stability of refuse slopes – SLOPE/W used to find FS; method to calc FS: Bishop for circular failure, Spencer & Morgenstern/Price for block & non-circular failure; assumptions: refuse fill (unit weight = 80 pd, Phi = 30°, C = 200 psf), smooth HDPE (Phi = 8°, C = 0 psf), textured HDPE (Phi = 14°, C = 0 psf); FS>1.5. Dynamic stability of refuse slopes – Bray & Rathje (1998) used to estimate seismic displacement; assumptions: slope height = 300 ft, shear wave velocity = 1,200 ft./s, M7.1 at 6 miles from site, MCE site acceleration = 0.4g, period of shaking = 0.5s, duration of MCE = 16s; displacement = 0.1 in (less than acceptable, OK). Static stability of final cover – SLOPE/W used to find FS; assumptions: veg layer thickness = 2 ft., soil density = 100 pcf, friction angle between soil/LLDPE = 27°, max slope gradient = 3:1, PGA = 0.4g; FS>1.5. Dynamic stability of final cover – Makdisi & Seed (1978) used to estimate seismic displacement; displacement = 1.7 to 5.1 in (depending on waste thickness); Bray & Rathje (1998) used to estimate seismic displacement;	EIR 2003 4.2.3.1, p. 4.2-27 4.2.3.2, p. 4.2-35, -42	NA	Yes		NRR
Construction Quality Assurance	21790(b)(8)(C) refers to 20323, and 20324	Sec C.4 – pgs. C.4-1 thru C.4-12; Sec. E.1.6 – p. E.1-9; App. M and N		EIR 2003 3.2.1, p. 3-11 3.7.1.1, p. 3-71 3.7.1.4, p. 3-73, 74	NA	Yes		NRR
-Professional Qualifications	20324(b)	See above.	Registered civil engr or certified engr geologist – CQA Officer, oversees CQA program, prepares CQA plan.	EIR 2003: 3.2.1, p. 3-11 3.5.1, p. 3-42 Table 10-2, p. 10-48	NA	Yes		NRR
-Reports	20324(c)	See above.	Text identifies that CQA reports will include CQA management organization (CQA Management Org; Geo Project Director, Geo Officer, Geo Monitors), a detailed description of the level of experience and training for the contractor (Experience/Training requirements included for CQA Officer, CQA inspection personnel, geosynthetic installation contractor, geosynthetic placement superintendent, seaming personnel) and a description of the CQA testing protocols (Preconstruction test protocols: inspection of const materials, inspection of manufacturing process & QA procedures used in manufacturing geosynthetics, obsv in transport, handling, & storage of geosynthetics, inspection of fndn conditions. Construction test protocols: Obsv of all phases of const & documentation of contractor's compliance or noncompliance w/approved plans & specs, &/or direction of engr; field tests & visual obsv to evaluate construction practices).	EIR 2003 3.4.11, p. 3-40-41 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes	The positions of “Geo Project Director” and “Geo Consultant” are not defined in the JTD text in Sec. C.4.2 and C.4.3. Include position description from App. M and N or reference the appendices when position is first mentioned. Consider adding a statement saying that “CQA inspection personnel” position described in JTD is same as “CQA monitors” described in App M and N.	The definition of these positions have been added as Sections C.4.3.2 and C.4.3.3. CQA Monitor has been added to Section C.4.3.4.
-Documentation	20324(d)	See above.	Daily summary reports – prepared daily by technician w/supporting inspection data sheets & records of problems that occur or corrective measures implemented thru construction period. Acceptance reports – CQA Officer to review daily inspection reports, data sheets, & photos; reports evaluated for internal consistency, accuracy & completeness. Document storage – after const completion, facility will store all original documents so protected from damage thru post-closure maint period.	EIR 2003 3.4.11, p. 3-40-41 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR

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-Laboratory and Field Testing Requirements	20324(e), (f)	See above.	Field testing – ASTM D 2488 93. Earthen material lab testing – ASTM D 1557 91, ASTM D 422 63, ASTM D 2487 93. Low hydraulic conductivity layer lab testing – ASTM 4318 93, USEPA 9100. Test program implemented prior to incorporation of material into containment sys & once approved, during const to evaluate components const according to design specs.	EIR 2003 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Test Fill Pad Requirements	20324(g)	See above.	Test fill pad fndn to be constructed by Contractor selected to complete liner construction w/designated equip to determine if specified density/moisture content/hydraulic conductivity relationships from lab can be achieved in field w/compaction equip to be used & at specified lift thickness & to find correlation between design hydraulic conductivity & density at which that conductivity is achieved.	EIR 2003 3.2.1, p. 3-11 Ch. 10 (MMRP) EIR 2007 3.2.4, p. 3-1 Ch. 10 (MMRP)	NA	Yes		NRR
-Earthen Material Requirements	20324(h)	See above.	Field compaction testing to be conducted by nuclear gauge at min freq of 4 tests per 1,000 cy & evaluated by sand cone methods at min freq 1 test per 1,000 cy placed. ASTM 1557 & ASTM 4318 93 to be performed at freq of 1 test for every 5,000 cubic yards of material placed, or per change in material. Permeability testing: lab -1 test per 5,000 cy placed, field -1 test per 2,500 cy placed.	EIR 2003 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Geosynthetic Membrane Requirements	20324(i)	See above.	Conformance samples taken & tested at > rate of 1 per lot or 1 per 100,000sf. Interface shear test conducted at rate of 1 per 200,000 sf. Conformance tests include density (ASTM D1505A); environ stress crack (ASTM 05397); tear resistance (ASTM 01004 Die C); carbon black content (ASTM 01603); thickness (ASTM 05199); tensile characteristics (ASTM 0638); direct shear testing for interface strength (ASTM 0-5321); puncture resistance (ASTM 04833). Electrical leak location survey -identify holes in geomembrane liner after LCRS gravel &/or operations layer soil is placed, after geomembrane subjected to construction activities & after 1st refuse lift is placed.	EIR 2003 3.2.1, p. 3-11 Ch. 10 (MMRP) EIR 2007 3.2.4, p. 3-1 Ch. 10 (MMRP)	NA	Yes		NRR
Drainage and Erosion Control	21790(b)(8)(D) refers to 21150, 21090(a)(3)-(a)(3)(b)	Sec. E.1.7 – pgs. E.1-10 thru E.1-12; Sec. B.5.4 – pgs. B.5-41, B.5-42; Sec. C.2.8 – pgs. C.2-16 thru C.2-25; Figure 17, 19, 20	Final drainage control system includes exterior slope downdrains, engineered deck area gradients & drainage berms, deck inlets, bench drains & inlets, buried drain pipes, trapezoidal channels, & 2 desilting basins. Primary erosion control includes fill area grading, vegetation (erosion control mats, mulching, & hydroseed), & slope bench system.	EIR 2003 3.2.2, p. 3-13-14 3.3.1, p. 3-29 3.5.2, p. 3-44 3.5.2.2, p. 3-44-47 3.5.2.5, p. 3-55 3.7.1.3, p. 3-73 3.7.4, p.3-75 Exhibit 3-14 Exhibit 3-15 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Gas Monitoring	21790(b)(8)(E) – refers to 20920 thru 20939	Sec. E.1.8 – pgs. E.1-12, E.1-13; Sec. Sec. B.5.2 – pgs. B.5-22 thru B.5-25, Sec. C.2.7 – pgs. C.2-14 thru C.2-16; Figures 10D, 11, 16 and 16A	See below.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes		NRR

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-Gas Monitoring and Control	20921	See above.	Landfill gas control system includes 3 main subsystems; extraction well field; conveyance lines & treatment facility. A perimeter landfill gas migration monitoring network will be installed. Limitations for emissions from crushing, screening, transfer points & other operations & process. System taken off line in stages as final cover constructed.	EIR 2003: 3.5.1, p. 3-42 Exhibit 3-13	NA	Yes		NRR
-Monitoring	20923	See above.	Landfill gas migration monitoring probes will be installed in native soils around perimeter to monitor for possible subsurface migration.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Perimeter Monitoring Network	20925	See above.	Location – Terrain surrounding footprint is very steep & heavily vegetated, requiring significant construction of access roads & drilling pads in order to place probes at or near facility boundary. This would create significant environ issues, thus probes will be placed closer to permitted refuse limit. Spacing/Depth – 16 probes (2 temp) will be installed at multiple depths on approx 1,000 ft. centers around refuse prism. Monitoring well construction – drilled by licensed drilling contractor or drilling crew under supervision of design engr or engr geologist & wells logged by a geologist or geo engr. Min 5-ft bentonite seal at surface & between monitored zones.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes	The closure perimeter probe locations on Figure 10D are no more than 1000 feet apart. Regs state that spacing between probes should not exceed 1,000 ft.; consider modifying text in JTD from approximately 1,000 ft. to no more than 1,000 ft. There is confusion between 14 probes stated on JTD pg. B.5-29 & 16 probes stated on JTD pg. C.2-16; clarify that 2 probes are only temporary.	Text has been revised to indicate "less than 1,000 feet." Section B.5 and C.2 have been revised to discuss 14 permanent probes and 2 temporary probes.
-Structure Monitoring	20931	See above.	On-site structures monitored for detection of potential landfill gas migrating into bldg. structures in accordance with 27 CCR, Sec 20931. Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53	NA	Yes		NRR
-Monitored Parameters	20932	See above.	Landfill gas consists of methane & carbon dioxide along w/traces of other constituents. Production of landfill gas w/in refuse cell is of interest due both to flammability of methane in conc between 5 & 15 % by volume in air & for air pollution reasons.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Monitoring Frequency	20933	See above.	Monitoring probes will be sampled at min on quarterly basis to determine if landfill gas is migrating away from landfill.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Reporting	20934	See above.	Results from perimeter gas monitoring probes will be compiled into report & submitted to SDAPCD, EA & CalRecycle on a regular basis.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Reporting and Control of Excessive Gas Concentrations	20937	See above.	If compliance levels are exceeded in any monitoring probe, adjustments to gas system will be initiated &/or additional extraction wells will be installed.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
-Control of Excessive Gas Concentrations	20939	See above.	Once gas control system is installed & operational, landfill gas flare station will be primary method for disposal of collected gas. Liquid condensate collected will be incinerated in flares, treated onsite, & removed off-site for disposal.	EIR 2003 3.5.1, p. 3-42 Exhibit 3-13 3.5.2.3, p. 3-53 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR

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Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution (NRR = No Resolution Required)
Leachate Monitoring	21790(b)(8)(F) refers to 21160, 20340, 21090(c)(2)	Sec. B.5.1.1 – pgs. B.5-1 thru B.5-9; Sec. C.2.5 – C.2-10 thru C.2-12; Sec. E.1.9.1 – pg. E.1-13; Fig. 13, 15, 15A	LCRS designed on basis of max anticipated leachate generation for disposal area. LCRS design consists of granular drainage blanket constructed immediately above liner in bottom liner areas. Network of leachate collection pipes placed w/in granular drainage blanket will convey accumulated fluid by gravity flow to mouth of canyon to be discharged into two double-walled collection tanks. System in place at closure & maintained thru post-closure. LCRS design over slope liner areas consists of gravel pipe collectors wrapped w/geotextile filter fabric placed on interior benches along slopes. Prelim analysis includes HDPE pipe w/6-in ID & SDR of 11 to carry anticipated liquid volume & resist crushing under anticipated refuse loads. LCRS will be operated to function w/out clogging, clean-outs will be utilized to annually test LCRS flow capability.	EIR 2003 3.5.3, p. 3-56, 57	NA	Yes		NRR
Items Under 21790 (Preliminary Plans)	21800(c)	Preliminary Closure Plan included in Parts E and F of the JTD.	The PCPMP specifies that the Final Closure Plan to include following items given in above rows for Preliminary Closure Plan – closure cost estimate, location maps, post-closure land uses, estimate of req'd closure, & closure activities.	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR
Sequence of Closure Stages With Dates	21800(c)	Not applicable to a Preliminary Closure Plan	NA	NA	NA	NA		NRR
Schedule for Disbursement	21800(d)	Not applicable to a Preliminary Closure Plan	NA	NA	NA	NA		NRR
Criteria for Cost Estimate	21815 and 21820	Table 17, 18 and Appendix R	Adequate documentation of costs provided. Estimates appear to be in compliance with Labor Code and Caltrans requirements in section 21815.	NA	NA	Yes		NRR
Description of Planned Uses	21825(b)(1) refers to 21190	Sec. B.1.9 – pg. B.1-14; Sec. D.1.3 – pg. D.1-2	Ultimate post-closure end use will be undeveloped open space. Final cover will be designed to meet reg requirements effective at time of closure. Final Closure Plan will be prepared & submitted to appropriate regulatory agencies at least 2 yrs. prior to landfill's anticipated closure date.	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	Yes		NRR
Description of Maintenance	21825(b)(2) refers to 21180	Sec. E.2 – pgs. E.2-1 thru E.2-21	Monitoring & Maint activities will include Landfill Gas Migration System (¼ yr.); Groundwater System (¼ yr.); Stormwater; Final Cover (¼ yr.); Settlement (iso settlement maps every 5 yrs.); Vegetative Cover (weed control, reseeding, mulching -½ yr., rodent control -1 yr.); Main Access Road & Bridge (¼ yr.); Drainage Control System (¼ yr.); Site Security (¼ yr.).	EIR 2003 3.7, p. 3-71-75 Ch. 10 (MMRP) EIR 2007 Ch. 10 (MMRP)	NA	Yes		NRR

**Response to URS Comments**  
**Table 1 Gregory Canyon Landfill – Title 27 Compliance Matrix**

Table 1 Gregory Canyon Landfill – Title 27 Compliance Matrix								
Item	27 CCR Section No.	JTD Section/Page*	Summary of JTD text	CEQA Documents Section/Page	Consistent with SWFP Application	Complies with Requirements?	Comment	Resolution (NRR = No Resolution Required)
Emergency Response Plans	21830(b)(1) refers to 21130	Sec. E.3 – pgs. E.3-1 thru E.3-7	ERP will be carried out immediately whenever an event occurs such as fire, explosion, flood, EQ, vandalism, surface drainage problems or release of any waste product which may threaten public health &/or environ. ERP Procedures include removal of non-essential employees & equip from incident vicinity; identify nearest equip/supplies for response; SSO may utilize on-site personnel to control incident if possible; Site Engr will communicate any damage &/or injury reports to SSO & coordinate all emergency actions directed by SSO; immediate surveillance of areas affected by incident; monitoring conducted to prevent an incident from affecting other areas; operator prepared for req'd immediate cover placement.	Not identified	NA	Yes	Note -Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	Comment noted.
List of Responsible Parties	21830(b)(2)	Sec. E.2.2 – pg. E.2-1; E.2-2	Gregory Canyon Limited 160 Industrial Street, Suite 200 San Marcos, CA 92708 Jim Simmons, Authorized Representative Phone: (760) 471-2365	2003 EIR: 3.1, p. 3-1	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	Comment noted.
Post-Closure Planned Uses	21830(b)(3) refers to 21190	Sec. B.1.9 – p. B.1-14; Sec. D.1.3 – p. D.1-2	Ultimate post-closure end use will be undeveloped open space. .	EIR 2003 3.2.5, p. 3-21 3.7.4, p. 3-75	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	Comment noted.
As-builts for Monitoring and Control Systems, etc.	21830(b)(4)	Not applicable.	Not applicable.	N/A	NA	NA	Requirements apply to final, not preliminary post closure maintenance plans.	NRR
Description of Maintenance	21830(b)(5)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	NRR
Operations and Maintenance plan for Gas Control System	21830(b)(6)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	NRR
Plan to Report Results of Monitoring and Collection	21830(b)(7)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	NRR
Postclosure Maintenance Cost Estimates	21830(b)(8)	Not applicable.	Not applicable.	N/A	NA	NA	Section 21830 requirements apply to final, not preliminary post closure maintenance plans.	NRR

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
<b>JTD Volume I</b>				
1.	General		The PDF files would be much more useful with the following bookmarks: JTD Volume I to at least the second level on the Table of Contents and all of the Figures. Volume II – Appendices and sub-appendices (e.g., D-1, D-2, etc.) slip sheets. Volume 3 – Each drawing.	Will provide for final submittal of any pdf copies.
2.	General		DEH contact info will need to be updated due to recent LEA move.	Comment noted.
3.	Table 2	A.1-11	The “Cover” section of Table 2 is missing a row. The four rows should be: Cover Materials 21600(b)(6)(A) Alternative Daily Cover and Beneficial Reuse 21600(b)(6)(B). Cover Frequency 21600(b)(6)(C). Intermediate Cover 21600(b)(6)(D).	Table 2 has been corrected to add the missing regulation.
4.	B.2.2.3	B.2-4	Typo -Delete “n” in “Water Course Alternation Permit.”	The "n" in Alteration has been removed.
5.	B.4.4.8	B.4-17	Text states “... 11.4 million cubic yards (mcy) would be needed for daily operations during the life of the landfill. An additional 2.7 mcy of material will be necessary to provide for canyon shaping, the operations layer and final cover over for the site.” JTD Appendix. B-2 indicates 11.4 mcy + 1.2 for operations layer and final cover (JTD).	JTD Appendix B-2 has been revised to indicate 11.4 mcy and 2.7 for operations layer.
6.	B.1.8	B.1-13	“Traffic counts will be made using computerized records. These records will be available for review by LEA during operational hours.” B.5.5 on page B.5-44 states – “The landfill operator shall report traffic count information to the Department of Environmental Health on a weekly basis in writing.”	The text in Section B.5.5 has been revised to reflect the information in Section B.1.8.
7.	B.1.8	B.1-14	The end of B.1.8 states “Those mitigation measures can be found in Attachment 3A, Table 10-1, Pages 6-7 of the Joint Technical Document.” Should be Appendix D of the JTD or Attachment 3 of the SWFP application.	Revised text to reference Appendix D-2, pages 6 and 7.
8.	B.3.1.4	B.3-4	The location of the proposed well and 10,000-gallon storage tank is shown in Figure 1 of Appendix G-1 (2009 Technical Memorandum). These features are not shown on Fig 1 in G-1. Suggest adding them to JTD Fig 2 or inserting the existing Figure that shows them as Fig 2B.	The water tank and proposed well are now shown on Figure 2. References in Section B.3.1.4 have been revised to Figure 2.
9.	B.4.4.5.1	B.4-15	“The use of ADC has been shown to reduce refuse-to-daily/intermediate cover ratios from 4:1 to 7:1” C.2.2.2, p. C.2-3 (and Table 9A, p. C.2-4) states – “The use of ADC has been shown to reduce refuse-to daily cover ratios from 4:1 to at least 7.5:1.”	Section B.4.4.5.1 has been revised to indicate 7.5:1.
10.	B.4.4.8	B.4-17	Sections B.4.4.8, Appendix B-2 and C.2.2.3 need to be consistent. May be practical to develop text in B.4.4.8 and refer reader to that section in C.2.2.3 instead of repeating it. Additionally C.3.1 also needs to be consistent.	Sections B.4.4.8, C.2.2.3, and C.3.2 and Appendix B-2 are all consistent. Text has not been removed from one section to the next as they discuss either cover availability or material (overall) availability.

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
11.	B.5.1.3.1	B.5-12 to 15	Groundwater Monitoring Well Locations: To eliminate inconsistencies and improve clarity to the reader it is suggested that a table be included that identifies the names of wells in the network, the groundwater zone or zones that will be monitored (alluvium, weathered bedrock, fractured bedrock, consistent with the Huntley recommendations) and the purpose of the well (compliance, sentry, background, upgradient, downgradient, cross gradient). It is recommended that the table be presented in this manner and in the order of the groundwater zone—alluvial, weathered bedrock and fractured bedrock. The number of the wells in the network should be updated in the text to reflect those wells recommended by Dr. Huntley that are yet to be installed. The proposed wells should be shown on a figure and designated as such.	Section B.5.1.3.1 has been revised as suggested.
12.	B.5.2.2	B.5-28	Text should also include reference to: San Diego Rule 59.1 – Municipal Solid Waste Landfills and its landfill gas control requirements, with respect to surface emissions. New AB 32, Greenhouse Gas (GHG), requirements for landfills California Code of Regulations, Title 17, Subchapter 10 – Climate Change, Article 4, Subarticle 6, Sections 95460 to 95476 as it applies to the proposed GCLF.	The text in Section B.5.2.2 has been revised to reference these regulations.
13.	B.5.2.3.3	B.5-32	“The condensate will then be transported off-site.” Section C.2.7.1 (second paragraph) and Section C.2.7.2 (paragraph 3) state that there are several options for condensate disposal including on-site treatment and/or injection into a LFG flare. Not consistent.	Section B.5.2.3.3 has been revised to be consistent with Sections C.2.7.1 and C.2.7.2.
14.	B.5.3.1	B.5-33 to 36	The discussion of riparian groundwater use and mitigation in the Dust Control section is a little odd. It would probably fit better in the groundwater monitoring, hydrogeology or utilities section.	No change proposed. The discussions are in the correct location for the intended purpose. However, a cross-reference to the more detailed discussion in Section B.5.3.1 will be added to Section B.3.1.4.
15	B.5.3.1	B.5-33	“The location of the wells where riparian underflow would be pumped are shown on Figure 1 of Appendix G-1 (Water Supply Report).” Figure call out is not correct. Same issue on p. B.5-33.	Figure 1 of the "Evaluation of Additional Percolating Groundwater Resources at the Gregory Canyon Property" should have been referenced. The text has been revised accordingly.
16.	C.2.2.2	C.2-2	The graphical documentation (stereographic plots showing the fracture data and proposed slope inclinations) to support the kinematic analyses of proposed the excavation slopes should be included in Appendix C.	These plots are referenced in Appendix C as being provided in the GLA Phase 5 - Hydrogeologic Report (1997). They may be viewed in the 2002 FEIR; Volume I.

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
17.	C.2.2.4	C.2-4	The six critical sections, static analyses and psuedo-static analyses performed on the stockpile/barrow area sections are not included in Appendix C.	The text has been modified to reflect more recent stability analyses that were performed using two critical cross-sections within the borrow/stockpile area. These are provided in Appendix C, Figures 3-3A and 3-3B. The cross-section line locations are shown on Figure 2-7.
18.	C.2.7.3	C.2-16	Landfill gas probes are on Figure 10D, not Figure 2. Also, text should be revised to reflect 14 perimeter probes and two temporary probes consistent with B.5.2.3.2.	The text has been revised as requested.
19.	C.2.9.4.5	C.2-34	"Once an area reaches 20 percent of pre-developed vegetative condition then storm water flows will be diverted to the perimeter channels." It should say 70%.	The text has been revised to reflect 70%.
20.	C.4.3	C.4-3	The terms Geotechnical Consultant and Geotechnical CQA Consultant are inconsistently used in the JTD text, App. M (pg. 3) & App. N (pg. 5).	The JTD has been revised to refer to "Geotechnical CQA Consultant."
21.	C.4.2; C.4.3	C.4-2; C.4-3	CQA inspection personnel should be called CQA inspectors instead of monitors in Appendix M & Appendix N to be consistent with Title 27.	The JTD has been revised to refer to "CQA Inspection Personnel/Monitor."
22.	C.4.4.2	C.4-10	List of minimum requirements in Section 20324(d)(1) or for daily reports should be included in the JTD text, Appendix M ( pgs 32, 33) and Appendix N (page 49).	Section C.4.4 has been revised to reference that the details for daily reporting are included in Appendices M and N.
23.	C.4.4.2	C.4-10, C.4-11	Monthly Construction summaries are included in App M and N but not in text.	Section C.4.4.2, which includes a subheading "Monthly Construction Summaries" has been modified and titled Daily Construction Reports. This section has been revised to be consistent with the daily reporting requirements identified in App M and N.
24.	D.3.2; Appendix. I-1	D.3-1; 2-1	App. I-1 uses Fallbrook rain gauge data (~10 miles NW of project); median annual rainfall for 30 yrs. of data = 14.1in. D.3.2 uses gauging stations in Escondido to S, Fallbrook to W, & Lake Henshaw to E (10-20 miles from project); average annual rainfall = 17.5-25.27in. Figure 28A – Iaohyetal Map shows ~16.6 in.	No change proposed. The current JTD discussion was revised to be consistent with the discussion in the RFEIR. As discussed in the RFEIR, the use of a particular rainfall station is dependent on the purpose of the analysis.
25.	D.3.2; Appendix. I-2	D.3-1; 2-2	App. I-1 uses rainy season from Oct thru April w/most significant rain events occurring Dec thru March. D.3.2 says rainy season from Nov thru April.	Text has been revised to reflect the rainy season from October through April with the most significant occurring in December through March.
26.	D.5.6	D.5-24	The JTD text correctly indicates that the wells are shown on Figure 30A, but the footnote on Table 12D says well locations are shown on Figure 2-2.	Table 12D has been revised to reference Figure 30A.

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
27.	E.1.4.2	E.1-8	"Two settlement monuments and two permanent survey monuments will be placed on the landfill area in accordance with 27 CCR, Section 20950. The locations proposed for the monuments are shown on Figure 9." Only one monument location is shown on Fig 9.	The text has been corrected to indicate that there is one permanent survey monument.
28.	E.1.7.2	E.1-11	States USLE is used. Make consistent with Section C.2.8.3.4 and Appendix L.	The text is consistent and indicates that USLE was used.
29.	E.2.3.4	E.2-4	"The general maintenance of the landfill gas extraction/control system involves weekly inspections by operating personnel of all wells, pipelines, mainline valves, and mainline sample points." Table 14 and page E.2-7 says quarterly.	The text and Table 14 now indicate weekly inspections.
30.	E.2.4.1	E.2-7	Suggest updating to reflect the surface emission limits of <= 200ppmv (per the California GHG regulations - Title 17, Subchapter 10, Article 4, Subarticle 6, Sections 95460 to 95476).	Section E.2.4.1 has been revised to add "or any other applicable standard as promulgated."
31.	E.2.8.2	E.2-13	"Figure 30 shows a typical cross-section of the final cover system design." The correct Figure is 31.	The figure reference has been corrected.
32.	Figure 11		The footprint shown on Figure 11 to accommodate the LFG flares, blowers, condensate knockout tanks, and condensate collection sumps that would be a little tight within the footprint included on this figure. Ultimately, generating the quantity of LFG expected would likely warrant the opportunity to install a LFG to energy facility and there does not appear to be enough room for this.	The space allocated for the flare station is approximately 3,500 square feet. This is ample area for the gas collection/control facilities and potentially for any other equipment associated with energy recovery.
<b>JTD Appendices</b>				
33.	Appendix A		Subtitle D Checklist, Location Restriction B2 -Wetlands -The location restriction addresses wetlands related to MSWLF units. The ACOE 404 permit application and indicates that <0.1 acres of wetlands would be impacted by the bridge construction. It would be reasonable to consider that the current location restriction analysis is correct considering that the bridge is not the MSWLF unit and that the bridge could be designed and constructed without impacting the wetlands (albeit at a significant cost). Legal counsel may be appropriate to determine if the checklist should be changed.	No change proposed to this discussion. The bridge is not part of the MSWLF, as defined in Subtitle D regulations, as no solid waste is "received" at that location (see 40 CFR 258.2).
34.	Appendix B , Appendix B-4		Siting element is included twice in the JTD (Appendix B and Appendix B-4) as well as in the SWFP App - Attachment 4. JTD Appendix B is 1997 version. Unclear why this is here since the 2005 version in Appendix B-4 supersedes it. DEH prefers it in the SWFP application and not the JTD.	The 1997 Siting Element has been removed and reference removed from Section B.2.2.3. However, the 2005 version in Appendix B-4 remains as it completes the JTD, as the JTD and SWFP application are considered separate and not companion documents.
35.	Appendix. B-3		Legal Description same as SWFP-A (redundant).	See response to Comment 34.

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
36.	Appendix. C;D.4.6,	3-7, Figs 3-3A, 3-3B; D.4-17	Text says calculated min FS = 1.9 from results in Fig 3-3A and 3-3B; Fig 3-3A shows a FS = 1.5. The 1.9 number appears to be a typo.	Text has been corrected to match Appendix C.
37.	Appendix. C	3-7	Cannot locate Figure 3-1 that is referenced in Appendix C.	Figure 3-1 is provided herein for inclusion in Appendix C.
38.	Appendix. D		Though the BMPs and monitoring strategy is still current, it appears that all elements of the SWPPP may not have been updated per the latest General Construction Permit (Project Risk Level assessment, identification of the LRP, QSD, and QSP, etc.). If it is acceptable to the RWQCB and LEA, in order to avoid needing to amend the JTD every time the stormwater regs or SWPPP changes, it may be advisable to revise the JTD text to indicate that the facility will operate under a current SWPPP that has been prepared and updated to reflect the current general permit requirements, and that the current version of the SWPPP will be provided to the LEA (it has to be submitted to the RWQCB anyway) This language, combined with the general drainage and erosion control discussion in Section B.5.4 and the BMPs shown on the JTD Figures could be adequate for a complete and correct determination by the LEA.	The text in Section B.5.1.4 has been revised as recommended.
39.	Appendix D-2 and associated tables 10-1 and 10-3		The Mitigation Monitoring and Reporting Program (MMRP) users guide would be much more useful if it included the source document for each measure (e.g., Prop C, 2003 EIR, 2007 EIR, etc.). With this additional clarification, the source documents themselves could be cited as references in the JTD and MM excerpts from the source documents may not need to be included in the JTD.	The User's Guide was submitted as matter of convenience to assist LEA in administering the MMRP. The recommended revisions can be made at a future time if requested by LEA, but this is not related to a completeness determination since this is not a required element.
40.	Appendix. I		The 100-yr and 10-year, 6-hr calculations are provided but not the 100-yr, 24-hr calculations as stated on page B.5-41 in the JTD.	Intensity-Duration curves have been developed by the County of San Diego and are based on the 6-hour precipitation event. This is then inputted into the software program which then produces a site specific curve from which to computed rainfall. Since only the peak flow (Q), not the peak volume, was needed for this site analysis only the duration for the time concentration (Tc) for a 100-year event is needed to design the onsite protection facilities to comply with Title 27

## Response to URS Comments

### Table 2 Gregory Canyon JTD/SWFP Application Inconsistencies and Other Comments

Item #	Section	Page*	Inconsistency or Comment	Resolution
41.	Appendix. I-1		Hydrogeomorphology report -The hydrology calculations in Appendix I show that the proposed condition reduces the flow compared to the existing conditions. In the Hydromod section, it states that the infiltration areas are used to reduce the WQ volume. If the proposed condition is less than existing, infiltration basins would not be needed for hydromod.	The surface water calculations in Appendix I show that there is a reduction in peak flow (Q) not volume. When the landfill reaches full build out the peak volume of runoff will likely increase when compared to the existing condition.
42.	Appendix. J		Confirm that facilities were sized for 100-year, 24 hour storm event since calculations were not found in Appendix I.	Appendix I contains the proposed final conceptual design and the associated hydrology study. The AES output contains verification of the conceptual hydraulic design of the perimeter and major down drain structures. The final design of the drainage structures will be verified upon design of each phase.
43.	Appendix. N	6, 7	Title 27 requires that the CQA Officer be a CA reg civil engr or certified engr geologist. Appendix N lists the Geotechnical Project Director with these qualifications.	Appendix N, Section 2.2 includes definitions for the CQA staff. The Geotechnical Project Director is equivalent to the CQA Officer identified in Title 27, a State of California registered professional.
44.	Appendix P		Financial Assurance Docs are redundantly included in both Appendix R and in the SWFP application, Attachment 5 -"to be provided" is stated in both locations. (Finalized documents will be needed).	Financial documents are now included in Appendix R and SWFP application. A copy will remain in each document as they are considered separate and not companion documents.
45.	Appendix. S		WDRs are also in SWFP Tab D-2 (redundant).	See response to Comment 44.
<b>SWFP Application</b>				
1.	SWFP	Part 6	Item C shows that date of the JTD as March 2010 instead of September	Part 6 has been corrected to indicate the September 2010 date.
2.	SWFP	D-2	County Water Authority ROW application is in PDF in this section but should be D-6 instead of D-2.	SWFP attachments D-2 and D-6 have been corrected.
3.	SWFP		EIR Mitigation Measures in Attachment 3 are redundant with JTD Appendix D-2. Suggest eliminating the copy in the SWFP app and replace with a slip sheet referring to JTD Appendix D-2.	See response to Comment 44.
4.	SWFP		Attachment 6 Insurance cert in hard copy missing from PDF.	A copy of the Insurance Certificate is now included.

**Response to Comments**  
**Table 1**  
**URS Review of JTD (Including PCPMP) and CEQA**

Item #	JTD (Section, Page)*	JTD Text	EIR 2003 (Section, Page)	EIR 2003 -Text	Comment (JTD v. EIR 2003)	EIR 2007 (Section, Page)	EIR 2007	Comment (re: EIR 2007)	"Other" documents	Response/Discussion
1	A.2.1, p. A.2-1	1,770 acres	3.1, p. 3-1	1,770 acre	N/A	N/A	N/A	N/A	SWFP (Habitat Restoration Plan) 2.2, p. 2-1 -1,783 acres (discrepancy in acreage)	EIR p. 3-1 describes the 1,770 acres owned by GCL and the approximately 13 acres (rounded) owned by SDG&E that are proposed to be acquired. JTD text revised to refer to the 13.43 acres to be acquired from SDG&E.
2	A.2.1, p. A.2-1	308 acres	3.2, p. 3-5	Approximately 308 acres; Table 3-1 = 307.8	Minor acreage inconsistency	4.9, p. 4-14	308.6 acres	Minor acreage inconsistency	SWFP (Habitat Restoration Plan) 2.3, p. 2-1 -308.6 acres	JTD text revised to state 308.6 acres.
3	A.2.1, p. A.2-1	Two dairies (the Lucio and Verboom properties) were operated for a number of years within the property limits though neither operated within the proposed disposal area footprint	3.1, p. 3-4	...one dairy is operational on the site	Minor inconsistency (also see EIR 2003 Land Use section)	N/A	N/A	N/A	N/A	The discussions are not inconsistent. The JTD describes the historic uses, while the EIR describes the condition as of 2002 (the Lucio Dairy had closed).
4	A.2.1, p. A.2-1	183 acres will be used for refuse disposal	3.1, p. 3-5	Table 3-1: landfill footprint 196.3 acres	Different numbers (global -196 figure seen thru EIR 2003). The EIR evaluation of a larger site is conservative.	N/A	N/A	N/A	N/A	The disposal area is 183 acres. The additional 13.1 acres is for the pads to be constructed for the relocated SDG&E power line right of way.
5	A.2.2, p. A.2-3	Gregory Canyon Limited will also be shown as the operator of record on all permits and approvals. Actual day-to-day operations at the site will be conducted by a contract operator.	N/A	N/A	EIR 2003 speaks generally of "an operator", no mention of "contract operator" for day-to-day operations in Project Description	N/A	N/A	EIR 2007 speaks generally of "an operator", no mention of "contract operator" for day-to-day operations in Project Description	NA	GCL will be listed as the operator under the SWFP and has compliance responsibility. Some functions, such as "cut and cover," are proposed to be contracted out.
6	A.2.2, p. A.2-3	Gregory Canyon Limited Certificate of President and Presiding Member of Gregory Canyon, Ltd. LLC (A.5)	3.1, p. 3-4	Gregory Canyon, Ltd.	Discrepancy in name	N/A	N/A	EIR 2007 uses Gregory Canyon, Ltd. In appendices	SWFP (Habitat Restoration Plan) 2.1, p. 2-1 -Gregory Canyon Ltd, LLC (Discrepancy in name used throughout doc (however, cover says Gregory Canyon Ltd.))	The official name of the entity is "Gregory Canyon, Ltd., a limited liability company." While some abbreviations are used, there is no question that this is the entity that will own and operate the facility.
7	A.2.3, p. A.2-5	The proposed disposal area will provide approximately 30.731.1 million tons of refuse capacity	3.6.1, p. 3-60 ES3.2, p. ES-3	It is anticipated that an average of approximately 3,200 tpd, or 1.0 million tons annually, of waste will be deposited at the landfill over its site life with maximum peaks of 5,000 tpd experienced occasionally, based on the waste stream projections for North County. Accounting for the volume occupied by the containment system, daily, intermediate, and final covers, the estimated site life is approximately 30 years...with a 30-million ton capacity	JTD = 30.7 million tons, EIR 2003 implies 30.0 million tons in EIR Project Description (PD), indicates 30 million in ES	4.5.3.2, p. 4.5-9	N/A	JTD = 30.7 million tons, EIR 2007 also implies 30.0 million tons	N/A	EIR p. 3-60 provides for disposal capacity of 33.43 million tons; the JTD estimate is lower. Narrative discussions in the EIR provide approximations only. Latest capacity estimate dated January 2011 is 30.8 million tons; JTD to be revised accordingly.
8	A.2.3, p. A.2-5, Appx B-2	The project described in the JTD was downsized from the "proposed project" in the FEIR and as a result has less potential impacts than would occur from the "proposed project" in the FEIR. Appendix B-2 presents comparison information contained in the FEIR and JTD to show these changes. JTD App. B-2 indicates 49.44 mcy or 33.43 million tons (FEIR "Proposed Project")	3.6.1, p. 3-60	The total estimated refuse volume, based on a refuse to daily and intermediate soil cover volume ratio of 4:1, is approximately 49.44 49.52 mcy or 33.43 million tons based on an in-place refuse density of 1,350 lbs/cy	The extra digits in the EIR 2003 are a typo.	N/A	N/A	N/A	N/A	The JTD provides the most up to date information related to disposal capacity, which is less than the 33.43 million tons analyzed in the EIR.
9	A.2.4, p. A.2-6	Total PGM accepted as ADC may not exceed 20% of the amount of waste accepted for disposal each day	N/A	N/A	Info not included in EIR 2003 PD	N/A	N/A	Info not included in EIR 2007	N/A	JTD Section B.4.5.5.1 has been revised to reflect newer Title 27 regulations governing use of PGM as ADC; anticipated volume of ADC is now expected to be substantially less than the prior estimate of up to 20% of waste received. JTD text revised to delete last bullet in Section A.2.4.
10	B.1.2, p. B.1-3	A sand and gravel extraction operation was formerly located south of SR76 approximately 3,000 feet north of the proposed landfill footprint, but is now inactive.	3.1, p. 3-4 4.1, p. 4-4	H.G. Fenton Materials...a sand and gravel operation...located to the northeast The H. G. Fenton Materials, Inc. (formerly known as Fenton) sand and gravel mining operation is located south of SR 76 about 3,000 feet north of the proposed landfill footprint.	Contradicts (also see EIR 2003 Land Use section)	4.12, p. 4.12 2	Fenton Material currently used for sand and gravel operations	Contradicts	N/A	The JTD provides updated information that the Fenton Materials quarry is no longer operational.
11	B.1.4, p. B.1-3	13 acres for power pole pads.	3.1, p. 3-5	Table 3-1: Footnote a: includes 13.1 acres for the three SDG&E transmission pads	Minor -JTD rounds number	N/A	N/A	N/A	N/A	JTD text revised to state 13.1 acres.
12	B.1.4, p. B.1-3	The remaining 25 acres will be utilized for the main access roads and bridge, desilting basins, stockpile/borrow area, haul road and the ancillary facilities discussed in Section B.3. (stockpiles = to 87 acres -should not be included in this sentence; delete)	3.1, p. 3-5	Table 3-1: Ancillary Facilities Area (11.9 ac), access road and bridge (4.1 ac), borrow/stockpile haul road (3.1 ac), desilting basin E (1.8 ac), desilting basin W (3.7 ac) = 24.6 acres	Typo in JTD; Minor - JTD rounds number	N/A	N/A	N/A	N/A	JTD has more detail; JTD text revised to state 24.6 acres.

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13	B.1.4, p. B.1-4	Two additional parcels, totaling 13.43 acres, are within the overall project boundary but are owned and maintained by San Diego Gas and Electric (SDG&E).	3.1, p. 3-1	SDG&E owns two parcels totaling 13 acres	Minor-EIR 2003 rounds number	N/A	N/A	N/A	N/A	JTD has more detail and does not round; see response to Comment 1.
14	B.1.4, p. B.1-4	<del>The landfill owner is in the process of acquiring these parcels.</del>	3.1, p. 3-1	These parcels will be incorporated into the site area...resulting in a total size of approx. 1,766.5 acres	Info deleted from JTD	N/A	N/A	N/A	N/A	Property acquisition not included in regulatory requirements addressed in SWFP or WDR's, therefore discussion not needed for JTD. LEA had recommended deletion.
15	B.1.5.1, p. B.1-5	Though the service area has not been determined, it is anticipated that the GCLF will serve the North County area of San Diego County.	2.1, p. 2-1	(Objective) Provide a Class III solid waste disposal facility that is locally available, cost effective, and provides a long-term solution (i.e., 25 years) for disposal of waste generated in North County jurisdictions.	EIR more definitive that the objective is to serve North County	N/A	N/A	N/A	N/A	No inconsistency - the primary market area is expected to be North County, but other areas may also be served. EIR discussion is a statement of general intent in the project description and the JTD is a description of anticipated operations.
16	B.1.6, p. B.1-11	Site Capacity Section.	3.6.1, p. 3-60	Wastestream Characteristics and Volumes	Conflicting numbers (But JTD App. B-2 updates these)	N/A	N/A	N/A	N/A	The JTD provides the most up to date information related to disposal capacity - 30.8 million tons, which is less than the 33.43 million tons analyzed in the EIR.
17	B.1.8, p. B.1-13	Bullet list of vehicles includes 3 types of water trucks.	3.4.2, p. 3-32	Table 3-3: Bullet list on p-32 lists no water trucks; Table 3-3 lists only 5,000 Gallon Water Truck;	Consistency	4.5.3.2, p. 4.5-12	in contrast to previous traffic studies for the project, implementation of water trucks...	consistent with JTD in that water trucks are noted; however, not updated in Project Description	N/A	The JTD provides greater detail. Trip limits in EIR MM's are per vehicle (e.g. 675 trips per day) with no distinction between vehicle size.
18	B.1.8, p. B.1-14	Mitigation measures related to the early warning system for both daily and hourly traffic restrictions are contained in Mitigation Measures 4.5-2 and 4.5-3 of the EIR.	Section 3, 4.5	N/A	Example of Different MM #s between 2003 and 2007 EIRs	N/A	N/A	JTD intended to use 2007 MMs numbering in JTD	N/A	The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's.
19	B.1.8, p.B.1-13, 15	Implementation of the daily traffic restriction is set forth in Mitigation Measure MM 4.5-2 of the EIR...4.5-3 of the FEIR.	MM 4.5-2	MM 4.5-3	Example of different MM #s	N/A	N/A	JTD intended to use 2007 MMs numbering in JTD	N/A	The MMRP updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's.
20	B.1-7	14 CCR, Section 17354	Ch. 4-15, p. 15	EIR states "14 CCR, Section 1354" instead of "14 CCR, Section 17354" for tire storage on site.	Apparent typo in EIR					JTD has correct citation.
21	B.2.2.3, p. B.2-4	A revised Siting Element was prepared and approved by the County of San Diego on January 5, 2005 and approved by the CIWMB/CalRecycle on September 20-21, 2005.	4.1, p. 4.1-16	The CIWMP (approved and adopted September 16, 1996 by the County Board of Supervisors) The County Siting Element, which is part of the CIWMP.	Updated siting element	4.1.3.9, p. 4.1-1	CIWMB approved the CIWMP for SDCo. On Feb. 12, 1997...Countywide Siting Element...approved by the CIWMB on September 21, 2005	consistency	N/A	The JTD provides updated information. The 2005 Siting Element is noted in the 2007 RFEIR and is contained in the administrative record compiled in support of the 2007 RFEIR.
22	B.3.1, p. B.3-1	The temporary facilities, such as scales and structures, will be replaced with permanent facilities within three years of the initial receipt of waste.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	N/A	The JTD provides greater detail.
23	B.3.1.1, p. B.3-1	In addition, the improvements will widen the roadway from 52 to 64 feet to provide for an eastbound deceleration lane and a westbound turn lane into the GCLF. The proposed access road from SR 76 will be two to three lanes, approximately 32-36 feet wide and will include a bridge over the San Luis Rey River.	ES3.2, p. ES-5	The improvements include an increase in pavement width west of the access road to 48 feet to provide for an eastbound deceleration lane, and pavement improvements east of the access road to a width of 36 feet to accommodate a westbound left turn lane. The proposed access road from SR 76 to the ancillary facilities area is a two to three lane paved road, 32 to 44 feet wide.	Minor inconsistency in Road lengths	N/A	N/A	Consistent with JTD	N/A	The JTD provides greater detail. The wider right of way on SR 76 is accounted for within the 308.6 acre disturbance from the project, which was verified in the 2007 RFEIR.
24	B.3.1.1, p. B.3-2	A bridge, approximately 681 feet in length, supported by five large diameter piers.	3.2.3, p. 3-14	A bridge, approximately 640 feet in length, with five sets of two piles each (for a total of ten piles).	Minor inconsistency	N/A	N/A	N/A	N/A	The longer bridge span was adopted to avoid any requirement for permanent dredge and fill in the San Luis Rey River channel, beyond the support pillars, reducing the environmental impacts to riparian areas analyzed in the EIR. The acreage of permanent fill for the bridge pillars is the same under both pillar configurations, less than .01 acres, which was confirmed in the 2010 Addendum.
25	B.3.1.4, p. B.3-4	A 10,000-gallon water tank will be constructed within Borrow-Stockpile Area B to provide water for dust control related to excavation or placement of soil at this location. The water tank would be continuously refilled from proposed percolating groundwater wells located at the western edge of Borrow/Stockpile Area B.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	Addressed in 2009 addendum	The JTD provides greater detail. Potential impacts were analyzed in the 2009 Addendum.

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26	B.3.1.4.1, p. B.3-5	Based on a more recent evaluation of water needs, the operator has determined that it can purchase clay liner material pre-conditioned at the clay mine, eliminating the requirement for the 125,000 gallons per day of water. In addition, the operator will implement the widespread use of chemical dust suppressants for unpaved roads on the landfill	N/A	N/A	Not ID'ed in PD or 4.3	N/A	N/A	N/A	Addressed in 2009 addendum	The JTD provides greater detail. Potential impacts were analyzed in the 2009 Addendum.
27	B.3.1.5, p. B.3-6	The operations support facilities will consist of an office building to be used for administrative functions, a maintenance building, an equipment and storage area, a parking area for employees and visitors, a water tank, portable toilets, and a concrete pad used for temporary storage of source separated recyclable goods, which will be	N/A	N/A	PD mentioned a recyclable area with bins for drop-off - minor inconsistency.	N/A	N/A	N/A	N/A	The JTD provides greater detail.
28	B.3.1.8, p. B.3-7	At this location, the LCRS outfall will discharge into one of two 10,000-gallon leachate storage tanks. The outfall pipe is connected to up to two 10,000-gallon leachate collection storage tanks located in the southwest corner of the ancillary facilities area. (B.5.1.1.2, p. B.5-3). The outfall pipe will discharge to two 10,000-gallon leachate collection storage tanks located in the southwest corner of the ancillary facilities. (C.2.5.4, p. C.2-12). Leachate will flow from the outfall to two above ground tanks with a minimum storage capacity of 20,000 gallons (C.2.5.4.1, p. C.2-13).	3.2.4, p. 3-19	Two 10,000-gallon leachate holding tanks and one 10,000-gallon subdrain water tank will be located in the southwestern corner of the ancillary facilities area.	Minor inconsistency. JTD reasonably assumes that the EIR language intent is that the two tanks are the maximum, not minimum.	N/A	N/A	N/A	N/A	The JTD provides greater detail. The need for a second leachate holding tank will be determined based on actual leachate generation. Construction may be less than assumed for the EIR impacts analysis.
29	B.4.1, p. B.4-1	Traffic coming to the site before the hours of operation will be queued on the access road up to the fee booths/scales to prevent stacking of vehicles on SR76. To accommodate the queuing, the gates located at the north side of the bridge will be opened one hour prior to the hours of operation. Therefore, the entrance gates will be opened at 6:00 a.m. Monday through Friday, and 7:00 a.m. on Saturday. (B.5.5, p. B.5-43).	N/A	N/A	Minor inconsistency. It is reasonable to assume that opening the gate is not considered "operating".	N/A	N/A	N/A	N/A	Agreed, under 27 CCR 20164 "operating" refers to the placement of waste in a waste management unit.
30	B.4.2.1, p. B.4-2	Actual staffing is dependent on the waste inflow rate. This level of staffing is based on handling the average (3,200 TPD) to peak (5,000 TPD) tons per day received.	3.4.9, p. 3-39	The number of employees needed to operate and maintain a sanitary landfill is dependent on the hours a facility is open, the daily tonnage received, and the overall areas to be maintained.	Minor inconsistency	N/A	N/A	N/A	N/A	JTD text revised to be consistent with EIR discussion.
31	Table 6, p. B.4-2	Traffic Director/Spotter = 2; Recycled Water Supervisor = 1; Total = 22	Table 3-2, p. 3-40	Traffic Director/Spotter = 1; Total = 20	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD provides greater detail. The use of recycled water was not incorporated into the project until the 2007 RFEIR. Recycled water supervisor is included as a project design feature. The additional traffic spotter will better facilitate movement on internal roads. Additional traffic trips from additional employee vehicles must still stay within daily and hourly limits.
32	B.4.4.1.1, p. B.4-7 B.5.3.1, p. B.5-37	Excavated rock will be stored on-site for future use, or ground for use as daily or intermediate cover, or used as base material for the internal haul roads. Any excess material may be exported offsite. Most unpaved haul roads will be constructed with a non-toxic soil sealant, which is thoroughly mixed into the uppermost six inches of the road, and then maintained periodically with a topical application of soil	3.4.6, p. 3-38	Crushed rock will be stored for future use, ground for use as daily or intermediate cover or for use on the internal haul roads, and any excess material could be exported off site for sale if a MUP is obtained.	EIR analysis includes the potential to export rock and to use crushed rock for roads. This is has been removed from the JTD.	N/A	N/A	N/A	N/A	Even though analyzed in the EIR, GCL does not intend to export rock off-site for sale.
33	B.4.4.5.1, p. B.4-15	The use of ADC has been shown to reduce refuse-to-daily/intermediate cover ratios from 4:1 to 7:1. The use of ADC has been shown to reduce refuse-to daily cover ratios from 4:1 to at least 7.5:1 (C.2.2.2, p. C.2-3 & Table 9A, p. C.2-4).	3.4.5.1, p. 3-38	The use of ADC has been shown to reduce refuse-to-daily cover ratios from 4:1 to 7:1.	7:1 v 7.5:1 (conflict between JTD sections, and JTD and EIR 2003)	N/A	N/A	N/A	N/A	The JTD provides greater detail, and the discussion is based on a recent detailed review of soil balance, and incorporation of modern techniques to reduce cover use. URS found the assumptions and conclusions reasonable.
34	B.4.4.8, p. B.4-17 JTD Appx. B-2	Assuming a 4:1 cover ratio, approximately 11.54 million cubic yards (mcy) would be needed for daily operations during the life of the landfill. An additional 1.2152.7 mcy of material will be necessary to provide for canyon shaping, the operations layer and final cover over for the site. The total anticipated soil requirement, including cover, would be 12.914.1 mcy. The proposed landfill development will include the excavation of approximately 7.9 mcy within the landfill footprint, of which approximately 4.9 mcy consists of topsoils, alluvium/colluvium, or weathered bedrock and ripplable hard rock that would be suitable for cover material with limited processing required, primarily crushing of the ripplable hard rock.	6.7.2.1, p. 6-76	The quantity of excavated rock and soil material would be about 7.93 million cubic yards (mcy), of which 1.48 mcy would be used in the formation of the landfill bottom prior to placement of the containment system. This alternative would reduce total excavation for the project by approximately 3.5 mcy in comparison to the proposed project. Approximately 6.44 mcy of rock and soil material would be available from the refuse footprint area and 4.5 mcy would be available from the stockpile/borrow areas for use as final, intermediate and daily cover soil. The amount of cover material needed for daily, intermediate, and final cover is estimated at 12.7 mcy.	Inconsistency and rounding.	N/A	N/A	N/A	N/A	The JTD provides an updated, broader and more detailed discussion of soil availability and uses. The updated estimate of soil needs is less than assumption analyzed in EIR (EIR assumed 14.2 mcy for cover and canyon shaping, while JTD estimate is 14.1 mcy for cover, canyon shaping and operations layer). URS found the assumptions and conclusions reasonable, and concurred that adequate soil for all purposes would be available on-site. Estimated capacity of soil stockpile areas in EIR and JTD is the same.

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35	B.4.4.8, p. B.4-18	Based on drilling conducted on the site, approximately 60 percent of the material excavated from the landfill footprint, or 3.9 mcy, could be used directly as cover material.	3.4.5.1, p. 3-37	Based on drilling conducted on the site, approximately 40 percent of the stockpiled 9.8 mcy of material excavated from the landfill footprint, or 3.9 mcy, could be used directly as cover material.	Deleted from JTD	N/A	N/A	N/A	N/A	Discussion deleted to reflect updated solid balance analysis. Weathered bedrock and rippable bedrock is considered suitable for use directly as cover material. Material from landfill excavation that could be used directly for cover, 4.9 mcy of 7.9 mcy, as discussed in the JTD, is consistent with the 60% assumption based on drilling. 9.8 mcy excavation discussed in EIR was for the proposed project, not the selected project alternative which provided for reduced excavation. Deeper excavation for proposed project analyzed in the EIR would produce higher percentage of rock.
36	B.4.4.8, p. B.4-18 JTD Appx. B-2	Therefore, approximately 89.4 mcy of material will be available on-site for cover, leaving a shortfall of readily useable material over the life of the project of 3.54.7 mcy.	6.7.2.1, p. 6-76	Approximately 6.44 mcy of rock and soil material would be available from the refuse footprint area and 4.5 mcy would be available from the stockpile/borrow areas for use as final, intermediate and daily cover soil.	Inconsistency between JTD text, Appx B-2 and EIR.	N/A	N/A	N/A	N/A	The JTD provides greater detail, and the discussion is based on a recent detailed review of soil balance. URS found the assumptions and conclusions reasonable. See comments 33, 34 and 35.
37	B.4.6.3, p. B.4-20	Two-way handheld radios will be used for communication purposes at the ancillary facilities to the staff located at the working face or other locations around the landfill property boundary.	N/A	N/A	Not ID'ed in PD	N/A	N/A	N/A	N/A	The JTD provides greater detail.
38	B.4.6.4, p. B.4-20	All lighting at the GCLF will comply with the County Light Pollution Code.	4.1, p. 4.1-15	San Diego County Light Pollution Ordinance.	Minor consistency	N/A	N/A	N/A	N/A	JTD text revised to use "Ordinance."
39	B.4.6.4, p. B.4-21	Lighting will be low impact, focused, and shielded to minimize spill light into the night sky or adjacent properties and to avoid significant impacts to biological resources.	3.2.4, p. 3-21	Lighting will be low impact, focused, and shielded to minimize spill light into the night sky or adjacent properties.	Additional info added to JTD text.	4.9, p. 4.9-6	N/A	consistent with JTD	N/A	The JTD provides greater detail, and would be more protective of biological resources.
40	B.5.1.3, p. B.5-15	If a new non-constituent is identified in any sample, the LCRS will be resampled in April of the following year for each non-COC.	3.5.2.3, p. 3-53	Any constituent identified in the October leachate sample that is not currently included as a water quality monitoring parameter and is confirmed to be present by a retest sample collected and analyzed in April of the following year will be added to the list of routine (quarterly) water quality monitoring parameters.	April deleted in JTD text	N/A	N/A	N/A	N/A	Revised JTD text would provide for more prompt action to confirm discovery of a new constituent in the LCRS, and if confirmed the constituent would be added to the parameters for quarterly groundwater monitoring.
41	B.5.1.3.1, p. B.5-13	The water quality monitoring program will also include monitoring in the San Luis Rey River valley from an upgradient replacement well Lucio #2R located at the Lucio Dairy near the eastern property boundary and three wells downgradient of the project area including wells GMW-3; SLRMWD #34R, a replacement well adjacent to and slightly south of existing well SLRMWD#34 (SLRMWD designation); and well GLA-16 within the San Luis Rey River valley.	4.3, p. 4.3-27	The water quality monitoring program will also include monitoring in the San Luis Rey River valley from existing Lucio Dairy well #2 and well GMW-3, located upgradient of the project area, and wells #34 (SLRMWD designation), and GLA-16 downgradient of the facility relative to groundwater flow direction.	Contradicts	N/A	N/A	N/A	N/A	JTD is correct, GMW -3 is a downgradient well.
42	B.5.1.3.1, p. B.5-13	The groundwater monitoring system at the GCLF was initially designed to include a total of 20 wells, 16 of which monitor the bedrock fractured flow system...Additional groundwater monitoring wells have been proposed to reflect Dr. Huntley's recommendations (Appendix C-2), and the revised workplan is included in Appendix G-2. The water quality monitoring program will also include monitoring in the San Luis Rey River valley from an upgradient replacement well Lucio #2R located at the Lucio Dairy near the eastern property boundary and three wells downgradient of the project area including wells GMW-3; SLRMWD #34R, a replacement well adjacent to and slightly south of existing well SLRMWD#34 (SLRMWD designation); and well GLA-16 within the San Luis Rey River valley.	Table ES-1, p. ES-12	In addition to the 13 monitoring wells surrounding the landfill, the water quality monitoring shall include at a minimum monitoring of two production wells (downgradient SLRMWD well #34 and upgradient Lucio well #2), upgradient alluvial monitoring well GMW-3, and downgradient alluvial monitoring well GLA-16 located within the project boundary).	Consistency	N/A	N/A	N/A	N/A	The JTD provides for an expanded groundwater monitoring system. GMW -3 is a downgradient well.
43	B.5.1.8, p. B.5-25	If necessary, the effluent (clean water) will be stored in a tank and then discharged into the San Luis Rey River or used on site and would meet a standard of 500 parts per million (ppm) of TDS or a standard as set by the RWQCB for discharge to the San Luis Rey River.	5.3.2.3, p. 3-54	If necessary, the effluent (clean water) will be stored in a tank and then used for dust control onsite, or with approved permits, discharged to re-injection wells, or discharged into the San Luis Rey River. The water would meet a standard of 500 parts per million (ppm) of TDS.	Minor inconsistency.	N/A	N/A	N/A	N/A	The JTD reflects updated information regarding standard setting by RWQCB for TDS, which reflects existing conditions in the water basins and sets levels that will preserve existing ambient levels. This is an issue unrelated to both the SWFP and WDR's.
44	B.5.2.3.1, p. B.5-29 Figure 10D	The gas migration monitoring system at GCLF will ultimately consist of 14 probes spaced at approximately 1,000-foot centers around the entire refuse prism.	3.5.3, p. 3-42 Exhibit 3-3	As required in 27 CCR Section 20925(b), a system of landfill gas migration monitoring probes will be installed on 1,000-foot centers around the entire refuse prism to detect gas migration at the property boundary...The 15 probes.	Inconsistent. However, even with fewer probes, the JTD presents a more conservative design as the probes closer to the landfill boundary and will allow earlier detection of landfill gas migration.	N/A	N/A	N/A	N/A	JTD text, Sections B.5.2.3.1 and C.2.7.3, and Figure 10D, have been revised to indicate that 14 probes and two temporary probes are proposed. No significant difference from design analyzed in EIR, and more protective.

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45	B.5.3, p. 5-33	Mitigation Measures included in the MMRP from the Certified FEIR are included in Appendix D-2 of the JTD.	N/A	N/A	Suggest consolidation, as multiple sets of varying MMs in several places	N/A	N/A	N/A	N/A	The MMRP's are in both the SWFP application and JTD Appendix D-2. A copy will remain in each document as they are considered separate and not companion documents. This was the "significant" issue raised by URS in the narrative portion of its report.
46	B.5.3.1, p. B.5-36	Traffic speeds of no more than 15 miles per hour will be maintained on all on-site, unpaved road surfaces.	3.5.8, p. 3-59	Traffic speeds of no more than 10 miles per hour will be maintained on all on-site, unpaved road surfaces.	15 v. 10	N/A	N/A	N/A	N/A	JTD text revised to provide for speed limit of 10 mph on unpaved roads.
47	B.5.3.1, p. B.5-36	The main access road will be paved and swept regularly with a wet sweeper.	3.5.8, p. 3-59	The main access road will be paved until the last 500 feet of the road and will be swept regularly.	EIR 2003 has 500'	N/A	N/A	N/A	N/A	JTD text revised to state that main access road is to be paved up to the last 500 feet.
48	B.5.3.1, p. B.5-36	In addition, wheel wash trackout controls may also be installed as needed to meet APCD requirements. Most unpaved haul roads will be constructed with a non-toxic soil sealant, which is thoroughly mixed into the uppermost six inches of the road, and then maintained periodically with a topical application of soil sealant. Topical application would occur as needed, at an estimated frequency of between quarterly and biennially.	FN1, p. 3-5	Proposition C identified a truck wash and wash water treatment area, which was originally proposed in the ancillary facilities area, but has been removed. Rather than use a water dependent approach for tire wash, thereby increasing runoff, dry best management practices (BMPs), such as sweeping, the physical removal of loose impediments (i.e., good housekeeping practices), and the use of absorbents will be incorporated. Other features, such as berms around the fueling area and hazardous waste storage area will remain. Equipment maintenance will be conducted within an enclosed building. A Hazardous Waste Exclusion Program will be implemented on the site.	Suggest revision as follows to be consistent with EIR "...wheel wash trackout controls with appropriate runoff BMPs...".	N/A	N/A	N/A	N/A	JTD text revised consistent with suggested language.
49	B.5.3.3, p. B.5-38	Litter migrating off-site will be minimized by perimeter fencing. The operator has also proposed the installation of a 12-foot high litter fence along the bridge deck to control litter from waste collection vehicles from reaching the San Luis Rey River (a memorandum providing litter fence detail is included in Appendix T).	N/A	N/A	Minor inconsistency. Information/level of design detail not included in the EIR PD.	N/A	N/A	N/A	N/A	The JTD provides greater detail. These additional project details will minimize impacts from litter.
50	B.5.3.4, p. B.5-39	Such as berms or acoustical curtains, are used to reduce combined landfill noise levels to below the County Noise Ordinance limit.	4.6, p. 4.6-38	A 15-to 20-foot high berm will be constructed and maintained along the northern boundary of Borrow/Stockpile Area A from the haul road westward wrapping around the western boundary of Borrow/Stockpile Area A. Five-foot high berms will be constructed along the southern edge of the Borrow/Stockpile Area B and the landfill working face, which face the residential zoned property south of Gregory Canyon Landfill. A 10-to 16-foot high sound wall will be	Level of specificity	N/A	N/A	N/A	N/A	Noise control is not a matter addressed in the SWFP or WDR's, and for that reason is not discussed at the same level of detail in the JTD as it was in the CEQA documents.
51	B.5.4, p. B.5-41	The drainage control system for the GCLF will consist of a variety of treatment BMP's, which may include perimeter drainage systems for the open channels (for adjacent area runoff) and buried pipe (for runoff from the landfill footprint), drainage berms, downdrains, energy dissipaters, desilting basins, drainage swales, structural media filtration, bio-treatment swales and percolation areas.	3.5.2.2, p. 3-47	This system will consist of a buried drainage pipe, engineered grading, drainage berms, downdrains, and energy dissipaters, and two desilting basins.	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD provides greater detail. These additional project details will provide for greater protection of water quality and avoid hydromodification (see JTD Appendix I-1).
52	B.5.4, p. B.5-41	The surface water drainage control system for the GCLF is designed to accommodate a 100-year, 24-hour storm event runoff volumes and the volume of water caused by a simultaneous rupture of the existing Pipeline 1 and 2 and the future Pipeline 6.	3.5.2.2., p. 3-44	The surface water drainage control facilities are designed to carry 100-year, 24-hour storm event runoff volumes.	Inconsistency but JTD design is more conservative.	N/A	N/A	N/A	N/A	The JTD provides greater detail, its description is correct, and design is more conservative. URS found design assumptions for perimeter drainage system were reasonable.
53	C.2.1, p. C.2-1	All of the engineering plans reflecting the landfill are conceptual in nature and subject to change.	N/A	N/A	Minor inconsistency. "conceptual" used in EIR PD; however, "subject to change", though implied is not stated.	N/A	N/A	N/A	N/A	"Conceptual" clearly implies "subject to change."
54	C.2.2.1, p. C.2-1	The excavation plan shown on Figure 12 presents final subgrade contours and limits of excavation. The overall interior slope gradient will be 2:1 and the flatter bottom areas will have a minimum gradient of 5 percent.	3.2.1, p. 3-10	The bottom area of the footprint will be graded to drain northerly at a minimum gradient of three percent	Minor inconsistency. JTD more conservative.	N/A	N/A	N/A	N/A	The JTD provides greater detail, and as noted is more conservative.
55	C.2.2.4, p. C.2-4	Stockpile Area A = ~22 acres, Stockpile Area B = ~65 acres = 87 acres total.	3.1, p. 3-5	Table 3-1: Stockpile Area A = 22.4 acres, Stockpile Area B = 64.5 acres = 86.9 acres total	Minor -JTD rounds number	N/A	N/A	N/A	N/A	JTD text revised to use 22.4 and 64.5 acres, respectively.
56	C.2.2.4, p. C.2-4	The maximum height of the Borrow/Stockpile Area B ranges from about 940 to 1,020 feet amsl.	3.2.2, p. 3-13	Borrow/Stockpile Area B will have two decks, with a maximum elevation of 1,020 feet.	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD provides greater detail, and reflects that the height of Borrow-Stockpile Area B will change as material is utilized. The maximum height is consistent.

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57	C.2.2.4, p. C.2-5	Borrow/Stockpile Area A will be used for stockpiling or excavated material during the initial construction after which the area will be graded to promote proper drainage, and then revegetated with native plant species. Borrow/Stockpile Area A will then not be used again until the last few years of landfill operations about year 25 at which time material will be removed from Area A and utilized for cover.	3.2.2, p. 3-13	Borrow/Stockpile Area A will be used for stockpiling during the initial construction after which the area will be revegetated with native plant species. Area A will not be used again until about year 25 at which time material will be used from Area A for cover.	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD clarifies that use of Borrow/Stockpile Area A is not tied to a specific operating year, which is not inconsistent with the EIR since the term used was "about year 25."
58	C.2.5.3.1, p. C.2-12	Modeling indicates that the leachate generation will peak at approximately 9,250 gallons per day.	4.3, p. 4.3-21	The peak daily leachate generation is estimated to be 142 ft3 (1,062 gallons) for the floor areas and 1,094 ft3 (8,184 gallons) for the slope areas during the 16th year	Minor -JTD rounds number	N/A	N/A	N/A	N/A	JTD text revised to state 9,246 gallons.
59	C.2.8.3.4, p. C.20-20	Revised Universal Soil Loss Equation (RUSLE).	3.5.2.2, p. 3-48	Universal Soil Loss Equation (USLE)	Typo in EIR 2003	N/A	N/A	N/A	N/A	JTD reference to RUSLE is correct.
60	C.2.8.3.4, p. C.20-21	J. Ateshian...The equation (R=16.55xP2.2) utilizes 2-year, 6-hour rainfall data (P), and the product R is used in the RUSLE equation to estimate potential silt volumes sediment loading.	FN22, p. 3-48	J. Ateshian...The equation (R=16.55xP2.2) uses two-year, six-hour rainfall data (P), and the product R is used in the USLE equation to estimate potential silt volumes.	Minor inconsistency	N/A	N/A	N/A	N/A	JTD reference to RUSLE is correct.
61	C.2.9.2.2, p. C.2-29	It is anticipated that the initial excavation will be completed in an area of approximately 50 acres with approximately 34 acres lined to accommodate the first million tons of refuse received at the GCFLF.	3.3.1, p. 3-27 3.6.2.1, p. 3-61	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected. The initial construction of the project includes: Excavation of approximately 25 acres of Phase I of the landfill footprint. The Phase I area will be divided into three smaller stages (Stages IA, IB, and IC).	Level of detail	N/A	N/A	N/A	N/A	The JTD provides updated and more detailed phasing information. The phasing in the EIR was for the proposed project, not the selected alternative.
62	C.2.9.3.2, p. C.2-32	Phase II will be excavated to a depth of approximately 525 feet amsl or 25 feet below ground level during filling of Phase I. The total Phase II excavation is approximately 3.7 mcy. Phase II gross fill capacity is approximately 6.3 mcy.	3.6.2.2, p. 3-64	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected. The total Phase II excavation is approximately 6.4 mcy as shown on Exhibit 3-20. Phase II gross capacity will be approximately 10.8 mcy.	Level of detail	N/A	N/A	N/A	N/A	The JTD provides updated and more detailed phasing information. The phasing in the EIR was for the proposed project, not the selected alternative.
63	C.2.9.4.2, p. C.2-33	Once the Phase II excavation is complete two small final phases of excavation (Phases III and IV) are proposed prior to and in conjunction with Phase III fill operations	3.6.2.3, p. 3-64	During filling of Phase II, excavation of Phases III and then IV will begin.	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD provides updated and more detailed phasing information. The phasing in the EIR was for the proposed project, not the selected alternative.
64	C.2.9.4.4, p. C.2-34	Phase III will provide approximately 43.1 mcy of gross airspace	3.6.2.3, p. 3-64	The EIR includes the following for the Proposed Project, but no details are presented related to the phasing for the Alternative that was selected. Phase III and IV fill sequences will provide approximately 43.6 mcy of gross capacity.	Level of detail	N/A	N/A	N/A	N/A	The JTD provides updated and more detailed phasing information. The phasing in the EIR was for the proposed project, not the selected alternative.
65	D.3.3, p. D.3-2	Figure 28 shows the annual wind speed and directions as recorded at the nearest meteorological station. As indicated, predominant winds are from the west quadrant with an annual mean speed of 6.60 miles per hour (see Figure 28). Winds from the southwest and west-northwest are also common. Weather data is recorded at the McClellan-Palomar Airport...The land/sea breeze is primarily easterly/westerly while the canyon topography is oriented north/south. Winds within the canyon are predicted to be light due to the conflicting perpendicular flow regimes. Wind directions in the canyon normally follow a pattern of weak south to north drainage at night, a light sea breeze from the south-southwest during the morning, and a strengthening onshore flow from the northwest beginning midday and continuing until late evening. The ridgeline east of Gregory Canyon also protects the canyon from the occasional Santa Ana winds that blow from the northeast.	4.7.1.1, p. 4.7-1	Weather data, including surface and upper air measurements, are routinely recorded at Miramar Marine Corps Air Station, the meteorological station nearest the project site...predominant winds at Miramar are from the northwest quadrant...	consistency-McCellan-Palomar data in JTD v. Miramar data in EIR 2003 —different wind roses shown of figures in JTD and EIR — different predominant winds, etc. Also note Exhibit 4.7-1 in EIR 2003 displays the Miramar wind rose. Miramar is over 10 miles further from the landfill site than McClellan-Palomar.	N/A	N/A	N/A	N/A	The JTD included more recent meteorological data from a monitoring station closer to the site, which would provide a more accurate representation of site conditions.
66	D.4.2.1, p. D.4-7	Table: References GLA (1998)	Table 4.2-1, p. 4.2-12	References GLA (1997)	consistency (Note - did not check all references, simply noticed this one)	N/A	N/A	N/A	N/A	JTD text revised to use consistent date.
67	D.5.1.2, p. D.5-6	There are 26 bedrock monitoring wells within the proposed landfill footprint and along the periphery of the site.	4.3.1.3, p. 4.3-8	There are 20 bedrock monitoring wells within the proposed landfill footprint and along the periphery of the site.	Consistency	N/A	N/A	N/A	N/A	The JTD provides for an more robust and extensive groundwater monitoring program than analyzed in the EIR.

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68	D.5.2, p. D.5-17	Regional Groundwater Quality. Water quality data for wells in the Pala Hydrologic Subarea are sparse. One key indicator of groundwater quality is the total dissolved solids (TDS) concentration. As a result, for aesthetic reasons (i.e., taste, odor, appearance), the state has recommended that the TDS concentration be no greater than 500 mg/l in drinking water supplies. Currently, TDS concentrations in SDCWA imported supplies range from about 500 to 700 mg/l (SDCWA, 1997). Based on available groundwater quality data, the alluvial aquifer in the Pala Basin is good, with groundwater concentrations of TDS estimated in the range of 200 to 860 mg/l (J.A. Moreland, 1974) compared with 600 to 3,400 mg/l TDS for the Bonsall Basin. The average TDS concentration for the Pala Basin is estimated to be 600 mg/l (NBS Lowry, 1995)...Then, beginning in December 2000, samples were collected quarterly for one year from 15 bedrock wells and four alluvial wells, and analyzed for the full suite of "constituents of concern" (COCs) as defined by the Code of Federal Regulations	N/A	N/A	The JTD information is more robust as a majority of detail from this section not in not in 4.3	N/A	N/A	N/A	N/A	The JTD provides greater detail.
69	Figure 12	Excavation contours between 380 and ~925 feet	6.7.2.1, p. 6-76	The lowest depths of excavation for the Prescriptive Design with a Double Liner Alternative range from between approximately 400 feet above mean sea level (amsl) at the northern toe of excavation to approximately 700 feet amsl at the southern toe.	Minor inconsistency	N/A	N/A	N/A	N/A	The JTD provides greater detail. Liner construction will maintain the required 5-foot separation from groundwater. 380 feet amsl and approximately 400 feet amsl for excavation at lower end of canyon is not significantly different. JTD reflects less excavation at upper end of canyon.
<b>The following inconsistencies between the various CEQA documents were observed during the JTD/CEQA consistency review:</b>										
A	N/A	N/A	MM 4.5-1, p. 10-13	...This analysis shall not be extended west...	N/A	MM 4.5-1, p. 10-6	This analysis shall be extended west...	Discrepancy bet MMs, however, no highlight/underline in 2007 document to ID this. Consolidate MMs to eliminate transcription errors?	N/A	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's. The 2007 revision provides for a potentially expanded scope of structural analysis if the Palomar Quarry did not become operational. This is now moot, as the quarry is currently operating.
B	N/A	N/A	MM 4.5-2, p. 10-3	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.	N/A	MM 4.5-5, p. 10-8	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	MMs same; however different number between 2003 and 2007	N/A	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's.
C	N/A	N/A	MM 4.5-3, p. 10-13	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 per the County of San Diego Circulation Element, including a designated bike route. In addition, the project applicant shall provide a fair share contribution for the cost to provide four lanes on SR 76 from the western boundary of the project site to the project access road.	N/A	MM 4.5-6b, p. 10-9	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 per the County of San Diego Circulation Element, including a designated bike route.	MMs same; however different number between 2003 and 2007 (note how this one is underlined); portion missing from 2007	N/A	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's. The fair share contribution is addressed through payments to the TIF as required by MM 4.5-4 and 4.5-6a.
D	N/A	N/A	N/A	N/A	N/A	MM 4.5-2, p. 4.5-36	New MMs (4.5-2, 4.5-3, 4.5-4, 4.5-6a, 4.5-7, 4.9b, 1g, 1h, 4.9-20)	New MMs; however, some re-use other MM numbers from 2003 EIR (confusing)	N/A	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's.

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E	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Appendix in SWFP: Biological Assessment for the Gregory Canyon San Luis Rey River Bridge Replacement (August 2006); Section 5 - Note that SWFP contains MMs. Most are in line with the 2007 EIR; however, there are some that contain inconsistencies (e.g., MM 4.9-1d, 1e, etc.)	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's. The 2006 Biological Assessment pre-dated the 2007 RFEIR.
F	N/A	N/A	MM 4.9-1a, p. 10-18	N/A	Revised between 2003 and 2007	MM 4.9-1a, p. 4.9-20	Revised/New MMs (4.9-1a, 1b, 1c, 1d, 1e, 1f, 4.9-2, 3a 4.9-4.9-5a, 4.9-14, 4.9-18, 4.9-19b, 4.9-19c; p.10-10)	Revised/new MM; however, some re-use other MM numbers from 2003 EIR (confusing)	N/A	This was the "significant" issue raised by URS in the narrative portion of its report. The MMRP as updated in the 2007 RFEIR is utilized for the JTD, since it is the most recent compilation of MM's.
G	N/A	N/A	N/A	N/A	N/A	MM 4.9-3b, p. 4.9-22	N/A	EIR 2007 indicates change but no change is apparent.	N/A	Should not have been underlined (no change), but nonetheless still fully enforceable. The shading of the word "dispersing" was correct.

# ATTACHMENT E



Procopio, Cory, Hargreaves and Savitch LLP

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February 23, 2011

Mr. Jack Miller  
County of San Diego Department of  
Environmental Health  
Local Enforcement Agency  
5500 Overland Drive, Suite 110  
San Diego, CA 92123

Re: Comments on the Solid Waste Facility Permit Application for the Proposed  
Gregory Canyon Landfill

Dear Mr. Miller:

On behalf of the Pala Band of Mission Indians ("Pala Band"), we respectfully submit the following comments to the County of San Diego Department of Environmental Health, acting as Local Enforcement Agency ("LEA"), on the solid waste facility permit application submitted by Gregory Canyon, Ltd. ("GCL") dated January 13, 2011, for the proposed Gregory Canyon landfill ("SWFPA"). As was the case in July of 2010, the LEA's determination on February 1, 2011, that the SWFPA was complete and correct was wrong and constituted a failure by the LEA to "act as required by law or regulation" pursuant to Public Resources Code section 44307.

These comments discuss a number of reasons why the SWFPA failed to meet regulatory standards, any of which is sufficient to show that the SWFPA was not complete. In addition, the comments below show why the LEA has violated the California Environmental Quality Act ("CEQA"), rendering any decision to issue the permit improper.

At the outset we note that the ability of the public to comment on the SWFPA application has been seriously undermined by the LEA's failure to make these documents available for review. Although the completeness determination was made on February 1, 2011, and this meeting was scheduled for February 23, 2011, the more than 500 pages of the technical and legal documents that make up the permit application were not provided for public review until late on February 14, 2011, only six working days ago. This simply did not provide the public with sufficient opportunity to properly review the SWFPA.

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## I. The LEA's Past Actions on the Solid Waste Facility Permit

In 2004, the LEA issued a solid waste facility permit for the proposed landfill as well as findings and a statement of overriding considerations (SOC) under CEQA. The issuance of the permit was based on a final environmental impact report ("FEIR") certified in February of 2003. A lawsuit challenging the LEA's action was resolved in January of 2006 when the Superior Court issued a writ of mandate directing the LEA to prepare an adequate EIR and to rescind the permit, the findings and the SOC.

Although the LEA took those actions, it continued to treat the permit as if it was still in existence, requiring yet another lawsuit. In June of 2010, the Superior Court confirmed that the permit was invalid, and on June 24, 2010, GCL submitted a new permit application.

Although the June 2010 application was inadequate on its face, the LEA concluded it was complete and correct on July 23, 2010. Based on comments provided by the Pala Band dated July 29, 2010, the LEA, at the request of GCL, rescinded that "completeness" determination on August 5, 2011. On that same day, GCL filed a new permit application designated as incomplete. The allegedly complete application at issue here was submitted on January 26, 2011. The comments made on that previous application are incorporated into these comments as well.

## II. Legal Standards for a Complete and Correct SWFPA

The CalRecycle rules specify what information must be included in a SWFPA for an application to be deemed "complete and correct." (27 C.C.R. § 21570(e).) The rules list the specific, but *minimum*, information that must be contained in the SWFPA. In relevant part, and in the order they are discussed below, the minimum information required to be submitted for a SWFPA to be complete is:

1. An "Application for Solid Waste Facility Permit/Waste Discharge Requirements" (the "Joint Application Form") (27 C.C.R. § 21570(f)(1));
2. Current documentation of acceptable funding levels for the required closure, postclosure maintenance and corrective action Financial Assurance Mechanisms (*id.* at (f)(8));
3. Current documentation of compliance with operating liability requirements (*id.* at (f)(9));
4. A landfill capacity aerial survey in an electronic format (*id.* at (f)(10));

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5. A determination by the LEA, the Regional Water Quality Control Board ("RWQCB") and CalRecycle that the preliminary closure plan for the facility is complete (*id.* at (f)(6)); and
6. A "complete and correct" Report of Disposal Site Information in the form of a Joint Technical Document ("JTD") (*id.* at (f)(2)).

The CalRecycle rules define the term "complete" as meaning that "all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package." (27 C.C.R. § 21563(d)(1).) The rules define the term "correct" as requiring that "all information provided by the applicant regarding the solid waste facility must be accurate, exact, and must fully describe the parameters of the solid waste facility." (27 C.C.R. § 21563(d)(2).)

The rules also require that information in a SWFPA must be "supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility." (27 C.C.R. §§ 21570(d).) Finally, the rules are clear that a complete and correct application "shall include, but not necessarily be limited to" the information listed in the rule. (*Id.* § 21570(f).)

These definitions demand that a "complete and correct" SWFPA contain a rigorous level of detail that this SWFPA sorely lacks. Because the rules state that the minimum required information may not be sufficient, a determination as to whether a SWFPA is "complete and correct" must be based on site-specific factors. In this case, significant detail is necessary because, among other things, the landfill is proposed to be located

- (1) in a steep canyon that flows into the San Luis Rey River,
- (2) above a fractured bedrock "aquifer" system that the San Diego Regional Water Quality Control Board admits makes discharges of pollutants "difficult to detect, delineate, and remediate"
- (3) above a fractured bedrock "aquifer" that is interconnected with down-gradient alluvial aquifers that provide drinking water for individuals and municipalities, including the City of Oceanside, and
- (4) in an area where numerous endangered or otherwise protected species are present.

Because the Gregory Canyon site is a uniquely complex project site, the lack of detail in the SWFPA and the JTD is another reason why the SWFPA is not complete and correct.

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### III. The SWFPA Was Not Complete and Correct

#### A. The Joint Application Form

The SWFPA was submitted with a cover letter dated June 24, 2010, which identifies the various portions of the SWFPA. The first item listed in that letter is the Joint Application Form, which is attached with the cover letter as Exhibit A to this Statement of Issues. A review of the Joint Application Form alone shows that the information in the SWFPA was not complete and correct.

##### 1. Type of Permitted Wastes (Part 2.E)

The original solid waste facility permit application stated that the types of waste to be received would be construction/demolition debris, industrial and mixed municipal waste, and tires. The current application has added agricultural waste, ash, compostable materials (described as "green material"), dead animals, and inert waste. None of these wastes were discussed in the FEIR and there was no analysis of the impacts of accepting these new wastes. In addition, the Joint Technical Document ("JTD") states that abandoned vehicles, vehicle parts and home and industrial appliances would be received, but this information is not included on this page of the application in the "Other" category and the receipt of those waste was not discussed in the FEIR.

##### 2. Daily Disposal (Part 3.B.1.a)

The application lists that zero "other" wastes will be accepted, but the application now indicates that processed green material ("PGM") would be accepted. The amount needs to be identified in the application.

##### 3. Landfill Capacity Survey Results (Part 3.B.3.g)

CalRecycle rules require that an application for a disposal site include a ground or aerial survey of the site submitted in the form of CADD drawings or a vector graphics data file. 27 C.C.R. § 21570(f)(10). But the Joint Application Form for the SWFPA merely refers to a 1991 aerial survey. That is not sufficient under the rules.

##### 4. Attachment D Improperly Describes the Status of Current Permits

First, the application states that the Regional Water Quality Control Board determined that the JTD was complete in March of 2005, but the JTD has been revised numerous times since then, including in January of 2011. The attachment also fails to note that the Section 7 consultation was cancelled on September 13, 2010, and that consultation under Section 106 is also required with Native American Tribes.

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As for the alleged compliance with fire protection, we note that the site is in an extremely hazardous fire area as designated by CalFire. Yet the site has no water source except for pumped or trucked water and its storage capacity on the site is limited. The attached letter provides no assurance that any fire district has agreed to provide service or that any fire district has evaluated the proposed facility for compliance with relevant fire codes.

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**B. The Permit Application Erroneously Claims That There Has Been Compliance with CEQA (Attachment 2).**

The permit application's claim that there has been compliance with CEQA is wrong. The discretionary action before the LEA is the consideration of a new solid waste facility permit, or in CEQA terms, consideration of an application for a new "project." Although this is a new project, the last public-comment period for most portions of the FEIR ended in 2001, ten years ago, and the public-comment period for the Revised FEIR closed in the summer of 2006, nearly five years ago.

In the interim, the County issued three Addendums, which it did not circulate for public comment. We did provide comments on the December 2009 Addendum in a letter to the LEA dated April 21, 2010, which identified the inadequacies in the Addendum and requested the opportunity for wider public comment. Those comments are attached as Exhibit A and incorporated into these comments. The failure of the LEA to circulate the Addendum for public comment violated CEQA.

7

In addition, as pointed out in our letter, the LEA's failure to analyze the significant impacts that the proposed landfill would have due to the emission of greenhouse gases ("GHGs") also violates CEQA. Data generated by GCL for its air quality permit application show that GHG emissions after the first year of operations would be approximately 50,000 tons CO<sub>2</sub> equivalent ("CO<sub>2</sub>e")<sup>1</sup> and that by the end of the assumed disposal period, those emissions would be 893,709 tons. (A chart with those data is attached as Exhibit B).<sup>2</sup> It is not clear that those calculations included the proposed use of PGM at the site. Critically, even in 2100, which would be 66 years after the assumed end of operations, annual emissions of GHGs are estimated to be 238,741 tons of CO<sub>2</sub>e. That data indicate that GHG emissions of great magnitude would continue indefinitely long after any emissions controls are operable. The LEA has an obligation

<sup>1</sup> Because the United States Environmental Protection Agency ("EPA") has identified methane as being a 21-times more potent GHG than carbon dioxide, methane emissions must be multiplied by that factor to calculate the CO<sub>2</sub>e.

<sup>2</sup> The data are from Appendix J of the "Updated Air Quality Impact Analysis and Health Risk Assessment for the Proposed Gregory Canyon Landfill" dated September 14, 2010. That report is inculcated here by reference and a copy of the entire report can be provided upon request.

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under CEQA to analyze the direct and cumulative impacts of these enormous emissions of GHGs.

As we noted previously, effective March 18, 2010, the CEQA Guidelines were revised by the California Natural Resources Agency to address the scope of the analysis of impacts related to GHG emissions. CEQA Guidelines Section 15064.4 identifies requirements for determining whether a project would cause significant impacts due to GHG emissions, new CEQA Guideline Section 15126.4(c) addresses mitigation measures for GHG emissions, and Section 15130 discusses how the cumulative impacts of a project's GHG emissions must be assessed. The CEQA Guidelines define the term "greenhouse gas" to include methane and carbon dioxide which would be emitted by the proposed landfill, and other pollutants and contaminants that would be emitted by the trucks that would be hauling garbage, water, and the pre-moisturized clay.

⑦

The data generated by GCL clearly shows that emissions of GHGs from the proposed project would have significant direct and cumulative impacts on the environment. The CEQA Guidelines confirm that GHG emissions constitute a significant adverse affect that must be analyzed under CEQA and that change alone required that a subsequent or supplemental EIR be prepared. *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 384-84. In addition, the fact that the original FEIR was certified nine years ago makes the need for review of the impacts of GHG emissions even more critical. *Save Tara v. City of West Hollywood* (2008) 45 Cal.4<sup>th</sup> 116, 143 (two-year delay after certification raised issue of need for subsequent or supplemental EIR).

The massive GHG emissions from the proposed landfill also would trigger the need for the facility to obtain a Prevention of Significant Deterioration ("PSD") permit under EPA's new GHG "Tailoring Rule." 75 Fed. Reg. 31514 (June 3, 2010). As PSD permits for GHGs would be issued by the San Diego County Air Pollution Control District, such a permit could not be issued with an analysis under CEQA of the impacts of those emissions and mitigation measures to address the emissions. As the lead agency for the proposed project, the LEA has the obligation to provide its responsible agencies with an adequate CEQA analysis. The LEA again has failed to do so, and it should delay processing of this permit until it has complied with its obligations under CEQA.

**C. The Permit Application Fails to Provide Evidence of Compliance with the Requirements for the Completeness Determination for the Preliminary Closure/Post-Closure Maintenance Plan ("PCPCMP").**

⑧

The January 13, 2011, cover letter enclosing the SWFPA simply claims that the "PCPCMP is submitted as an integral part of the JTD and this SWFP application for your review and approval in accordance with 27 CCR, Section 21860." But that provision applies to final

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closure/postclosure maintenance plans and the rules regarding the application process are explicit, stating that the operator has the option of

*submitting the preliminary closure plan with the JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing agencies, the permit application package could then be accepted for filing if all the other information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure plan to be deemed complete by reviewing agencies before the application package is submitted to the EA.*

8

(See "Note" at 27 C.C.R. § 21570(f)(6) (italics in original, underline added). This language clearly requires that the preliminary closure plan must have been approved by the LEA, the Regional Water Quality Control Board ("RWQCB"), and CalRecycle before the SWFPA can be deemed complete. As that has not occurred, the SWFPA should not have been accepted as complete and correct.

**D. The JTD Still Does Not Provide Sufficient Information to Be Considered Complete and Correct.**

In addition to the numerous problems with the SWFPA described above, the JTD submitted as part of the SWFPA also fails to include required information and sufficient detail for a proposed project of this complexity and sensitivity. Specifically, the JTD continually refers to fact that it is based on "conceptual designs" for project elements. That is not the level of detail required by law for this proposed project. Construction designs must be provided in greater detail to ensure that the true costs of the projects and problems that may be encountered in the field are assessed so that unforeseen economics of the project do not become the driving force in its final design and construction. Even a permit to remodel a private residence would require more than "conceptual" designs and that is not sufficient for this project.

9

**Table 5**

The JTD fails to note that the project requires encroachment permits for the realignment of State Route 76, which under Proposition C is part of the project, and from the San Diego County Water Authority for passage across the Water Authority's easement for the First San Diego Aqueduct.

10

**Section B.3.1.11 - Temporary Construction Storage**

This section states that during initial construction, concrete removed during demolition and other materials would be temporarily stored on the eastern portion of the current construction

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storage yard. The impacts of this storage on endangered species, especially arroyo toads, was not analyzed under CEQA.

11

**Section B.4.4.4 – Inclement Weather Operations**

The JTD still fails to discuss what contingencies would be taken if access to the landfill is precluded by high water in the San Luis Rey River for a period of time or if the bridge is damaged by a greater than 100-year flood, given that the 100-year flood would only a few feet below the bridge. There also is no discussion of whether high winds could affect travel on the bridge.

12

**Section B.4.4.5.1 – Alternative Daily Covers**

For the first time, the JTD states that up to 260 tons/day of PGM will be used for daily cover. That is a change in the project with potentially serious impacts related to GHG emissions from the PGM that needs to be evaluated under CEQA. In addition, the JTD now claims that the waste to cover ratio will be reduced to 7.5 to 1 but provides no evidence to substantiate that claim.

13

**Section B.5.1.1.2 – Leachate Collection and Removal System (“LCRS”)**

The analysis in this section fails to acknowledge that 90% of the leachate generated on the site would be generated in the sloped areas which do not have an LCRS system.

14

**Section B.5.1.1.3 - Leachate Volumes**

The analysis still fails to use the 25-inch per year annual average rainfall that GCL uses to determine the safe yield of all its fractured bedrock production wells. That use of two annual average rainfall amounts for the same site is impermissible and impossible.

15

**Section B.5.1.1.4 – Analysis of Potential Impairment to Groundwater**

Based on modeling that is 15 years old and unsupported statements by Dr. Huntley, the JTD now claims that “it is not reasonably foreseeable that any wells in the alluvial aquifer, even wells on the GCL property in the alluvial aquifer, would have detectable contamination that would require remediation.” If that claim is used to limit the amount of corrective action assurances, it must be supported by more-rigorous evidence.

16

**Section B.5.1.3.1 – Groundwater Monitoring Well Locations**

The JTD claims that “additional groundwater monitoring wells have been proposed to reflect Dr. Huntley’s recommendations (Appendix C-2), and the revised workplan is included in

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Appendix G-2.” But there is no evidence that the “revised work plan” has been implemented. That work plan requires the installation of five more groundwater wells and other work. The admission that the work plan is necessary and the failure to complete the work means that the JTD cannot be complete and that the SWFPA application is not “complete and correct.”

17

#### Section B.5.1.4 – Stormwater Permitting

This section needs to be updated to reflect the fact that the current NOI for coverage under the general stormwater permit terminated on July 1, 2010, and GCL did not submit its application by that point. Consequently, it is a new facility and the current SWPPP is inadequate until a risk evaluation has been conducted.

18

#### Section B.5.1.7 - Estimated Cost for Mitigating a Reasonably Foreseeable Release

27 C.C.R. section 22221(a) requires that an applicant demonstrate financial responsibility for initiating and completing all “known or reasonably foreseeable corrective action” at a facility. In calculating the cost for addressing the “known or reasonably foreseeable corrective action” at the facility, the JTD states that corrective action financial assurance analysis is based on the costs associated “with a release to the underlying bedrock as described in Section B.5.1.6.4 above.”

Again, the failure to estimate of the costs of mitigating contamination to the alluvial aquifer means that the JTD and the financial assurance calculations are inadequate. There is no dispute that groundwater in the fractured bedrock system flows into the alluvial aquifer, so it is reasonably foreseeable that corrective action in the alluvial aquifer also would be needed. Without a discussion of how that remediation would occur and an analysis of the costs of such a remediation, the JTD is incomplete. For example, a pump and treat system designed for the fractured bedrock most likely would be insufficient to handle the far greater amount of water in the alluvial aquifer.

19

The JTD also should consider the potential impairment of surface water in the San Luis Rey River if leachate is not properly handled or if there is a spill of leachate or other material from a truck crossing the bridge. Hundreds of large truck would cross the bridge every day and it is reasonably foreseeable that an accident would result in a discharge to the river. A description of the response to such an accident should be provided along with a cost estimate of the corrective action.

#### Section B.5.3.1 - Dust Control

The JTD claims that water for dust control would be obtained primarily from pumping point-of-compliance groundwater monitoring wells and using the pumped water on the site. The JTD does not explain how the operator will ensure that water pumped from these wells is not

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contaminated by a leak from the landfill before the pumped groundwater is used on the site, but simply claims that "[r]outine groundwater monitoring of percolating groundwater wells within Gregory Canyon would detect the presence of contaminants in water to be used for dust control." But given the infrequent sampling and analysis proposed, the only method of ensuring that such contamination does not occur is to require additional sampling of the pumped water before its use. That issue should have been addressed in the JTD.

(20)

#### Section B.5.3.5 - Fire Control

The JTD never explains how the operator will be able to address fires that begin on the site or threaten the site from outside. Although the JTD identifies protective measures to prevent on-site fires, the on-site fire-fighting capabilities of the operator are never explained, and thus the claim that "additional fire suppression forces are available from the California Department of Forestry (CDF) station" begs the question as to what on-site "forces" those CDF capabilities would supplement. The JTD also should identify the location of the CDF station and provide written confirmation that the CDF will provide fire-protection services. The statement that the "San Diego County Fire Authority operates a fire station in the general vicinity of the landfill property, and it is expected that the Authority will be constructing a fire station at a location close to the landfill property" is not sufficient.

(21)

This issue of fire protection is critical given that the proposed facility would be located in an area designated as a very high fire hazard severity zone by the California Department of Forestry. That designation applies in part because the site is susceptible to Santa-Ana-wind-driven fires such as the Rice Canyon fire which burned thousands of acres nearby.

In addition, although the JTD does not discuss the issue, documents submitted with the air quality permit application indicate that nearly 800,000 tons of material would need to be blasted to construct the proposed landfill, requiring up to 88 blasts a year. A single blast could consist of up to eight tons of a mixture of ammonium nitrate and fuel oil ("ANFO"), and would be designed to impact an area of up to 0.5 acres or approximately 650,000 cubic feet of material. Given the significant blasting that would occur the lack of any discussion of blasting in the context of fire safety is inexcusable. There also should have been some discussion of Section 96.1.3301.2 of the 2009 County Consolidated Fire Code, which describes specific permitting and inspection requirements for such major blasting.

Moreover, the only source of water to fight fires would be groundwater wells and any remaining water stored in the 20,000-gallon water tank. But that is a small amount of water and the JTD does not describe how the water would be used to fight a fire, including what equipment would be available for fire-fighting purposes. The fact is that a fire on the site could severely damage the facility, including the liner, the bridge, the hazardous waste storage area, and all the structures in the facilities area. In addition, a fire at the proposed landfill could increase the risk

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to neighboring structures and areas given that tires and hazardous waste would be stored on the site and there may be fuel storage for dispensing to trucks at the site. Without a better discussion of these risks and of the operator's fire-fighting capabilities, the SWFPA is not complete and correct.

Finally, any draft permit must include the requirements that are listed in the JTD. Those include that "the landfill gas control system will be operated so as not to introduce excessive amounts of oxygen into the refuse prism. The extraction wells will be monitored for temperature and oxygen content to determine if a subsurface fire is present. All equipment with internal combustion engines will be equipped with approved spark arrestors and any flammable debris will be removed from the under carriages and engine compartments of heavy equipment on a regular basis. Fire extinguishers will be available at the entrance facilities, in the administration and operations trailers, and in landfill equipment and vehicles. Hazardous materials, collected as part of the HWEP, will be stored in fire proof containers located in the ancillary facilities area."

21

#### Section C.2.1 – Design Features

The JTD admits that the engineering drawings and designs supporting the SWFPA are "conceptual" in nature, which is insufficient. The LEA must require more detail regarding the design of the facilities, and while final drawings may not be required, conceptual designs are not sufficient.

22

For example, the JTD states that storm water falling on the steep sides of the canyon would be prevented from washing out the garbage by the construction of perimeter storm drain ("PSD") channels. The only design drawings of these PSD channels are found on Figure 19 of the JTD (identified as "PCC"), which simply show that the channels will be three or four foot wide trapezoidal channels. (Exhibit J). Although the eastern PSD channel would be located on the slopes of Gregory Mountain high above the bottom of the canyon, the JTD contains no discussion or figures showing how this PSD channel would be constructed on the side of the mountain or how would be anchored to ensure that it would be able to properly perform its water-collection functions. More construction details of these PSD channels and other landfill features are needed before the LEA can approve the SWFPA as complete.

#### Section C.2.2.3 – Material Availability

Not surprisingly, this section concludes that raising the waste to cover ratio to 7.5:1 magically allows GCL to claim that the amount of usable cover material on site equals the amount need for operations and final cover. Again, no support for the use of that ratio is provided.

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#### Section C.2.2.4 - Stockpile/Borrow Areas

The JTD fails to provide sufficient information to support the claim that “proper drainage control will be maintained in Borrow Area A.” While the JTD states that erosion control measures would include desilting basins, down drains, and/or rip rap, it does not state where or when these features would be installed or describe the size or construction details of these features. The discussion of the 150-foot deep Borrow Area B also fails to provide a description or location of proposed water-control facilities.

24

The JTD also claims that surface waters would be “conveyed from the borrow/stockpile areas and discharged into the existing natural drainage courses.” But no map is provided to show which existing channels would be used.

Finally, there is no discussion of the impacts that constructing Borrow Area B would have on the First San Diego Aqueduct. Drawings indicate that the Borrow pit would be on both sides of the aqueduct and the FEIR states that blasting would be needed to excavate the mine pit. Those issues should have been addressed in the JTD.

#### Section C.2.5.3.1 - Leachate Generation

This section of the JTD, which is dated 2004, claims that peak leachate generation would be 1236 cubic feet per day (9,245 gallons per day (“gpd”).) But the estimated amount of leachate generation was not based on the use of an average annual rainfall amount of 25 inches per year rainfall which GCL now claims applies at the site. (See page 10 of the 2007 “Water Supply Report” attached as Exhibit K.) GCL used 25 inches per year to calculate the amount of recharge to the fractured bedrock to show pumping capabilities of on-site groundwater wells.

25

GCL used a higher annual average rainfall amount to increase the amount of groundwater that it claims can be pumped from the fractured bedrock. GCL used a lower rainfall amount to calculate leachate generation because it would result in less leachate being generated. GCL cannot use one rainfall amount when it supports its claims and another when it does not.

The issue of how much leachate would be generated is critical because the leachate control and recovery system (“LCRS”) must be designed “to collect and remove twice the maximum anticipated daily volume of leachate.” (27 C.C.R. § 20340(b).) The fact is that the leachate generation rate must be recalculated using the higher annual average rainfall amount for the JTD to be complete and correct.

The JTD also states that one or two 10,000-gallon leachate storage tanks “will be monitored for the presence of liquid by the operator during the routine quarterly sampling events or as specified by the WDRs.” (JTD at C.2-12). Given that the peak leachate production would be at least 9,245 gpd (more if the 25 inches per year were used), quarterly monitoring of the

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tanks would not be sufficient. To be complete, the JTD must reassess the leachate generation at the site and require daily or weekly leachate inspections during certain periods of operation.

25

**Section C.2.5.4 – Leachate Control and Recovery System**

The JTD admits, in passing, that federal and state regulations require that the LCRS extend up the side slopes of a facility and that the proposed design would not meet those standards. 27 C.C.R. § 20340. But the JTD merely glosses over the issue in a short paragraph and fails to identify the regulatory exemption from those requirements or to discuss in detail how the proposed alternative system would be protective of human health and the environment. That lack of information also makes the SWFPA incomplete.

26

The JTD states that the alternative side-slope LCRS design would result in leachate flowing along the operations layer liner/refuse-interface to slotted pipes at the elbow where the sideslope flattens and meets the main portion of the proposed landfill footprint, but it does not clearly describe how leachate collected in these areas would be transferred to the primary LCRS. There is no evidence that this alternative design for collecting and transferring leachate would not result in ponding of leachate as prohibited by law. 27 C.C.R. § 20340(f). A proper analysis of this design is critical given that approximately 90% of the leachate generated would be generated on the side-slope areas. (FEIR pg. 4.3-21-22).

**Section C.2.7.1 - Landfill Gas**

The JTD states that gas condensate would be collected and possibly incinerated on site. The JTD must clarify that all condensate would have to be analyzed to determine if it was a hazardous waste and if so, managed properly and not incinerated on site without appropriate permits.

27

**Section 2.8.2 – Hydrology**

This section previously stated that the First San Diego Aqueduct is “planned to be relocated” to the west away from the landfill footprint, but now states that it “may be relocated to the west.” We believe that proposition C requires GCL to relocate the aqueduct if required by the County Water Authority.

28

**Section C.2.8.3.2 - PSD Channel System**

The JTD states that “[a]ll run-on from surrounding areas and the undisturbed areas of the site” would be captured by the PSD channels and discharged directly to the San Luis Rey River. (JTD at C.2-21.) Stormwater from the “disturbed” areas of the landfill footprint (up to 75 acres at one time) would be collected in underground pipes that would discharge to two desilting basins.

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The discussion of this system in the JTD fails to answer a number of critical questions. For example, while the PSD channels are designed to capture "sheet flow" water during storm events, given the steep nature of Gregory Mountain, run-off from the mountain occurs in defined drainages and not as sheet flow. That raises serious questions about the ability of the eastern PSD channel to collect run-off and to withstand severe storm flows in those steep drainages.

(29)

In addition, as shown in the letter report prepared by Dr. Richard Horner and attached as Exhibit C, the modeling which formed the basis for designing all of these stormwater control systems is flawed and needs to be reevaluated. The claim that infiltration or percolation areas could be used to control runoff from these PSD channels is not supported by sufficient analysis of infiltration rates and other critical factors.

#### **Section C.2.8.3.5 - Storm Water Desilting Basin**

The JTD fails to provide a rationale for using a 10-year, six-hour rainfall event to size the desilting basins, given that the JTD claims that the perimeter piping which will discharge into those basins will be sized to carry water from a 100-year, 24-hour storm event. There is no discussion of what will happen to those desilting basins when larger events occur.

(30)

The JTD states that the desilting basins were designed to the 10-year storm event based on the 2003 California Stormwater Best Management Practices Handbook published by the California Stormwater Quality Association ("CASQA"). But the CASQA website states that it no longer supports the 2003 Handbook because of the new stormwater permit. The JTD should be updated to reflect current regulatory standards. In addition, given the amount of sediment that would be collected in the PSD channels, that water also should be treated first in the desilting basins, which need to be resized for those flows as well.

#### **Section C.2.9.1 - Landfill Construction Phasing**

The JTD states that the project "includes some modifications to improve site distance and to facilitate truck movement on Pala Road (SR 76) near the access road entrance." But no further discussion of these modifications is provided, although Proposition C requires the permit applicant to provide "detailed plans for the realignment of Highway 76" to provide approximately 1000 feet of site distance in both directions for traffic leaving the landfill and for widening the road to allow deceleration and acceleration lanes. As these improvements to State Route 76 are required elements of the project pursuant to Proposition C, detailed design drawings approved by CalTrans should be part of the SWFPA.

(31)

In addition, the rules require that a traffic control plan be provided showing that traffic flow "into, on and out of the site is controlled to minimize interference and safety problems for traffic on-site and adjacent public streets or roads." 27 C.C.R. § 21600(b)(8)(I). No traffic

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control plan or any analysis of safety issues related to ingress and egress along SR 76 is included in the JTD or the SWFPA.

31

**Section C.2.9.2.3 – Liner System Development**

The JTD states that liner construction in the Phase I area “will be completed in stages” and it repeats that statement for other phases. What the JTD does not discuss is how the liner system will be protected before the placement of waste occurs or how various sections of the liner will be constructed to ensure continuity of the liner system. These are quality assurance/quality control issues that should be described in the text of the JTD.

32

**Section C.2.9.2.5 – Drainage Control Development**

The JTD states that interim drainage control facilities will be constructed “as required to control storm flows and prevent the inundation of the active face” but admits that “two desiltation basins and a portion of the perimeter storm drain channels will be constructed during the Phase I development.” In Section C.2.9.4.5, the JTD admits that the “final drainage system configuration will be completed as part of the Phase III fill and final cover construction.” Without a fuller discussion as to how stormwater flows will be managed before the entire PSD system is installed, all that the LEA has is GCL’s “assurance” that these flows would be managed properly. That is not sufficient under the CalRecycle rules.

33

**Section D.2.3 – Floodplain**

The JTD fails to mention that the eastern desilting basin and infiltration area and potentially part of the facilities area, including the proposed flare station are within the 100-year floodplain shown on Figure 30B. No analysis of the impacts of that construction on the floodplain has been conducted and no approvals from FEMA have been obtained. Until those issues are resolved, the JTD and the SWFPA are not complete and correct. This issue also was not discussed in the FEIR because the FEIR included a misleading and altered FEMA map that did not show the 100-year flood plain in this area.

34

**Section D.3.2 - Precipitation**

The JTD claims that “[a]verage annual rainfall within Gregory Canyon is expected to be in the range of 17.5 to 25.27 inches,” but an average is a single number. It is not clear that these “averages” were used in the HELP3 leachate analysis. GCL had years to collect on-site rainfall data, but chose not to so it could use whatever data best fit its needs. For example, it claimed that a 25-inch rainfall year is an extreme event in attempting to persuade the Army Corps of Engineers that the canyon did not include “waters of the United States.” We refer you to Dr. Horner’s letter for comments on flaws in the “modeling” discussed in this section.

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#### Section D.4.7 - Geologic Hazards Due to Surface and Near-Surface Processes

The JTD concludes that "there is clear evidence that rock falls have occurred at the site" and that "construction of a 'catching' wall or other diversion structure near the edge of the landfill is recommended to effectively mitigate the risk of rock fragments rolling onto the landfill." But, there is no further discussion regarding the specifications and location of this "catching" wall. In addition, the analysis in the JTD does not consider the impact of rolling or bouncing boulders on the integrity of the eastern PSD channel and does not identify where this "catching wall" would be located in relation to the PSD channel. Construction in these open space areas is not allowed and the need for these structures should be determined now and the impacts analyzed.

(36)

#### Section D.5.1.2 - Local Hydrogeologic Setting

Given that the JTD admits that the "fracture-controlled groundwater communicates with, and recharges the alluvial water in the San Luis Rey River valley," the conclusion that contamination in the fractures could not pollute the alluvial aquifer is not supportable.

(37)

#### Section E.1.3.1.4 - Final Cover Construction

Neither this section of the JTD nor the CQA Plan in Appendix M provide any information indicating why material from the borrow areas will be suitable for the "vegetative cover" layer for the landfill. Given the enormous amount of material that will be needed, it is critical to show that the excavated material will be suitable as the vegetative cover layer.

(38)

#### Section E.3.6 - Floods

As part of the post-closure emergency plan, GCL describes the procedures it will take "if flood waters occur at the GCLF in excess of the handling capability of the storm water control system." But this contingency should be addressed for the operating period, especially for those periods before the PSD channels are completed or both desilting bases installed.

(39)

The JTD states that during a 100-year flood, water in the San Luis Rey River would rise to approximately 18 inches below the bridge. Even assuming that those calculations are correct (and that the level of the water will not actually be higher), the JTD should provide contingency measures describing when the access road and bridge would be closed for safety purposes, and describing what would occur if a larger storm event damaged the bridge. Neither the JTD nor the SWFPA adequately address the risks created by building a landfill that can only be accessed by a bridge over the San Luis Rey River.

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**Section E.3.3 - Emergency Response Notification Procedure**

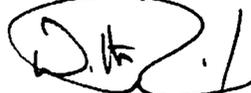
The JTD should discuss how maintenance personnel would be trained to identify an "emergency situation" and should identify the "site engineer" and the qualifications for that position.

] (40)

**III. Conclusion**

These comments identify numerous deficiencies in the SWFPA that need to be addressed before the permit application can be processed further. Once again, the LEA should rescind its determination that the SWFPA was complete and require the additional information discussed above to be provided.

Sincerely,



Walter E. Rusinek

WER/mkk  
Enclosures

- cc: Robert H. Smith, Chairman, Pala Band of Mission Indians
- Ms. Shasta Gaughen, Director, Pala Environmental Services
- San Diego County Board of Supervisors
- Mr. Jim Wood, Mayor, City of Oceanside
- Dr. Spencer D. MacNeil, U. S. Army Corps of Engineers
- Mr. Jared Blumenfeld, USEPA, Region IX
- Ms. Michelle C. Moreno, U.S. Fish & Wildlife Service
- Mr. Mark Leary, CalRecycle
- Mr. David Gibson, Regional Water Quality Control Board
- Mr. Stephen Moore, San Diego County Air Pollution Control District
- Ms. Maureen A. Stapleton, San Diego County Water Authority
- Susan M. Trager Esq., San Luis Rey Municipal Water District
- Damon Nagami Esq., NRDC
- Pamela N. Epstein Esq., Sierra Club
- Ms. Laura Hunter, Environmental Health Coalition
- Mr. Joe Chishum, Pala Pauma Sponsor Group
- Everett L. DeLano III Esq.
- Mr. Johnny Pappas, Surfrider Foundation

# ATTACHMENT F

## STATEMENT OF THE ISSUES

Pursuant to Public Resources Code Section 44310(a)(1), the Pala Band of Mission Indians hereby provides the following Statement of Issues identifying why the LEA has failed to act as required by law or regulation and why this panel should direct the LEA to rescind its determination that the solid waste facility permit application ("SWFPA") for the proposed Gregory Canyon landfill was not complete and correct as required by law..

### I. The LEA's Past Actions on the Solid Waste Facility Permit

This is yet another example of the failure of the LEA to act in accordance with the law. Briefly, in 2004, the LEA issued a solid waste facility permit for the proposed landfill. That action was rescinded by the LEA in February of 2006 in response to a writ of mandate issued by the San Diego Superior Court. The Court issued that order after finding that the Final Environmental Impact Report ("FEIR") prepared by the LEA was inadequate.

Even though the Court ordered the LEA to rescind the permit, the LEA continued to treat the permit as if it was still in existence and accepted an application from Gregory Canyon Ltd. ("GCL") to modify the permit. The LEA's action triggered yet another lawsuit, and in June of 2010, the Superior Court confirmed that there was no existing permit. The Court rejected the LEA's reliance on a "hypertechnical, and out-of-context, reading of a portion of the writ of mandate" to support its claim that the permit still existed.

In response, on June 24, 2010, GCL submitted a new permit application. Although the application was inadequate on its face, the LEA concluded it was complete and correct on July 23, 2010. But, in response to comments provided by the Pala Band dated July 29, 2010, pointing out the clear inadequacies of the application, GCL requested that the LEA rescind its "completeness" determination, which it did on August 5, 2011. Again, the LEA did not make that decision on its own but merely responded to GCL's request. That same day, GCL filed a new permit application designated as "incomplete." The allegedly complete application at issue here was submitted on January 26, 2011.

### II. Legal Standards for a Complete and Correct SWFPA

The CalRecycle rules specify what information must be included in an SWFPA for it to be deemed "complete and correct." (27 C.C.R. § 21570(e) (attached as Exhibit A).) The rules list the specific, but *minimum*, information that must be contained in the SWFPA. In relevant part, an SWFPA must include

- (1) a determination by the LEA, the Regional Water Quality Control Board ("RWQCB"), and CalRecycle that the preliminary closure and post-closure plan for the facility is complete;
- (2) evidence of compliance with the California Environmental Quality Act ("CEQA"); and
- (3) a "complete and correct" Report of Disposal Site Information in the form of a Joint Technical Document ("JTD").

The CalRecycle rules define the term "complete" as meaning that "all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package." (27 C.C.R. § 21563(d)(1) (emphasis added).) The rules define the term "correct" as requiring that "all information provided by the applicant regarding the solid waste facility must be accurate, exact, and must fully describe the parameters of the solid waste facility." (27 C.C.R. § 21563(d)(2).)

The rules also require that information in a SWFPA must be "supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility." (27 C.C.R. §§ 21570(d).) Finally, the rules are clear that a complete and correct application "shall include, but not necessarily be limited to" the information listed in the rule. (*Id.* § 21570(f).)

These definitions demand that a "complete and correct" permit application contain a rigorous level of detail that this SWFPA sorely lacks. Because the rules state that the minimum required information may not be sufficient, a determination as to whether a SWFPA is "complete and correct" must be based on site-specific factors. In this case, significant detail is necessary because, the landfill is proposed to be located in a steep canyon that flows into the San Luis Rey River, and would be above fractured bedrock that the San Diego Regional Water Quality Control Board admits makes it "difficult to detect, delineate, and remediate" contamination leaking from the proposed site and that is interconnected with down-gradient alluvial aquifers which provide drinking water for individuals and municipalities, including the City of Oceanside.

Because the Gregory Canyon site is a uniquely complex project site, the lack of detail in the SWFPA and the JTD is another reason why the SWFPA is not complete and correct.

### III. The SWFPA Was Not Complete and Correct

#### A. The SWFPA Did Not Provide Evidence That the Preliminary Closure/Post-Closure Maintenance Plan ("PCPCMP") Has Been Approved by the Regional Board and CalRecycle.

As noted above, the CalRecycle rules require that a complete and correct application include a determination by the LEA, the Regional Water Quality Control Board ("RWQCB"), and CalRecycle that the PCPCMP for a facility is complete. GCL addressed this issue in a cover letter from Bryan Stirrat dated January 13, 2011, by stating that the "PCPCMP is submitted as an integral part of the JTD and this SWFP application for your review and approval in accordance with 27 CCR, Section 21860." (*See Exhibit B at pg. 3*).

But that claim is not sufficient to comply with the CalRecycle rules governing the application process. Those rules explicitly state that for a disposal site such as the proposed landfill, a complete and correct application shall include a:

*... completeness determination of Preliminary or Final Closure/Postclosure Maintenance Plan as specified in §§ 21780, 21865, and 21890 (Subchapter 4 of this Chapter); and [Note: The operator has the option of submitting the*

*preliminary closure plan with the JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing agencies, the permit application package could then be accepted for filing if all the other information in the JTD is accepted by the EA. . . .*

(27 C.C.R. § 21570(f)(6) (italics in original, underline added).)

While this rule requires that the PCPCMP be approved by the Regional Board and by CalRecycle before the LEA can accept the application, GCL's statement quoted above does not indicate that such approval has occurred. GCL merely refers to Section 21860, which applies to final closure plans.

Given this clear violation of CalRecycle rules, the LEA should not have accepted the permit application package for filing, and the SWFPA was not complete and correct. The approval of the SWFPA as being complete and correct must be rescinded and the application not processed until this requirement is satisfied.

**B. The Permit Application Erroneously Claims That There Has Been Compliance with the California Environmental Quality Act ("CEQA").**

The claim in the application that there has been compliance with CEQA also is wrong. The discretionary action before the LEA is the consideration of a new solid waste facility permit, or in CEQA terms, consideration of an application for a new "project." Although this is a new project, the last public-comment period for most portions of the FEIR ended in 2001, nearly 10 years ago, and the public-comment period for the Revised FEIR closed in the summer of 2006, nearly five years ago.

In the interim, the County issued three Addendums, which it did not circulate for public comment. We provided comments on the December 2009 Addendum to the LEA identifying the inadequacies in that Addendum, and requesting the opportunity for wider public comment, which was denied. The failure of the LEA to circulate the Addendum for public comment violated CEQA.

In addition, as pointed out in our comments on the Addendum, the LEA has violated CEQA by refusing to analyze the significant impacts that the proposed landfill would have on the environment due to the emission of greenhouse gases ("GHGs"). Data generated by GCL for show that GHG emissions after the first year of operations would be approximately 50,000 tons CO<sub>2</sub> equivalent ("CO<sub>2</sub>e")<sup>1</sup> and that by the end of the assumed disposal period, those emissions would rise to 893,709 tons. (See Exhibit C).<sup>2</sup>

<sup>1</sup> The United States Environmental Protection Agency ("EPA") has identified methane as being 21 times more potent GHG than carbon dioxide, methane emissions and it must be multiplied by that factor to calculate the CO<sub>2</sub>e.

<sup>2</sup> The data are from Appendix J of the "Updated Air Quality Impact Analysis and Health Risk Assessment for the Proposed Gregory Canyon Landfill" dated September 14, 2010. That report is incorporated here by reference and a copy of the entire report can be provided upon request.

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Critically, the data show that, even 66 years after the assumed end of operations in 2100, annual emissions of GHGs would still be 238,741 tons of CO<sub>2</sub>e. Those GHG emissions would continue indefinitely long after any emissions controls are still operating.

These facts show that the LEA must analyze the direct and cumulative impacts of these emissions under CEQA. In 2010, the CEQA Guidelines were revised by the California Natural Resources Agency to confirm the need to analyze GHG-related impacts under CEQA. CEQA Guidelines Section 15064.4 identifies requirements for determining whether a project would cause significant impacts due to GHG emissions, new CEQA Guidelines Section 15126.4(c) addresses mitigation measures for GHG emissions, and Section 15130 discusses how the cumulative impacts of a project's GHG emissions must be assessed.

Given these significant emissions and the changes to the CEQA Guidelines, a subsequent or supplemental EIR must be prepared. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 384-84.) The fact that the original FEIR was certified nine years ago makes the need for review of the impacts of GHG emissions even more critical. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4<sup>th</sup> 116, 143 (two-year delay after certification raised issue of need for subsequent or supplemental EIR).) Until this analysis is completed, there has no been compliance with CEQA.

**C. GCL Has Not Shown That it Has Properly Protected the First San Diego Aqueduct to the Satisfaction of the San Diego County Water Authority.**

One of the critical problems with the site for the proposed landfill is that the First San Diego Aqueduct pipelines, which supply critical imported water to San Diego County, run under the San Luis Rey River and through the site along the eastern edge of the proposed landfill footprint and through proposed Borrow Area B. (Exhibit D.) One of the critical problems with the SWFPA is that it does not address the protection of these pipelines as required by Proposition C.

Section D.5.5 of the JTD entitled "Aqueduct Relocation Option" (which is included with all other cited sections of the JTD as Exhibit E) previously stated that the First San Diego Aqueduct was "planned to be relocated" to the west away from the landfill footprint. But that section of the JTD now states that it is "possible" that the aqueduct "may be relocated further west of the landfill footprint." The issue is important because, in its current location, the pipelines could be impacted by the construction of the bridge, which could increase scour and impact the pipeline buried under the river, by the fact that all trucks entering and leaving the facility or accessing the borrow areas for dirt would have to drive over the pipelines, and by the blasting would be required to remove bedrock during construction.

Proposition C explicitly stated that the "Project will include work required to protect any San Diego Aqueduct pipelines to the extent and in the manner required by the San Diego County Water Authority." Proposition C defined the term "Project" as being the proposed landfill described in the initiative and any modifications included in a site plan submitted to the LEA "as part of the solid waste facilities permit." Based on that language, the issue of how the aqueduct would be protected to the satisfaction of the County Water Authority must be resolved before the SWFP can be issued by the LEA and sent to CalRecycle.

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But as the attached letters from the County Water Authority show, it repeatedly has raised concerns regarding impacts of the proposed project on the aqueduct, and GCL has failed to address those concerns. (Exhibit E.) Consequently, the County Water Authority's August 12, 2010, letter stated that the LEA should not issue the permit and forward it to CalRecycle "until there is an executed agreement between the Water Authority and Gregory Canyon Ltd. (or their successors in interest) regarding the protection of the San Diego Aqueduct pipelines and facilities." Given this situation, this panel should direct the LEA to rescind its determination that the SWFPA was complete and correct and require resolution of this issue before the permit can be sent to CalRecycle.

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**D. The JTD Does Not Provide Sufficient Information to Be Considered Complete and Correct.**

The SWFPA also was not complete and correct because other section of the JTD did not include information in sufficient detail for a project of this complexity and sensitivity. Some of the deficient sections are discussed below. The relevant sections of the JTD are attached as Exhibit F.

**Section B.4.4.4 – Inclement Weather Operations**

The JTD fails to discuss contingencies if access to the landfill is precluded by high water in the San Luis Rey River for a period of time or if the bridge is damaged by a 100-year flood or greater, given that JTD acknowledges that a 100-year flood would only a 18 inches below the bridge. Even assuming that those calculations are correct (and that the level of the water will not actually be higher), the JTD should provide contingency measures describing when the access road and bridge would be closed for safety purposes, and describing what would occur if a larger storm event damaged the bridge. The JTD fails to address the risks created by building a landfill that can only be accessed by a bridge over the San Luis Rey River.

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**Section B.5.1.3.1 (pg. B.5-12) – Groundwater Monitoring Well Locations**

The JTD claims that "additional groundwater monitoring wells have been proposed to reflect Dr. Huntley's recommendations (Appendix C-2), and the revised workplan is included in Appendix G-2." Dr. Huntley's June 24, 2009, Technical Memorandum identified a number of inadequacies in the groundwater monitoring system and described the additional work he believed was necessary to address those inadequacies, including the installation of two additional groundwater monitoring wells and the completion of additional studies to identify locations for more wells at the mouth of the canyon. (Exhibit G.)

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In response, GCL prepared a 19-page workplan, which was included as Appendix G-2 of the JTD. The workplan states that, following its approval, five additional groundwater wells would be drilled, borehole logging and aquifer testing would be conducted, the wells would be developed and sampled, and a final report would be prepared. But the JTD does not state whether the workplan was approved (or by what agency), or if it was implemented, and the JTD does not include a copy of the report that was to be prepared.

Instead, the JTD admits that the groundwater wells described in the workplan and in the Technical Memorandum have not been installed, even though it is 20 months since the Technical Memorandum was prepared. Also, there is no evidence that the proposed locations for the wells satisfy the requirements in the Technical Memorandum. This is clear evidence that the JTD and the SWFPA are not "complete and correct." This panel should direct the LEA to require that the workplan be implemented before it accepts the SWFPA for processing.

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**Section B.5.1.7 (pg. B.5-24) - Estimated Cost for Mitigating a Reasonably Foreseeable Release**

CalRecycle rules require that an applicant demonstrate financial responsibility for initiating and completing all "known or reasonably foreseeable corrective action" at a facility. (27 C.C.R. § 22221(a).) But in calculating the cost for addressing the "known or reasonably foreseeable corrective action" at the facility, the JTD states that corrective action financial assurance analysis is based on the costs associated "with a release to the underlying bedrock as described in Section B.5.1.6.4 above."

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The failure to estimate the costs of mitigating contamination to the alluvial aquifer means that the JTD and the financial assurance calculations are inadequate. There is no dispute that groundwater in the fractured bedrock system flows into the alluvial aquifer, so it is reasonably foreseeable that corrective action in the alluvial aquifer also would be needed. Without an analysis of how that remediation would occur and its costs, the JTD is incomplete. For example, a pump and treat system designed for the fractured bedrock might not be sufficient to handle the greater amount of water in the alluvial aquifer.

**Section B.5.3.5 (pg. B.5-40) - Fire Control**

The JTD does not adequately explain how fires that begin on the site or threaten the site from outside would be handled. The on-site fire-fighting capabilities of the operator are not described, and thus the claim that "additional fire suppression forces are available from the California Department of Forestry (CDF) station" begs the question as to what on-site "forces" those CDF capabilities would supplement. The JTD should identify the location of the CDF station and provide written confirmation that the CDF will provide fire-protection services. The statement that the "San Diego County Fire Authority operates a fire station in the general vicinity of the landfill property, and it is expected that the Authority will be constructing a fire station at a location close to the landfill property" is not sufficient and speculative at best.

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This issue of fire protection is critical given that the proposed facility would be located in an area designated as a very high fire hazard severity zone by the California Department of Forestry. That designation applies in part because the site is susceptible to Santa-Ana-wind-driven fires such as the Rice Canyon fire which burned thousands of acres nearby.

The JTD also does not discuss the fact that nearly 800,000 tons of material would need to be blasted to construct the proposed landfill, requiring up to 88 blasts a year and that a single blast could consist of up to eight tons of a mixture of ammonium nitrate and fuel oil ("ANFO"). Given this significant blasting, the lack of any discussion of blasting in the context of fire safety is inexcusable. There also should have been some discussion of Section 96.1.3301.2 of the 2009

County Consolidated Fire Code, which describes specific permitting and inspection requirements for such major blasting.

The only source of water to fight fires would be groundwater wells and any remaining water stored in the 20,000-gallon water tank. But that is a small amount of water and the JTD does not describe how the water would be used to fight a fire, including what equipment would be available for fire-fighting purposes. The fact is that a fire on the site could severely damage the facility, including the liner, the bridge, the hazardous waste storage area, and all the structures in the facilities area. In addition, a fire at the proposed landfill could increase the risk to neighboring properties given that tires and hazardous waste would be stored on the site and there may be fuel storage for dispensing to trucks at the site. Without a better discussion of these risks and of the operator's fire-fighting capabilities, the SWFPA is not complete and correct.

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#### Section C.2.1 (pg. C.2-1) – Design Features

The JTD admits that the engineering drawings and designs supporting the SWFPA are “conceptual” in nature. That is not the level of detail required by law for this proposed project because the detail is not adequate enough “to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility.” (27 C.C.R. §§ 21570(d).) While final drawings may not be required, conceptual designs are not sufficient. Construction designs must be provided in greater detail to ensure that the true costs of the project and the problems that may be encountered in the field are assessed so that unforeseen economics of the project do not become the driving force in its final design and construction. Even a permit to remodel a private residence would require more than “conceptual” designs.

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For example, the JTD states that storm water falling on the steep sides of Gregory Canyon would be controlled by the construction of perimeter storm drain (“PSD”) channels. The only design for these PSD channels are shown on Figure 19 of the JTD (identified as “PCC”), which simply show that the channels will be three or four foot wide trapezoidal channels. (Exhibit H). Although the eastern PSD channel would be located on the slopes of Gregory Mountain high above the bottom of the canyon, the JTD contains no discussion or figures showing how this PSD channel would be constructed on the side of the mountain or how it would be anchored to ensure that it would be able to properly perform its water-collection functions. More construction details of these PSD channels and other landfill features are needed before the LEA can approve the SWFPA as complete.

#### Section C.2.5.4 (pg. C.2-12) – Leachate Control and Recovery System (“LCRS”)

Federal and state regulations require that the entire waste unit be underlain by an LCRS, but the JTD admits there would not be an LCRS on the landfill slopes. (27 C.C.R. § 20340.) The JTD does not identify the regulatory exemption from those requirements or to discuss in detail how the proposed system would be protective of human health and the environment or describe in detail how leachate collected in slope areas would be managed. A proper analysis of this alternative design is critical given that approximately 90% of the leachate generated by the proposed landfill would be generated on the side-slope areas. (Exhibit I, FEIR at pg. 4.3-21-22).

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#### Section C.2.8.3.4 - Storm Water Desilting Basin

The JTD fails to provide a rationale for using a 10-year, six-hour rainfall event to size the desilting basins, given that the JTD claims that the perimeter piping which will discharge into those basins will be sized to carry water from a 100-year, 24-hour storm event. There is no discussion of what will happen to those desilting basins when larger events occur.

The JTD states that the desilting basins were designed to the 10-year storm event based on the 2003 California Stormwater Best Management Practices Handbook published by the California Stormwater Quality Association ("CASQA"). But the CASQA website states that it no longer supports the 2003 Handbook because of the new general stormwater permit. The JTD should be updated to reflect current regulatory standards. In addition, given the amount of sediment that would be collected in the perimeter drainage channels, any water in those channels should be directed to the desilting basins and not discharged to "infiltration" areas as proposed. The desilting basins should be resized to handle those additional flows.

In addition, as shown in the letter report prepared by Dr. Richard Horner and attached as Exhibit J, the modeling which formed the basis for designing all of these stormwater control systems is flawed and needs to be reevaluated. As his report shows, the claim that infiltration or percolation areas could be used to control runoff from the perimeter storm drain channels is not supported by sufficient analysis of infiltration rates and other critical factors.

#### Section D.2.3 – Floodplain

The JTD fails to mention that the eastern desilting basin, infiltration area and potentially part of the facilities area, including the proposed flare station, are within the 100-year floodplain shown on Figure 30B attached as Exhibit K. That figure shows the where the floodplain area is located and Figure 9 shows that same area on the left along the property line. Because no analysis of the impacts of this construction on the floodplain has been conducted and no approvals from FEMA have been obtained, the SWFPA is not complete and correct.

#### Section D.4.7 - Geologic Hazards Due to Surface and Near-Surface Processes

The JTD concludes that "there is clear evidence that rock falls have occurred at the site" and that "construction of a 'catching' wall or other diversion structure near the edge of the landfill is recommended to effectively mitigate the risk of rock fragments rolling onto the landfill." But, there is no further discussion regarding the specifications or location of this "catching" wall. The JTD also does not consider the impact of falling boulders on the integrity of the eastern PSD channel, and does not identify where this "catching wall" would be located in relation to the PSD channel. Construction in these open space areas is not allowed and the need for these structures should be determined now and the impacts analyzed.

#### IV. Conclusion

For all these reasons, the SWFPA was not complete and correct and the LEA should be directed to rescind that determination and not to accept any subsequent document until these deficiencies are remedied and the application complies with the law.

# ATTACHMENT G

March 15, 2011

Solid Waste Local Enforcement Agency Response  
to Petitioners' Statement of Issues

The County of San Diego Solid Waste Local Agency (LEA) submits this Response to the March 3, 2011 Statement of Issues submitted by Walter Rusinek of Procopio, Cory, Hargreaves and Savitch, LLP on behalf of the Pala Band of Mission Indians (Petitioners). A copy of that Statement of Issues, bracketed to identify comments by number in a manner that corresponds to the discussion in this Response, is attached as Exhibit 1.

**The LEA Application Review Process**

The version of the Gregory Canyon, Ltd. (GCL) permit application that is before this panel for review is the application as it existed on February 1, 2011, not the application submitted on June 24, 2010 and resubmitted as incomplete on August 5, 2010. February 1, 2011 is the date on which the LEA made the determination challenged by Petitioners, i.e., that this application was "complete and correct" under the standards set out in Title 27, California Code of Regulations, Section 21570 (27 CCR Section 21570).

The permit application package at issue here is more than 3,000 pages long. That final application package is the product of an intensive seven month process of refinement. GCL submitted the first version of this permit application to the LEA on June 24, 2010. State law requires the LEA to determine within 30 days whether such applications are complete and correct. The LEA, after an insufficient in-house review, determined that the June 2010 application was complete and correct. Petitioners requested a hearing to challenge that determination, and provided a detailed statement of issues. The LEA and GCL reviewed the statement of issues, and after consultation with the LEA, GCL asked the LEA to rescind its determination that the application was complete and correct. The LEA did so. GCL then resubmitted that application as "incomplete," a classification that allowed GCL up to 180 additional days to correct deficiencies in the application package.

During this 180 day period, the incomplete application package was corrected, updated, supplemented and refined. This was a systematic, documented, well-staffed, comprehensive process. The LEA expended approximately 289 staff hours on its internal review of the application package. LEA staff and LEA legal counsel identified issues and provided specific comments to GCL. GCL supplemented and corrected the application package as

necessary. GCL then provided a summary table to the LEA indicating the action taken in response to each LEA comment/proposed revision. The LEA considered this table when making its determination that the application package was complete and correct. This "LEA/GCL" tracking table is attached as Exhibit 2.

In addition, the LEA commissioned an independent peer review of the application package by URS Corporation, an expert solid waste consulting firm. The LEA and URS reviews overlapped in time. The LEA estimates that URS expended approximately 550 staff hours on this peer review process. In addition to checking for statutory and regulatory deficiencies in the resubmitted incomplete application package, URS checked for consistency between different parts of the application package, and between the application package and the environmental documentation for the project.

URS submitted a report, two tracking tables, and a final Memorandum with detailed comments and proposed revisions to the LEA. (Tracking tables were revised as work progressed; the URS Report was provided on December 21, 2010.) All of URS's detailed comments were carefully reviewed by the LEA and GCL, and revisions to the application package were made as appropriate. GCL added response columns to the URS tracking tables indicating the action taken in response to each URS comment or proposed revision. These "URS/GCL" tracking tables were submitted to the LEA by GCL, and were considered by the LEA when making its determination that the refined permit application package was complete and correct. Identified issues were addressed by revising the application package. The URS/GCL tracking tables (Table 1 and Table 2) are attached as Exhibit 3. The URS Report is attached as Exhibit 4. After GCL responded to the URS tracking tables, URS reviewed those responses and provided a final Memorandum to the LEA, dated January 28, 2011. LEA staff annotated this memorandum as final changes to the permit application were made. That annotated memorandum is attached as Exhibit 5.

Significantly, in addition to checking for errors and omissions, URS also reviewed all of the key design assumptions for the landfill design against the compliance criteria set out in state law and regulations and expressly against the requirement for sufficient detail set out in 27 CCR 21570(d). This requirement for detail is quoted and relied on by Petitioners. Section 21570(d) states that information must be "supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility." URS made 35 separate findings against this standard in its report, concluding that all reviewed design elements were reasonable, sufficiently

detailed, and in compliance with applicable requirements. The URS findings are attached at pages 2-1 to 2-4 of the URS Report, Exhibit 4.

### **The Prior Petition and the Current Petition**

Both the LEA's internal review and the peer review by URS, described above, benefited greatly from the detailed comments in Petitioners' July 2010 challenge to the LEA's determination concerning GCL's June 2010 submission. The specific issues addressed in Petitioners' July 29, 2010 letter were carefully reviewed by the LEA, by URS, and by legal counsel. Where appropriate, these issues were fully responded to in the course of preparing revisions to the application package.

The effectiveness of this process is evident in the new Statement of Issues filed by Petitioners. This second statement does not assert technical errors or oversights. There are no claims that required determinations are missing or unsupported. There are no challenges based on inconsistencies or out-of-date supporting documents.

Instead, Petitioners now raise very different challenges. As discussed below, the large majority of these challenges are not only incorrect, but are also matters not appropriate for resolution by the Solid Waste Hearing Panel in this proceeding. A very brief introductory discussion of these four issue areas is provided below. Further detailed discussion follows based on the bracketed and numbered issues shown in Exhibit 1.

First, in section III.A (**Issue #2**) of the Statement of Issues, Petitioners assert that the Preliminary Closure/Post-Closure Maintenance Plan has not been approved by state agencies. That is correct, but irrelevant for this Solid Waste Hearing Panel: this plan only needs to be deemed complete by, not approved by, those agencies for permit application purposes. A submission date and a calendar determine whether these plans are deemed complete. There is no issue before this Solid Waste Hearing Panel concerning the adequacy of this plan, and the fact that the plan was deemed to be complete by these state agencies is indisputable.

Second, in section III.B (**Issue #3**) of the Statement of Issues, Petitioners assert that the application does not demonstrate compliance with the California Environmental Quality Act (CEQA). The LEA believes that assertion is incorrect, but more importantly for this proceeding, the assertion is irrelevant. State law and regulations, allow for an application to demonstrate compliance with CEQA or for an application to disclose the status of the CEQA process for the project. This application complies with both provisions. The environmental impact report

(EIR) and the revised EIR for this project have been challenged by Petitioners in other proceedings, and have been fully litigated and upheld by the Courts. Remaining disagreements between the LEA and Petitioners concerning the adequacy of CEQA for this project should be resolved in a special judicial writ proceeding as specified in CEQA, not in this proceeding before the Solid Waste Hearing Panel.

Third, in section III.C (**Issue #4**) of the Statement of Issues, Petitioners assert that Proposition C (enacted by the voters of San Diego County in 1994, attached to this Response as Exhibit 6) requires an agreement between the operator and the San Diego County Water Authority (SDCWA or County Water Authority) concerning protection of the First San Diego Aqueduct before a solid waste facility permit (SWFP) can be issued. The LEA disagrees with the assertion, but more importantly, the assertion is irrelevant to what the Public Resources Code requires for an application to be complete and correct. The Solid Waste Hearing Panel is not the arbiter of what Proposition C requires.

Fourth, in section III.D (**Issue #9**) of the Statement of Issues, Petitioners assert that the Joint Technical Document that is a key part of the permit application package does not include enough design detail. Petitioners' seven specific assertions concerning inadequate design detail are discussed as issues 5 through 13 below. This part of the Statement of Issues as a whole is essentially a challenge to the LEA's deliberations as the permitting agency. Specifically, Petitioners seem to believe that the LEA needs more information to write a (proposed) permit that conforms to the Public Resources Code. The Solid Waste Hearing Panel should take into account that these LEA judgments were based on the 2,800 pages of information in the JTD, and were further informed by the URS peer review of key design assumptions for the landfill design, and by URS's 35 separate findings that those designs were reasonable, provided the detail required by 27 CCR 21570(d), and were in compliance with applicable requirements. (See Exhibit 4 at pages 2-1 to 2-4) The Solid Waste Hearing Panel should defer to the permitting agency on these issues; it cannot reject the LEA's determinations concerning the sufficiency of the design information in the permit application package unless it finds that specific information in the application was clearly incomplete or incorrect under state law and regulation. On the record presented, following the review process described above, no such finding is possible.

Finally, as discussed in more detail in the response to Issue #1, many of these "insufficient detail" challenges (**Issue #'s 6, 7, 10 and 11**) incorrectly require LEA to make substantive determinations as to matters within the regulatory authority and expertise of the Regional Water Quality Control Board (RWQCB). Petitioners are, in effect, asking the LEA and this Solid Waste

Hearing Panel to overstep their authority in violation of Public Resources Code Section 43101(c)(2).

In summary, of the 12 substantive claims raised by Petitioners (**Issue #'s 2 through 13**), eight of those, **Issue #'s 2, 3, 4, 6, 7, 9, 10 and 11** can be summarily rejected as not relevant to whether an LEA determination that this solid waste facility permit application was complete and correct under applicable state law and regulations. These issues do not require detailed substantive consideration by the Solid Waste Hearing Panel. This leaves only four issues - **Issue #'s 5, 8, 12, and 13** – that require further consideration.

Nonetheless, the remainder of the LEA's response will address each of the issues raised in the Statement of Issues.

### **Attachments to this Response**

As noted above, the permit application package at issue here is more than 3,000 pages long. The JTD alone, with appendices, is approximately 2,800 pages long.

Tracking tables, reports and memoranda summarizing the LEA/URS review of incomplete revisions to this package are attached as Exhibits 2, 3, 4 and 5, as discussed above.

Selected portions of the complete permit application package are attached in hard copy as follows: Transmittal letters for the final permit application package and the Solid Waste Facility Permit Application Form itself, including all required attachments other than the JTD, are attached as Exhibit 7. The JTD, without the JTD appendices, is attached as Exhibit 8.

A CD containing the entire permit application is attached as Exhibit 9. This material is also available to the Solid Waste Hearing Panel and to the public on-line, at [http://www.sdcounty.ca.gov/deh/waste/chd\\_gc\\_eir.html#2011%20SWFP](http://www.sdcounty.ca.gov/deh/waste/chd_gc_eir.html#2011%20SWFP).

For the convenience of the Solid Waste Hearing Panel, a hard copy of Proposition C is attached to this Response as Exhibit 6. (Proposition C is also Appendix B to the JTD, on the CD attached as Exhibit 9.) Proposition C is not a part of the Public Resources Code, it is a county-wide Proposition passed by the voters in 1994. Whether the proposed landfill conforms to Proposition C is not a directly relevant issue for the Solid Waste Hearing Panel, which sits to assess the LEA's compliance with state law and regulations. But Proposition C has affected

the design of the proposed facility, and the proposition is cited by Petitioners and discussed in this Response.

Other attachments have been included as necessary to respond to Petitioners' contentions, and are introduced when relevant within the following discussion.

### **Response to Issue #1 [Legal Standards]:**

In making a general recitation of applicable regulatory requirements, the Statement of Issues does not cite or consider the requirements of the Solid Waste Disposal Regulatory Reform Act of 1993, found at Public Resources Code §43101 et seq. Section 43101(c)(1) mandates that “[a] clear and concise division of authority shall be maintained in both statute and regulation to remove all areas of overlap, duplication, and conflict between the board [CalRecycle] and the state water board and regional water boards, or between the board and any other state agency, as appropriate.” Section 43101(c)(2) mandates that “[t]he state water board and the regional water boards shall be the sole agencies regulating the disposal and classification of solid waste for the purpose of protecting the waters of the state.” The state regulation that implements this legislation is very direct. 27 CCR Section 21650(i) states “The proposed solid waste facility permit shall contain the EA’s conditions. The proposed solid waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions conflict with conditions from WDRs [waste discharge requirements] issued by the RWQCB.”

The Statement of Issues routinely glosses over these mandates by raising matters outside the scope of LEA’s regulatory authority, and in particular raises matters within the authority of the RWQCB. The sufficiency of information in a permit application to the LEA, for LEA purposes under the Public Resources Code, must be judged in the context of the clear legal prohibition on the LEA’s ability to regulate air and water quality. The LEA cannot write permit terms on matters that are reserved to the RWQCB.

The state regulations that address the required contents of a SWFP permit application are layered. At the first layer, a list of 12 required elements for a complete and correct application is provided in 27 CCR Section 21570(f). (The Statement of Issues erroneously references 27 CCR Section 21570(e), but attaches all of Section 21570 as Exhibit A.) This list is not described in the regulations as a “minimum” list, as Petitioners state, but as a “not necessarily limited to” list. The grant of grace in the latter clause means both that a permit application would not

be “incorrect” if it contained other elements or information, and that it would not be “incomplete” if it only contained these twelve elements.

In a second layer, 27 CCR Section 21570(d) requires that “information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility.” Contrary to the assertion of Petitioners, this is not a requirement for construction-level designs for all aspects of the facility, nor a requirement that the applicant specify design elements that show a clear single path to compliance with regulatory standards. The tests within this subsection are instead, as stated, (1) whether information is sufficient to evaluate environmental effects, and (2) whether information is sufficient to assess the likelihood of compliance. As to the environmental effects test, the Solid Waste Hearing Panel should be cognizant of the years of CEQA litigation that have surrounded this project, and of the ultimate judicial determination that the Revised Final EIR for the project meets CEQA requirements. As to the “likelihood of compliance” test, the Solid Waste Hearing Panel should take into account that this test is expressly related to expert LEA regulatory judgment. The Solid Waste Hearing Panel must give considerable deference to LEA determinations of whether information supplied to the LEA is adequate to support LEA determinations.

In a third layer, on which Petitioners appear to primarily rely, Section 21570(f)(2) requires that the joint technical document (“JTD”), which is one of the 12 required elements in an application package, itself be “complete and correct.” The adjectives “complete” and “correct” are in turn defined for application to a broad set of regulations at 27 CCR Section 21653(d)(1) and (2).

“Complete” is defined to mean “...all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package.” That definition fits very poorly with the requirement for a “complete JTD” in Section 21570(f)(2), because the JTD by itself is not “the application package” referenced within the definition. Moreover, the JTD is a document that describes the proposed facility; it is not a compilation of all applicable requirements, and is not a permit. It is therefore appropriate to say that a “complete permit application” must be “complete” as defined in Section 21653(d)(1), but it is internally contradictory to say that a mere JTD must be “complete” according to the application-referencing definition in Section 21653(d)(1). In practice, the required contents of a JTD need not be interpreted from this poorly fitting, general purpose definition. State regulations instead provide a detailed description of what a JTD must contain in three columns of detailed regulatory text at 27 CCR Section 21600, attached as

Exhibit 10. The LEA and URS reviews of the permit application package cross-referenced the JTD against these detailed regulatory specifications, and concluded that those specifications had been met. See Exhibits 2 and 3.

In addition, even in the context of the permit application as a whole, the Statement of Issues reads too much into the 27 CCR §21563(d)(1) definition of “complete.” When no other permits have yet been issued, the reference in this definition to “all requirements *placed upon* the operation of the solid waste facility . . . by other agencies with jurisdiction” (emphasis added) describes an empty set: an application cannot address permit requirements that have not yet been imposed. What an applicant can do, and what makes sense in the context of the JTD for a landfill, is address RWQCB permit application requirements. Requiring such information in the JTD portion of an application for a landfill permit is appropriate, because the JTD is a part of the permit application both for the LEA and the RWQCB.<sup>1</sup>

The definition of “complete” refers to “all requirements placed on the operation of the” facility, and Petitioners’ quotation of this definition emphasizes that this clause relates to “other agencies with jurisdiction.” Petitioners do not identify any important “other agency” requirements have been omitted from the permit application package, so the Solid Waste Hearing Panel need not address that issue. Because the phrase “other agencies with jurisdiction” was emphasized, however, the LEA wants to be clear that it does not agree that all requirements that may be imposed by all other agencies need to be dealt with in the permit application package. The information a permit application should contain on statutes, regulations, and permit requirements that are not the LEA’s permitting business is very limited: 27 CCR §21563(d)(1) only calls out requirements that are “placed upon” “the operation” of the facility. Similarly, the most detailed description of the CalRecycle-required contents of a JTD that can be found in state regulations, at 27 CCR Section 21600, imposes only a feasible requirement: the JTD must include a “Compilation of approvals—Provide a list of all approvals having jurisdiction over the disposal site. (27 CCR Section 21600(b)(9).)”

As discussed above, “placed upon” can only mean actual permit conditions imposed by other agencies, to the extent they exist at the time of the complete and correct determination by LEA, that condition the operation of the solid waste facility. The LEA cannot speculate as to these future undefined conditions.

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<sup>1</sup> As other requirements are “placed upon the operation” of the solid waste facility by other agencies, those requirements would be included within the application package or permit requirements in accordance with 27 CCR Sections 21620 or 21655, as appropriate.

Finally, these requirements, to the extent they exist, only need to be “addressed” in the permit application. That means simply what it says – that information on a required topic is contained in the application. A recitation of the information required by RWQCB contained in the JTD is set forth in Table 1 of the JTD, at p. A.1-6 - A.1-9, and all required topics are “addressed”. (The JTD, not including appendices, is attached to this Response as Exhibit 8. JTD Appendices are included on the Exhibit 9 CD.)

27 CCR Section 21570(f)(2) also requires that the JTD be “correct.” Reference to the detailed specifications for JTDs at 27 CCR Section 21600 is the most appropriate test of whether a JTD is correct, in part because that section provides the most detailed specifications that can be found in state law and regulations, and in part because the general purpose definition of “correct” at 27 CCR Section 21563(d)(2) is not an appropriate fit as an adjective modifying “JTD.” Section 21563(d)(2) refers to information outside of the JTD, i.e., to “...all information provided by the applicant regarding the solid waste facility...” Despite this apparent inconsistency, the key terms in the definition that elaborate on “correct” are not problematic in this case. The definition requires that “correct” information, whether in the JTD or elsewhere, “must be accurate, exact, and must fully describe the parameters of the solid waste facility.” See 27 CCR Section 21563(d)(2).

The “correct information” requirement does not require the LEA to undertake a substantive review of RWQCB requirements, or any other non-LEA requirement. The definition of “correct” does not include a reference to “other agencies with jurisdiction,” or to “requirements,” or to compliance. Information is “correct” if it is sufficiently descriptive. Such a distinction is necessary because the RWQCB is the expert agency in matters related to water quality, while the LEA is the expert in solid waste facility operations.

A proper understanding of these applicable regulatory provisions summarily disposes of Petitioners’ claims in Section III.D of the Statement of Issues related to JTD Sections B.5.1.3.1, B.5.1.7, C.2.5.4 and C.2.8.3.4 (**Issue #’s 6, 7, 10 and 11**) for purposes of this Solid Waste Hearing Panel. That is because the LEA is not required to make a substantive determination; it is only required to determine whether these topics were “addressed”.

Moreover, the LEA notes that the “correct” definition does not call for a complete description of the facility, at a construction-level or otherwise, as Petitioners urge. What must be described are “parameters,” not features or details. Dictionaries define “parameters” as “limits,” “boundaries,” or “characteristic

elements.” The descriptive materials in the 3,000 pages of this permit application package are more than adequate to allow the LEA to set limiting parameters in a solid waste facility permit.

Once again, the detailed CalRecycle specifications for JTDs at 27 CCR Section 21600 confirm that construction-level design specifications are not required. Under “General Design Parameters” the JTD must “Describe how the site design accommodates or provides for the service area, climatological factors, physical setting, soils, drainage, and other pertinent information.” That is very general.

Based on the above discussion, the requirements for the LEA’s complete and correct determination with respect to **Issue #’s 6, 7, 10, 11** were satisfied because those matters were addressed in the JTD. No further inquiry is required for purposes of this appeal.

**Response to Issue #2 [Preliminary Closure/Post Closure Maintenance Plan]:**

Petitioners assert that the Preliminary Closure/Post Closure Maintenance Plan (PCPCMP) for the landfill must be “approved by the Regional Board and by CalRecycle before the LEA can accept the application...” Petitioners assert that compliance with this requirement has not been demonstrated, because “GCL merely refers to Section 21860, which applies to final closure plans.”

Petitioners are incorrect. In order for LEA to make its complete and correct determination, the PCPCMP need only be deemed complete by the reviewing agencies. That requirement has been met. There is no support in state law and regulations for the assertion by Petitioners that the PCPCMP must be affirmatively determined to be complete, or must be “approved” by the reviewing agencies.

Petitioners’ selection of regulatory provisions to quote in support of its argument is incomplete, and its application of the relevant regulations is incorrect.

First, the SWFP permitting regulations simply do not require that a PCPCMP be “approved” by the Regional Board and CalRecycle before a permit application can be accepted by the LEA. The actual language in 27 CCR Section 21570(f)(6), only requires a “completeness determination...as specified in Sections 21780, 21865, and 21890.”

Completeness determination procedures are controlled by 27 CCR Section 21860. That section is not cross referenced in 27 CCR Section 21570(f)(6), but the three sections that are cross-referenced are either silent on procedures, or point

to Section 21860. 21780 discusses when and how plans must be submitted, 21865 discusses the amendment of plans *and cross references Section 21860* on the evaluation and approval of plan, and 21890 requires adherence to plans approved *pursuant to Section 21860* unless changes are approved.

27 CCR 21860 is not limited in its application to “final” closure plans as Petitioners assert. Unlike other sections of these regulations, neither the title nor the text of Section 21860 draw a distinction between preliminary and final plans. (This section is titled “Schedule for Review and Approval of Closure and Post-Closure Maintenance Plans.”) There is no other section of the regulations that addresses completeness determinations or the schedule and process for review and approval of closure and maintenance plans, whether preliminary or final. The regulatory provision that applies is Section 21860.

27 CCR 21860(c) contains the following critically important language, which Petitioners chose not to attach, cite or quote:

**21860(c).** Within 30 days of receipt, closure and postclosure maintenance plans *shall be deemed complete by default* unless the RWQCB, the EA, or the CIWMB determines and informs the operator that the plan is determined to be incomplete pursuant to applicable CIWMB and SWRCB requirements. ... (emphasis added)

Summarizing the above, state law and regulations require that the PCPCMP be submitted to state agencies when a permit application is submitted, they require a completeness determination for that plan, and they provide that state agencies will be deemed to have made that determination 30 days after the plan is submitted, unless they affirmatively state otherwise

The PCPCMP was provided by GCL to the reviewing agencies on December 23, 2010. These transmittal letters are attached as Exhibit 11. The LEA determined that the PCPCMP was complete on January 23, 2011; this letter is attached as Exhibit 12. The LEA also copied the reviewing agencies on the LEA’s determination. In accordance with 27 CCR §21860(c), the PCPCMP was deemed complete by default by the other agencies 30 days after receipt by those agencies (i.e., on or about January 23, 2011) because none of the reviewing agencies informed GCL that the PCPCMP was incomplete within thirty days of their receipt of GCL’s submittal.

It is informative to note that the process for completing the review of the PCPCMP for approval is ongoing, and that under state law and regulations the final date for completing that process in this case is April 23, 2011, 120 days after

the initial submission by GCL. This deadline for plan approval is after the statutory deadline for LEA submittal of a proposed permit to CalRecycle. If this plan need not be approved for an actual permit to be proposed, it clearly need not be approved for a permit application to be determined to be complete and correct.

**Response to Issue #3 [CEQA]:**

Petitioners assert that the LEA has not complied with CEQA because the certified EIR documents for the project are old, because subsequent addendums were not adequate, and because the effects of green house gas emissions from the landfill have not been assessed. After making those CEQA-based assertions, Petitioners stop.

Petitioners do not actually assert in their Statement of Issues that compliance with CEQA is required for an application for a solid waste facility permit to be accepted as complete and correct (as discussed below, it is not), and Petitioners do not attempt to explain how the CEQA issues they raise make the LEA's determination that this application package is complete and correct contrary to law. The Solid Waste Hearing Panel should therefore decline to address Issue #3.

If the Solid Waste Hearing Panel does address CEQA in the context of this permit application package, it must find for the LEA because state law and regulations do not require "compliance with CEQA" before a solid waste facility permit application can be accepted as complete and correct. An applicant may provide "evidence that there has been compliance with CEQA" as one way to provide the "CEQA compliance information" required by 27 CCR §21570(f)(3). See 27 CCR 21570(f)(3)(A). But 27 CCR §21570(f)(3)(B) provides that an application can instead meet the "CEQA compliance information" requirement by including "information on the status of the application's compliance with CEQA...". Attachment SWFP-C to the permit application form (See Exhibit 7) provided (at a minimum) the status of CEQA compliance for this project. The Statement of Issues did not challenge the accuracy of the information contained in Attachment SWFP-C. While the CEQA issues raised in the Statement of Issues may be litigated at a future time, the information in the permit application on the status of CEQA was adequate to support LEA's complete and correct determination.

Based on the applicable state law and regulations regarding CEQA and solid waste facility permit application requirements, the Solid Waste Hearing Panel need not and should not engage on the substantive and procedural CEQA issues that Petitioners appear to be proposing in their Statement of Issues. The

LEA cannot be certain, at the time it submits this Response, that these issues will not be raised by Petitioners at the requested hearing. Therefore, the LEA offers the brief discussion below.

The demand for additional CEQA analysis to address greenhouse gas (GHG) impacts was previously raised in a letter from Petitioners to the LEA, dated April 21, 2010, and fully responded to in a letter from GCL to the LEA dated June 21, 2010. These letters are not part of the permit application package but were known to the LEA when it determined this application package was complete and correct. Therefore, these letters are attached as Exhibits 13 and 14.

The LEA's ability to require a subsequent or supplemental EIR for this project, which has a certified EIR, is limited by state law, which provides that an environmental impact report is conclusively presumed to be valid after certification, unless the requirements for a supplemental EIR (SEIR) are met. Public Resources Code section 21167.2, and 14 CCR Section 15162.

The Statement of Issues seems to assert that GHG emissions represent new information that was not analyzed and thus, a SEIR was needed. However, the threat of global warming was well known even before the RFEIR was certified on May 31, 2007, and does not constitute "new information" within the meaning of Public Resources Code section 21166(c).<sup>2</sup> Similarly, the revisions to the CEQA Guidelines referred to by Petitioners became effective on March 18, 2010, after the RFEIR was certified. Thus, the revisions are not applicable to this project.

#### **Response to Issue #4 [Protection of County Water Authority Pipelines]:**

Water supply pipelines cross the landfill site, outside of the proposed waste footprint. The Statement of Issues describes briefly how landfill construction and operation could affect these pipelines, and quotes relevant language from Proposition C (Exhibit 6), as follows: "The Project will include work required to protect any San Diego Aqueduct pipelines to the extent and in the manner required by the San Diego County Water Authority." Petitioners then equate project to

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<sup>2</sup> See, *A Local & Regional Monitor v. City of Los Angeles* (2d Dist. 1993) , 12 Cal.App.4th 1773, 1800 (in order to show that an SEIR is required, a petitioner must demonstrate that the "new information was not known and *could not have been known* at the time the EIR was certified." *Emphasis in original.*); *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 114 (petitioner must establish "new information" could not have been obtained "with the exercise of reasonable diligence."). Since the information on GHG emissions was known and available, the conditions for requiring preparation of a SEIR are not met.

permit, and state “the issue of how the aqueduct would be protected to the satisfaction of the County Water Authority must be resolved *before the SWFP can be issued....*” (emphasis added) Note that this Statement of Issues does not directly contend that this issue must be resolved prior to LEA’s complete and correct determination.

The Solid Waste Hearing Panel could choose not to address this issue on either of two grounds. First, as noted above, Petitioners have not properly raised this as an issue that is relevant to the determination that a permit application is complete and correct. This is not simply a technical or semantic distinction, because Petitioners combine their lack of a focused assertion, with a complete absence of any explanation why Petitioners believe that their preferred earlier timing for an agreement is legally mandatory. Proposition C is clear that the operator of this landfill is eventually going to need an agreement with the County Water Authority. The issue is whether that agreement was required before this permit application could be determined to be complete and correct, and Petitioners have not met their threshold burden of putting that issue before this hearing panel.

A second ground for not engaging on this issue is that Petitioners are not asking for a decision based on state law and regulation, but based on a local Proposition addressing purely local land use matters—a General Plan amendment, a zoning change, and establishment of a use-by-right within rezoned parcels. The requirement for an agreement with the County Water Authority is a local condition imposed by the voters of San Diego County in connection with those land use entitlements—it is not a requirement imposed by or derived from state law or regulations. The function of the Solid Waste Hearing Panel sitting pursuant to Public Resources Code section 44310(a)(1) is to address issues of compliance with state law and regulation. The hearing panel has no authority to tell the LEA how Proposition C—a local law—should be interpreted or applied.<sup>3</sup>

If the Solid Waste Hearing Panel chooses to engage on this issue, it should uphold the LEA’s determination that this permit application was complete and correct, for several independent reasons.

First, even if the Solid Waste Hearing Panel has authority over this issue, it must uphold the LEA’s determination unless the LEA has clearly acted “contrary to law.” Proposition C does not say when this agreement is required, so the LEA’s determination that the agreement is not required yet cannot be contrary to law.

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<sup>3</sup> It must be noted for the record that the LEA disagrees with the interpretation of Proposition C proposed by Petitioners.

Second, the LEA has stated clearly and repeatedly that it will require this agreement to be in place prior to the start of construction, i.e., prior to any activity that could endanger the pipeline. Petitioners have attached an August 12, 2010 County Water Authority letter asking the LEA not to issue a permit until this agreement is in place. (Note that the Water Authority did not ask that the *permit application* be rejected as not being complete and correct.) The LEA replied to that letter, providing appropriate assurances. The LEA reply to the SDCWA letter of August 12, 2010 is attached as Exhibit 15.

Third, the agreement that Proposition C requires need only address work that is required to protect the pipelines. It is likely that the agreement will include allowances for uncertainty before it is satisfactory to the County Water Authority, but the core issue to be addressed is still the work that is required to protect the pipelines. To a significant degree this is a fact-driven technical question, and the full answer to the technical part of this question is apparently not yet resolved to the mutual satisfaction of the parties who must make this agreement. The Solid Waste Hearing Panel should not compel the LEA to require that this agreement be in place before it is feasible for the parties to reach agreement.

Finally, the timing that Petitioners are seeking is clearly unnecessary. The LEA is committed to prohibit any landfill construction until this agreement is in place. That is sufficient to ensure that these pipelines are not put at risk by the landfill project. Acceptance of a permit application does not authorize any activity that could endanger these pipelines, so an agreement at this preliminary stage is not required to ensure protection of the aqueducts.

#### **Response to Issue #5 [Inclement Weather Operations]:**

The JTD provides for a bridge over the San Luis Rey River that should provide 18 inches of clearance above the expected river level in a 100 year, 24 hour storm. The Statement of Issues asserts that the JTD “fails to discuss” and should provide contingency measures if the San Luis Rey River damages the bridge, or otherwise poses risks that require the bridge to be closed.

27 CCR Section 21600(b)(4)(A) states that a JTD must “describe how the site design accommodates or provides for...climatological factors...” The JTD does this. Apart from the flood-accommodating design of the bridge itself, the actions to be taken in response to high river conditions are adequately described on page B.4-14 of the JTD. If there is potential flooding that could overtop the bridge deck, waste haulers will be notified using the ongoing notification system, and operations will be halted. Although the JTD does not expressly say so,

obviously the same contingency measures would be implemented if the bridge were damaged and could not be safely used.

The Statement of Issues also says the JTD fails to address risks associated with a landfill that can only be accessed by a bridge. The premise of that comment is incorrect; alternative access to the landfill site would be in place for fire protection and other purposes in the event the bridge were damaged. The 2003 Final Environmental Impact Report (2003 FEIR) for the project, at p. 3-28, describes the use of an existing river crossing prior to construction of the landfill access road bridge. The location of that crossing at the western end (boundary) of the site, which is permanently available to the applicant through an easement, is depicted on Figure 3, of Appendix I-3 of the JTD and the property description is set forth in Attachment SWFP-A of the permit application (Parcel 43).

#### **Response to Issue #6 [Groundwater Monitoring Well Locations]:**

The JTD describes an enhanced groundwater monitoring system that GCL proposes to implement, based on the recommendation of Dr. David Huntley, Professor Emeritus of Geological Sciences, San Diego State University. Approval of plans for this enhancement is pending at the RWQCB. GCL and the LEA anticipated that if WDRs are issued for this landfill, they will require that this system be implemented.

The Statement of Issues asserts that the Solid Waste Hearing Panel should direct the LEA to require the installation of this enhanced system before the LEA determines that an application is complete and correct. In effect, Petitioners would turn a proposed system enhancement that is under consideration at the RWQCB, into an application defect at the LEA. To satisfy Petitioners, the LEA would have to somehow require that this good idea *be implemented* before the idea could be *accepted for consideration* by the LEA or RWQCB. That is not the sequencing that state solid waste facility permitting laws and regulations require. State laws and regulations also do not empower the LEA to require physical work on any aspect of a facility as a precondition for accepting a permit application.

Petitioners are also challenging the wrong agency. Groundwater monitoring relates directly to protection of waters of the state, and falls within the regulatory authority of RWQCB. The LEA has no authority to approve the pending workplan for this enhanced groundwater monitoring system, or to impose permit conditions to protect groundwater. The LEA's role under the Public Resources Code is limited to ensuring, when it accepts a permit application as complete and correct, that groundwater monitoring is addressed in the JTD. That requirement has been met.

The Statement of Issues cites no authority to support its assertion that the permit application cannot be complete and correct for SWFP purposes because RWQCB has not approved the work plan, or because the additional monitoring wells have not yet been installed. A review of Title 27 reaches a different conclusion.

27 CCR §20415 provides general standards for groundwater monitoring programs. The purpose for the detection monitoring program (DMP) is to monitor groundwater that might be affected by a release from the Unit. The need for a DMP is triggered by the receipt of waste, not a complete and correct determination, or even the issuance of WDR's by RWQCB. 27 CCR §20420 provides additional detail for the DMP. In addition to well installation, adequate samples have to be taken to establish background. However, there is no set time for this to be achieved, other than prior to waste receipt.

The tentative Monitoring and Reporting Program (M&RP) for the landfill, found at Appendix S, p. 29-30 of the JTD, requires submittal of a plan for expanding and improving the existing groundwater quality network, in order to meet all the required performance criteria for a DMP. Although that portion of the JTD pertains to RWQCB, not LEA matters, the LEA can discern deadline dates from the draft M&RP. The submittal date for the workplan, at Appendix S, p. 33 of the JTD, is within 90 days of adoption of the RWQCB Order (issuance of WDR's). That timing would be well before the initial receipt of waste, and for that reason would appear to the LEA to be consistent with the requirements of 27 CCR §20415.<sup>4</sup>

In summary, regardless of the merits or feasibility of these groundwater monitoring enhancements, and regardless of the status of this plan at the RWQCB, the requirements for the LEA's complete and correct determination with respect to Issue 6 have been satisfied because those matters were addressed in the JTD. (See Table 1 of the JTD, at p. A.1-6 – A.1-9. The JTD is attached as Exhibit 8.) No further inquiry is required for purposes of this petition.

**Response to Issue #7 [Mitigating a Foreseeable Release]:**

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<sup>4</sup> GCL asserts that the Gregory Canyon Landfill is remarkable for the number of monitoring wells that have been installed and sampled at this stage of development. The LEA understands that this is expected to provide a wealth of information for RWQCB in making its permitting decision.

The Statement of Issues asserts that GCL should have used a different release scenario to determine the required amount of assurance for financial responsibility required pursuant to 27 CCR 22221(a). The release scenario Petitioners dislike was developed by Dr. Huntley, who also developed the groundwater monitoring enhancements that Petitioners are so eager to have implemented. (Issue #6.) Although this is a RWQCB issue with an LEA follow-on, Petitioners have challenged only the RWQCB aspects of the issue.

27 CCR 22221(a) is related to groundwater corrective action scenarios, but the section is a CalRecycle regulation. The cross-reference in Section 22221(a) is to a corrective action cost estimate submitted or approved pursuant to Section 22101(a), which is also a CalRecycle regulation. But 22101(a) states that this critical cost estimate for reasonably foreseeable releases from landfills to water must be “in accordance with the program required by the [State Water Resources Control Board (SWRCB)] pursuant to Section 20380(b).”

The determination of the reasonably foreseeable releases to water relates directly to protection of waters of the state, and based on the allocation of responsibility between agencies on which state solid waste facility regulatory programs are based, this determination falls squarely within the regulatory authority of RWQCB and SWRCB. The regulations discussed above confirm this: even where the requirement for financial assurance is administered by CalRecycle, the corrective action cost estimate, which is driven by the release scenario, must conform to the SWRCB program.

Once that cost estimate is submitted to an LEA, it is a CalRecycle / LEA responsibility to ensure that appropriate financial assurance is provided. But the gravamen of Petitioners' claim on this issue is that GCL's release scenario is technically inappropriate because of the way Petitioners assert contaminants from the landfill would behave in groundwater. That is an SWRCB / RWQCB issue. The issue is addressed in the JTD, which is sufficient and provides adequate information to support a complete and correct determination by LEA on any matter that is within the exclusive jurisdiction of the RWQCB.

There is sufficient information in the JTD for the SWRCB to assess the reasonableness of the release scenario submitted by GCL. The JTD, at p. B.5.21-23, includes a detailed discussion and rationale for the selection of the reasonably foreseeable release, which formed the basis for the corrective action cost estimate. Based on that material, there is substantial evidence that a release from the landfill would not significantly impair the alluvial aquifer. In fact, Dr. Huntley opined in Appendix C-2, p.4 of the JTD that any release from fractured bedrock to the

alluvial aquifer would be rapidly attenuated over a distance of as little as 50 feet downgradient of the interface between the fractured bedrock and the alluvial aquifer, to a point of virtual non-detection. This would be well within the landfill property, and there would be no reasonably foreseeable impact on any downgradient users of the alluvial aquifer. These are determinations to which the SWRCB and RWQCB can readily apply their expertise. It is the LEA's understanding that the RWQCB will address this issue before WDRs are issued, and that state regulations will require the issue to be revisited periodically thereafter.

In summary, regardless of any dispute as to whether the release scenario addressed in the JTD is appropriate, the requirements for the LEA's complete and correct determination with respect to Issue 7 were satisfied because those matters were addressed in the JTD. (See Table 1 of the JTD, at p. A.1-6 – A.1-9. The JTD is attached as Exhibit 8.) No further inquiry is required for purposes of this petition.

#### **Response to Issue #8 [Fire Control]:**

The Statement of Issues asserts that more information on fire control should have been included in the permit application package. In some sense more information is always better, but the LEA determined that the information in this application was sufficient to inform the permitting process. Petitioners have not shown that that determination was clearly contrary to state law and regulation.

The JTD contains more information on fire control than Petitioners acknowledge. The on-site capabilities of the operator to respond to fires on the landfill property are apparent from the equipment list included on p. B.4-6 of the JTD, which include 2-4 dozers, 1-2 compactors, and 2 scrapers. This is the equipment that would be utilized to address subsurface fires, as provided in the JTD, p. B.5-41. This equipment could also be used to assist in combating wildfires, for activities such as brush clearance or creation of fire breaks.

The primary thrust of the discussion in the Statement of Issues relates to wildfires, and the discussion is incomplete. The Statement of Issues failed to acknowledge that the JTD, at p. B.5 -41, discussed additional fire protection capabilities through the San Diego County Fire Authority, the North County Fire Protection District, and the Pala Reservation fire station. Also, the JTD noted that the fire protection authorities are parties to reciprocal aid agreements, meaning that the closest fire stations would provide the initial response to a wildfire.

With respect to blasting operations, the JTD, at p. B.5- 41 notes that the agency providing fire protection services will enforce compliance with all provisions of the County Consolidated Fire Code. Based on the fire protection letter provided in Attachment SWFP-D of the permit application, that agency likely would be the San Diego County Fire Authority, since the landfill site is within the boundaries of the Authority. Also, the JTD at p. B.5 - 42 notes that fire protection measures related to blasting include the use of a fine mesh screen over the blasting area to prevent the escape of rock fragments, dust or other debris.

The LEA's determination that this information is sufficient is confirmed by the independent URS Corporation peer review. The URS report (Exhibit 4) assessed the fire protection information in the JTD, and concluded at page 2-2 that "Litter, dust, vector, bird, noise, fire, odor and hazardous waste controls are typical to techniques that have been successfully used at other similar facilities."

#### **Response to Issue #9 [Design Features]:**

The Statement of Issues makes the unsupported claim that "conceptual" design drawings are inadequate for permitting purposes, and cites to the example of remodeling a private residence. There is no support for this claim and no indication as to what level of design state law and regulations require, or Petitioners would acknowledge to be adequate. Moreover, the analogy to a home remodeling is inapposite, since a home remodel would require a building permit, and that process would require a final design. That situation is not the same as that one presented here.

The confusion over this issue is best demonstrated by a review of the precise words used in the Statement of Issues -- "[w]hile final drawings **may not be required**, conceptual designs are not sufficient" (emphasis added). Moreover, Petitioners' position seems to be evolving, since in its July 29, 2010 Statement of Issues (discussion of JTD Section C.2.1), Petitioners conceded that "final drawings **are not required**". (emphasis added.)

Furthermore, this claim is nothing more than a bald assertion that whatever has been submitted is not enough. That hardly suffices as a substitute for the LEA's (or RWQCB's) reasoned judgment as to what is required to demonstrate the ability to conform to applicable standards. The implicit suggestion that final design drawings would attempt to undercut the level of environmental protection imposed by the authorities is both speculative and unwarranted, since final drawings would be required to be consistent with permit-level drawings to obtain approval from RWQCB. As explained at Appendix S, p. 44 of the JTD, the tentative WDR's require that detailed designs be submitted to and approved by

RWQCB prior to initiating construction, and that final construction reports with as-built drawings be submitted to and approved by RWQCB prior to the receipt of waste.

Useful guidance on the amount of design detail that is sufficient in an application for a solid waste facility permit is contained in 27 CCR Section 21600 (Exhibit 10), which has been cited frequently in this Response. Regarding ancillary facilities: “provide a plot plan showing all ancillary facilities at the site, including ...buildings, entrance facilities, scales, maintenance structures, and hazardous materials storage areas.” Regarding general design parameters: “Describe how the site design accommodates or provides for the service area, climatological factors, physical settings, soils, drainage and other pertinent information.” Regarding drainage and erosion: “Provide *a conceptual design and description* of the drainage system as it pertains to roads, structures and gas monitoring systems, preventing safety hazards and preventing the escape of waste.” (Emphasis added.) These requirements are general in nature, and there is no provision in 27 CCR §21570 or any other provision of Title 27 that requires a discussion in the JTD as to how the landfill is to be constructed. The required information in the JTD goes to “what”, but not “how”. The information in the JTD is adequate to support LEA’s complete and correct determination.

It should also be noted that URS, an expert firm with substantial experience with solid waste permitting throughout California, did not take issue with the level of design drawings in the permit application. Instead, URS expressly found that designs for required elements provided the level of detail required by 27 CCR 21570(d). See, Exhibit 4, pages 2-1 to 2-4. Concerning the perimeter storm drain, URS found at p. 2-4 that “the perimeter storm drain (PSD) system consisting of a reinforced concrete trapezoidal drainage channels placed around (outside) the refuse footprint and earthen berms to divert run-on from adjacent slopes and the up-canyon areas of the undisturbed footprint into the perimeter storm drains is appropriate for the site”, that “the phased construction of the PSD moving up canyon as the landfill is developed is reasonable”, and that the “discharge and percolation area appears to be adequately sized and the energy dissipaters proposed are typical”.

It is helpful that URS’s expert judgment confirms that of the LEA concerning sufficiency of design detail. But for purposes of the decision the Solid Waste Hearing Panel must make, it may be more important that that 27 CCR 21600(b)(8)(F) expressly endorses the JTD’s use of “conceptual” designs for drainage systems, and of “plot plan” designs more generally. Because the JTD often goes beyond this minimum level of detail and generally includes design drawings at a level of detail consistent with longstanding industry and regulatory

practices, the JTD presents more than is necessary for the LEA's complete and correct determination. But even if the designs for the perimeter drainage channel (or for other aspects of the landfill) were merely "conceptual," the minimal design detail standards established in 27 CCR 21600 mean that LEA cannot be said to have acted contrary to state law and regulation when it found this permit application to be complete and correct.

**Response to Issue #10 [Leachate Control and Recovery]:**

As to this issue, and no other, the Statement of Issues asserts that an aspect of the landfill design as disclosed in the permit application package would violate a specific regulatory standard. Petitioners are mistaken.

The discussion of 27 CCR §20340 in the Statement of Issues is misleading. The regulation provides that certain Class III landfills (including Gregory Canyon) are required to have a Leachate Collection and Recovery System (LCRS), but does not "require that the entire waste unit be underlain by an LCRS". Since Gregory Canyon will utilize a standard LCRS, the design is governed by 27 CCR §20340(e), which requires that the LCRS extend up the side slope as much as possible.

The JTD at p. B.5-2 – B.5-3 includes a detailed discussion of the design of the side slope collectors and the rationale for compliance with 27 CCR §20340(e). In particular, the JTD indicates that leachate entering into the bench collectors would flow by gravity into the LCRS mainline placed down the center of the refuse area. Leachate not entering the bench collectors would flow by gravity along the interface between the operations layer and the geomembrane liner to the bottom areas and into the LCRS. The benches and bench collector piping would be sloped to prevent ponding, and, obviously, the side slopes would be sloped and would prevent ponding. The URS report, at p. 2-3 noted that one important advantage of a gravity-based LCRS is that it would eliminate the possibility of a pump failure causing a leachate release. This design complies with applicable regulatory requirements.

The Solid Waste Hearing Panel should decline to address this issue. Leachate collection and treatment are undertaken to protect waters of the state, and falls within the regulatory authority of RWQCB. Leachate collection and treatment is addressed in the JTD, which is sufficient to support a complete and correct determination by LEA on any matter that is within the exclusive jurisdiction of the RWQCB. (See Table 1 of the JTD, at p. A.1-6 – A.1-9. The JTD is attached as Exhibit 8.) No further inquiry is required for purposes of this appeal.

**Response to Issue #11 [Desilting Basin]:**

In this issue area, the Statement of Issues alleges a missing rationale, a lack of discussion, use of an obsolete reference, and inadequate support for a selected technical parameter. All of these allegations are mistaken, but the nature of the allegations is sufficient to show that Petitioners are off the mark. The question before the Solid Waste Hearing Panel is whether the LEA clearly acted contrary to state law and regulations, not whether technical debates about hydrology issues are possible. In addition, the issues Petitioners raise (and confuse) here are storm water desiltation and infiltration. Those aspects of storm water management relate to protection of waters of the state, and fall within the regulatory authority of RWQCB. Storm water management is addressed in the JTD, which is sufficient to support a complete and correct determination by LEA on any matter that is within the exclusive jurisdiction of the RWQCB.

Despite that conclusion, the discussion in the Statement of Issues demonstrates a lack of understanding of the design methodology for the storm water management system. As indicated in the JTD at p.C.2-20 – C.2.21, the 10-year, 6-hour event was used in conjunction with particle size to determine the desiltation efficiency of the sedimentation basins, and determine their appropriate sizing to reduce downstream sediment loading. This is different than flows through the system, which were designed to accommodate a 100-year, 24-hour storm calculated using the Rational Method. And, the JTD, at p. C.2-20, notes that the design of the desilting basins was based on the 2009 version of the California Stormwater Best Management Practices Handbook, not the earlier 2003 version as alleged in the Statement of Issues.

The URS Report, at p. 2-3 concluded that “[d]esilting basins are designed based on the 10-year, 6-hour storm flows sediment capacity and for the storm water runoff flows of the 100-year, 24-hour storm event. The spillway is sized for the 100-year, 24-hour storm event. This complies with the regulatory requirements and is reasonable for the site.”

The Statement of Issues makes the unsupported claim that all flows, even from undisturbed areas, should flow through the desilting basins for sediment removal. This claim reflects a fundamental misunderstanding of current storm water protection practice, which is to mimic the pre-development condition with respect to both flows and functions. The plan presented in the Storm Water Management Plan (Appendix I-1 of the JTD) was designed to mimic the volumes of flow from the Gregory Canyon mainstem occurring during pre-development

condition. The goal was not to prevent flow, but to allow flow to occur under conditions where flow would occur during the pre-development condition. The storm water management system also is designed to allow for the transport of sediments where it would have occurred during the pre-development condition. Routing storm water flows from undisturbed areas through the desilting basins would limit the ability to preserve this pre-development function.

The comment letter prepared by Dr. Richard Horner, attached to the Statement of Issues, makes two primary assertions. First, the landfill is criticized for not utilizing a flow modeling technique that is not fully developed, and is not in widespread (or even any) use in California. Such a criticism cannot constitute a reason to overturn LEA's complete and correct determination.

Moreover, the crux of this new and untested method is to take into account additional factors, such as rainfall over a period of time and antecedent moisture, and Dr. Horner further criticizes GCL for not making more detailed on-site observations. However, GCL undertook extensive on-site observations of an extreme rainfall event during the 2004-2005 rain year occurring over a period of numerous days that resulted in flows in the Gregory Canyon mainstem. Those observations considered the factors raised in the Horner comment letter (e.g. rainfall over a period of time and antecedent moisture), and were described in the Updated Hydrogeomorphology and Beneficial Uses at Gregory Canyon report (Hydrogeomorphology Report), included as Appendix I-1 of the JTD. GCL also performed HEC-1 modeling of flows, which are presented in Table 1, p. T-1 of the Hydrogeomorphology Report.

The series of storms producing flow in the 2004-2005 rain year exceeded six inches of rain, as described in the Hydrogeomorphology Report, p. 2-7. And, importantly to the design of storm water facilities, the maximum flow volume in this extreme event was in the range of 21-31 cubic feet per second (cfs), with an average of 26 cfs, and was representative of a 10-40 flood event (depending on the frequency and method), as described in the Hydrogeomorphology Report, p. 2-6. The volume of flow seen onsite was substantially less than the volumes calculated through use of the Rational Method (138.35 cfs in a 10-year event), which was the basis of design for the basic elements of the storm water management system. The calculations were consistent with the flow estimates produced through the HEC-1 modeling. The Hydrogeomorphology Report at p. 2-4 noted that the Rational Method tends to exaggerate flows within the watershed, which was the case here. But, in any event, the calculations provide substantial assurance that the storm water management facilities are adequately sized, and if anything, oversized.

The URS Report (Exhibit 4), at p. 2-3 – 2-4 concluded that “[t]he drainage

control system designed for 100-year, 24-hour storm event run-off volumes complies with the regulatory requirements and is reasonable for the site”, that “[t]he estimated run-off values calculated based on the San Diego County Hydrology Manual (2003 version) in conjunction with computer software developed by Advanced Engineering Software (AES) is appropriate”, and that “[t]he hydrologic analysis conducted using the Rational Method Computer program (in accordance with the San Diego County Hydrology Manual Criteria) to determine the peak flows discharged from the Gregory Canyon watershed under pre- and post-developed conditions is reasonable for the project”.

The requirements for LEA’s complete and correct determination with respect to Issue #11 were satisfied because those matters were addressed in the JTD. (See Table 1 of the JTD, at p. A.1-6 – A.1-9. The JTD is attached as Exhibit 8.) No further inquiry is required for purposes of this appeal.

**Response to Issue #12 [Floodplain]:**

The Statement of Issues asserts that the landfill design calls for desilting and infiltration structures and “possibly” other facilities to be located within the 100 year floodplain, that the impacts of this “construction” have not been studied, and that without further analysis and FEMA (Federal Emergency Management Agency) approval, the permit application package cannot be complete and correct. These assertions are erroneous in part, and to the extent they may be correct, they do not establish that the LEA acted contrary to law and regulation when it determined that the permit application was complete and correct.

The assertion in the Statement of Issues that the eastern desilting basin and portions of the facilities area are within the 100-year floodplain is not established by the map Petitioners have attached. Figure 30B does not include an outline of the location of those features, and without that information it would be impossible to reach the conclusion asserted in the comment. Floodplain mapping in the 2003 FEIR (Exhibit 4.4-2, p. 4.4-5) shows that no portion of these features is within the 100- or even 500- year floodplains, and the adequacy of this mapping or analysis was never challenged by Petitioners (or any other party) or overturned by the courts.

Nevertheless, floodplain maps can be imperfect. However, even if the infiltration area were within the 100-year or 500-year floodplain, the LEA’s determination that the permit application package was complete and correct would not be contrary to law. As discussed in response to Issue #11, one goal of the storm water management system is to mimic the pre-development condition. Thus, if there were pre-development flooding in this area during a storm event, the storm

water management system would want to allow flooding to occur post-development. Also, this simply is an infiltration area, there is no physical development or disturbance of the pre-development condition. An infiltration area would not interfere with a flood.

The Statement of Issues does not specify what “FEMA approvals” allegedly are required for the landfill project to receive a SWFP, or for the permit application to be complete and correct. That is because there are no required FEMA approvals, and FEMA has not been designated as responsible agency for this project for CEQA purposes, or as an approving agency for SWFP application purposes. FEMA mapping relates to the availability of flood insurance, or disaster recovery assistance. In contrast, regulation of federal or state waters is through the U.S. Army Corps of Engineers or the RWQCB.

**Response to Issue #13 [Rockfall and Protective Construction]:**

The Statement of Issues notes that the JTD states that rockfall protection measures will be necessary at the landfill, and objects because the location and design of those features is not disclosed.

Essentially, this is another “design detail” objection, and the discussions of that objection in connection with Issue #'s 1 and 9 above are also applicable here. The information provided in the JTD is adequate to support the LEA's complete and correct determination. The tentative WDR's, at Appendix S, p. 44 of the JTD, require that drainage control facilities be subject to detailed design and as-built review by RWQCB, as discussed in more detail in the response to Issue #9.

Regarding locations, Petitioners' reference to open space appears to be based on a concern that open space required to be maintained pursuant to Proposition C (and CEQA) could be affected by this construction. Proposition C compliance and CEQA compliance are not issues within the purview of this Hearing Panel, as discussed above in connection with Issues #3 and #4.

Furthermore, GCL and the LEA do not expect this construction to intrude on protected open space. Construction of rockfall protection of one or more of the types depicted in the examples in Figure 36 of the JTD can be accommodated within the current limits of grading. In addition, the current limits of grading preserve more open space than Proposition C required. Section 3B of the Proposition provides that the amount of open space acreage can be adjusted, but

must be at least 1,313 acres.<sup>5</sup> Also, Section 3A of the Proposition provides that the size and location of facility components can be adjusted.

### **Conclusion**

Petitioners have not shown that the LEA acted contrary to state law and regulations. The relief Petitioners seek should therefore be denied.

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<sup>5</sup> The FEIR, at Exhibit 3-9 on p. 3-23, provides that with the proposed project development, and subtracting 150.5 for “other areas and easements” (some of which are speculative), there would be 1324.7 acres remaining for open space, in excess of the required 1,313 acres.

# ATTACHMENT H

**REPLY TO THE LEA'S RESPONSES TO THE STATEMENT OF ISSUES  
ON THE PROPOSED GREGORY CANYON LANDFILL  
MARCH 25, 2011**

The following brief reply is provided to respond to some of the responses made by the San Diego County Department of Environmental Health ("LEA") to our Statement of Issues submitted on March 3, 2011.

**I. General Comments**

The LEA repeatedly refers to the URS Corporation as an "independent" third-party, which conducted a review of the solid waste facility permit application ("SWFPA") and the Joint Technical Document ("JTD"). But what the LEA failed to mention is that URS has worked for Gregory Canyon Ltd. ("GCL") for years on this project as its principal consultant for stormwater management, biological resource, and other issues. URS also argued on GCL's behalf that there were no "waters of the United States" in the canyon, an argument rejected by the Army Corps of Engineers. Consequently, the characterization of its review as an independent third-party review is a stretch.

The LEA also argues that the authority of this Hearing Panel is limited and that, in effect, it must defer to the LEA's decisions. But the LEA cites no authority for its position. By statute, the Hearing Panel's role is to "review an alleged failure of the agency to act as required by law or regulation." (Pub. Res. Code § 44307). There would have been no reason for the legislature to establish a Hearing Panel if it simply was required to defer to the LEA's determinations. Rather, the statutory language shows that the Hearing Panel must determine whether the actions of the LEA are in compliance with all laws or regulations based on the facts presented.

**1. The Completeness Determination for the Preliminary Closure/Post-Closure Maintenance Plan ("PCPCMP")**

The LEA claims that the PCPCMP was deemed complete by the Regional Water Quality Control Board ("Regional Board") when it failed to object within 30 days to the PCPCMP submitted to it by GCL on December 23, 2010 (a Christmas present). The LEA cites 27 C.C.R. section 21860 to support that claim.

But, as pointed out in the Statement of Issues, the CalRecycle rule addressing the need for a completeness determination as part of the application process does not refer to Section 21860. (27 C.C.R. § 21570(f)(6)). In addition, GCL's letter to the Regional Board only stated that the PCPCMP had been submitted in accordance with 27 C.C.R. Section 21780(c)(2), and did not indicate that the Regional Board had 30 days to comment on the plan or it would be deemed complete as a matter of law. (1)

Section 21860 is identified as a rule promulgated by the California Integrated Waste Management Board (now CalRecycle). As the LEA argues in its response, the solid waste regulations are divided between those implemented by CalRecycle and those implemented by the State Water Resources Control Board ("SWRCB"). Regulations that apply to both CalRecycle and the SWRCB are identified as such. (*See, e.g.*, 27 C.C.R. § 21595). Given this distinction, CalRecycle's rules "shall not be construed by the CIWMB or the enforcement agency (EA) in a

manner that would infringe upon or interfere with the administration or implementation of a comprehensive program of regulatory standards promulgated by the SWRCB in this title for the protection of water quality . . . ." (27 C.C.R. § 20005).

Consequently, even if Section 21860 did apply to the completeness determination, being a CalRecycle rule, it cannot bind the Regional Board on that issue. While the LEA can require a permit applicant to obtain a completeness determination from the Regional Board, CalRecycle cannot limit the Regional Board's ability to make that determination as it sees fit.

## **2. The Requirement That an Agreement with the San Diego County Water Authority Be Reached Concerning its Pipelines**

The LEA's claim that this issue was not properly raised in the Statement of Issues is wrong. The Statement of Issues specifically states that "one of the critical problems with the SWFPA is that it does not address the protection of these pipelines as required by Proposition C." (Page 4). Clearly, the issue was raised as to whether the SWFPA should have been considered complete without having addressed the protection of the aqueduct.

Moreover, the LEA's attempt to distinguish between the SWFPA and the issuance of the permit is merely semantic. By accepting the SWFPA as complete, the LEA concluded that it was prepared to issue the permit within 60 days, by April 1, 2010. Given that the County Water Authority testified at the February 23, 2010, hearing that GCL still had not provided the requested information (*see* Exhibit 1), there was no possibility that the required agreement between the two parties would be completed before the LEA issued the permit.

The County Water Authority's letter to the LEA dated August 12, 2010, made the same request. (*See* Statement of Issues, Exhibit E). That letter specifically requested that the LEA "consider the application package not ready for forwarding to Cal Recycle until there is an executed agreement between the Water Authority and Gregory Canyon Ltd., (or their successors-in-interest) regarding the protection of the San Diego Aqueduct pipelines and facilities." By accepting the SWFPA as complete without such an agreement, the LEA effectively rejected the County Water Authority's request.

As to whether this issue is properly before the Hearing Panel, the LEA's claim that the Hearing Panel "has no authority to tell the LEA how Proposition C – a local law – should be interpreted or applied" ignores the statutory duty of the Hearing Panel to determine whether or not the LEA has acted "as required by law or regulation." The statute does not make any distinction between state and local law.

There is no dispute that Section 3.G of Proposition C, titled "Protection of San Diego Aqueduct," stated that the "Project will include work required to protect any San Diego Aqueduct pipelines to the extent and in the manner required by the San Diego County Water Authority." Section 8.d of the initiative then defined the "Project" as the "associated structures and improvements as described in Section 3 of this initiative measure as subsequently modified by a detailed site plan submitted by the Applicant to the Integrated Waste Management Board as part of the solid waste facilities permit." By its terms, Proposition C inserted the identification of the measures needed to protect the aqueduct into the solid waste permit process.

Given that language, the LEA's argument that this Hearing Panel cannot consider the conditions imposed by Proposition C must be rejected. That position makes no sense because Proposition C contains a number of other requirements, such as the approved days and hours of operation, to which the SWFPA must conform. Under the LEA's logic, this Hearing Panel could not consider if the SWFPA described operational requirements that violated Proposition C. In effect, the initiative can be considered the major use permit ("MUP") for the project, and if the SWFPA included provisions that contradicted the MUP, this Hearing Panel could conclude that accepting the application was improper as a matter of law. Likewise, the Hearing Panel has the authority to ensure that the LEA properly applies the requirements in Proposition C.

2

Without resolution of this issue to the satisfaction of the County Water Authority, GCL has no right to access the proposed landfill footprint and other areas because that would require crossing the Water Authority's easement. As the entire design of the facility is predicated on such access, the SWFPA cannot be complete if access to the operations area is not even assured.

This is not a new issue. In addition to the language in the 1994 initiative, the 2002 FEIR required that an agreement be executed with the Water Authority "providing for relocation and protection of the San Diego Aqueduct pipelines." In fact, the LEA's responses to the Water Authority's comments on the issue indicated that GCL was negotiating with the Water Authority concerning relocation "and has verbally agreed to the relocation." (Exhibit 2). Even so, the issue remained unresolved from 2006 to 2010 while the LEA erroneously maintained that the solid waste permit for the facility was valid. Given this situation, the application should be considered incomplete until an agreement is reached with the County Water Authority regarding the relocation and protection of the pipelines as required in Proposition C and in the FEIR.

### **3. The Need to Supplement the Revised Final Environmental Impact Report**

The LEA continues to take the position that no additional environmental review will be needed to access the significant impacts from greenhouse gas ("GHG") emissions from the proposed project. We note that this analysis could have been conducted once it became clear that CEQA would be revised to identify the significance of GHG emissions. Rather than complete the analysis, the LEA (as it did with the issue of the validity of the solid waste facility permit) has steadfastly maintained its position that no analysis is required. This appears to be an issue that will have to be resolved by the courts.

3

### **4. Incomplete Information in the Joint Technical Document ("JTD")**

#### **a. Lack of Secondary Access to the Site if the Bridge is Damaged**

The LEA claims that if the bridge is not usable, a "temporary crossing" identified in the FEIR would be used. The page of the FEIR cited by the LEA states that "construction equipment and deliveries will be brought into the site over the existing river crossing, which is currently used for the dairy operation at the west end of the site. The construction equipment will cross the river using the temporary crossing and will remain on the south side of the river."

4

Given that the FEIR acknowledges that this secondary access also crosses the river, one must question how when the river is in the flood stage, there would be access to the site through a crossing in the river. Clearly, this explanation does not address the issue of how health and

environment would be protected if there were no access to the site. That issue should be have been addressed in the JTD.

4

**b. Lack of Sufficient Groundwater Monitoring Wells**

The LEA's position is that its role is limited "to ensuring, when it accepts a permit application is complete and correct, that groundwater monitoring is addressed in the JTD." State law requires that a "sufficient number" of monitoring points be installed at appropriate locations to monitor potential leaks from the landfill. The JTD acknowledges that a sufficient number of wells have been installed to monitor potential leaks from this proposed landfill. Consequently, as a matter of law, the JTD is not complete because it does not provide information that satisfies this requirement.

5

**c. Construction Within the 100-Year Floodplain**

The LEA appears to argue that, because a misleading FEMA floodplain map was included in the FEIR, the JTD does not need to confirm that no facilities would be located within the 100-year floodplain. Because the JTD shows that the 100-year floodplain is very near the eastern desilting basin (compare JTD Figures 30B and 21), the LEA should require the applicant to confirm that is not the case.

6

## **EXHIBIT 1**

2 11312b-gregory canyon.txt  
3 MR. PURCELL: Thank you. My name is Larry  
4 Purcell. I'm here representing the San Diego County  
5 Water Authority.

6 The water authority has several concerns  
7 related to the Gregory Canyon Landfill. First is the  
8 need to preserve local water resources. The surface and  
9 groundwater in and under the San Luis Rey River Valley  
10 are currently used and are anticipated to be more  
11 heavily used to offset imported water reductions from  
12 Northern California and the Colorado River. Water  
13 agencies will become more reliant on these local  
14 sources, and they must be protected for future use.  
15 You've heard this concern repeatedly tonight, and we  
16 share those same concerns.

17 The second issue and the one I want to focus on  
18 tonight is the physical protection of the first aqueduct  
19 pipelines that are immediately adjacent to the proposed  
20 active landfill footprint, in some cases within 75 feet.  
21 Our facility concerns were presented in a letter to the  
22 LEA dated August 12th, 2010. And I want to reemphasize  
23 those here tonight. Those concerns include the  
24 following: Blasting on both sides of and in close  
25 proximity to the pipeline right-of-way where excavation  
of the landfill and borrow areas could damage the

0078  
1 pipelines through repeated excessive shock and  
2 vibration.

3 Heavily laden trash trucks and soil-filled dump  
4 trucks traveling back and forth across the right-of-way  
5 could damage pipelines which were not designed to  
6 withstand such heavy loads. Scour resulting from the  
7 proposed landfill access bridge across the San Luis Rey  
8 River could alter sedimentation patterns, resulting in  
9 exposure and damage to the pipelines buried under the  
10 riverbed. Chemical reactions resulting from corrosive  
11 landfill leachate or gases permeating into the adjacent  
12 right-of-way could compromise pipeline integrity.

13 Despite repeated requests for information, the  
14 landfill Applicant has not provided any technical data  
15 to address these concerns. These two pipelines are a  
16 major source of drinking water to several of our north  
17 county communities. Damage or failure due to landfill  
18 operations is not a risk the water authority is willing  
19 to accept.

20 Because these concerns have not been addressed,  
21 we believe that if a permit is issued, that pipeline  
22 relocation is the only appropriate protection measure.  
23 Both Proposition C and the adopted CEQA mitigation  
24 measures require that the landfill Applicant execute a  
25 written agreement with the water authority to ensure the

0079  
1 protection of the pipelines before landfill construction  
2 commences. This condition, as well as all other  
3 measures related to pipeline relocation option as stated  
4 in the final EIR, must be included if a permit is issued  
5 for the landfill project.

6 Also, I would like to note that an encroachment  
7 permit is required to be issued by the water authority  
8 board in order for the aqueduct right-of-way to be used  
9 for any aspect of the landfill project. Thank you.

10 MR. DRAKE: Thank you, Mr. Purcell.

## **EXHIBIT 2**

**G.005**

The applicant coordinated with SDCWA to define the portion of the existing pipelines that would be relocated and to define a corridor for the relocation. The relocation option is shown in Exhibit 3-11 and the environmental impacts of the relocation are analyzed in each topical area in Chapter 4 of the RDEIR. As such, the relocation could be incorporated into the project without further environmental review. Because the relocation is analyzed and impacts and mitigation measures are identified in the EIR, the relocation does not have to be defined as part of the project in the EIR for the relocation to be incorporated into the project. The applicant is negotiating with SDCWA concerning the relocation of the existing pipelines and has verbally agreed to the relocation.

# ATTACHMENT I

## **Memorandum**

**To:** Mike Porter, San Diego Regional Water Quality Control Board

**From:** Bill Magdych, Ph.D., Bill Magdych Associates Environmental Consulting

**Date:** 4/19/2011

**Re:** Comments on letter from Richard R. Horner, Ph.D. dated January 3, 2011

## **Message**

The comment letter prepared by Dr. Richard Horner promotes the use of one specific hydrologic model, the Hydrologic Simulation Program – FORTRAN (HSPF), as superior in his opinion to the use of Rational Method and HEC-1 modeling that have been used for various purposes in the planning, design, and permitting for this project. He further asserts that because of his opinion that the HSPF model is a better model to use, that the uses of the other modeling methods are not appropriate and should be discarded in lieu of further modeling using the HSPF method.

The objective of the hydrology study was to provide sizing and location information for the site's storm drain facilities based on the final fill configuration (JTD Volume 1 Part C). The Rational Method was used according to the San Diego Hydrology Manual for the calculation of the peak discharge of a 24-hour, 100-year storm event, which is a very conservative approach. The Rational Method is among the more straight forward hydrologic models available, and it provides a conservative approach to predicting discharge events. Predicted discharges are expected to be higher than those actually observed (as is the case with Gregory Canyon, as discussed below), especially when applied to very large surface areas and when conservative input parameters are applied, as was the case with the Gregory Canyon modeling using this method. The Rational Method tends to predict discharge levels that are conservatively high, even more so for lower level storm events. Therefore, the resultant discharges predicted using the Rational Method are expected in this case to be larger than would really occur for a given design storm scenario, and this provides a substantial measure of protection when designing storm water features.

The HEC-1 modeling (URS 2004) was developed for ecological assessment purposes. It was used to evaluate likely surface flows that are expected to occur in Gregory Canyon, including those from low level rain events, in consideration of how often surface flow is actually observed in Gregory Canyon, how much flow actually occurs, and its likelihood to reach the San Luis Rey River. The results of this modeling were first compared to flows observed after a large storm event in January 2005 that produced a peak discharge at the mouth of Gregory Canyon of 26 cfs. This water flow in Gregory Canyon occurred after a total rainfall of 11.28 inches between December 25, 2004 and January 11, 2005, with most of the rain falling in the few days before and on January 10-11, 2005, based on the Couser Canyon rain gage, which is located approximately 0.25 miles west of the Gregory Canyon property. This is a very high level

of rain fall. The 2005 rain year (July 2004 through June 2005) was the third wettest year on record in 155 years of record for the region. The annual peak discharge measured at the Oceanside, California U.S. Geological Survey (USGS) stream gage on the San Luis Rey River for this storm event was 21,800 cfs, which was the peak discharge for this storm event and also the third highest peak discharge recorded in the San Luis Rey River at Oceanside since 1930. The highest annual peak discharge recorded for the San Luis Rey River at Oceanside was 25,700 cfs in 1993. 96 percent of the annual peak discharges measured for the San Luis Rey River since 1930 have been lower than the level experienced in 2005. The flood stage gage at Shearer Crossing Road registered a peak height of 5.1 feet for this 2005 flood. The water flow observed in Gregory Canyon that peaked at 26 cfs was the result of a very high level storm event that occurred in the third wettest year of record. This level of flow corresponded to an approximate 37-year flow event in the canyon based on evaluation of the HEC-1 modeling, which is very consistent with levels observed in the San Luis Rey River, as well as regionally. The peak discharge from this very extreme storm system produced relatively low flows from Gregory Canyon that were ephemeral in nature, and expressed in a short duration peaking event with rapid attenuation to a trickle shortly after the peak event.

Water flow was also observed in Gregory Canyon on January 22, 2010 during the 2010 rain year. The peak flow observed in the canyon was 4.7 cfs with a surface nexus to the San Luis Rey River of less than 12 hours based on direct observation. The peak discharge observed in the San Luis Rey River at Oceanside was 2,090 cfs (which was also the annual peak discharge for that rain year) and 75.6 percent of all measured annual peak discharges since 1930 are lower than this amount. The Shearer Crossing stage gage on the San Luis Rey River registered a peak height of 3.6 feet. The 4.7 cfs of flow in Gregory Canyon occurred at the end of this single storm event which occurred over several days after a total of 6.11 inches of rain measured on site. Flow in Gregory Canyon subsided shortly after the peak event (within hours). This observed flow was ephemeral in nature and consistent with the predictions of the HEC-1 modeling.

Water flow was also observed in Gregory Canyon on December 22, 2010 during the 2011 rain year. The peak discharge observed in the canyon was 22.2 cfs. The peak discharge observed in the San Luis Rey River at Oceanside was 6,810 cfs (this is also the annual peak discharge for the 2011 rain year) with 88.5 percent of all measured annual peak discharges lower than this amount. The Shearer Crossing stage gage on the San Luis Rey River registered a peak height of 6.05 feet. This measurement at Shearer Crossing indicates that the local peak flow level in the San Luis Rey River at the project site was approximately 1 foot higher than observed in 2005, even though the discharge level measured at Oceanside was lower than in 2005. The National Weather Service (2010) has described the December 22, 2010 storm as an extreme storm event in southern California with rainfall ranging from 400 to 800 percent of normal, with rains in San Diego County most intense in north county and inland (which describes the project site and watershed upstream of the project site for the San Luis Rey River). The limits of San Luis Rey River flooding observed on the Gregory Canyon property coincide with the limits of the 50-year floodplain for the San Luis Rey River (Excel Engineering 2011) on site, and in some cases went beyond this limit. The 22.2 cfs peak discharge in

Gregory Canyon occurred at the end of this single storm event, which occurred over several days after a total of 8.05 inches of rain measured on site. Flow in Gregory Canyon subsided shortly after the peak event and the nexus of surface flow from Gregory Canyon to the San Luis Rey River was less than 12 hours based on direct observation. This observed flow was ephemeral in nature and consistent with the predictions of the HEC-1 modeling.

On site rain and potential flow has been directly monitored since 2001. The total connection of surface flow from Gregory Canyon to the San Luis Rey River during the past 11 years is less than 36 hours. Flow does not appear to be produced in Gregory Canyon to the San Luis Rey River until approximately 6 inches of rainfall occurs within a relatively continuous and short timeframe of several days, and flow has not been observed in the canyon developing from similar rain levels occurring over longer periods of time. Therefore, most rain storms do not produce flow in Gregory Canyon, which is also consistent with the HEC-1 modeling. The flow events observed in Gregory Canyon are not only rare, but appear to only occur with storms that exceed a 25-year or greater return frequency. Flows in the canyon are associated with high level storms, ephemeral in nature, subsiding shortly after rain peaks and rapidly reduced to a trickle within less than a day, and with a nexus to the San Luis Rey river of only a few hours when the San Luis Rey River is in sufficient flood stage to meet the canyon drainage before it is able to percolate into the alluvial fan at the base of the canyon based on direct observation to date.

Little or no debris transport has been associated with these flows based on direct observation. Small volumes of sediment have been observed eroding from the SDG&E and SDCWA dirt roads on site during these storms. Annual maintenance grading of these roads creates a more readily erodible surface, and erosion control and sediment control measures on these roads have been limited to date. Observable evidence of sedimentation in the canyon drainage has been traced to point sources of erosion from these roads without evidence of sedimentation readily observable at locations upgradient of these point sources. Other sediment transport from the greater watershed has been minimal. The sediments eroded from the dirt roads on site have been deposited in areas with steeper slopes along the drainage as well as at the very base of the canyon as an alluvial deposit prior to reaching the San Luis Rey River, further documenting the lack of large flows with sufficient energy to complete transport of most sediment to the alluvial fan at the mouth of the canyon.

The HEC-1 modeling performed for the project predicts flows that are consistent with those observed on site, including flows from very high level storm events. This modeling also predicts the general lack of flow in Gregory Canyon which has been confirmed by direct observation during small rain events. The flows predicted by the Rational Method performed to date for the project are 1 or more orders of magnitude greater than the flows actually observed for high level storm events. The flows predicted by the Rational Method are unlikely to occur in the canyon and use of these predicted flows for design purposes should provide a substantial level of extra capacity in the system.

It is clear that Dr. Horner promotes the use of the HSPF method of hydrologic modeling; however, an individual preference for a given model is not justification to demand its use or to suggest that other methods are not appropriate. Rather, the models used should be evaluated based on the purpose of the model in the given situation. In this case, the use of the Rational Method for purposes of design of storm water conveyance features produces results that provide a substantial level of protection compared to other models, likely including the HSPF model, because the result is design of the system to accommodate flows much higher than are likely to occur in the system. For the purposes of understanding the flows that are likely to actually occur in the system, especially for ecological purposes, the predictions from existing HEC-1 modeling is very close to direct observations on site and is technically adequate.

There are a lot of alternative hydrologic models in existence and one could run models using these various methods without gaining additional relevant or useful information beyond what has been obtained and used to date for this project. The HSFP model has been in development for a number of years, but as Dr. Horner points out, it is not fully developed, and is not in widespread use in California. It has only recently been indicated as one of several models that may be used for specific purposes in San Diego County. Dr. Horner promotes use of the HSPF model because it takes into account additional factors such as rainfall over a period of time and antecedent moisture. There are other models that do this as well. However, GCL has taken extensive on site observations of several extreme rainfall events when flow occurred (including during some of the most extreme rain conditions on record) as well as numerous lesser events that did not produce flow, all of which document consistency with the HEC-1 modeling. Therefore, additional modeling using methods such as HSPF would not likely produce results that add to our understanding of the hydrology of the site in a meaningful or relevant way.

Recently, the San Diego County Department of Environmental Health commissioned an independent peer review of the Joint Technical Document by URS Corporation, which included a review of the modeling performed on site for purposes of design of storm water features. A copy of the URS Report is attached. URS (2010) made the following findings:

- The drainage control system designed for 100-year, 24-hour storm event run-off volumes complies with the regulatory requirements and is reasonable for the site.
- Desilting basins are designed based on the 10-year, 6-hour storm flows sediment capacity and for the storm water runoff flows of the 100-year, 24-hour storm event. The spillway is sized for the 100-year, 24-hour storm event. This complies with the regulatory requirements and is reasonable for the site.
- The surface control and down-drain system design are sized correctly and reasonable for the site.

- The estimated run-off values calculated based on the San Diego County Hydrology Manual (2003 version) in conjunction with computer software developed by Advanced Engineering Software (AES) is appropriate.
- The hydrologic analysis conducted using the Rational Method Computer program (in accordance with the San Diego County Hydrology Manual Criteria) to determine the peak flows discharged from the Gregory Canyon watershed under pre- and post-developed conditions is reasonable for the project.
- The hydrology map for on-site flows, hydrology analysis, and the hydraulic calculations appear to be reasonable.

Movement away from the results of the Rational Method, whether by using HSPF, HEC-1, or other models that take into consideration more detailed assessments of conditions on site and through calibration using the direct observations on site are expected to indicate that the reliance on the Rational Method has produced results that exceed expected discharges by a large factor, and that storm water features could be downsized. GCL is not recommending downsizing these storm water design features, and there is no apparent justification to perform additional modeling that would indicate that downsizing storm water features was appropriate.

Citations:

National Weather Service. 2010a. December 15 to 22, 2010 Rain Event and Flooding. <http://www.wrh.noaa.gov/sqx/DecPrecipBrief.pdf>

National Weather Service. 2010b. Major Precipitation Event across Southern California in December 2010. <http://www.wrh.noaa.gov/sqx/SummaryDecember2010media.pdf>

URS. 2004. Transmittal and Reporting of Hydrology Information for the Gregory Canyon Landfill Project. Letter report to the U.S. Army Corps of Engineers.

URS. 2010. Gregory Canyon Landfill Joint Technical Document and Solid Waste Facility Permit Application Review – Title 27 Compliance. Prepared for the County of San Diego, Department of Environmental Health.

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May 4, 2011

Mr. Jack Miller, Director  
County of San Diego  
Department of Environmental Health  
1255 Imperial Avenue  
San Diego, CA 92101

Re: Pechanga Cultural Resources Comment Letter

Dear Mr. Miller:

Thank you for providing the April 21, 2011 comment letter submitted by Pechanga Cultural Resources. Gregory Canyon, Ltd. (GCL) appreciates the opportunity to provide this response.

While GCL recognizes that this is not an issue directly related to the Solid Waste Facility Permit, and that the analysis of cultural resources in the CEQA Documents was never challenged or overturned by the courts, this issue was raised by a number of speakers at the LEA public meeting. For that reason, GCL believes a written response may be helpful to you and LEA in your consideration of GCL's permit application.

Issues related to protection of historic/cultural resources will be addressed in the National Historic Preservation Act (NHPA) Section 106 consultation, which will be undertaken as part of the U.S. Army Corps of Engineers permitting process. In order to receive protection under the NHPA, at a minimum the resource must be listed or eligible for listing on the National Register of Historic Places. The Pala Band has twice (2004 and 2009) attempted to obtain a determination of eligibility for listing of Gregory Mountain including about one-half of the landfill footprint from the Keeper of the National Register, but to date no such determination of eligibility has been made. The Keeper returned the 2004 nomination application in March 2006<sup>1</sup>, and has declined to make a determination on the 2009 application.

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<sup>1</sup> A return of the application for correction or resubmission is made when the Keeper finds an application to be technically or professionally inadequate, in accordance with 36 CFR Section 60.6(r).

Most of the Pechanga letter is spent describing the broad association of the Pechanga cultural affiliation with the general region around the landfill property, with little or no discussion directly related to the Gregory Canyon landfill property. The not so implicit suggestion is that broad areas in North San Diego County and elsewhere have cultural significance and should be protected, and that development projects should not proceed. The letter states: “[t]he Luiseno Ancestral Origin Landscape is not a particular archaeological site or village, or a specific landmark in the natural environment, though it contains many such sites and landmarks; it is a **region** or **area** . . .”

This is not the first time this type of argument has been made. In applying for listing/eligibility in 2004, the Pala Band provided an extensive discussion of the role of *Taakwic* in the Luiseno world view, and the many sightings of *Taakwic* throughout the region. While noting that the main home of *Taakwic* was at Lily Rock, just north of Tahquitz Peak in the San Jacinto Mountains [Riverside County], the 2004 nomination application claimed that Gregory Mountain “is part of an inter-connected complex of sites – both sacred and secular – that we cannot allow to be destroyed.” The Keeper viewed this discussion as inadequate. In its March 2006 return of the application, the Keeper noted:

- “Pages 7.2-7.6 for instance provide considerable background information on Wiyot, Taakwic and other aspects of broad Luiseno cultural practices, but very little of the discussion is tied to the physical landscape except for a brief mention of Medicine Rock.
- Given the numerous other sightings of Taakwic over a widely dispersed area of southern California and Mexico, the question arises as to the specific associations between this site and Taakwic.
- If Taakwic is seen everywhere, how important is Chokla [Gregory Mountain] (one of his many resting spots) to the spiritual continuity of the Native American community?”

The Keeper’s concern was that because *Taakwic* was observed in many places over much of Southern California and Mexico, the application did not demonstrate the necessary associative values with Gregory Mountain.

The Pala Band’s resubmittal of its application in 2009 did not provide the specific association to Gregory Mountain, but instead went in the opposite direction. It was now claimed that “it is not understood what the implications might be of desecrating one of this network of sacred sites”, and that this “could raise major concerns throughout the region, affecting not only the people of Pala but also members of other local tribes who also subscribe to the belief system.”

This highlights the exact concern that GCL raised to the Keeper in its comments on the 2004 nomination application. “Listing Gregory Mountain to the National Register on this record of significance sends the National Park Service down a slippery slope . . . Based on the nominating criteria advocated by the Pala Band, there would be innumerable sites and tens of thousands of acres throughout San Diego and Riverside listed in the National Register, since these were all places where Taakwic appeared based upon the ethno-history. The National Register was never intended to be used in this manner.”

The assertion that broad regional landscapes require protection also runs contrary to the latest federal court decision addressing this issue. On June 18, 2010, the Ninth Circuit Court of Appeals issued a decision upholding the action of Bureau of Land Management (BLM) protecting some, but not all, properties claimed to have religious or cultural significance by a Tribe. *Te-Moak Tribe of Western Shoshone of Nevada, et seq. v. United States Department of the Interior, et seq.*, Docket No. 07-16336, June 18, 2010. This recent decision has direct relevance to the claims made by the Pechanga.

The project under consideration in *Te-Moak* was a mineral exploration project encompassing 30,548 acres. The Shoshone inhabited the project area for many years, and “their religion and culture is inextricably tied to the landscape of the area.” Mount Tenabo is considered a “traditional locus of power and source of life.” Other portions of the project area contained pinyon pine trees used for food gathering, and also likely included burial locations.

After assessing this evidence, BLM found specified areas to be “properties of cultural and religious importance” – “Horse Canyon and the top of Mount Tenabo and the ‘White Cliffs’ of Mount Tenabo.” These areas were excluded from mineral exploration as part of “exclusion zones.”

The Tribe objected, arguing that the exclusion zone procedures did not offer adequate protection to cultural resources under the NHPA. The tribe claimed that the National Register-eligible properties were of “landscape-scale” and therefore not susceptible to protection by “zones”.

The court first noted that NHPA Regulations define “adverse effects” as an effect on the “characteristics of a historic property that qualify the property for inclusion in the National Register.” The court then noted that the eligible characteristics described by BLM are “discrete features”, and specified the characteristics that made them eligible.

Based on this, the court concluded:

“Although it is understandable that the Tribe values the landscape of the project area as a whole, the NHPA requires that the BLM protect only against adverse effects on the features of those areas that make them eligible for the National Register.”

Mr. Jack Miller  
May 4, 2011  
Page 4

The Pechanga letter did include one discussion that might relate to the Gregory Canyon landfill property. On page 3, there is a reference to a location to the “south of the project and at the base of *Chokla* Mountain”, where another deity nourished the people with “white clay”. The letter goes on to claim that this location is the specific location of the landfill access road bridge.

At the outset, this claim is confusing and internally contradictory, and may refer to a location that is not on the landfill property. The bridge is neither south of the project nor at the base of Gregory Mountain.

Nonetheless, additional efforts have been made to verify this claim. The surface in and around the proposed bridge has been inspected, and no presence of any white-colored clay material was observed. In addition, GCL reviewed its records of boring logs and soil profiles taken from geological borings made in the area where the bridge would be located. Those borings were begun at the surface and were advanced until bedrock was reached, at a depth of between 30 and 160 feet. There was no indication of any white-colored clay material noted in the logs and profiles. A copy of the logs and profiles is attached.

Thank you again for the opportunity to comment. Please advise if you would like additional information on this subject.

Sincerely,



E. William Hutton

Attachment

cc: Rodney F. Lorang, Esq., LEA (w/att.)  
KariLyn Merlos, LEA (w/att.)  
Rebecca Lafreniere, LEA (w/att.)  
James Henderson, LEA (w/att.)

# FIRST DRAFT

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
N/A	N/A	N/A	N/A		
REGISTERED PROFESSIONAL ENGINEER					
PLANS APPROVAL DATE					
<b>KFM GEOSCIENCE</b>					
1360 VALLEY VIST DRIVE DIAMOND BAR, CALIFORNIA 91765					

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**LEGEND OF BORING OPERATIONS**

**2-1/4" CONE PENETROMETER BORING (DRY)**

**ROTARY SAMPLE BORING (WET)**

**AUGER BORING (DRY)**

**TEST PIT**

**DIAMOND CORE BORING**

**JET BORING**

**ELECTRIC CONE PENETROMETER**

**PERCENT CORE RECOVERY (REC) & ROCK QUALITY DESIGNATION (ROD)**

**ROTARY SAMPLE BORING (WET)**

**SAMPLE BORING (DRY)**

**LEGEND OF EARTH MATERIALS**

Gravel/Cobble	Clayey Silt
Sand	PEAT and/or ORGANIC MATTER
Silt	FILL MATERIAL
Clay	IGNEOUS ROCK
Sandy Clay or Clayey Sand	SEDIMENTARY ROCK
Sandy Silt or Silty Sand	METAMORPHIC ROCK
Silty Clay	

**LEGEND OF BORING OPERATIONS (CONT.)**

Direct Shear	Expansion
Corrosivity	Soluble sulphates
Compaction	Chloride
Consolidation	Sand Equivalent
Unconsolidated	Unconfined Compression
Undrained Triaxial	Grain Size

**OTHER LABORATORY TESTS**

**PERCENT CORE RECOVERY (REC) & ROCK QUALITY DESIGNATION (ROD)**

**ROTARY SAMPLE BORING (WET)**

**SAMPLE BORING (DRY)**



**CONSISTENCY CLASSIFICATION FOR SOILS**

According to the Standard Penetration Test

Penetration Index (blows/ft)	Cohesive	
	Granular	Very soft Soft Stiff Very stiff Hard Very hard
0-4	Very loose	
5-9	Loose	
10-19	Slightly compact	
20-34	Compact	
35-69	Dense	
>70	Very dense	

NOTE: Classification of earth material as shown on this sheet is based upon field inspection and is not to be construed to imply mechanical analysis.

DESIGN OVERSIGHT	DRAWN BY C.D.S.	KFM GEOSCIENCE	PREPARED FOR THE <b>GREGORY CANYON Ltd.</b>	BRIDGE NO. N/A	<b>GREGORY CANYON ROAD 1 of 3</b>
SIGN OFF DATE	CHECK BY	FIELD INVESTIGATOR DATE: <u>DECEMBER 22, 2009</u>	PROJECT ENGINEER	POST MILE N/A	
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS					DISREGARD PRINTS BEARING EARLIER REVISION DATES
0 1 2 3					REVISION DATES (PRELIMINARY STAGE ONLY)
					SHEET OF

FILE NAME: GREGORY\_CANYON\_1\_P1.DWG DATE: 12/22/09



**- SEE SHEET 1 OF 3 FOR PLAN -**

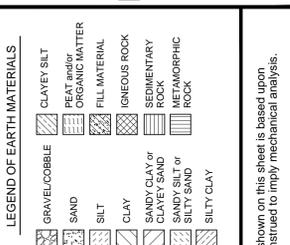
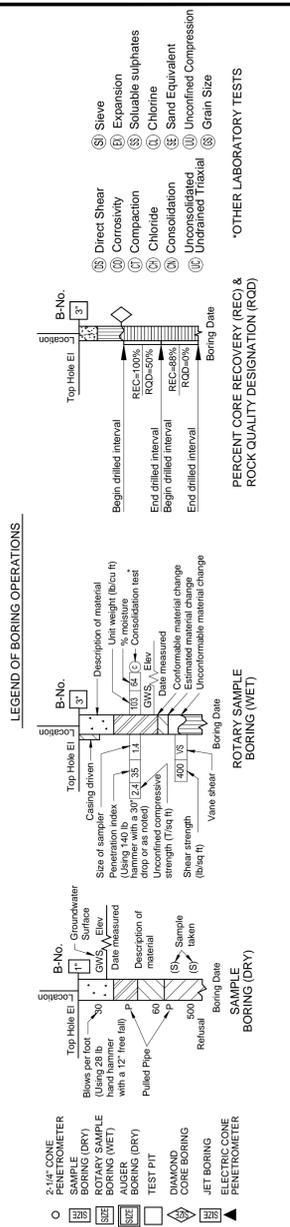
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
N/A	N/A	N/A	N/A		

REGISTERED PROFESSIONAL ENGINEER

PLANS APPROVAL DATE

**KFM GEOSCIENCE**  
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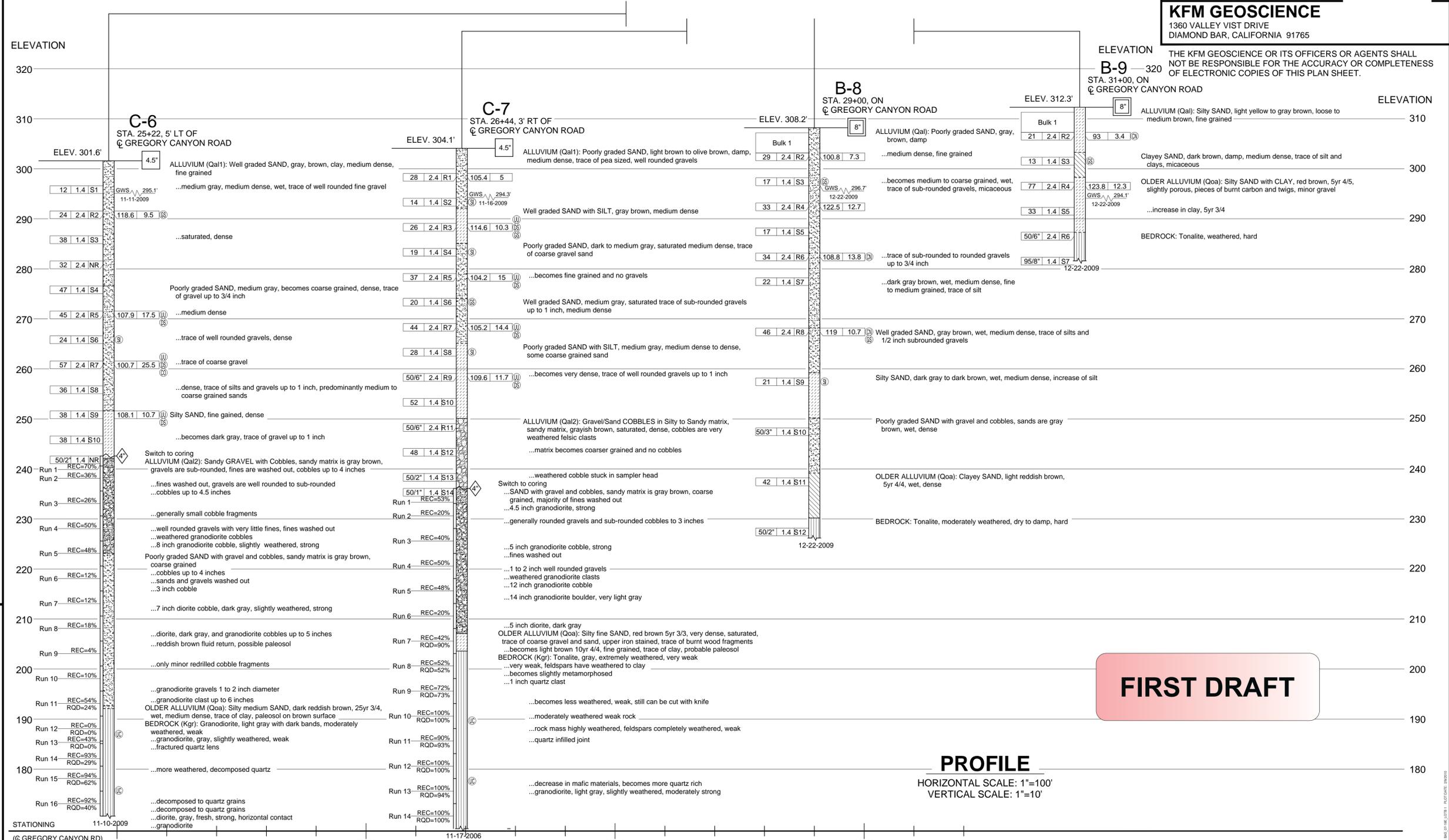


**CONSISTENCY CLASSIFICATION FOR SOILS**

According to the Standard Penetration Test

Penetration Index (blows/ft)	Cohesive	
	Granular	Very soft to Very hard
0-4	Very loose	Very soft
5-9	Loose	Soft
10-19	Slightly compact	Very stiff
20-34	Compact	Stiff
35-69	Dense	Very stiff
>70	Very dense	Very hard

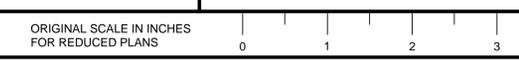
NOTE: Classification of earth material as shown on this sheet is based upon field inspection and is not to be construed to imply mechanical analysis.



**FIRST DRAFT**

**PROFILE**  
HORIZONTAL SCALE: 1"=100'  
VERTICAL SCALE: 1"=10'

DESIGN OVERSIGHT	DRAWN BY C.D.S.	KFM GEOSCIENCE	PREPARED FOR THE <b>GREGORY CANYON Ltd.</b>	BRIDGE NO. N/A	<b>GREGORY CANYON ROAD 3 of 3</b>
SIGN OFF DATE	CHECK BY	FIELD INVESTIGATOR	PROJECT ENGINEER	POST MILE N/A	
		DATE DECEMBER 22, 2009			<b>LOG OF TEST BORINGS</b>



DISREGARD PRINTS BEARING EARLIER REVISION DATES	REVISION DATES (PRELIMINARY STAGE ONLY)	SHEET	OF
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May 9, 2011

Mr. Jack Miller, Director  
County of San Diego  
Department of Environmental Health  
1255 Imperial Avenue  
San Diego, CA 92101

Re: NRDC Comment Letter

Dear Mr. Miller:

Thank you for providing the April 21, 2011 comment letter submitted by Natural Resources Defense Council (NRDC). Gregory Canyon, Ltd. (GCL) appreciates the opportunity to provide this response.

**Comment A (GHG):**

This issue has been raised previously by Procopio, on behalf of the Pala Band, and has been responded to in a letter to you from this office dated June 21, 2010 (Response to Comment #13) and in LEA's response to Procopio's March 3, 2011 statement of issues (Response to Issue #3). These responses can be summarized as follows: these claims do not constitute "new information" within the meaning of Public Resources Code §21166(c) because the threat of global warming was well known even before the Revised Final Environmental Impact Report was certified on May 31, 2007. These responses remain valid and are the primary reason to dismiss the claims made in this comment without further consideration. Nonetheless, GCL would like to take the opportunity to address the specific information presented by NRDC.

NRDC's comment is based on a comparison of landfill gas (LFG) generation in the Final Environmental Impact Report (FEIR) and the Air Quality Impact Analysis (AQIA) submitted to the San Diego Air Pollution Control District (SDAPCD). However, the comparisons are not directly applicable for a number of reasons, particularly since the AQIA was based on an different level of waste receipts, a different assumed percentage of methane in LFG, and a different level of LFG control.<sup>1</sup> Also, a simple comparison of

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<sup>1</sup> The reason for the different assumptions was to provide a highly conservative basis for the AQIA analysis, as requested by SDAPCD.

LFG generation is not directly applicable to greenhouse gas emissions, as the various constituents that make up LFG make a greater or lesser contribution to Global Warming Potential (GWP).<sup>2</sup>

Kleinfelder (2011) has prepared a technical memorandum that explains the variances between the FEIR and AQIA, and provides a direct comparison of the GWP of the landfill based on the information included in both analyses. Kleinfelder concludes that the average GWP based on emissions reported in the FEIR exceeds the average GWP reported in the AQIA. Moreover, it is important to remember that global warming is a long-term phenomenon, and not a function of emissions in a peak year, and comparisons of peak year LFG production or GHG emissions are not meaningful for this purpose. As a result, NRDC's comment does not disclose any "new information" within the meaning of Public Resources Code §21166(c).

A copy of the Kleinfelder technical memorandum is included as Attachment A.

**Comment B (Blasting):**

NRDC's comment is based on a comparison of analyses performed for two different purposes - in the FEIR to evaluate potential vibration impacts to the aqueduct pipelines from blasting, and in the AQIA to evaluate air quality impacts from blasting.

NRDC cites the fact that exact blast locations were not provided in Section 4.6 of the FEIR, but the exact detail was not necessary under CEQA. Based on criteria established in the Bureau of Mines RI 8507 standards and criteria set forth in the San Diego County Water Authority (SDCWA) design procedure manual 02229-3, the FEIR provided that blasting would not occur within 500 feet of the pipelines unless approved by SDCWA, that blasting must be conducted by a State-licensed blasting contractor, and that seismographic instrumentation would be placed to measure vibration impacts (FEIR, p. 4.6-34- 4.6-35). Blasting anywhere outside of that zone was determined to have a less than significant impact as long as the above project design features were implemented, and precise blasting locations were therefore not required for purposes of this impacts analysis.

The vibration impacts analysis in Section 4.6 of the FEIR was not challenged in the CEQA litigation.

More precise information related to blasting locations and explosive charges was developed to evaluate compliance with air quality standards for criteria pollutants. This analysis has led to an additional set of limitations on the location of blasting; that blasting cannot occur within 250-750 feet of the property boundary depending on charge size.

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<sup>2</sup> The different assumption between the FEIR and the AQIA regarding the percentage of methane in LFG is one example of this.

This limitation is expected to be included in the air quality permit issued by SDAPCD. In addition, the SDAPCD permit is expected to limit the total number of blast events that can occur per day (one per day) and per year.

Depending on the location of the pipelines relative to the property boundary, the practical impact of these additional limitations on blasting locations could be an increase of the 500 foot exclusion area to 750 feet, but in no case will these restrictions reduce the 500 foot exclusion area. There is no basis for NRDC's assertion that the information presented in the AQIA would result in a new or increased vibration impact to the pipelines. NRDC's comment does not disclose any "new information" within the meaning of Public Resources Code §21166(c).

Also, while not directly relevant, GCL would like to address one other issue. Actual blast events do not consist of one large blast at one instant in time, but rather a series of smaller blasts set up with delays. The reason for this, as explained on p. 4.6-34 of the FEIR, is to reduce excess vibration by allowing the vibrational waves to diminish. The recommendation in the FEIR was to limit charge size to 34 pounds of ANFO for open face blasts (4 pounds for confined blasts) per 8 millisecond delay. This is different than the total amount of ANFO used for the entire blasting event, which would last for a longer period of time and was the basis for the analysis provided in the AQIA.

**Comment C (Litter Fence):**

As discussed in the May 10, 2010 EIR Addendum, a litter fence has been proposed for the bridge over the San Luis Rey River at the request of the San Diego Regional Water Quality Control Board, in order to comply with MM 4.4C5G and to reduce potential impacts from litter in the San Luis Rey River. Eliminating or minimizing litter in and adjacent to the San Luis Rey River would help to limit impacts to biological resources using the river.

NRDC's comment asserts that an analysis of impacts on endangered birds that use the river as a flyway is required.

Bill Magdych Associates (2011) has prepared a technical memorandum analyzing potential impacts to birds that populate the area in and around the proposed bridge. The fence will be constructed of standard wire mesh fencing material, which is in common use throughout the region on bridges and other applications. Flying birds will be able to see it and avoid it, and there is little or no potential for bird strikes or entanglement. This is in contrast to the use of microfilament materials, which may not be as visible to birds. Birds, including the threatened or endangered species with potential to occur in the area, and bats, will be easily able to either fly over, under, or around the bridge deck and the litter fence. The height of the litter fence will not pose an impediment to bird flight or result in habitat fragmentation, based on the preferred habitat, characteristics and behaviors of bird species present in this area. A copy of the Magdych report is included

as Attachment B.

Hagmann (2011) has analyzed potential noise and air quality impacts from construction of the litter fence. Because of its location, construction of litter fencing would not increase the amount or intensity of work on any construction day given the need to protect biological resources, but rather would extend the time required to complete the work. Traffic trip limitations would apply to any materials deliveries. No significant impacts not disclosed and analyzed in the FEIR would result. A copy of the Hagmann (2011) report has been previously submitted to LEA.

No adverse effects on threatened or endangered species are likely to occur and no “take” of these species is expected from the litter fence on the bridge. NRDC’s comment does not disclose any “new information” within the meaning of Public Resources Code §21166(c).

**Comment D (May 2010 Addendum):**

NRDC’s comment misunderstands the purpose of the May 2010 Addendum, which was to evaluate whether the conditions requiring preparation of a Subsequent or Supplemental EIR were triggered by new determinations related to federal or state jurisdiction over waters on the landfill property. The 2010 Addendum concluded that no “new information” arose from the assertion of broader jurisdiction, since those waters were in areas already designated for disturbance as part of the project, and mitigation measures reducing those impacts to less than significant had already been provided. NRDC does not discuss or take issue with that basic conclusion.

The NRDC references two comment letters, from Richard Horner and Winfield & Associates. A response to the Horner letter has already been submitted to LEA, and a response to the Winfield letter is included as Attachment C.

NRDC cites a recent determination that the RWQCB has identified approximately 16,000 linear feet of drainages impacted by the landfill development that would require compensation. The 2010 Addendum provides estimates of impacts to waters of the state in Table 4.9-5, stated as acreages, but expressly acknowledged that those estimates were “subject to final confirmation from the agencies.” Based on the more recent determination by RWQCB that the loss of these erosional features requires compensation, a revised table has been prepared, and provides information stated as both acreages and linear feet. A copy of that table is included as Attachment D. The increase is about 0.4 acres, if all 16,000 linear feet are included.<sup>3</sup>

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<sup>3</sup> GCL notes that a substantial portions of these erosional features do not bear an ordinary high water mark, are dominated by the same upland vegetation found next to them, lack a bed, bank, and channel, and have never been observed to bear surface water flow.

But, again, as stated in the 2010 Addendum, and previously in this response, all of those waters are within areas of the landfill development that are already identified as disturbed. For that reason, the recent view expressed by RWQCB that these erosional features be treated as waters under Porter Cologne does not constitute a change in the project or a change in physical impact. As noted in the 2010 Addendum, “whether or not a water on the landfill site is jurisdictional or not, the activity that may create a significant impact is the disturbance of that portion of the landfill property” (2010 Addendum, p. 6). Even if this is viewed as a change in the circumstances in which the project is undertaken, that change does not result in new or increased impacts.

NRDC cites “in-kind” compensation requirements adopted by the U.S. Army Corps of Engineers in 2008, and implies that the mitigations provided in the RFEIR and discussed in the 2010 Addendum are inadequate, but never presents any rationale why the Corps’ requirements apply to these drainages. Moreover, NRDC does not address how federal regulations are applicable to determination made by state agencies, nor does it disclose that 33 CFR §332.3(e) provides only that in-kind compensation is preferable, but not required. NRDC also claims that the project has failed to consider this significant change in circumstances.

However, this issue was addressed in detail in Magdych (2010) Updated Evaluation of Hydrogeomorphology and Beneficial Uses at Gregory Canyon (JTD, Appendix I-1). This report includes a detailed discussion of the values of the drainages in light of the beneficial uses set forth in RWQCB’s basin plan and other potential functions, such as sediment transport, habitat, nutrient recycling, thermal and microclimate effects and ephemeral drainage, as well as potential hydromodification impacts. Magdych (2010) concluded that in with respect to the drainages, the beneficial uses or functions would not be affected, did not exist, or were mitigated or preserved.

The Municipal and Domestic Supply (MUN) beneficial use would not be affected, since the pre-development storm water control features would preserve existing drainage patterns, and storm water flow would not reach the San Luis Rey River in most years.

The Agricultural Supply (AGR) and Industrial Services Supply (IND) beneficial use would not be affected for the same reason.

The Contact Recreation (REC1) and Non-contact Recreation (REC2) beneficial uses do not exist in the drainages because there is not a sufficient frequency of recurrence, magnitude or duration of flow to support REC1 or REC2 uses. The drainages are also located on private property in restricted areas.

Warm Freshwater Habitat (WARM) and Cold Freshwater Habitat (COLD) beneficial uses do not exist in the drainages because there is not a sufficient frequency of recurrence, magnitude or duration of flow to support any aquatic habitat.

Wildlife Habitat (WILD) beneficial uses that are water dependent do not exist in the drainages for this same reason. Impacts on habitat that is not water dependent, such as habitat that relies on certain vegetative communities, has been mitigated to less than significant through mitigation measure included in the RFEIR.

Pollutant Removal and Nutrient Recycling functions in the drainages were determined to be limited based on observations made during significant rainfall events. Rainfall runoff in the Gregory Canyon thalweg was observed to be clear without any obvious suspended sediment or other material.

Thermal and Microclimate Effects functions in the drainages do not exist since they do not support surface water except during limited periods, and no aquatic life is present. These effects occur when water temperatures are reduced through shading or the input from a tributary to benefit specific aquatic species, and without sustained flow these effects would not occur.

Biological Habitat functions are limited to impacts on upland wildlife habitat that is not water dependent. These habitats arise due to the presence of vegetation communities, and impacts on upland vegetation communities were reduced to less than significant through mitigation measures included in the RFEIR.

Ephemeral, Episodic Drainage functions involve the conveyance of storm water, and this would occur periodically. However, the storm water control features were designed to mimic the pre-development condition, and storm water would continue to either infiltrate into the alluvium or be conveyed directly into the San Luis Rey River during extreme storm events. These features would also prevent any hydromodification impacts to the San Luis Rey River.

As a result, the loss of the drainages would not impact most of the beneficial uses and functions, since those do not exist in the drainages. Other beneficial uses or functions would not be affected. And, as noted below, those that might be affected have been mitigated for or preserved.

One related set of beneficial uses or functions that might be affected are impacts to upland vegetation communities, and impacts to upland wildlife habitat that does not rely on water but does rely on those vegetation communities. Magdych (2010) notes the mitigation measures provided in the RFEIR, in particular the creation of coast live oak woodland at a 3:1 ratio (and only a very small a portion of the coast live oak is present within the drainages, see response to Winfield comment letter, Attachment C), and concludes "these benefits will also be provided to all wildlife using the San Luis Rey riparian system, including wildlife in the uplands surrounding the corridor. Impacts on these vegetation habitats from the project have been determined to be fully compensated for during CEQA compliance through implementation of the overall mitigation plan

described herein.”

The final remaining function that might be affected is ephemeral, episodic drainage. Magdych (2010) noted that the thalweg of Gregory Canyon is not associated with a well-defined stream that flows in most years, and that “these occasional shallow flows do not reach the San Luis Rey River, except perhaps in the most extreme rain events.” Magdych (2010) then concluded that “development of the landfill will result in creation of similar channels around both sides of the landfill to direct occasional shallow concentrated flows past the landfill. The stormwater management plan provides for treatment of this type of stormwater runoff so that it will percolate into the floodplain of the San Luis Rey River as it presently does, without adverse hydromodification of the San Luis Rey River.” In other words, the proposed storm water control features preserve this ephemeral, episodic drainage function.

Magdych (2010) concludes that “the project design, including mitigation measures, integrate water quality objectives, beneficial uses, and water quality control plans and policies adopted by the State Water Resources Control Board and the Regional Water Quality Control Board. Point sources and nonpoint sources of potential pollution shall be controlled to protect designated beneficial uses of water with incorporation of the project design features, including the stormwater management plan. There will be no changes in the instream beneficial uses, which will be maintained by the project design features, as well as restored and enhanced with the project’s mitigation measures.” There is substantial evidence in the record demonstrating that the mitigation measures provided in the RFEIR and discussed in the 2010 Addendum are adequate.

NRDC is incorrect when it asserts that identification of additional project refinements, occurring during the course of permitting by responsible agencies, in and of themselves require preparation of a Supplemental EIR. A Subsequent or Supplemental EIR is required only when the conditions provided in CEQA Guidelines §15162 are met. That determination would be made by LEA, as CEQA lead agency.

NRDC’s discussion of steelhead does not accurately reflect the information presented in the 2010 Addendum. The 2010 Addendum discloses that steelhead have been determined to be present downstream and upstream of the landfill property, how steelhead get upstream and downstream, that there could be a potential presence of steelhead in the portion of the San Luis Rey River on the landfill property of limited duration during periods of high flow, and that the landfill project would not have a significant impact on steelhead because the project would not have a significant impact on hydrology, water quality and habitat. In particular, the 2010 Addendum discusses the fact that the significance criteria in the FEIR for hydrology included the potential to alter existing drainage patterns.

The greatest potential impact on steelhead would be the loss of ability to move through the landfill property during periods of high flow. However, the 2010 Addendum

Mr. Jack Miller  
May 9, 2011  
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the existing canyon flows and volumes tributary to the San Luis Rey River, to not increase flow rates or velocities in the river, and to protect water quality in the river.

NRDC does not provide any information rebutting the conclusions made in the 2010 Addendum that steelhead are virtually never present on the landfill property, that the portion of the river flowing through the landfill property does not provide suitable habitat for steelhead because the water may be too warm, and insufficient flow is present to sustain steelhead throughout the year on the landfill property.

Ultimately, NRDC is left with only the claim that steelhead in the San Luis Rey River are important to the recovery of the species, as stated by the National Marine Fisheries Service. However, that alone does not demonstrate the project would result in a significant impact to steelhead, as NRDC asserts. Since no adverse effects on steelhead are likely to occur, NRDC's comment does not disclose any "new information" within the meaning of Public Resources Code §21166(c).

Thank you again for the opportunity to comment. Please advise if you would like additional information on this subject.

Sincerely,



E. William Hutton

Attachments

cc: Rodney F. Lorang, Esq., LEA (w/att.)  
KariLyn Merlos, LEA (w/att.)  
Rebecca Lafreniere, LEA (w/att.)  
James Henderson, LEA (w/att.)

# ATTACHMENT A



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kleinfelder.com

May 5, 2011

E. William Hutton, Esq.  
21st Century Plaza  
6303 Owensmouth Avenue  
Woodland Hills, CA 91367

**Subject: Comparison of Greenhouse Gas Emissions  
in the Gregory Canyon Landfill FEIR and AQIA**

Dear Mr. Hutton:

You requested an analysis of the potential greenhouse gas (GHG) emissions reported in the Gregory Canyon Landfill (GCLF) Final Environmental Impact Report (FEIR) and the Air Quality Impact Analysis (AQIA) submitted to the San Diego Air Pollution Control District (SDAPCD) dated September 14, 2010. The purpose of the comparison is to evaluate the Global Warming Potential (GWP) of the emissions of methane (CH<sub>4</sub>), carbon dioxide (CO<sub>2</sub>) and other GWP gases emitted by the landfill and flare.

The FEIR and the AQIA both used the same USEPA AP-42 landfill gas emission estimating methodology. The apparent differences between the values in the FEIR and the AQIA are related to the following:

- (1) The FEIR assumed an annual receipt of waste of 1,000,000 short tons of waste per year for 30 years; total of 30 million tons of waste. The AQIA was based on receipt of 1,535,000 tons per year (based on 5,000 tons per day and 307 days per year of operation). The annual waste receipt rate for the AQIA had to be based on the maximum potential receipt because of SDAPCD requirements to estimate potential emissions assuming the worst case will occur; when in fact it never will (i.e., the actual amount of waste received will not occur on every day of the year). The AQIA total waste was assumed to be 33,770,000 tons (at the maximum amount of waste received per year, the landfill would reach capacity in 22 years).
- (2) The FEIR used an assume methane generation rate of 100 cubic meters methane per megagram of waste (m<sup>3</sup>/Mg). The SDAPCD required the AQIA to use 110 m<sup>3</sup>/Mg. Accordingly, the AQIA has more methane generated per ton of waste than the FEIR.

- (3) The difference in waste received rates in the FEIR compared to the AQIA results in the peak landfill gas generation year occurring in year 30 in the FEIR and in year 23 in the AQIA.
- (4) The FEIR used an assumption that the landfill gas consists of 55 percent methane. The SDAPCD required a composition assumption of 44 percent methane. Accordingly, if the SDAPCD parameters are used, the total amount of landfill gas generated per ton is greater than the FEIR.
- (5) The FEIR assumed that only 80 percent of the landfill gas was captured through the landfill gas control system. The AQIA was based on an expected permit condition that at least 90 percent of the landfill gas will be captured. Thus there are greater fugitive emissions of landfill gas in the FEIR than in the AQIA. The 90 percent capture assumption will be required by the SDAPCD air permit and is very well supported. Attached is a letter from Mr. Gary Glassen dated January 28, 2011 that further discusses the basis for the 90 percent capture assumption. and
- (6) The FEIR reported landfill gas emissions for 70 years, while the AQIA showed landfill gas emissions for as long as any waste could generate any amount of landfill gas; which could be more or less than 70 years. The exact number of years that landfill gas will be generated cannot be predicted, although it is well known that landfill gas production diminishes substantially and quickly following closure of the landfill.

To calculate the GWP of the landfill gas emissions, one has to account for the difference in GWP per ton of methane compared to a ton of CO<sub>2</sub>. A ton of methane has 21 times the GWP as a ton of CO<sub>2</sub>. Therefore, a ton of methane emitted as a fugitive (i.e., not combusted in the flare) will have a GWP of 21 tons. A ton of CO<sub>2</sub> emitted as a fugitive (i.e., not combusted in the flare) will have a GWP of 1 ton. One also has to account for the flare emissions. Flare emissions include (1) uncombusted methane that passes through the flare (estimated at less than 2 percent), (2) CO<sub>2</sub> that results from the combustion of methane (2.75 tons of CO<sub>2</sub> are emitted for each ton of methane combusted), (3) trace amounts of nitrogen monoxide (a chemical also related to global warming) that results from the combustion of methane in the flare.

Mr. E. William Hutton  
May 5, 2011  
Page 3

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To compare the GWP of the landfill gas emissions listed in the FEIR to the AQIA we used the same 70-year duration of landfill gas generation reported in the FEIR. We used the FEIR reported emissions and the AQIA reported emissions to estimate the GWP for the entire 70 years. The peak GWP occurs in year 30 in the FEIR and year 23 in the AQIA, and the GWP for the peak year (only) is about 16 percent higher in the AQIA than in the FEIR. However, this is a function of only the differences in waste receipt rate. For the entire 70 years, the total GWP in the FEIR is about 3 percent greater than in the AQIA. The average GWP emitted in the FEIR is about 155,000 metric tons per year CO<sub>2</sub> equivalent (CO<sub>2</sub>e), while the average GWP emitted in the AQIA is about 150,000 metric tons per year CO<sub>2</sub>e. Since global warming is a long term phenomenon (i.e., is not a function of a single peak year), the emissions reported in the FEIR indicate a greater GWP than reported in the AQIA.

Although the AQIA appears to show greater landfill gas generation in the landfill, since the AQIA is based on better capture and emissions control of the landfill gas (which will be required by the air permit), the GWP of the emissions reported in the AQIA is less than the FEIR. If the actual landfill gas capture is greater than the 90 percent assumed in the AQIA (which is very likely), then the GWP of the landfill reported in the AQIA will be much less than reported in the FEIR.

Please feel free to contact me at 303.840.4571 if you have any questions or need additional information.

Sincerely,  
**KLEINFELDER, INC.**



Russell E. Erbes, CCM  
Senior Principal Air Quality Scientist

Attachment: BAS Letter dated January 28, 2011



---

**BRYAN A. STIRRAT & ASSOCIATES**  
CIVIL AND ENVIRONMENTAL ENGINEERS

January 28, 2011

Russell E. Erbes, CCM  
Kleinfelder  
Chief Technical Officer  
10044 Granite Hill Drive  
Parker, CO 80134

**RE: BASIS FOR 90% LANDFILL GAS CAPTURE AT THE GREGORY CANYON LANDFILL**

---

Dear Mr. Erbes,

Bryan A. Stirrat & Associates (BAS) is pleased to present this letter explaining the basis for the capture of 90% or more of the landfill gas (LFG) produced at the proposed Gregory Canyon Landfill. The intent of this letter is to clarify the logic and methodology used to collect the majority of LFG being generated.

BAS was founded in 1984 to provide solid waste planning and engineering services. To date, BAS has performed projects at more than 200 landfill facilities in the western United States. This includes preparation of designs for final cover systems at 64 California landfills; and planning, design, and construction support for clean closure projects at 24 California landfills. Additionally, BAS has designed LFG extraction and treatments systems at 69 landfills throughout California, Arizona, Washington, and Montana. BAS' experience includes characterization and mitigation of landfill gas migration, clean-up of groundwater contamination, final cover system design, and implementation of innovative landfill clean closure strategies. Over the past 25 years, BAS has performed operations maintenance and monitoring (OM&M) services at numerous landfills in both California and Arizona to keep landfills in compliance with local landfill regulators, such as the South Coast Air Quality Management District (SCAQMD).

Some of the main factors involved in designing a LFG collection and treatment system:

- The first step in the design of a LFG collection and treatment system involves development of estimates of the amount of LFG which can be expected to be generated over a given time horizon. The EPA LandGEM model and expected tonnages accepted over the life of the landfill (Active Phase) are used to develop these estimates. Conservative assumptions for predicting LFG generation (e.g. Lo, k values) results in an estimated design flow.
- Federal New Source Performance Standards (NSPS) require that all collected gas must be routed to a control system designed and operated to either reduce Non-Methane Organic Compounds (NMOCs) by at least 98 percent by weight, or reduce the release of NMOC concentration to less than 20 parts per million by volume (ppmv). Additionally,

## BASIS FOR 90% LANDFILL GAS CAPTURE AT THE GREGORY CANYON LANDFILL

January 28, 2010

Page 2 of 2

NSPS requires monitoring of the landfill surface to verify that surface emissions of LFG are minimized, and thus maximize LFG extraction.

- In order to capture LFG being generated over the landfill area, BAS designs a network of vertical and horizontal wells across the entire landfill. Well spacing is determined based upon our experience, and/or through radius of influence calculations which include conservative assumptions (flow, permeability of trash, etc.), resulting in closer spacing of the wells than needed. This methodology helps prevent the migration of gas through the sides and surface of the landfill since the waste prism is placed under constant vacuum.
- With this in mind, BAS strives to design a system which can collect all of the LFG being generated over the entire area of the landfill.
- In addition, since 1994 all new Municipal Solid Waste (MSW) landfills or lateral expansions have required incorporation of bottom and slope liners comprised of very low permeability materials which further enhance LFG capture. Also, most landfills now feature low permeability closure caps designed to cover the surface of the landfill, which further captures any LFG which may otherwise be emitted through the surface.

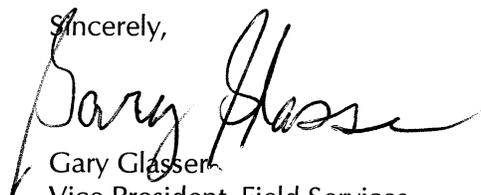
BAS has designed and operated LFG systems to meet or exceed California and Federal emissions regulations. These systems are capable of collecting 90% or more of the LFG. A typical design would include vertical wells at 200' spacing, however, if there are areas of concern around the perimeter, well spacing of 100-150' may be implemented. Depending on the design there may be few, if any, vertical wells during initial filling operations. During initial filling horizontal wells spaced approximately 200' on center, alternating direction every other lift or so would be installed. It is very problematic to install vertical wells until final elevations are reached. This is because the perforated pipe installed on the well will be 20' to 40' below the well elevation. As additional waste is placed there is no collection in the new waste lift unless more wells are added over the previous wells.

BAS implements these criteria as part of our OM&M services. By following these criteria, BAS expects that the vast majority of LFG will be captured by the collection system. However, all landfills are dynamic, changing, and settling due to the anaerobic decomposition of the organic matter in the waste prism. As a result gas systems must be continually maintained and upgraded by the installation of new wells in areas requiring more collection capacity. This is typical requirement at most active landfills.

In closing, BAS has the experience in the design, construction, operations, maintenance and monitoring of LFG collection and treatment systems which are capable of capturing up to 90% of generated LFG.

Should you require further clarifications, please feel free to contact me.

Sincerely,



Gary Glasser  
Vice President, Field Services  
Methane Gas Group

# ATTACHMENT B

## **Memorandum**

To: Bill Hutton, Law Offices of E. William Hutton, P.C., (818) 936-3480

From: Bill Magdych , Ph.D., Bill Magdych Associates, 858-412-7601

Date: 5/5/11

Re: Lack of Impacts from Litter Fence on Bridge over San Luis Rey River

As discussed in the May 10, 2010 EIR Addendum, a litter fence has been proposed for the bridge over the San Luis Rey River at the request of the San Diego Regional Water Quality Control Board, in order to comply with MM 4.4C5G and to reduce potential impacts from litter in the San Luis Rey River to less than significant.

This technical memorandum is written to analyze potential secondary impacts to bird flight patterns arising from the litter fence. Other potential impacts to biological resources from the litter fence are analyzed in Hagmann (2011) Air Quality, Health Risk, and Noise Technical Memorandum.

This litter fence does not have the potential to significantly affect bird flight, including that of endangered species such as least Bell's vireo and southwestern willow flycatcher. The fence will be of standard wire mesh fencing material, which is in common use throughout the region on bridges and other applications. Flying birds will be able to see it and avoid it, and there is little or no potential for bird strikes or entanglement. This is in contrast to the use of microfilament materials, which may not be as visible to birds, and that will not be used as part of the fencing material.

Birds, including those listed species with potential to occur in the area, and bats will be easily able to either fly over, under, or around the bridge deck and the litter fence. The height of the litter fence will not pose an impediment to bird flight, based on the preferred habitat, characteristics and behaviors of bird species present in this area. No adverse effects on such species are likely to occur and no take of listed species is expected from the litter fence on the bridge. This litter fence is part of the project under review by both the U.S. Fish and Wildlife Service and California Department of Fish and Game. The U.S. Fish and Wildlife Service is currently in ongoing review for Section 7 Consultation, and will render final findings during that process. The California Department of Fish and Game has previously reviewed this design and did not find adverse effects on birds or bats. The California Department of Fish and Game will render final findings in a Streambed Alteration Agreement for the bridge and also through Section 2081 permitting.

# ATTACHMENT C

# Memorandum

**To:** Bill Hutton, Law Offices of E. William Hutton, P.C., 818-936-3480  
**From:** Bill Magdych, Ph.D., Bill Magdych Associates, 858-412-7601  
**Date:** May 9, 2011  
**Subject:** Response to comments by Ted Winfield and Associates (April 4, 2011)

The letter from Ted Winfield and Associates (Winfield 2011) discusses several issues that have been previously addressed in the Gregory Canyon Landfill Project's previous CEQA compliance, as well as related permitting. The comments Winfield (2011) can be addressed in a few issue areas.

The letter includes a lot of discussion of modeling that has been performed for the project site and of flows on site, but that discussion is not applicable to conditions on the project site. It also misconstrues the context and application of work that has been performed to date. The letter also misrepresents findings by the U.S. Army Corps of Engineers (ACOE), and erroneously states that a letter from Richard Horner provides information that renders prior project modeling invalid. I have separately responded to Richard Horner's letter, but repeat some of the information from that response herein as it is relevant to comments in Winfield (2011) and its reference to the Horner letter.

Modeling has been performed on the project site for several purposes. A hydrology study was performed to provide sizing and location information for the site's storm drain facilities based on the final fill configuration (JTD Volume 1 Part C). The Rational Method was used according to the San Diego Hydrology Manual for the calculation of the peak discharge of a 24-hour, 100-year storm event, which is a very conservative approach. The Rational Method is among the more straight forward hydrologic models available, and it provides a conservative approach to predicting discharge events. Lichvar and Wakeley (2004) describe the Rational Method as a relatively simple technique and state: "*The Rational Method, originally designed for watersheds less than 200 acres in area, assumes uniform rainfall intensity over the whole watershed, a poor assumption in the Southwest, especially for larger watersheds, where thunderstorms are highly localized.*" Ideally, the Rational Method should not be applied to watersheds greater than 200 acres (Texas Department of Transportation 2009). Lichvar and Wakeley (2004) also cite Texas Department of Transportation (2002), which is an earlier version of the 2009 citation, as an authority on these matters.

Predicted discharges using the Rational Method are expected to be higher than those actually observed (as is the case with Gregory Canyon modeling using this method), especially when applied to very large surface areas greater than 200 acres and when conservative input parameters are applied as was the case with the Gregory Canyon modeling using this method. The Rational Method tends to predict discharge levels that

## Memorandum

are conservatively high, even more so for lower level storm events. Therefore, the resultant discharges predicted using the Rational Method are expected in this case to be larger than would really occur for a given design storm scenario, and this provides a substantial measure of protection when designing storm water features.

The HEC-1 modeling (URS 2004) was developed for ecological assessment purposes. It was used to evaluate likely surface flows that are expected to occur in Gregory Canyon, including those from low level rain events, in consideration of how often surface flow is actually observed in Gregory Canyon, how much flow actually occurs, and its likelihood to reach the San Luis Rey River. The results of this modeling were first compared to flows observed after a large storm event in January 2005 that produced a peak discharge at the mouth of Gregory Canyon of 26 cfs. This water flow in Gregory Canyon occurred after a total rainfall of 11.28 inches between December 25, 2004 and January 11, 2005, with most of the rain falling in the few days before and on January 10-11, 2005, based on the Couser Canyon rain gage, which is located approximately 0.25 miles west of the Gregory Canyon property. This is a very high level of rainfall. The 2005 rain year (July 2004 through June 2005) was the third wettest year on record in 155 years of record for the region. The annual peak discharge measured at the Oceanside, California U.S. Geological Survey (USGS) stream gage on the San Luis Rey River for this storm event was 21,800 cfs, which was the peak discharge for this storm event and also the third highest peak discharge recorded in the San Luis Rey River at Oceanside since 1930. The highest annual peak discharge recorded for the San Luis Rey River at Oceanside was 25,700 cfs in 1993. 96 percent of the annual peak discharges measured for the San Luis Rey River since 1930 at the Oceanside gage have been lower than the level experienced in 2005. The flood stage gage at Shearer Crossing Road registered a peak height of 5.1 feet for this 2005 flood. The water flow observed in Gregory Canyon that peaked at 26 cfs was the result of a very high level storm event that occurred in the third wettest year of record. This level of flow corresponded to an approximate 37-year flow event in the canyon based on evaluation of the HEC-1 modeling, which is very consistent with levels observed in the San Luis Rey River, as well as regionally. The peak discharge from this very extreme storm system produced relatively low flows from Gregory Canyon that were ephemeral in nature, and expressed in a short duration peaking event with rapid attenuation to a trickle shortly after the peak event.

Water flow was also observed in Gregory Canyon on January 22, 2010 during the 2010 rain year. The peak flow observed in the canyon was 4.7 cfs with a surface nexus to the San Luis Rey River of less than 12 hours based on direct observation. The peak discharge observed in the San Luis Rey River at Oceanside was 2,090 cfs (which was also the annual peak discharge for that rain year) and 75.6 percent of all measured annual peak discharges since 1930 are lower than this amount. The Shearer Crossing

## Memorandum

stage gage on the San Luis Rey River registered a peak height of 3.6 feet. The 4.7 cfs of flow in Gregory Canyon occurred at the end of this single storm event which occurred over several days after a total of 6.11 inches of rain measured on site. Flow in Gregory Canyon subsided shortly after the peak event (within hours). This observed flow was ephemeral in nature and consistent with the predictions of the HEC-1 modeling.

Water flow was also observed in Gregory Canyon on December 22, 2010 during the 2011 rain year. The peak discharge observed in the canyon was 22.2 cfs. The peak discharge observed in the San Luis Rey River at Oceanside was 6,810 cfs (this is also the annual peak discharge for the 2011 rain year) with 88.5 percent of all measured annual peak discharges lower than this amount. The Shearer Crossing stage gage on the San Luis Rey River registered a peak height of 6.05 feet. This measurement at Shearer Crossing indicates that the local peak flow level in the San Luis Rey River at the project site was approximately 1 foot higher than observed in 2005, even though the discharge level measured at Oceanside was lower than in 2005. The National Weather Service (2010) has described the December 22, 2010 storm as an extreme storm event in southern California with rainfall ranging from 400 to 800 percent of normal, with rains in San Diego County most intense in north county and inland (which describes the project site and watershed upstream of the project site for the San Luis Rey River). The limits of San Luis Rey River flooding observed on the Gregory Canyon property coincide with the limits of the 50-year floodplain for the San Luis Rey River (Excel Engineering 2011) on site, and in some cases went beyond this limit. The 22.2 cfs peak discharge in Gregory Canyon occurred at the end of this single storm event, which occurred over several days after a total of 8.05 inches of rain measured on site. Flow in Gregory Canyon subsided shortly after the peak event and the nexus of surface flow from Gregory Canyon to the San Luis Rey River was less than 12 hours based on direct observation. This observed flow was ephemeral in nature and consistent with the predictions of the HEC-1 modeling.

On site rain and potential flow has been directly monitored since 2001. The total connection of surface flow from Gregory Canyon to the San Luis Rey River during the past 11 years is less than 36 hours. Flow does not appear to be produced in Gregory Canyon to the San Luis Rey River until approximately 6 inches of rainfall occurs within a relatively continuous and short timeframe of several days, and flow has not been observed in the canyon developing from similar rain levels occurring over longer periods of time. Therefore, most rain storms do not produce flow in Gregory Canyon, which is also consistent with the HEC-1 modeling. The flow events observed in Gregory Canyon are not only rare, but appear to only occur with storms that exceed a 25-year or greater return frequency. Flows in the canyon are associated with high level storms that are ephemeral in nature, subsiding shortly after rain peaks and rapidly reduced to a trickle within less than a day, and with a nexus to the San Luis Rey river of only a few hours

## Memorandum

when the San Luis Rey River is in sufficient flood stage to meet the canyon drainage before it is able to percolate into the alluvial fan at the base of the canyon based on direct observation to date.

The HEC-1 modeling performed for the project predicts flows that are consistent with those rare flows observed on site, including flows from very high level storm events. This modeling also predicts the general lack of flow in Gregory Canyon which has been confirmed by direct observation during small to moderate rain events that do not produce flow. The flows predicted by the Rational Method performed for the hydrology study are 1 or more orders of magnitude greater than the flows actually observed for high level storm events. The flows predicted by the Rational Method are extremely unlikely to occur in the canyon and use of these predicted flows for design purposes should provide a substantial level of extra capacity in the system.

Models used should be evaluated based on the purpose of the model in the given situation and application. In this case, the use of the Rational Method for purposes of design of storm water conveyance features produces results that provide a substantial level of protection compared to other models because the result is design of the system to accommodate flows much higher than are likely to occur in the system. For the purposes of understanding the flows that are likely to actually occur in the system, especially for ecological purposes, the predictions from existing HEC-1 modeling is very close to direct observations on site and has been applied in a technically sound manner that is confirmed by direct observation.

The letter states that the ACOE found the HEC-1 modeling performed by URS (2004) somehow incorrect and that the ACOE discredited that modeling. Those assertions are incorrect. The ACOE had made a jurisdictional determination (JD) that found no jurisdictional waters of the U.S. in 2004. This non-jurisdictional finding by the ACOE was based on physical evidence in the canyon when it made its final determination in accordance with ACOE rules, regulations, and guidance at that time. Comments had been received from a consultant to the Pala Tribe questioning the JD, and that consultant challenged the modeling that had been performed and that had been used as supplementary information in the JD. The large storm event in January 2005 occurred in this timeframe which lead to further questions by the Pala Tribe at that time. The ACOE subsequently concluded that the original finding by the ACOE of no jurisdiction in Gregory Canyon at that time was valid, and included reference to the URS (2004) modeling as supplementary information used in its findings.

The original non-jurisdictional finding by the ACOE had a duration of five years and expired after the ACOE (Lichvar and McColley 2008) issued a new manual for determining the ordinary high water mark (OHWM) in arid regions of the U.S. This new manual provided for determining an OHWM in areas that previously would not have

## Memorandum

been found to have an OHWM, thus expanding regulable areas relative to prior rules, regulations, and policies. The ACOE applied this new manual during a new JD that was performed after the prior ACOE-approved JD expired, and the ACOE found jurisdictional waters of the U.S. in Gregory Canyon using this new methodology. It also found many areas in Gregory Canyon did not possess an OHWM, as did the findings of the prior ACOE JD.

There were two documents prepared by the ACOE supporting its 2010 JD: 1) a report by ERDC (2009); and 2) findings by the ACOE Los Angeles District (LAD) (ACOE 2010). The ERDC report discussed prior modeling performed for this project, including URS (2004) HEC-1 modeling, and commented that more detailed HEC models that include consideration of antecedent rainfall in a more detailed manner may provide more accurate modeling results; however, it did not discredit the URS (2004) HEC-1 modeling, which was previously reviewed and accepted by the ACOE. The ERDC report also suggested that use of site specific rainfall data would be helpful in better understanding the potential for flow in Gregory Canyon. The ACOE LAD JD took a different approach. It went back to the modeling that was performed using the Rational Method and that was intended for use in the conservative design of channels for storm water conveyance and, with a few modifications to the original Rational Method modeling, produced results that it used to supplement its findings of jurisdiction in Gregory Canyon. The ACOE LAD modeling calculated a discharge of 343.50 cfs for a six-hour five-year storm using the Rational Method. A glaring problem with this calculation is that discharges of that level have never been observed in Gregory Canyon. Furthermore, direct observation during some of the wettest years on record that had continuous rainfall from smaller rain events over prolonged periods of time, and during some of the most extreme storm events on record, have not produced flows in the canyon above 26 cfs.

It is clear that the prediction of 343.50 cfs for a five-year six-hour storm produced by the ACOE's Rational Method modeling has no basis in reality (it is more than 13 times the level of flow observed in Gregory Canyon during the third wettest year in 155 years of record). Lichvar and Wakeley (2004) suggest that the Rational Method may be useful as a relatively quick and dirty means for scoping out a potential set of flood limits to help a field researcher focus in on areas to look for an OHWM, by looking within those limits. However, Lichvar and Wakeley (2004) then suggest the use of more refined modeling methods, including HEC-1, to determine more realistic estimates of flow and flood conditions.

It is interesting to note that several consultants to parties, such as the Pala Tribe and the NRDC, that are opposed to the Gregory Canyon Landfill Project have commented on the modeling performed for the project and the application of models for use on the project. Each of these sets of comments has tried to find ways to suggest that the

## Memorandum

project's modeling is invalid, discredited, or otherwise unsuitable and that more work should be done. The initial comments suggested that more refined or detailed models should be developed because methods like the Rational Method were not suitable. The URS (2004) HEC-1 modeling is a more refined model consistent with Lichvar and Wakeley (2004), and the URS (2004) HEC-1 modeling has been further supplemented and confirmed through direct measurement of rainfall on the site and direct observation of flows during large to extremely large storm events. Winfield (2011) now comes full circle by asserting that use of the Rational Method, as applied by the ACOE as a supplement to its 2010 JD, discredits the prior HEC-1 modeling because the Rational Method is representative of conditions on the project site. This is obviously incorrect.

A watershed of this limited size that had water flow on a regular basis and that could produce a five-year storm flood flow of 343.50 cfs would have water in it many, many times during portions of each year. Flows of this frequency and magnitude would produce a large scour area in a channel with a clear bed, bank, and channel devoid of vegetation and a clear line impressed on the bank indicative of an OHWM. This does not occur in Gregory Canyon. Instead, we have a narrow erosional feature that supports upland herbaceous plants and shrubs across its thalweg that would not and could not persist in the presence of such predicted water flow. We also have direct observation that water flow in Gregory Canyon is a very rare event, of very low discharge level, and that only has a nexus of surface flow via flood waters of the San Luis Rey River on the order of a few hours on a decade by decade basis. Consider this discussion by ACOE (2001): *"For many small desert wash systems, the presence of continuous well-developed upland vegetation in the stream channel is a good indicator that it only conveys surface flow during extremely large storm events and, as a result, would not usually constitute a jurisdictional water of the United States."*

The letter comments on the WILD beneficial use in Gregory Canyon and draws in considerations of wildlife corridors and coast live oak (*Quercus agrifolia*) distribution to support his positions. The WILD beneficial use is defined in the San Diego Basin Plan as: *Includes uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.* The use of water that supports terrestrial ecosystems has been addressed in the project's CEQA compliance and its subsequent permitting. The primary issue in such potential use on site is that surface water flow in Gregory Canyon and elsewhere on site except for the San Luis Rey River is very rare, does not occur in most years, is of short duration, and is at very low discharge levels when it does occur. This means that the contribution of such water is very small, and in fact, the character of the habitat in drainage and erosional features on site, including Gregory Canyon, is that of the uplands adjacent to those features.

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The letter's comment that coast live oak distribution is indicative of a support function supplied by surface water on site is not substantiated by the actual distribution of coast live oaks on site relative to environmental factors in those areas. The coast live oaks on site occur in areas with deeper soils and/or rock fractures that allow for development of the oak's root structures to sustain the coast live oaks in each location, both physically by allowing for lateral and tap root development, and to take advantage of rainfall as it percolates through the soils. This is in contrast with areas dominated by coastal sage scrub and/or chaparral that occur in areas with thinner soils that would not provide for the oak's root development. The coast live oaks on site occur on the upland terraces along the canyon mainstem, usually 5 to 20 or more feet above the thalweg of the mainstem, and they also occur on broad hills in the canyon and even on the top portions of Gregory Mountain. Their primary source of water is direct rainfall and there is no groundwater table in the canyons on site that would have water readily available to the roots of the coast live oaks on site. Once water starts to enter the shallow fractured bedrock on site, it goes deep and beyond depths easily available to vegetation on site. Impacts on coast live oaks, as well as site hydrology, have been evaluated in the project's CEQA compliance and related permitting. The impacts on coast live oaks will be fully mitigated by the project.

The letter comments that the whole site supports wildlife and that it is integrated within the larger landscape. We are aware of this, and impacts on wildlife and its habitat on site and in the region have been addressed in the project's CEQA compliance and related permitting. This far exceeds concepts of a WILD beneficial use support function. One of the very positive features of the project is that it will preserve over 1,300 acres of habitat on the property, including creation of native habitat in prior disturbed and developed land and enhancement of habitat in the remaining portions of this very large preserve area. The riparian corridor along the San Luis Rey River will be substantially improved through the restoration of native habitats that were present prior to the 1930's and that substantially improve the WILD beneficial use for the San Luis Rey River system on a landscape level. All of this will create a fit and vibrant network of habitat that maintains and improves upon existing habitat connectivity all around the property.

The letter comments on mitigation phasing. Winfield (2011) emphasizes that a traditional approach to mitigation is the ordered sequence of avoidance, minimization, and compensation. This project has been subject to some of the most intensive environmental review and scrutiny that have occurred for any project in the past 20 years. Avoidance, minimization, and compensation sequencing has been applied to this project, and tested through litigation. The CEQA compliance for this project, including its mitigation measures, has been fully adjudicated and is final. More importantly, the mitigation measures have been developed to avoid impacts where feasible, minimize impacts to the extent feasible, and then to fully compensate for

## Memorandum

remaining impacts. This mitigation process included consideration of phasing of impacts and mitigation measures. This is a very long term project and impacts from the project will be spread out over many, many years. Individuals who are primarily familiar with projects that occur within one or even several years may not be familiar with phased mitigation; however, people familiar with projects that have phased impacts over 20 to 30 years understand that phasing of mitigation measures is common. Also, phasing of mitigation measures on even shorter term projects occurs whenever such phasing is appropriate.

The mitigation measures for this project have been developed to provide compensation for the project's adverse effects, including consideration of temporal effects and phasing during the project's fully adjudicated CEQA process. Implementation of the mitigation measures will be monitored by a large number of permitting and compliance agencies whose role is to perform such monitoring, and these agencies are responsible for determining the success of all mitigation measures.

The letter questions what surface drainage features should be considered as waters of the State pursuant to permitting by the San Diego Regional Water Quality Control Board (RWQCB). The RWQCB has jurisdiction pursuant to Section 401 of the Federal Clean Water Act for fill of waters of the U.S. The RWQCB also has jurisdiction to surface waters of the State pursuant to the Porter Cologne Water Quality Act. The federal waters of the U.S. have been delineated by the ACOE and that is what the RWQCB must consider pursuant to Section 401 Certification. Beyond that, RWQCB has conservatively determined that erosion features that do not bear an OHWM, are dominated by the same upland vegetation found next to them, that lack a bed, bank, and channel, and have never been observed to bear surface water flow should be compensated for. While the project in good faith does not necessarily concur that all of these features are waters of the state, it has proposed to provide compensation as requested by RWQCB.

It is apparent that the comments made in the letter are not based on a full understanding of the conditions on site, the application of models for the project, the context of the project's impact analyses, as well as the actual conditions on site regarding hydrology, habitat, and beneficial uses have been directly observed, and that clearly document the extremely rare nature of surface flow in Gregory Canyon , its low levels and short duration when flow does occur, and minimal support functions within the watershed. The project's CEQA compliance has addressed these issues and CEQA has been fully litigated and is final. No new information has been presented.

Citations:

## Memorandum

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U.S. Army Corps of Engineers (ACOE). 2001. Final Summary Report: Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest. U.S. Army Corps of Engineers, South Pacific Division.

U.S. Army Corps of Engineers (ACOE). 2010. Memorandum for Record. Significant Nexus (SN) Determination of Gregory Canyon to the San Luis Rey River Estuary (TNW) for the proposed Gregory Canyon Landfill project (SPL-1988-2007000-TO).

Winfield, T.P. 2011. Letter to Mike Porter, San Diego Regional Water Quality Control Board. Ted Winfield and Associates. April 4, 2011.

# ATTACHMENT D

**Table 1. Permanent Impacts on Waters and Drainages within Project footprints**

<b>USACE 2010 jurisdictional waters of the United States in Gregory Canyon</b>			
<b>Tributary</b>	<b>Width (ft)</b>	<b>Length (ft)</b>	<b>Area (ac)</b>
G - Canyon Mainstem	3.92	4,765	0.430
<b>USACE 2010 Federal non-jurisdictional drainages without significant nexus</b>			
<b>Tributary</b>	<b>Width (ft)</b>	<b>Length (ft)</b>	<b>Area (ac)</b>
G2	3	292	0.020
G5	3.1	371	0.030
G6	4.5	1,163	0.120
G7	9	581	0.120
G9	2.2	595	0.030
Subtotal:		3,002	0.320
<b>USACE 2010 Federal non-jurisdictional upland features without an ordinary high water mark</b>			
<b>Tributary</b>	<b>Width (ft)</b>	<b>Length (ft)</b>	<b>Area (ac)</b>
G1	1	901	0.021
G2	1	515	0.012
G3	1	646	0.015
G4	1	183	0.004
G5	1	385	0.009
G8	1	396	0.009
G10	1	607	0.014
G11	1	98	0.002
A2	1	713	0.016
A4	1	172	0.004
C	1	264	0.006
Subtotal:		4,880	0.112
<b>USACE 2010 Federal non-jurisdictional isolated drainages</b>			
<b>Tributary</b>	<b>Width (ft)</b>	<b>Length (ft)</b>	<b>Area (ac)</b>
A	1	2,566	0.059
A1	1	453	0.010
A3	1	403	0.009
Subtotal:		3,422	0.078
<b>Total USACE 2010 Features above:</b>		<b>16,069</b>	<b>0.940</b>
<b>San Luis Rey River Bridge Crossing using USACE 2010 Delineation</b>			
<b>River</b>			<b>Area (ac)</b>
San Luis Rey River*			<0.100
<b>Summary of all of the above features</b>			
<b>Grand Total:</b>		<b>16,069</b>	<b>&lt;1.000</b>

\* The San Luis Rey River will be impacted by bridge piers that have a small footprint. Length of impacts is not appropriate to this consideration of impacts and area is the most relevant impact consideration here.

May 9, 2011  
JN: 95.035

Mr. Jack Miller  
County of San Diego Department of Environmental Health  
Solid Waste Local Enforcement Agency  
5500 Overland Drive, Suite 1100  
San Diego, California 92123

**RESPONSE TO COMMENTS  
SOLID WASTE FACILITY PERMIT  
GREGORY CANYON LANDFILL  
SAN DIEGO COUNTY, CALIFORNIA**

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Geo-Logic Associates (GLA) has reviewed the letter from Aleshire & Wynder, LLP including the letter from Strategic Engineering & Science (SES) dated April 8, 2011 commenting on the updated 2011 Joint Technical Document prepared for the Gregory Canyon Landfill (GCLF). As the firm responsible for providing geologic, hydrogeologic and geotechnical expertise on the GCLF project, GLA has prepared this letter to respond to the key comments. The following sections address these key comments.

The first comment indicates that the groundwater monitoring network is sparse and that prediction of the depth to groundwater is difficult in many locations. GLA disagrees with this statement. The network of groundwater monitoring wells was developed over the course of extensive site characterization work. Possible groundwater flow conditions were extensively evaluated (since 1996) and based on the data obtained, a network of wells was developed to monitor the groundwater, with particular focus on the groundwater between the base of the landfill and the San Luis Rey River Valley. Groundwater elevation data has been collected periodically over the past 15 years from the groundwater monitoring wells and the groundwater levels have exhibited some fluctuations. This has been accounted for in the landfill design, primarily through the subdrain system that is discussed later in this response.

In addition, since impairment of water quality was identified as a potential long-term issue that could impair beneficial uses of water, the GCLF was designed with a liner system that goes well beyond the requirements of 40 CFR Part 258. It incorporates a total of five containment layers, a LCRS, and a leak detection/drainage layer between the two sets of containment layers to provide an early detection system and collection of contaminants before it reaches the lower set of containment layers. In addition, a bottom subdrain underneath the liner system is designed to capture any groundwater seepage and would provide a final mechanism to remove any contaminants before they reach the underlying fractured bedrock formation.

SES has indicated some concern that the groundwater flow boundary along the western ridgeline is not supported. From the outset of the hydrogeologic characterization, a number of possible flow conditions were considered including an alternative groundwater contour map similar to that developed by SES. In addition to existing well GMP-3, which is dry to a depth of 81 feet (384 feet mean sea level [msl]), GLA drilled well GLA-9 to a depth of 300 feet (315 ft msl) and boring GLA-

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17 to a depth of 500 feet (approximately 250 feet msl) and performed downhole video inspections of the two GLA constructed wells. The results are summarized in the Supplemental Hydrogeologic Investigation Report (GLA, 2004), which concluded that the fractures in these boreholes are filled by mineralization that appears to be younger in age and related to stresses and hydrothermal activity along the Elsinore fault. The results of the cumulative studies conducted for the GCLF project indicated that the western ridgeline is relatively unweathered, and the few fractures that do exist are relatively isolated and do not transmit significant groundwater. The wells at the base of the western ridgeline generally transmit groundwater from a single fracture and are very poor producers, recovering over a period of days. Therefore, GLA firmly believes that the current interpretation with groundwater focused within the largely weathered zone down the center of Gregory Canyon is correct.

SES indicates that there are insufficient wells within the Gregory Canyon to evaluate the groundwater elevations within the canyon thalweg. GLA disagrees that additional wells are required to characterize the groundwater flow conditions within the central portion of Gregory Canyon. During our initial characterization work, reconnaissance was performed to attempt to gain access into the canyon and construct one or more wells within the central portion of the canyon between wells GLA-8 and GMP-2. However, there was no physical access into this area of the canyon without extensive disturbance to the canyon. Furthermore, with the number of wells that have been constructed within the canyon, the contours that are presented on our maps depict a reasonable and predictable groundwater flow gradient within the canyon. These contours were used to develop the base grade for the landfill design. In addition, as presented above, the landfill design includes a subdrain system to intercept and capture groundwater seepage, in the event of a high fluctuation in the groundwater elevation beneath the landfill. As designed, at no time will the groundwater elevation rise to within 5 feet of the base of waste.

SES has indicated that the flow direction along the western ridgeline is not well understood. As stated above, GLA has performed extensive site characterization work on the project site and has considered several alternative flow conditions as part of the characterization. In fact, boring GLA-17 was drilled to a depth of 500 feet to further assess the more westerly flow condition. However, based on the body of work performed, GLA is firmly confident that the current interpretation of the groundwater flow conditions is correct.

SES states that there is insufficient groundwater quality data available prior to construction. In accordance with guidance from the Regional Water Quality Control Board – San Diego Region, GLA has collected 16 rounds of sample data from the existing monitoring wells. In addition, a minimum of 10 to 12 additional sampling rounds will be obtained from additional wells that are to be added to the groundwater monitoring network identified by the recent Workplan for Additional Groundwater Monitoring Wells developed for the RWQCB with input from Dr. David Huntley. The RWQCB has indicated that an accelerated sampling program will be an acceptable approach to obtain the additional water quality data prior to waste acceptance. This is consistent with Title 27 requirements, which require adequate background sampling prior to waste acceptance. The exact schedule will be determined with input from the RWQCB and based on the landfill construction schedule.

SES indicated concern that with additional air space available through the use of Alternative Daily Cover (ADC), there would be additional truck trips through the area. However, under the current permit conditions, regardless of additional airspace achieved through the use of ADC and processed green materials, site traffic is limited to a maximum of 675 trucks per day.

SES expresses concern about the overall drainages of surface water at the GCLF with respect to the drainage of the desilting basins. However, it should be noted that the elevation of the desilting basins are down gradient and below the lowest elevations of the bottom grades of the landfill. Therefore, no analysis of the potential effect that surface water infiltration has on groundwater under the landfill is required.

SES notes that the groundwater monitoring plan has not been modified to include additional wells proposed in the workplan for additional groundwater monitoring wells. However, the additional wells are proposed for inclusion into the groundwater monitoring network and the groundwater quality monitoring program. A modified monitoring and reporting program will be prepared following well construction with the additional well specifications.

SES recommends that the existing Contingency Plans be developed and approved before construction begins. Preparation of the Water Replacement Contingency Plan will be prepared and submitted to the RWQCB in accordance with the requirements of the adopted site-specific Waste Discharge Requirements. Considering that the facility will be in construction for a significant period of time before waste acceptance begins, GLA disagrees that these plans should be prepared prior to construction. Also, SES, which has provided its comments on behalf of SLRMWD, should have been aware that GCLF is contractually obligation to provide a \$100,000,000 environmental impairment liability policy to the benefit of SLRMWD.

SES indicates that the current corrective action cost estimate does not address the known or reasonably foreseeable corrective actions for the non-water release corrective actions. Recognizing that this is a new requirement, the Corrective Action Plan, which is a dynamic document, will be revised in the near future.

SES reviewed the financial information to fund the closure and the post-closure operations and maintenance of the GCLF. Based on discussions with Bryan A. Stirrat & Associates staff, the estimate of closure cost is considered to be adequate. These cost estimates are updated every five years during the Solid Waste Facility Permit review process. The review ensures that costs adequately reflect current market conditions. Additionally, a 20% contingency is included in the closure cost estimate. The closure and post-closure cost estimates are currently being reviewed by Cal Recycle. If in the opinion of Cal Recycle additional funding is need for either closure of post-closure operations and maintenance, it will be addressed.

The GCLF project has included extensive evaluation by many experienced professionals. The JTD received a thorough review by a third party prior to its submittal in 2011. In addition, both the LEA and the San Diego RWQCB have spent significant time in reviewing project documents to ensure that this project is of the highest quality and the most protective of the environment.

GLA hopes that the LEA will consider the comments presented above and recognize that the current documents are adequate for permitting. If you have any questions, please call me at (858) 451-1136.

Geo-Logic Associates



Sarah J. Battelle, CHG  
Vice President

Received

MAY 10 2011

Walter E. Rusinek  
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E-mail: walter.rusinek@procopio.com

May 9, 2011

Mr. Jack Miller  
County of San Diego Department of  
Environmental Health  
Local Enforcement Agency  
5500 Overland Drive, Suite 110  
San Diego, CA 92123

Re: Proposed Gregory Canyon Landfill

Dear Mr. Miller:

Enclosed is a copy of the Five-Year Review Report of the County Integrated Waste Management Plan for the County of San Diego. This document should be considered prior to any decision being made on the proposed solid waste facility permit.

Sincerely,



Walter E. Rusinek

WER/mkk  
Enclosure

**FIVE-YEAR REVIEW REPORT**  
of the  
**COUNTY INTEGRATED WASTE MANAGEMENT PLAN**  
for the  
**COUNTY OF SAN DIEGO**

Prepared by the

**COUNTY OF SAN DIEGO  
DEPARTMENT OF PUBLIC WORKS**

March 23, 2011

**COUNTY OF SAN DIEGO**  
**Five-Year CIWMP/RAIWMP Review Report**  
**March 23, 2011**

<b>SECTION 1.0 COUNTY OR REGIONAL AGENCY INFORMATION</b>			
I certify that the information in this document is true and correct to the best of my knowledge, and that I am authorized to complete this report and request approval of the CIWMP or RAIWMP Five-Year Review Report on behalf of:			
County or Regional Agency Name County of San Diego		County San Diego	
Authorized Signature 		Title Deputy Director	
Type/Print Name of Person Signing Donna Turbyfill	Date 3/23/11	Phone (858) 505-6470	
Person Completing This Form (please print or type) Stephanie Ewalt	Title Recycling Specialist II	Phone (858) 694-2458	
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### SECTION 2.0 – BACKGROUND

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This is the County of San Diego's second Five-Year Review Report since the approval of CIWMP.

The following changes have occurred since the approval of the County of San Diego's planning documents or the last Five -Year CIWMP.

None of the following have occurred.

- Diversion goal reduction
- New regional agency
- Changes to regional agency
- New city (none)
- Other \_\_\_\_\_

### SECTION 3.0 LOCAL TASK FORCE REVIEW

- a. In accordance with Title 14 CCR, Section 18788, the Local Task Force (LTF) reviewed each element and plan included in the CIWMP:

At the 2/24/11 and 3/15/11 LTF meetings.  Electronically (fax, e-mail)  Other:

The Citizens Advisory Committee reviewed and voted in favor of this report on February 24, 2011. The meeting minutes in Appendix B reflect this.

The Technical Advisory Committee also voted and approved this report. This committee provided an approval letter on March 15, 2011 and that is also included in Attachment B.

- b. The County of San Diego received no written comments from the LTF.

### SECTION 4.0 - TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 18788 (3) (A) THROUGH (H)

San Diego County CIWMP documents, accompanied by individual annual reports, continue to serve as appropriate reference tools for implementing and monitoring compliance with AB939. The goals, objectives, and policies in the elements are still applicable.

The subsections below address the areas of change specified in the regulations, and provide specific analysis regarding the continued adequacy of the planning documents including a determination regarding any need for a revision to one or more of the planning documents.

#### SECTION 4.1 – CHANGES IN DEMOGRAPHICS IN THE COUNTY OR REGIONAL AGENCY

Tables 1a and 1b below depict the County of San Diego's demographic data. The rate of change for population and employment is shown from 2000 to 2008.

San Diego County experienced a high rate of population and economic growth from 2000 to 2008. Population changes vary from jurisdiction to jurisdiction. Countywide, population increased 11% with one jurisdiction growing by 50% (San Marcos) since 2000 and one jurisdiction dropping 4% (Coronado). The Countywide employment rate grew by 7%.

The jurisdictions in the County of San Diego have responded to increases in population with a variety of different measures, including adding new or improved solid waste management and more recycling programs, instituting mandatory recycling requirements, and providing technical assistance for residents and businesses, all of which help meet AB939 requirements.

Seventeen of the 19 San Diego jurisdictions exceeded the 50% diversion requirement by 2006 (Table 4). The highest diversion rate reached in the county was Solana Beach with 68%. Lemon Grove and Vista fell below the 50% diversion requirement, and continue to work with the State to increase their diversion rates.

Tables 2 and 3 illustrate changes in the quantities of waste generated and disposed within the county. Table 2 illustrates the countywide waste generation in 2000 and 2006 including the rate of change between those years. Table 3 shows San Diego's solid waste disposal tonnages in 2000 and in 2008 and also includes the rate of change. Table 4 summarizes each jurisdiction's progress in implementing the Source Reduction and Recycling Element (SRRE) and compliance with the 50% diversion rate requirement. In 2007, AB1016 changed the diversion reporting from a percentage calculation to a target of daily pounds per capita disposal based on each jurisdiction's

average waste generation from 2003 through 2006. In Table 4, years 2007 and 2008 are displayed as 50% equivalent per capita disposal.

Further analysis of generation and disposal of solid waste appear in Section 4.2

**Table 1a. Demographics of Jurisdictions in San Diego County from 2000 through 2008**

<b>Population</b>				
	<b>2000</b>	<b>2008</b>	<b>2000-2008</b>	<b>2000-2008</b>
<b>Jurisdiction</b>	<b>Total Population</b>	<b>Total Population</b>	<b>Difference</b>	<b>% Change</b>
Carlsbad	78,247	103,406	25,159	32%
Chula Vista	173,556	230,397	56,841	33%
Coronado	24,100	23,030	-1,070	-4%
Del Mar	4,389	4,561	172	4%
El Cajon	94,869	97,555	2,686	3%
Encinitas	58,014	63,615	5,601	10%
Escondido	133,559	143,259	9,700	7%
Imperial Beach	26,992	28,092	1,100	4%
La Mesa	54,749	56,445	1,696	3%
Lemon Grove	24,918	25,511	593	2%
National	54,260	56,144	1,884	3%
Oceanside	161,039	178,102	17,063	11%
Poway	48,044	50,744	2,700	6%
San Diego	1,223,400	1,333,617	110,217	9%
San Marcos	54,977	82,419	27,442	50%
Santee	52,946	55,850	2,904	5%
Solana Beach	12,979	13,447	468	4%
Unincorporated County	442,919	489,958	47,039	11%
Vista	89,857	95,400	5,543	6%
<b>Countywide</b>	<b>2,813,833</b>	<b>3,131,552</b>	<b>317,719</b>	<b>11%</b>

Source: 2000 and 2008 Population Figures: SANDAG Website: <http://datawarehouse.sandag.org/>

<b>Table 1b. Employment in San Diego County from 2000 through 2008</b>			
<b>Employment Factor</b>	<b>2000</b>	<b>2008</b>	<b>% Change</b>
<b>Countywide Employment</b>	1,407,152	1,501,080	7%

Source: 2000 and 2008 Employment, Figures: SANDAG Website: <http://datawarehouse.sandag.org/>

**SECTION 4.2 CHANGES IN QUANTITIES OF WASTE WITHIN THE COUNTY OR REGIONAL**

AGENCY; AND CHANGES IN PERMITTED DISPOSAL CAPACITY AND WASTE DISPOSED IN THE COUNTY OR REGIONAL AGENCY.

Between 2000 and 2006, the quantity of solid waste generated within the County increased by 33% from 2000 to 2006, totaling 2,154,506 tons (Table 2). All jurisdictions generated more solid waste. Jurisdictions with the greatest increases over the seven years were Chula Vista, Oceanside, San Marcos, and Santee. Countywide solid waste disposal dropped by one percent between 2000 and 2008.

The 2005 Siting Element of the Countywide Integrated Waste Management Plan (CIWMP) measured an annual rate of increase in the disposal rate to landfills of approximately 5.4 percent from 1995 to 2003. At that time, the growth was expected to slow to a 3.4% increase per year from 2005 to 2017, accommodating projected changes in population growth (Figure 1), and assuming a 50 percent diversion rate.

In 2005, regression analysis predicted an increase from 3.7 million tons landfilled in 2002 to 6.1 million tons disposed in landfills by 2017. By 2017, county daily permitted tonnage at the landfills would be saturated. This did not include proposed expansions at Sycamore Landfill. Considering the 2002 permitted daily tonnages, and predicted landfill expansions, plus exports minus predicted imports, the mean value of the regression predicted sufficient landfill space will be available until 2028.

In 2005, the proposed Gregory Canyon Landfill was assumed to come on line later that year, but opening has been delayed. In this analysis, Gregory Canyon is assumed to open in 2015, though the actual year is unclear.

In 2005 landfilled tonnages were at their peak in San Diego County, and tonnage has fallen dramatically from 2006 through 2010 by about one million tons. No single factor has been identified for this precipitous drop, but the economic recession has caused more people and businesses to discard less waste. Another strong reason for the reduced landfilling rate has been increased conservation and recycling activities. Xeriscape landscaping, which reduces production of green waste, is more widely used, compost facilities have expanded, jurisdictions have implemented mandatory recycling ordinances, and there are several new construction and demolition recycling facilities.

The one million-ton decrease in solid waste disposal between 2006 and 2010 had a significant effect on the statistical prediction for landfill space needs in the county. The tonnage reduction and two new major landfill expansions, one at Miramar Landfill and one at Sycamore Landfill, have changed the county's capacity (Figure 1).

Following the approved method of prediction in the previous Siting Element (2005) a linear regression model was used to plot future disposal trends by using disposal data from 1995 through 2009. The trend line projects a gradual increase in disposal from 2010 to 2030. The data fit a linear regression for predictability ( $R^2 = 0.3338$ ) through the required 15 years estimation period (2010 – 2025).

Using current tonnage figures through 2009 in Figure 1, the decrease in disposal tonnage from 2006 through 2009 results in approximately one million additional tons capacity, which equates to approximately two million cubic yards of additional landfill space.

<b>Table 2 - Solid Waste Generation Tonnage Comparison for San Diego County 2000 to 2006</b>				
<b>Jurisdiction</b>	<b>2000</b>	<b>2006</b>	<b>2000-2006 Difference</b>	<b>2000-2006 % Change</b>
<b>Carlsbad</b>	264,304	307,568	43,264	16%
<b>Chula Vista</b>	228,243	440,359	212,116	93%
<b>Coronado</b>	91,864	118,604	26,740	29%
<b>Del Mar</b>	29,841	34,943	5,102	17%
<b>El Cajon</b>	219,618	276,813	57,195	26%
<b>Encinitas</b>	140,997	177,226	36,229	26%
<b>Escondido</b>	250,584	316,120	65,536	26%
<b>Imperial Beach</b>	34,392	42,536	8,144	24%
<b>La Mesa</b>	104,714	133,080	28,366	27%
<b>Lemon Grove</b>	35,976	44,689	8,713	24%
<b>National City</b>	129,395	162,638	33,243	26%
<b>Oceanside</b>	249,588	405,545	155,957	62%
<b>Poway</b>	160,494	181,642	21,148	13%
<b>San Diego</b>	3,299,472	4,211,231	911,759	28%
<b>San Marcos</b>	156,773	239,316	82,543	53%
<b>Santee</b>	89,468	134,590	45,122	50%
<b>Solana Beach</b>	35,484	45,997	10,513	30%
<b>Unincorporated County</b>	819,238	1,195,560	376,322	46%
<b>Vista*</b>	216,395	244,889	28,494	13%
<b>County Total</b>	<b>6,558,840</b>	<b>8,713,346</b>	<b>2,154,506</b>	<b>33%</b>

**Sources**

Source: 2000 and 2006 Figures: CalRecycle: <http://www.calrecycle.ca.gov/LGCentral/Tools/mars/DrmcMain.asp>

**Table 3. Solid Waste Disposal Tonnage Comparison for San Diego County 2000 to 2008**

Jurisdiction	2000	2008	2000 - 2008 Difference	2000 - 2008 % Change
<b>Carlsbad</b>	109,479	122,397	12,919	12%
<b>Chula Vista</b>	150,767	174,583	23,815	16%
<b>Coronado</b>	40,859	47,870	7,011	17%
<b>Del Mar</b>	14,603	10,376	-4,228	-29%
<b>El Cajon</b>	97,985	105,222	7,237	7%
<b>Encinitas</b>	70,646	68,583	-2,063	-3%
<b>Escondido</b>	133,573	141,991	8,417	6%
<b>Imperial Beach</b>	17,952	12,894	-5,058	-28%
<b>La Mesa</b>	63,943	37,265	-26,678	-42%
<b>Lemon Grove</b>	22,733	21,557	-1,177	-5%
<b>National City</b>	61,122	52,009	-9,113	-15%
<b>Oceanside</b>	135,458	136,715	1,257	1%
<b>Poway</b>	56,414	62,420	6,006	11%
<b>San Diego</b>	1,723,501	1,544,891	-178,610	-10%
<b>San Marcos</b>	84,067	89,132	5,065	6%
<b>Santee</b>	60,281	52,184	-8,097	-13%
<b>Solana Beach</b>	19,240	16,412	-2,828	-15%
<b>Unincorporated San Diego County</b>	461,371	613,270	151,898	33%
<b>Vista</b>	110,040	104,187	-5,854	-5%
<b>County Total</b>	3,434,036	3,413,957	-20,079	-1%

Sources: 2000 and 2008 Figures: CalRecycle:  
<http://www.calrecycle.ca.gov/LGCentral/Reports/DRS/Origin/WFOrgin.aspx>

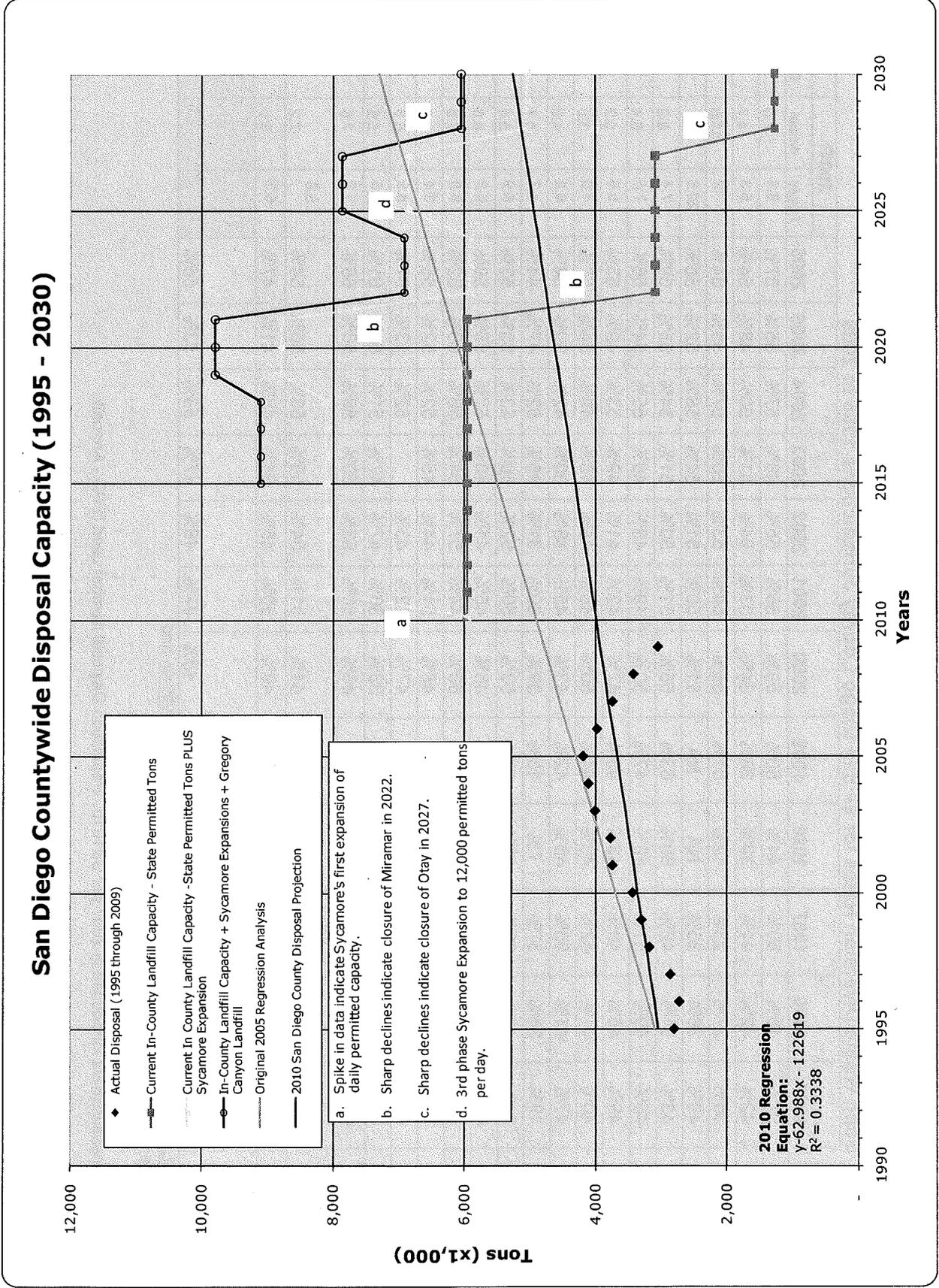
**Table 4. Solid Waste Diversion Rates for all San Diego County Jurisdictions 1995 to 2008**

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007*		2008*	
													Target	Actual	Target	Actual
<b>Carlsbad</b>	57%	48%	50%	44%	50%	59%	55%	55%	48%	57%	55%	57%	8.4	7.0	8.4	6.5
<b>Chula Vista</b>	42%	42%	41%	39%	36%	34%	53%	54%	51%	50%	48%	54%	5.3	4.7	5.3	4.2
<b>Coronado</b>	36%	27%	23%	12%	51%	56%	54%	53%	50%	57%	55%	54%	12	11.6	12	11.4
<b>Del Mar</b>	40%	36%	35%	NA	NA	51%	50%	51%	54%	58%	52%	56%	20.3	17.1	20.3	12.5
<b>El Cajon</b>	43%	51%	42%	60%	63%	55%	51%	50%	51%	54%	55%	59%	7.4	6.2	7.4	5.9
<b>Encinitas</b>	46%	49%	51%	40%	47%	50%	49%	49%	48%	55%	54%	56%	7.5	6.4	7.5	5.9
<b>Escondido</b>	49%	45%	48%	43%	43%	47%	42%	41%	49%	53%	49%	53%	5.9	5.2	5.9	5.3
<b>Imperial Beach</b>	40%	41%	42%	40%	44%	50%	45%	48%	45%	49%	54%	57%	4.0	3.0	4.0	2.5
<b>La Mesa</b>	47%	41%	50%	48%	42%	43%	45%	38%	30%	42%	50%	54%	6.2	4.8	6.2	3.6
<b>Lemon Grove</b>	19%	34%	37%	7%	15%	39%	30%	31%	46%	52%	47%	44%	4.7	4.7	4.7	4.6
<b>National City</b>	34%	48%	38%	38%	47%	53%	50%	52%	50%	53%	53%	53%	6.9	5.4	6.9	5.1
<b>Oceanside</b>	48%	47%	49%	47%	47%	46%	45%	41%	40%	57%	58%	59%	6.3	4.6	6.3	4.2
<b>Poway</b>	55%	56%	53%	51%	53%	65%	44%	57%	54%	56%	63%	62%	8.6	7.3	8.6	6.7
<b>San Diego</b>	35%	45%	49%	46%	45%	48%	51%	44%	45%	52%	52%	55%	8.4	7.1	8.4	6.3
<b>San Marcos</b>	47%	45%	51%	48%	44%	47%	42%	43%		52%	53%	57%	8.9	6.6	8.9	5.9
<b>Santee</b>	39%	52%	45%	30%	35%	33%	36%	47%	47%	51%	54%	61%	6.5	5.6	6.5	5.1
<b>Solana Beach</b>	48%	52%	53%	42%	47%	46%	50%	53%	50%	56%	56%	68%	8.9	7.6	8.9	6.7
<b>Unincorporated County</b>	48%	45%	50%	45%	48%	44%	51%	54%	50%	50%	50%	54%	6.8	7.2	6.8	6.7
<b>Vista</b>	43%	48%	55%	51%	42%	49%	50%	45%	34%	46%	41%	47%	6.5	6.5	6.5	6.0
<b>San Diego County Average</b>	43%	45%	45%	41%	44%	48%	47%	48%	47%	53%	53%	56%				

Source: <http://www.calrecycle.ca.gov/LGCentral/Tools/MARS/JurDrSta.asp?VW=In> and <http://www.calrecycle.ca.gov/LGCentral/Tools/mars/JurDrSta.asp?VW=In>

\*New disposal measurement introduced in 2007 per SB1016. Population Disposal number used (PPD - Annual).

Figure 1.



Annual disposal is predicted to increase to approximately 5.25 million tons in 2030. The methods for the predictive model are as follows for Figure 1: (1) The annual disposal for years 1995 through 2009 was identified and plotted; (2) Regression analysis determined the slope ( $y = 62.988x - 122619$ ), with an  $R^2$  of 0.3338; (3), The total permitted daily landfill capacity for San Diego landfills, including Sycamore, Borrego, Otay and Miramar was determined by consulting Local Enforcement Agencies and landfill operators. The total annual tonnage capacity of landfills was calculated by multiplying tons permitted daily and permitted days of operation per year.

Results. In Figure 1, the plotted line indicated with squares represents the total in-county capacity which the State currently permits. The plotted line indicated by triangles represents the total in-county capacity which the State currently permits plus the Sycamore Landfill expansions assumed to begin in late 2010. The following assumptions were made during this analysis.

- Permitted daily capacity provided by Local Enforcement Agencies was used to determine remaining landfill space. Note: permitted daily capacity is different than airspace and permits can and may be issued to expand capacity or days of operation.
- Otay Landfill has 27 million cubic yards of capacity as of March 2010 and has a closure date of 2027.
- Miramar Landfill is assumed to close in 2022.
- Sycamore Landfill has 43 million cubic yards of capacity (not considering expansions). Sycamore's first expansion is assumed to be completed in 2012 and follow a graduated expansion in permitted tons per day. Additional expansion phases will occur as needed and will coincide with needs such as Miramar and Otay closures. It is assumed that in 2012, permitted tons per day will increase to 6,800 tons per day; in 2020 to 9,000 tons per day; and in 2026, to 12,000 tons per day.
- A countywide disposal of 3,047,044 tons is assumed for 2009.

The disposal growth projection trend line and the permitted total capacity plot line, including the Sycamore Landfill and Miramar expansions, cross in 2028 (Figure 1). When these two lines cross, disposal will meet permitted capacity. This illustrates that the County of San Diego has enough daily permitted disposal capacity for the next 18 years, thereby meeting the State requirements that the County maintain 15 years of disposal capacity.

Given the above analysis and continued improvements in recycling, San Diego County continues to have 15 years of disposal capacity. Revision to the Countywide Siting Element of the CIWMP is not warranted at this time.

#### **Section 4.3 - CHANGES IN FUNDING SOURCE FOR ADMINISTRATION OF THE SITING ELEMENT (SE) AND SUMMARY PLAN (SP)**

Since approval of the CIWMP Siting Element and Summary Plan in September 2005, the County has not experienced any significant changes in funding sources for administration and therefore revision of the planning documents is not warranted.

#### **Section 4.4 - CHANGES IN ADMINISTRATIVE RESPONSIBILITIES**

Since the last approval of the CIWMP Siting Element and Summary Plan in September 2005 the County has not experienced any significant changes in administrative responsibilities. Revision of the planning documents is not warranted.

#### **Section 4.5 - PROGRAMS THAT WERE SCHEDULED TO BE IMPLEMENTED BUT WERE NOT**

This section addresses programs that were scheduled to be implemented but were not, a statement as to why they were not implemented, the progress of programs that were implemented, a statement as to whether programs are meeting their goals, and if not what contingency measures are being enacted to ensure compliance with Public Resources Code section 41751.

##### **1. Progress of Program Implementation**

###### **a. Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE)**

All program implementation information has been updated in the CalRecycle's Electronic Annual Reports (EAR).

###### **b. Nondisposal Facility Element (NDFE)**

All jurisdictions are in compliance. Two jurisdictions (Escondido and Lemon Grove) are currently updating their Non Disposal Facility Elements due to new developments, which were documented in their Annual Reports. The Unincorporated County NDFE was updated in November, 2008.

###### **c. Countywide Siting Element (SE)**

The following items should be noted as changes from the Siting Element approved by the CalRecycle in 2005.

- i. There has been a significant decrease in estimated disposed tonnage annually from the original estimates in 2005. Given recycling efforts combined with the economic downturn, San Diego has been able to provide sufficient countywide disposal although population has steadily increased.
- ii. The Miramar Landfill height increase extends its closure date to 2022 rather than 2011.
- iii. Sycamore Landfill expansion. Although the plans for expansion are described in the 2005 Siting Element, plans for graduated increases in daily permitted tonnages have changed. The first expansion is assumed to be completed in 2012 and follow a schedule of graduated increases in permitted tons per day. Increases will occur as needed and will coincide with needs such as the closure of other regional landfills at Miramar (2022) and Otay (2027). This document assumes that in 2012, permitted tons per day will increase to 6,800; in 2020 to 9,000; and in 2026, to a maximum of 12,000 tons per day.
- iv. The 2005 Siting Element assumed that the Gregory Canyon Landfill would be operational in 2006. To date (March 2011) additional environmental analysis is being done pursuant to the National Environmental Policy Act for federal purposes, and the project is proceeding through applicable State permitting processes. Gregory Canyon has been included as part of the capacity analysis. It should also be noted that the contact information for this proposed landfill has changed to the following:

Facility Name: Gregory Canyon Landfill

Facility Owner:  
Gregory Canyon Limited, LLC

Attention: James Simmons, Authorized Representative  
160 Industrial Street, Suite 200  
San Marcos, CA 92078

Facility Operator:  
Gregory Canyon Limited, LLC  
Attention: James Simmons, Authorized Representative  
160 Industrial Street, Suite 200  
San Marcos, CA 92078

- v. Considering the Miramar and Sycamore expansions, Gregory Canyon and closure of Otay 2027, the County of San Diego would have sufficient landfill space beyond 2028.

The following item should be noted as an update to the Siting Element approved by the CalRecycle in 2005.

- vi. With the passing of Proposition A during the June 8th, 2010 election San Diego County voters approved the East Otay Mesa Recycling Collection Center and Landfill. The main features of the East Otay Mesa site include a recycling collection center, a lined landfill, a scale area, a facilities and operation area, a borrow and stockpile area, a leachate collection system, chipping and grinding area, and storm-water retention facilities.

The passing of Proposition A required that the San Diego County Integrated Waste Management Plan be updated to include the East Otay Mesa Recycling Center and Landfill as a future disposal site. The Siting Element currently lists the East Otay facility in Chapter 7 as a "Tentatively Reserved Solid Waste Disposal Facility."

The East Otay Mesa site is updated from "Tentatively Reserved" to a "Proposed New Disposal Facility." This language is added to reflect that effective change that was made by the voters.

d. Summary Plan

There have been no significant information changes that would warrant amendment of the countywide Summary Plan.

2. Statement regarding whether Programs are Meeting their Goals

The programs have been reviewed, and are meeting their goals.

**Section 4.6 - CHANGES IN AVAILABLE MARKETS FOR RECYCLABLE MATERIALS**

A survey of San Diego recycling markets was distributed to local recycling companies. Overall, recycling markets for the region have improved and market status does not warrant a revision of the planning documents. Responses of the recyclers' survey were as follows:

San Diego County, like much of the country, experienced a severe decrease in all available recycling markets starting in fall 2008. This decrease was due to a drop in the economy and a decline in demand from overseas buyers. However, as of March, 2010 the markets have stabilized and are improved from the CIWMP submitted in 2005 (which used 2002 data). When local recycling companies were asked to rate the recycling markets as either "Excellent," "Good," "Average," "Fair," or "Poor," they responded that markets were "Good." More specifically,

aluminum, paper, cardboard, plastic, and metal have all increased in value since 2002. Glass prices have worsened.

The most limiting factor to recycling markets is lower volumes due to the worsened economy. Recycling markets in San Diego are generally strong.

**Section 4.7 - CHANGES IN THE IMPLEMENTATION SCHEDULE**

No implementation schedule is warranted.

**SECTION 5.0 - OTHER ISSUES AND SUPPLEMENTARY INFORMATION**

APPENDICES:

- A. Letters from jurisdictions reflecting no need for document updates.
- B. Responses to Public Comments.
- C. Comment Letters and Committee Approval Letters.
- D. Full text of Proposition A

**SECTION 6.0 - ANNUAL REPORT REVIEW**

Annual Reports for each jurisdiction in the county have been reviewed, specifically those sections that address the adequacy of the CIWMP or RAIWMP elements. No jurisdictions reported the need to revise one or more of these planning documents. See APPENDIX A for letters from jurisdictions confirming this statement.

**SECTION 7.0 - REVISION SCHEDULE (if required) – N/A**

**Appendix A:**

Letters from San Diego County jurisdictions confirming annual report accuracy and updated status.

No.	Jurisdiction	Letter or Email Received
1	City of Chula Vista	✓
2	City of Carlsbad	✓
3	City of Coronado	Unable to obtain letter. County confirmed annual report was up to date with CalRecycle.
4	City of Del Mar	✓
5	City of El Cajon	✓
6	City of Encinitas	✓
7	City of Escondido	Unable to obtain letter. County confirmed annual report was up to date with CalRecycle.
8	City of Imperial Beach	✓
9	City of La Mesa	✓
10	City of Lemon Grove	✓
11	City of National City	✓
12	City of Oceanside	✓
13	City of Poway	✓
14	City of San Diego	✓
15	City of San Marcos	✓
16	City of Santee	✓
17	City of Solana Beach	✓
18	City of Vista	✓
19	County of San Diego	Author of document. All elements up to date.

No.	Jurisdiction	Letter or Email Received
1	City of Chula Vista	✓
2	City of Carlsbad	✓
3	City of Coronado	Unable to obtain letter. County confirmed annual report was up to date with CalRecycle.
4	City of Del Mar	✓
5	City of El Cajon	✓
6	City of Encinitas	✓
7	City of Escondido	Unable to obtain letter. County confirmed annual report was up to date with CalRecycle.
8	City of Imperial Beach	✓
9	City of La Mesa	✓
10	City of Lemon Grove	✓
11	City of National City	✓
12	City of Oceanside	✓
13	City of Poway	✓
14	City of San Diego	✓
15	City of San Marcos	✓
16	City of Santee	✓
17	City of Solana Beach	✓
18	City of Vista	✓
19	County of San Diego	Author of document. All elements up to date.



CITY OF  
**CARLSBAD**  
Utilities Department

[www.carlsbadca.gov](http://www.carlsbadca.gov)

May 27, 2010

Mr. Wayne Williams, PhD.  
County Operations Center  
5555 Overland Avenue, Building #2  
San Diego, CA 92123

RE: Integrated Waste Management Plan Documents

Dear Mr. Williams:

The City of Carlsbad has reviewed their Source Reduction and Recycling Element, Household Hazardous Waste Element and Non-Disposal Facility Element documents. Where needed these documents have been updated through our Annual Report to CalRecycle. The City finds that the components of our integrated waste management plan are adequate and complete.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheree Hildebrandt".

Sheree Hildebrandt  
Solid Waste Manager



Utilities Department  
5950 El Camino Real | Carlsbad, CA 92008 | 760-438-2722 | 760-431-1601 fax



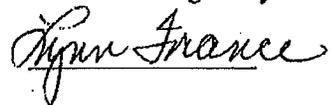
**Public Works Department**

---

March 23, 2010

**Use Certification of Completeness of Integrated Waste Management Plan Documents**

The City of Chula Vista has reviewed its integrated waste management plan, which includes the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE) and Non-Disposal Facility Element (NDFE). All components are adequate and all updates are provided in the annual electronic reports to CalRecycle.

Authorized Signatory	Title	Date
	Environmental Services Program Manager	March 23, 2010

**From:** Williams, Wayne T.  
**Sent:** Wednesday, March 03, 2010 10:46 AM  
**To:** 'Lynn France'  
**Subject:** RE: Five Year Review of the Countywide Integrated Waste Management Plan  
Thanks Lynn,

Your letter will be attached to the five-year CIWMP review as an appendix.

Wayne Williams  
Program Coordinator  
858 874 4108

---

**From:** Lynn France [mailto:LFrance@ci.chula-vista.ca.us]  
**Sent:** Monday, March 01, 2010 7:52 AM  
**To:** Williams, Wayne T.; Robert Beamon; Manuel Medrano  
**Subject:** Five Year Review of the Countywide Integrated Waste Management Plan

Wayne,

Per your request for information, the City of Chula Vista's Source Reduction and Recycling Element and the Household Hazardous Waste Element are current and up to date with the State Department of Resources, Recycling and Recovery (CalRecycle).

That said, the Otay Landfill is just now opening the Construction and Demolition Debris processing facility as of March 2010. Therefore, Chula Vista's annual report to the Department of Resources, Recycling and Recovery (CalRecycle) due August 2010 will be updated to reflect the change in Non-Disposal Facilities.

If you need further clarification please contact me.

*Lynn France  
Environmental Services Program Manager  
City of Chula Vista - Public Works Department  
1800 Maxwell Road  
Chula Vista, California 91911*

*619 397-6221 direct line  
619 397-6363 fax line*

*"There will always be 'discards' in our society, but how much of that becomes 'waste' is a matter of choice."* Stoptrashingthecclimate.org



# City of Del Mar

March 2, 2011

Wayne Williams, Ph.D.  
Recycling Program Coordinator  
County of San Diego  
Solid Waste Planning and Recycling (MS 0344)  
5469 Kearny Villa Rd., Suite 305  
San Diego, CA 92123

Dear Dr. Williams:

Pursuant to Public Resources Code Section 41822, "each city, county, or regional agency shall review its Source Reduction and Recycling Element or the Countywide Integrated Waste Management Plan at least once every five years to correct any deficiencies in the element or plan, to comply with the source reduction and recycling requirements established under Section 41780, and to revise the documents, as necessary."

The City of Del Mar Source Reduction and Recycling Element is not in need of revision at this time. All program changes and updates are reported annually to the Department of Resources, Recycling and Recovery (formerly the California Integrated Waste Management Board), as required by the Integrated Waste Management Act (AB939).

Thank you for all of your efforts in preparing the countywide documents and updates. Should you have any questions regarding this matter, please do not hesitate to contact me at (858) 755-9313.

Sincerely,

A handwritten signature in cursive script that reads "Mark Delin".

Mark Delin  
Assistant City Manager  
City of Del Mar





# CITY OF EL CAJON

[www.ci.el-cajon.ca.us](http://www.ci.el-cajon.ca.us)

PUBLIC WORKS DEPARTMENT

May 17, 2010

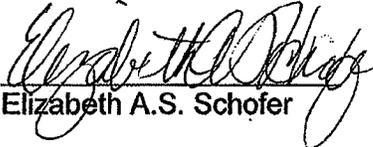
## Certification of Completeness of Integrated Waste Management Plan Documents

The City of El Cajon has reviewed its Integrated Waste Management Plan, which includes the Source Reduction and Recycling element (SRRE), Household Hazardous Waste Element (HHWE), and Non-Disposal Facility Element (NDFE). All components are adequate and all updates are provided in the annual electronic reports to CalRecycle. The Construction and Demolition facility implemented in July 2009 will be included in update of the NDFE.

Authorized Signature

Title

Date

  
Elizabeth A.S. Schofer

Senior Management Analyst

5/18/10



*City of  
Encinitas*

March 12, 2010

Wayne Williams, Ph.D.  
Recycling Program Coordinator  
County of San Diego  
Solid Waste Planning and Recycling (MS 0344)  
5469 Kearny Villa Rd., Suite 305  
San Diego, CA 92123

*Wayne*  
Dear Dr. Williams:

Pursuant to Public Resources Code Section 41822, "each city, county, or regional agency shall review its source reduction and recycling element or the countywide integrated waste management plan at least once every five years to correct any deficiencies in the element or plan, to comply with the source reduction and recycling requirements established under Section 41780, and to revise the documents, as necessary."

The City of Encinitas Source Reduction and Recycling Element is not in need of revision at this time. All program changes and updates are reported annually to the Department of Resources, Recycling and Recovery (formerly the California Integrated Waste Management Board), as required by the Integrated Waste Management Act (AB939).

Thank you for all of your efforts in preparing the countywide documents and updates. Should you have any questions regarding this matter, please do not hesitate to contact me at 760-633-2846.

Respectfully,

Bill Wilson  
Management Analyst III  
Public Works Department

*The City of  
Imperial  
Beach*



**PUBLIC WORKS**

825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932

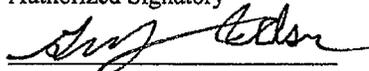
(619) 424-4095  
(619) 429-4861 Fax

March 15, 2010

**Certification of Completeness of Integrated Waste Management Plan Documents**

The City of Imperial Beach has reviewed its integrated waste management plan, which includes the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Non-Disposal Facility Element (NDFE). All components are adequate and all updates are provided in the annual electronic reports to Cal Recycle.

Authorized Signatory

  
Guy Nelson

Title

Environmental Program Specialist

Date

3/15/10

**From:** Williams, Wayne T.  
**Sent:** Wednesday, March 03, 2010 10:43 AM  
**To:** 'Scott A. Munzenmaier'  
**Subject:** RE: Reminder of required 5-year review of CIWMP  
Thanks Scott,

Your letter is fine and received. It will appear as an appendix in the 5-year review.

Wayne Williams  
Program Coordinator  
Solid Waste Planning and Recycling Section  
Department of Public Health  
County of San Diego  
858 874 4108

---

**From:** Scott A. Munzenmaier [mailto:smunzenmaier@ci.la-mesa.ca.us]  
**Sent:** Wednesday, March 03, 2010 10:28 AM  
**To:** Williams, Wayne T.  
**Cc:** Erin L. Bullers  
**Subject:** RE: Reminder of required 5-year review of CIWMP

Good morning Wayne-

The City of La Mesa's Source Reduction and Recycling Element (SRRE), Non-Disposal Facility Element (NDFE) and Household Hazardous Waste Element (HHWE) are all up to date based on our AB939 annual reporting. Changes to all programs have been accurately tracked through the annual report and all information is current through the last submitted report for 2008.

Please let me know if you have any questions or need further information.

-Scott

Scott Munzenmaier | Administrative Analyst I  
City of La Mesa | 8130 Allison Avenue | La Mesa, California 91942  
Phone: 619.667.1338 | Email: smunzenmaier@ci.la-mesa.ca.us | www.cityoflamesa.com

---

**From:** Williams, Wayne T. [mailto:Wayne.Williams@sdcounty.ca.gov]  
**Sent:** Thursday, February 18, 2010 9:46 AM  
**To:** B. Schofer; Brekke-esparza, Lauraine; Chelmer; Colleen Foster; Donna Chralowicz; France, Lynn; Gonzalez, Annette; Jeff Servatius; K Soto; King, Danny; Kraber, B. ; Magee, Julie; McPherson, Dana; Medrano, Manuel; Prue, Ken; Ruiz, Ed; Scott A. Munzenmaier; Shelby Tucker; Sheree Hildebrand; Williams, Wayne T.; Wilson, Bill; Winn, Kathy  
**Subject:** Reminder of required 5-year review of CIWMP

Dear Members of the Solid Waste Management Local Task Force for San Diego County:

Just as a reminder:

PRC Section 41822 requires each city and county to review it's SRRE or the CIWMP at least once every five years to:

1. Correct any deficiencies in the element or plan
2. Comply with the source reductions and recycling requirements established under PRC 41780; and
3. Revise the documents as necessary.

Lemon Grove-10.txt

" Best Climate On Earth"

CITY OF LEMON GROVE

Office of the City Manager

March 24, 2010

Certification of Completeness of Integrated Waste Plan Documents

The City of Lemon Grove has reviewed its integrated waste management plan, which includes the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Non-Disposal Facility Element (NDFE).

All components are adequate and all program updates have been provided in the annual electronic reports to Cal Recycle.

Barbara Kraber  
Management Analyst

3232 Main Street Lemon Grove California 91945-1705

619.825.3800 FAX: 619.825.3804 [www.ciLemon-grove.ca.us](http://www.ciLemon-grove.ca.us)

□

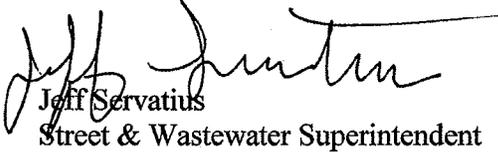


**CITY OF NATIONAL CITY  
PUBLIC WORKS DEPARTMENT  
2100 HOOVER AVENUE, NATIONAL CITY, CA 91950  
TEL: 619/336-4580 FAX: 619/336-4594**

March 23, 2010

**Certification of Completeness of Integrated Waste Management Plan Documents**

The City of National City has reviewed its integrated waste management plan, which includes the Source Reduction and Recycling Element (SRRE), Household Waste Element (HHWE), and Non-Disposal Facility Element (NDFE). All components are adequate and all are provided for in the annual electronic reports to Cal Recycle.

  
Jeff Servatius  
Street & Wastewater Superintendent



# CITY OF OCEANSIDE

SOLID WASTE & RECYCLING  
PUBLIC WORKS DEPARTMENT

March 26, 2010

## Certification of Completeness of Integrated Waste Management Plan Documents

The City of Oceanside has reviewed its integrated waste management plan, which includes the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Non-Disposal Facility Element (NDFE). All components are adequate and all updates are provided in the annual electronic reports to Cal Recycle.

Authorized Signatory

Title

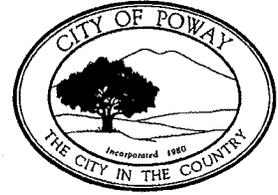
Date

A handwritten signature in black ink, appearing to be "C. R. Smith".

Management Analyst

3-26-10

# CITY OF POWAY



DON HIGGINSON, Mayor  
CARL KRUSE, Deputy Mayor  
MERRILEE BOYACK, Councilmember  
JIM CUNNINGHAM, Councilmember  
BETTY REXFORD, Councilmember

March 15, 2010

Wayne Williams, Ph.D.  
Recycling Program Coordinator  
County of San Diego  
Solid Waste Planning and Recycling (MS 0344)  
5469 Kearny Villa Rd., Suite 305  
San Diego, CA 92123

RE: Countywide Integrated Waste Management Plan

Dear Dr. Williams:

Pursuant to Public Resources Code Section 41822 "each city, county or regional agency shall review its source reduction and recycling element, or the countywide integrated waste management plan at least once every five years to correct any deficiencies in the element or plan, to comply with the source reduction and recycling requirements established under PRC 41780, and to revise the documents as necessary."

The City of Poway's Source Reduction and Recycling Element and Household Hazardous Waste Element are not in need of revision. All program changes and updates have been reported in the Annual Reports to the Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board), as required by the Integrated Waste Management Act (AB929).

Thank you for coordinating the update to the Countywide Integrated Waste Management Plan. If you have any questions or require additional information, please contact Annette Gonzalez, Sr. Management Analyst, at 858-668-4702.

Sincerely,

*Leah Browder*

Leah Browder  
Director of Public Works

cc: Annette Gonzalez, Sr. Management Analyst

City Hall Located at 13325 Civic Center Drive  
Mailing Address: P.O. Box 789, Poway, California 92074-0789

[www.poway.org](http://www.poway.org)



THE CITY OF SAN DIEGO

May 14, 2010

Wayne T. Williams, Ph.D.  
Solid Waste Planning and Recycling Section  
San Diego County Department of Public Works  
5469 Kearny Villa Road  
San Diego, CA 92123

Reference: Verification of Adequacy of Integrated Waste Management Plan Documents

Dear Dr. Williams:

The City of San Diego has reviewed the elements of its Integrated Waste Management Plan, (Source Reduction and Recycling Element, Household Hazardous Waste Element, and Non-Disposal Facility Element), and its annual reports to CalRecycle and has determined that all components of the Plan are adequate and up to date in accordance with the California Integrated Waste Management Act.

Sincerely,

Chris Gonayer  
Environmental Services Director

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



Office of the Director • Environmental Services Department

9601 Ridgeway Court, Suite 210 • San Diego, CA 92123-1636  
Tel (858) 573-1200 Fax (858) 492-5021

San Marcos 2010 Letter.txt

March 11, 2010

Wayne T. Williams

County of San Diego

5555 Overland Avenue

San Diego, CA, 92123

RE: City of San Marcos Integrated Waste Management Program Verification of Adequacy  
Dear Mr. Williams:

As requested, the City of San Marcos has reviewed our Integrated Waste Management Program which includes the SRRE (Source Reduction and Recycling Element), HHWE (Household Hazardous waste Element) and NDFE (Non Disposal Facility Element). All components are deemed adequate and all updates are provided in the Annual Electronic Reports to the new CalRecycle.

Sincerely,

Julie Magee

Administrative Analyst II

□



# CITY OF SANTEE

MAYOR  
Randy Voepel

CITY COUNCIL  
Jack E. Dale  
Brian W. Jones  
John W. Minto  
Hal Ryan

CITY MANAGER  
Keith Till

March 3, 2010

Cal-Recycle  
1001 I Street  
P.O. Box 4025  
Sacramento, CA. 95812-4

The City of Santee has reviewed its Integrated Waste Management Plan Elements and found them to be up-to-date as indicated in the Annual Reports to Cal ReCycle.

Sincerely,

KEITH TILL  
City Manager



---

**CITY OF SOLANA BEACH**    FAX (858) 792-6513 / (858) 755-1782  
635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075-2215 • (858) 720-2400

---

March 23, 2010

Wayne Williams, Ph.D.  
Recycling Program Coordinator  
County of San Diego  
Solid Waste Planning and Recycling (MS 0344)  
5469 Kearny Villa Rd., Suite 305  
San Diego, CA 92123

Dear Wayne Williams:

Pursuant to Public Resources Code Section 41822, "each city, county, or regional agency shall review its source reduction and recycling element or the countywide integrated waste management plan at least once every five years to correct any deficiencies in the element or plan, to comply with the source reduction and recycling requirements established under Section 41780, and to revise the documents, as necessary."

The City of Solana Beach Source Reduction and Recycling Element is not in need of revision at this time. All program changes and updates are reported annually to the Department of Resources, Recycling and Recovery (formerly the California Integrated Waste Management Board), as required by the Integrated Waste Management Act (AB939).

Thank you for all of your efforts in preparing the countywide documents and updates. Should you have any questions regarding this matter, please do not hesitate to contact me at 858-720-2477.

Sincerely,

Dan King  
Management Analyst  
City of Solana Beach



March 24, 2010

Wayne T. Williams, PhD  
Solid Waste Planning and Recycling Section  
Department of Public Works  
County of San Diego  
5469 Kearny Villa Rd Ste 3205  
San Diego CA 92123

The City of Vista has met with CalRecycle as recently as February 2, 2010 and is in compliance with its integrated waste management plan, Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Non-Disposal Facility Element (NDFE). Current projects are in line with CalRecycle's requirements of the city.

Sincerely,



Jim Howell  
Interim Public Services Director

JH:wcr

**Appendix B:**

Responses to Public Comments

**COUNTY OF SAN DIEGO  
FIVE-YEAR CIWMP/RAIWMP REVIEW REPORT  
RESPONSES TO PUBLIC COMMENTS**

**REPORT NAME: FIVE-YEAR CIWMP/RAIWMP REVIEW REPORT**

In February 2011, the County of San Diego circulated the County of San Diego's five-year CIWMP/RAIWMP report to the Local Task Force Technical Advisory Committee and the Citizens Advisor Committee, as well as interested parties. This report is a review of the County of San Diego's solid waste planning documents and state mandated 15 years of landfill capacity for the region. Comments on the document were received from responsible agencies and the public. The comments and the County responses to comments are provided below.

- A. The Technical Advisory Committee submitted a letter on March 15, 2011 in support of the Five-Year CIWMP/RAIWMP Review Report with no comments.**
- B. The Citizens Advisory Committee voted, at its February 24, 2011 meeting, in support of the Five-Year CIWMP/RAIWMP Review Report with no comments.**
- C. Comments regarding the five year review report from the City of San Diego submitted on February 22, 2011.**

**CITY OF SAN DIEGO Comment 1:** The changes that we were proposing are related to the City's historical diversion rates. We disagree with the numbers that are on CalRecycle's website. We show the following as our official diversion numbers:

1995 – 39%  
1996 – 46%  
1999 – 46%  
2001 – 45%

The City of San Diego LEA confirmed that the new landfill closure date is 2022.

**County Response to CITY OF SAN DIEGO Comment 1:** The County appreciates your comments. Unfortunately, we did not receive CalRecycle approval to officially change the 5 year review document to reflect these diversion numbers. However, they will remain listed here in the comment/responses. The document was however updated to reflect the official 2022 landfill closure date.

- D. PROCOPIO, CORY, HARGREAVES, AND SAVITCH, LLP (PROCOPIO) requested a copy of the draft Five-Year review report, and submitted the following comments on February 22, 2011.**

**PROCOPIO Comment 1:**

Section 4.2 (pg. 6) states that landfilled "tonnage has fallen dramatically from 2006 to 2010 by about one million tons." Given that data, it is not clear why Table 3 only includes a disposal tonnage comparison for the years 2000 to 2008 rather than including the 2009 data and the 2010 data, if available.

**County Response to PROCOPIO Comment 1:** The County appreciates your comment. At the time the document was written, the 2009 and 2010 data was not finalized by the State entity CalRecycle, although the County calculated its own disposal numbers. The County's disposal numbers are not considered final until confirmed by the State, therefore 2009 and 2010 were the County's final numbers, pending State approval. Since all of the other Tables included State confirmed information, the County wanted to remain consistent.

**PROCOPIO Comment 2:** Section 4.2 (pg. 6) also states that "[in] 2005, regression analysis predicted an increase from 3.7 million tons landfilled in 2002 to 6.1 million tons disposed in landfills by 2017" and states that this "approved method of prediction" was used in the 2010 Report to predict future waste disposal rates. Although the method of "prediction" used in the 2005 Five year Revision of the Countywide Siting Element ("2005 Report") may have been approved by the Integrated Waste Management Board, the disposal forecasts generated by using that methodology all turned out to be wrong.

Specifically, Table 3.1 of the 2005 Report forecast that the disposal rates from 2006 through 2010 would be 4.3 tons in 2006, 4.4 tons in 2007, 4.6 tons in 2008, 4.7 tons in 2009, and 4.9 tons in 2010. As the 2010 Report notes, however, the amount of waste disposed actually decreased from 4.0 tons in 2006 to 3.7 tons in 2007, 3.4 tons in 2008, and 3.08 tons in 2009. Given that the regression analysis used in the 2005 Report never correctly forecast waste disposal rates, it is not clear why it has been used again to forecast future disposal rates, and the red line on Figure 1 showing the projected increases in disposal rates is simply speculation.

**County Response to PROCOPIO Comment 2:** The County appreciates your comment. Regression analysis used as methodology in the 2005 Siting Element, and in preparation of this report, is sound, scientifically based analysis. A regression analysis does not, however, account for unforeseen events, such as a deep global economic recession, the impact of which was felt in the San Diego Region as elsewhere. The County stands by the reasonable assumptions made as part of the regression analysis.

**PROCOPIO Comment 3:** The forecasted disposal rates in the 2005 Report turned out to be entirely wrong because the methodology used underestimated the increase in diversion rates in the County, and assumed that growth would continue at an unsustainable rate. But Table 4 in the 2010 Report clearly shows that the rates of diversion have increased in the county, and there is no basis for concluding that growth in the County will reach previous levels anytime soon. Because the new forecast is based on the same wrong assumptions that used in the 2005 Report, the 2010 Report

overestimates the amount of waste that will need to be disposed in the future. The 2010 Report should acknowledge that fact.

**County Response to PROCOPIO Comment 3:** See response to comment 2.

**PROCOPIO Comment 4:** Not only does the 2010 Report rely on a faulty methodology to predict future waste disposal rates, but it ignores the fact that the amount of waste needing to be landfilled will be reduced further in the future by legislative and regulatory mandates and by marketplace forces. For example, CalRecycle Directive 6.1 requires that 50% of all organic materials be diverted from landfills by the year 2020. Given that organics constitute at least 30% of all waste disposed, that will significantly reduce the need for future landfill capacity in the county by nearly one million tons per year in the 2020s. This requirement and other potential changes should be discussed in the 2010 Report, and the 2010 Report should include a chart showing how the need for landfill capacity would be reduced if the rate of diversion increased to 65 % and 75%. That analysis was included in the 2005 Report.

**County Response to PROCOPIO Comment 4:** See response to comment 2. Further, the County agrees that there are factors, such as further diversion, that may change the need for future landfilling. However, because this is an update and not a full revision of the CIWMP for the region, and because the update clearly shows that there is enough capacity in the region to meet the State's required 15 years of capacity, discussion of future further diversion was not required. In addition, the County has a fiduciary responsibility to use public funds wisely, and such discussion would have required a full amendment of the regional CIWMP, which should only be conducted if cost effective.

**PROCOPIO Comment 5:** The 2010 Report should include a chart showing remaining landfill space at each facility, proposed increased expansions, permitted daily acceptance rates, and annual disposal amounts for the past three years. That information would be helpful in understanding Figure I. We note that a recent article concerning the decision by the City of San Diego to not sell Miramar indicated that it would not close until 2022 at the current rates of disposal. The 2010 Report assumes a closure date of 2019.

**County Response to PROCOPIO Comment 5:** The report, which was drafted in mid 2010, reflects the date that was obtained from the City's Local Enforcement Agency at that time. Since then, the Local Enforcement Agency has informed us that the closure date is indeed 2022. Changes have been made to the document to reflect this.

The charts requested are available upon request as they were used in the analysis.

**PROCOPIO Comment 6:** At the top of page 11, the 2010 Report states that "annual disposal is predicted to increase from approximately 3.9 million tons in 2010 to

approximately 5.25 million tons in 2030." What was the basis for using 3.9 million tons for 2010?

**County Response to PROCOPIO Comment 6:** When the 2010 Regression Equation ( $y = 62.988x - 122619$   $R^2 = 0.3338$ ) was calculated and plotted on the regression line, the tonnage for 2010 was predicted at 3.9 million tons. Although the numbers are not finalized by the State, we know now that the 2010 disposal will be less than this. The statement in question was removed from the document now that we know this. We are relying on the long-term prediction of the regression given the actual data points (1995 - 2009). We will rely on actual disposal numbers as often as possible

**PROCOPIO Comment 7:** In the 2005 Report, the proposed Gregory Canyon landfill was listed as a "proposed" site based on the passage of the 1994 initiative, and it was used in calculating future landfill capacity. On the other hand, in the 2010 Report, the proposed East Otay Landfill, approved by voters in 2010, is identified as a "proposed" new disposal facility but is not included in the capacity calculations provided in Figure 1. Our understanding is that the East Otay facility could provide up to 140 millions tons of capacity, and it is not clear why it is treated differently in the 2010 analysis.

**County Response to PROCOPIO Comment 7:** When the 2005 Siting Element was prepared, there was available information about Gregory Canyon, including a project description and planned operational date. Figure 1 in this update still includes Gregory Canyon Landfill, with a first year of operation based on the phase of its current permit process although the operational year is an estimate. Proposition A required that East Otay be included as a proposed landfill, however as of the date of this report update, there is no submitted project description for the East Otay Mesa proposed landfill, nor is there any estimate from officials regarding when it would open. Therefore there is no factual basis for placing it in figure 1.



**Appendix C:**

Comment Letters and Committee Approval Letters

Technical Advisory  
Committee, SANDAG  
Solid Waste Authority  
276 Fourth Avenue  
Chula Vista, CA 91910  
Ph (619) 691-5161  
Fax (619) 691-5006

**MEMBER AGENCIES**

Cities of

Carlsbad  
Chula Vista  
Coronado  
Del Mar  
El Cajon  
Encinitas  
Escondido  
Imperial Beach  
La Mesa  
Lemon Grove  
National City  
Oceanside  
Poway  
San Diego  
San Marcos  
Santee  
Solana Beach  
Vista  
And  
County of San Diego

Tara Gauthier  
Integrated Waste Management Specialist  
Local Assistance and Market Development  
1001 I Street, P.O. Box 4025  
Mail Stop 9-A  
Sacramento, CA 95812

March 15, 2011

Dear Tara,

This letter is to inform you that the Technical Advisory Committee (TAC) reviewed the County of San Diego's integrated waste management plan five-year review draft during our February meeting.

The committee voted to approve the draft while still giving each jurisdiction the option to submit changes directly to the County of San Diego.

Please feel free to contact Manuel Medrano, TAC staff member at (619) 585-5766 if you have any questions.

Sincerely,



Colleen Foster,  
City of Oceanside  
February 2011 Chair

## **MEETING NOTICE AND AGENDA**

**San Diego County Integrated Waste Management/Citizens Advisory  
Committee  
County of San Diego**

**Solid Waste Planning and Recycling; 5201 Ruffin Road, San Diego CA  
90123**

**Contact for directions [Michael.Wonsidler@sdcounty.ca.gov](mailto:Michael.Wonsidler@sdcounty.ca.gov)**

March 22, 2011 (12:00 - 2:00)

Contact: Richard Anthony (858) 858 272 2905 [Ricanthony@aol.com](mailto:Ricanthony@aol.com)

### Agenda

1. Welcome and Introduction
2. Approval of February 23, 2011 Minutes
3. Chairperson's Report
  - New Jersey
  - BioCycle
  - Earth Day
  - CRRA
4. Staff Report
  - Cities
  - County
5. Public Comments and Communication
6. Miramar Long Term Resource Management SP
7. City of San Diego Privatization (outsourcing operations) plans
8. State Mandated Planning Issues
  - Five-Year CIWMP/RAIWMP Review Report (update)
  - Financing the System
  - Letter to LEA asking for more emphasis on waste reduction and recycling
9. Regional Organic policy
  - Sub committee report
10. Legislative Update
- New legislation (The Committee may take positions on pending legislation).
11. Roundtable
12. Adjournment

Minutes of February 23, 2011

Citizens Advisory Committee

Local Task Force on Solid Waste Management – SANDAG

The meeting was held at the County offices for Solid Waste Planning and Recycling 5201 Ruffin Road, San Diego CA 90123 conference room

1. The meeting was called to order at 12:11 PM

Attending: Mike Wonsidler, Robert Hill, Ryane Hughes, Greg Shideler, Wayne Williams, Richard Anthony, Tyla Montgomery, Aston Buswell, Laura Silver, Robert Laudy, Terry Connors, Donna Chralowicz, Donna Turbyfill, Michael Colman, Sandy Attkinson, Bud Chase, Ellen Graubard,

2. It was Chase/Williams to approve the January, 2011 minutes as printed.

3. The Chair reported on the CRRA State Conference which will be held in San Diego this August. He also reported that there will be a local forum on composting capacity at Biocycle on Monday afternoon April 11, 2011. He reported on the changes proposed for Zero Waste at the Earth Fair April.

4. City of San Diego Staff report:

- Preparing report for NR&CC regarding banning
  - water bottle sales in City Facilities
  - PS foodware
  - PS packaging
  - And apply to city approved events.
  - And creating a formal policy
- County Staff Report
- Bulldog Rubber recycling is going through chapter 7 and may be up and running this summer
- Tire grant for clean up
- June 30 Compost Contract
- Rain barrels
- Mark Lewis retirement

5. Public Comments:

- A+ carpets Grand Opening in March,
- April 21 CNG dedications at Allied/Pacific,
- Inika (zero waste education nonprofit) is looking for Board member, contact Tyla

6. Resource Management Plan: no report

7. Privatization: Timeline includes competition assessment, two management teams (mayor and Staff), employee responses, and statement of work in June to council, 2012 final to Council.

8. Five Year Review: Donna Turbyfill presented the draft plan to the committee. The report will reflect the comments. A letter from Procopio was discussed. Things were different in 2005. It was Shideler/ Silver M/S/C to accept the 5 year report with comments.

A discussion was held about a draft letter to the State regarding reusable items found at C and D facilities and it was decided to redraft the letter and send it to the local LEA first.

9. Regional organic policy: TAC had problems with the "whereas" that suggested a rate of \$1.00 per ton (The fee would only be assessed on waste disposed in a landfill, not on materials recycled or composted. On average, each county resident generates 1 ton of waste annually.) as it may take a 2/3 vote, (who knows). The TAC is writing a letter to SanDAG to get the item on the agenda and to discuss the issue.

There is a regional CAIRecycle EIR on anaerobic digestion under review.

10. Legislation: Lots of returning and new legislation was discussed.

11. Roundtable: Otay C and D is at 68%.

12. Meeting adjourned 1:59 pm. The next meeting is planned for March 22 at the new site.

Richard Anthony  
3891 Kendall Street  
San Diego, CA 92109  
richardanthonyassociates.com  
[ricanthy@aol.com](mailto:ricanthy@aol.com)

Join us for the 35th Annual CRRA Conference & Tradeshow  
"Zero Waste: Riding the Wave to Sustainability"  
San Diego, California, **July 31- August 3, 2011**  
Loews Coronado Bay <http://crra.com>

**RECEIVED  
COUNTY OF SAN DIEGO**

**FEB 24 2011**

**DEPT. OF PUBLIC WORKS  
ADMINISTRATIVE OFFICE**

Walter E. Rusinek  
Direct Dial: (619) 525-3812  
E-mail: walter.rusinek@procopio.com

February 22, 2011

**VIA EMAIL and U.S. MAIL**

Donna Turbyfill, Deputy Director  
Department of Public Works  
County of San Diego  
5500 Overland Avenue  
MS-0332  
San Diego, California 92123

Re: Comments on the San Diego County's Draft Five-year CIWMP/RAIWMP Report  
Dated January 6, 2010

Dear Ms. Turbyfill:

We have reviewed the draft report identified above ("2010 Report") and have the following comments. We appreciate the effort that has been put into the document and the opportunity to provide these brief comments.

1. Section 4.2 (pg. 6) states that landfilled "tonnage has fallen dramatically from 2006 to 2010 by about one million tons." Given that data, it is not clear why Table 3 only includes a disposal tonnage comparison for the years 2000 to 2008 rather than including the 2009 data and the 2010 data, if available.

2. Section 4.2 (pg. 6) also states that "[i]n 2005, regression analysis predicted an increase from 3.7 million tons landfilled in 2002 to 6.1 million tons disposed in landfills by 2017" and states that this "approved method of prediction" was used in the 2010 Report to predict future waste disposal rates. Although the method of "prediction" used in the 2005 Five-year Revision of the Countywide Siting Element ("2005 Report") may have been approved by the Integrated Waste Management Board, the disposal forecasts generated by using that methodology all turned out to be wrong.

Specifically, Table 3.1 of the 2005 Report forecast that the disposal rates from 2006 through 2010 would be 4.3 tons in 2006, 4.4 tons in 2007, 4.6 tons in 2008, 4.7 tons in 2009, and 4.9 tons in 2010. As the 2010 Report notes, however, the amount of waste disposed actually decreased from 4.0 tons in 2006 to 3.7 tons in 2007, 3.4 tons in 2008, and 3.08 tons in 2009. Given that the regression analysis used in the 2005 Report never correctly forecast waste disposal rates, it is not clear why it has been used again to forecast future disposal rates, and the red line on Figure 1 showing the projected increases in disposal rates is simply speculation.

Donna Turbyfill  
February 22, 2011  
Page 2

3. The forecasted disposal rates in the 2005 Report turned out to be entirely wrong because the methodology used underestimated the increase in diversion rates in the County, and assumed that growth would continue at an unsustainable rate. But Table 4 in the 2010 Report clearly shows that the rates of diversion have increased in the county, and there is no basis for concluding that growth in the County will reach previous levels anytime soon. Because the new forecast is based on the same wrong assumptions that used in the 2005 Report, the 2010 Report overestimates the amount of waste that will need to be disposed in the future. The 2010 Report should acknowledge that fact.

4. Not only does the 2010 Report rely on a faulty methodology to predict future waste disposal rates, but it ignores the fact that the amount of waste needing to be landfilled will be reduced further in the future by legislative and regulatory mandates and by marketplace forces. For example, CalRecycle Directive 6.1 requires that 50% of all organic materials be diverted from landfills by the year 2020. Given that organics constitute at least 30% of all waste disposed, that will significantly reduce the need for future landfill capacity in the county by nearly one million tons per year in the 2020s. This requirement and other potential changes should be discussed in the 2010 Report, and the 2010 Report should include a chart showing how the need for landfill capacity would be reduced if the rate of diversion increased to 65 % and 75%. That analysis was included in the 2005 Report.

5. The 2010 Report should include a chart showing remaining landfill space at each facility, proposed increased expansions, permitted daily acceptance rates, and annual disposal amounts for the past three years. That information would be helpful in understanding Figure 1. We note that a recent article concerning the decision by the City of San Diego to not sell Miramar indicated that it would not close until 2022 at the current rates of disposal. The 2010 Report assumes a closure date of 2019.

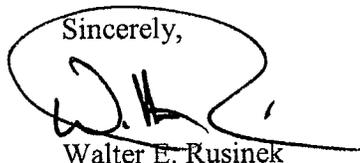
6. At the top of page 11, the 2010 Report states that “annual disposal is predicted to increase from approximately 3.9 million tons in 2010 to approximately 5.25 million tons in 2030.” What was the basis for using 3.9 million tons for 2010?

7. In the 2005 Report, the proposed Gregory Canyon landfill was listed as a “proposed” site based on the passage of the 1994 initiative, and it was used in calculating future landfill capacity. On the other hand, in the 2010 Report, the proposed East Otay Landfill, approved by voters in 2010, is identified as a “proposed” new disposal facility but is not included in the capacity calculations provided in Figure 1. Our understanding is that the East Otay facility could provide up to 140 millions tons of capacity, and it is not clear why it is treated differently in the 2010 analysis.

Donna Turbyfill  
February 22, 2011  
Page 3

We understand that the 2010 Report was prepared to confirm that there is more than 15 years of solid waste disposal capacity in San Diego County as required by state law. The 2010 Report confirms that fact. But the 2010 Report also can serve an informational purpose by providing the public and policymakers with a broader discussion of industry trends in managing waste and likely changes in regulations that will decrease the need for landfill capacity. This industry has changed dramatically in the six years since the 2005 Report was issued, and future changes will be even more dramatic, and we urge the County to provide a more-comprehensive document that addresses the comments raised above and these broader issues.

Sincerely,



Walter E. Rusinek

WER/pal

cc: Shasta Gaughen, Director, Pala Environmental Department  
Damon Nagami, Esq., Natural Resources Defense Council  
Pamela Epstein, Esq., Sierra Club  
Richard Anthony, Zero Waste San Diego  
Susan Jordan, California Coastal Protection Network

**Appendix D:**

Full Text of Proposition A  
Passed by the Voters of San Diego County June 8, 2010

## PROPOSED ORDINANCE

### EAST OTAY MESA RECYCLING COLLECTION CENTER AND LANDFILL INITIATIVE

The People of San Diego County Do Hereby Ordain as Follows:

#### **SECTION 1. INTENT**

It is the intent of this initiative measure:

- A. To provide for the siting of a new recycling collection center and class III solid waste landfill to allow the residents and businesses in San Diego County to recycle and dispose of their solid waste in an environmentally sound and economically competitive manner.
- B. To ensure that the recycling collection center and landfill are designed, constructed, and operated in a safe and efficient manner by requiring full compliance with all environmental laws and regulations. The Project will be monitored during its life on a regular basis by regulatory agencies including, but not limited to, the Integrated Waste Management Board, the San Diego County Air Pollution Control District and the Regional Water Quality Control Board.
- C. To amend the General Plan, Zoning Ordinance and other ordinances and policies of the County of San Diego to allow the construction and operation of a recycling collection center and class III solid waste landfill on approximately 450 acres of land within the East Otay Mesa area in the unincorporated area of San Diego County located approximately 2 miles east of the Siempre Viva Road exit from Interstate 905 and one-quarter mile from Loop Road and east of planned State Route 11. The general location of the East Otay Mesa site is shown on Figure 1 attached to this measure.
- D. To amend the San Diego County Integrated Waste Management Plan and its elements and amendments to add the East Otay Mesa Recycling Center and Landfill and facility as a recycling and disposal site.

#### **SECTION 2. FINDINGS AND PURPOSE.**

- A. The 2005 San Diego County Integrated Waste Management Plan, County Siting Element has documented the critical need for new recycling and solid waste facilities to serve the growing San Diego County population.
- B. The Otay Annex landfill is the only remaining landfill serving southern San Diego County which includes the cities of San Diego, Chula Vista, Imperial Beach, National City, and Coronado, and the unincorporated areas of southern San Diego County.
- C. There is limited capacity in existing landfills.
- D. Many of the San Diego County landfills have been successfully operated by a private party for the County of San Diego.
- E. The East Otay Mesa site is located in a sparsely populated area of San Diego County. Approximately 110 acres of the site will remain undeveloped.
- F. The proposed recycling center and landfill in East Otay Mesa will be entitled, developed, and constructed at no cost to the taxpayer. Costs of operation will be charged to users.
- G. The voters hereby find and determine that the project will be compatible with other uses in the area and the County's General Plan for uses in the area upon implementation of the mitigation measures required by this measure.

#### **SECTION 3. DESCRIPTION OF THE PROJECT.**

The Project will include the following components:

**A. General Description of the Project.**

The recycling collection center and landfill will occupy approximately 340 acres of the East Otay Mesa site not including the approximately 110 acres which will remain undeveloped. The main features of the Project include a recycling collection center, a lined landfill, a scale area, a facilities and operation area, a borrow and stockpile area, a leachate collection system, chipping and grinding area, and storm-water retention facilities. The facilities and operation area will include a visitors' center, an office building, a maintenance office, a shop and yard, a fueling station, a storage area, a water tank truck wash and wash-water treatment area, a landfill gas collection and recovery system, and a leachate collection tank. The Project Proponent shall be entitled to adjust the size and location of solid waste operations and to alter the proposed facilities based on a detailed site plan to be submitted to the Integrated Waste Management Board for its review and approval as part of the solid waste facilities permit.

The recycling and solid waste facilities shall remain open for the receipt of refuse a minimum of nine (9) hours a day, six (6) days a week, excepting recognized federal, state and local holidays.

The Project's recycling and solid waste operations component shall include the receipt, handling, processing, and/or disposal of solid waste or recyclable materials; cover operations; site grading and/or excavation, including blasting and rock crushing; and heavy equipment operation. Other site activities will include the operation of gas and leachate collection and treatment systems, remedial activities required by a regulatory agency, maintenance within the maintenance yard, and other activities that will support recycling and solid waste operations.

At least five (5) days each week, a site clean-up team will inspect for, and clean up, all litter and illegal dumping which occurs on or adjacent to, the landfill access road and Loop Road. The clean up team shall consist of at least one truck with a minimum crew of two persons.

Trained, full-time personnel will be engaged exclusively and continuously in the inspection of incoming refuse loads for hazardous waste. These personnel shall be stationed at the working face of the landfill whenever the landfill is open to accept waste and shall inspect loads as they are tipped. Hazardous wastes encountered in this fashion shall be handled and disposed of in accordance with state regulations. The project will use recycled water from Otay Mesa Water District. The Project includes construction of a new access route from Loop Road.

**B. Implementation.**

**Amendments to County General Plan.**

Upon the effective date of this initiative, the land use element of the County General Plan and all sub-regional and community plans which apply to the East Otay Mesa site and any related maps shall be amended to designate the East Otay Mesa site Public/Semi-public lands with a Solid Waste Facility Designator. Notwithstanding the Public/Semi-public designation, the East Otay Mesa site shall remain private lands unless purchased or condemned by a public agency.

**Amendment to County Zoning Ordinance.**

Upon the effective date of this initiative, the County Zoning Ordinance shall be amended to change the Project site's current zoning from S88 and S90 to the zoning classification

Solid Waste Facility ("SWF"). The SWF zoning classification shall be amended to allow the East Otay Mesa Recycling Collection Center and Landfill to be established.

**Amendments to the San Diego County Integrated Waste Management Plan.**

The San Diego County Integrated Waste Management Plan and its elements and amendments are hereby amended to add the East Otay Mesa Recycling Collection Center and Landfill facility as a recycling and disposal site and to meet the requirements of the California Integrated Waste Management Act of 1989 as amended. The approval of this initiative measure shall constitute approval pursuant to Public Resources Code Section 41760, and adoption pursuant to California Code of Regulations, Title 14, Section 18783, of this amendment to the Waste Management Plan.

**Amendments to Other County Ordinances and Legislative Acts.**

All other County ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the Project as set forth in this initiative.

**Development Regulations.** The Project shall be constructed and operated in accordance with the permits and approvals described in Section 4 below, applicable local policies, rules and regulations, all as may be amended by implementation of this initiative, and applicable federal and state policies, rules and regulations.

**SECTION 4. PERMITS.**

To ensure that the Project is designed, constructed and operated in a safe and efficient manner, the Project shall be required to secure the following permits and approvals to the extent required by state or federal law:

**A. Environmental Review.**

The Project Proponent shall complete any environmental review required by federal or state law to secure the remaining permits and approvals. **B. Consultation with Advisory Council on Historic Preservation.**

The Project Proponent shall consult with the Advisory Council on Historic Preservation in accordance with §106 of the National Historic Preservation Act.

**C. U.S. Department of the Army Corps of Engineers.**

The Project Proponent shall secure a permit relating to §404 of the Clean Water Act from the Army Corps of Engineers.

**D. U.S. Fish & Wildlife Service.**

The Project Proponent shall conduct a §7 consultation with the Department of Interior, U.S. Fish & Wildlife Service in compliance with the Endangered Species Act and shall coordinate the §404 permit with the U.S. Fish & Wildlife Service as required by federal law.

**E. California Department of Fish and Game.**

The Project Proponent shall secure a §1601 Streambed Alteration Agreement with the California Department of Fish & Game and any other required permits.

**F. California State Water Resources Control Board.**

The Project Proponent shall secure a National Pollutant Discharge Elimination System Permit, a Section 401 Water Quality Certification, and a Water Appropriation Permit.

**G. Regional Water Quality Control Board.**

The Project Proponent shall secure a Waste Discharge Permit from the Regional Water Quality Control Board.

**H. California Integrated Waste Management Board.**

The Project Proponent shall obtain a Solid Waste Facility Permit from the California

Integrated Waste Management Board and from the local enforcement agency for the California Integrated Waste Management Board. **I. County of San Diego.**

The Project Proponent shall secure a Grading Permit and a Building Permit from the County of San Diego.

**J. San Diego Air Pollution Control District.**

The Project Proponent shall secure all permits required by the San Diego Air Pollution Control District to construct and operate the solid waste facilities authorized by this measure.

**K. Utility Services.**

The Project Proponent shall comply with the requirements of local utility suppliers in securing electric, telephone, water and fire protection services. Sewer service will be provided by chemical toilets used by workers at the landfill. The Project Proponent will be required to provide the sewage disposal service, removing effluent once per week by pumper truck from the chemical toilets for treatment and disposal away from the site.

**L. Law Enforcement.**

The Project Proponent shall secure a blasting permit as necessary from the San Diego County Sheriff's Department.

**M. Financial Guarantees.**

The Project Proponent shall provide a closure and post-closure plan complying with federal and state law and shall provide bonds or other financial guarantees to ensure performance as required by federal and state law.

**N. Other Permits and Approvals.**

The Project Proponent shall secure all other permits and approvals as required by federal or state law.

**SECTION 5. MITIGATION MEASURES.**

To ensure that the Project is constructed and operated in a manner which minimizes its environmental impacts, the following mitigation measures are hereby adopted as a condition of voter approval of the Project:

**A. Landfill Gas System.**

The Project shall include a network of vertical extraction wells, lateral transmission pipes to a gas recovery facility, and perimeter gas monitoring probes. With this system the landfill gas will be extracted from the landfill and combusted in an enclosed flare.

**B. Water Quality.**

The Project shall comply with all requirements of the Regional Water Quality Control Board to ensure protection of surface and underground water quality.

**C. Earthquakes.**

All structures located at the East Otay Mesa site shall be designed by a qualified engineer to withstand the maximum probable earthquake to avoid potential impacts associated with earthquakes and ground shaking.

**D. Air Quality.**

Air quality impacts associated with the Project shall be mitigated by meeting all requirements imposed by the San Diego County Air Pollution Control District for the Authority to Construct and Authority to Operate permits.

**E. Noise Abatement.**

The Project Proponent shall prepare a Noise Abatement Plan to include:

1. Physical design provisions to ensure that ambient noise levels do not exceed 65 CNEL

- at the boundaries of the East Otay Mesa site;
2. Installation of landfill equipment and vehicles with noise suppressing equipment to assist in meeting the above restrictions;
  3. Provisions for at least 24 hour in advance written notice of any blasting on-site to residents within a one-mile radius of the blast site; and,
  4. Where ambient noise levels exceed 65 CNEL at the boundaries of the East Otay Mesa site, the Project Proponent shall retain a qualified noise expert to evaluate the noise level and recommend mitigation measures. These mitigation measures shall be implemented by the Project Proponent.

**F. Odor Control.**

To control odors on-site, the Project Proponent shall submit an Odor Control Plan to the San Diego County Air Pollution Control District for review and approval.

**G. Dust Control Plan.**

To control dust from Project operations, the Project Proponent shall submit a Dust Control plan to the San Diego County Air Pollution Control District for review and approval.

**H. Biological Impacts.**

All sensitive species and habitat impacted by the Project shall be mitigated in accordance with requirements imposed by the United States Fish & Wildlife Service as part of the §7 consultation.

**I. Visual Impacts.**

In order to mitigate visual impacts associated with the Project, the Project Proponent shall employ extensive use of landscaping emphasizing native vegetation, and rounding/undulation of slopes on the refuse column and changes in slope angles. All landscaping shall be performed by a licensed landscape architect in the State of California. This licensed architect shall prepare a detailed landscape plan designed to minimize visual impact associated with the Project to the maximum feasible extent. The plan prepared by the licensed architect shall be implemented by the Project Proponent upon completion.

**J. Cultural Impacts.**

Impacts to Native American resources impacted by the Project shall be mitigated through the development of a Memorandum of Agreement between the Project Proponent and the appropriate regulatory agencies in accordance with §106 of the National Historic Preservation Act. To mitigate archaeological impacts caused by the Project, the Project Proponent shall retain a qualified archaeologist to investigate and recommend appropriate mitigation measures. These mitigation measures shall be implemented by the Project Proponent.

**K. Additional Mitigation Measures.**

Mitigation measures included as part of any subsequent environmental review of the Project shall be included as additional mitigation measures for the Project. The Project Proponent shall submit a mitigation and monitoring program that meets state and federal law to the Integrated Waste Management Board for review and approval as part of the solid waste facilities permit.

**SECTION 6. COUNTY COOPERATION.**

The County of San Diego shall cooperate with the Project Proponent wherever possible in issuing permits and approvals so that the Project can proceed in a timely fashion.

The County of San Diego is hereby authorized and directed to amend other elements of the General Plan, sub-regional plans, community plans, Zoning Ordinance, Waste Management Plan and other ordinances and any other legislative acts affected by this initiative as soon as possible and in the manner and time required by State Law to ensure consistency between this initiative and other elements of the County's General Plan, sub-regional and community plans, Zoning Ordinance and other County ordinances and policies.

#### **SECTION 7. DEFINITIONS.**

For the purpose of this measure, the following words and phrases shall have the following meanings:

- A. "Project Proponent" means the proposed operator of the facility or its assignee or authorized representatives.
- B. "East Otay Mesa site" means the approximately 450 acres of land located east of State Route 905 and approximately 2 miles east of the Siempre Viva Road exit from Interstate 905; one quarter mile east of Loop Road; one-quarter mile north of the International Border with Mexico; and west of planned State Route 11 occupying portions of Sections 28, 32, and 33 of Township 18 South Range 1 East of the San Bernardino Meridian.
- C. "Integrated Waste Management Board" means the State of California Integrated Waste Management Board.
- D. "Project" means the recycling collection center and landfill and associated structures and improvements as described in Section 3 of this initiative measure as may be subsequently modified by a detailed site plan submitted by Project Proponent to the Integrated Waste Management Board as part of the solid waste facilities permit.
- E. "Recycling collection center" means a facility for the buy-back of source separated materials but not the processing of mixed waste.

#### **SECTION 8. PURCHASE BY PUBLIC AGENCY.**

The East Otay Mesa site shall remain private land until purchased by a public agency or Joint Powers Authority for its fair market value. Nothing contained herein shall restrict the right of any public agency to exercise its eminent domain power as authorized by law to acquire the East Otay Mesa site.

#### **SECTION 9. AMENDMENT OR REPEAL.**

This measure may be amended or repealed only by a majority of the voters voting in an election thereon.

#### **SECTION 10. INTERPRETATION AND SEVERABILITY.**

This measure shall be interpreted so as to be consistent with all federal and state laws, rules and regulations. If any section, sub-section, sentence, clause, phrase, part or portion of this measure is held to be invalid or unconstitutional by a final judgment of court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure and each section, sub-section, sentence, clause, phrase, part or portion thereof would have adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional.

#### **SECTION 11. CONSISTENCY WITH OTHER BALLOT MEASURES.**

In the event that another ballot measure is placed on the same ballot as this measure purporting to deal with the same subject matter, and if both measures should pass, the voters expressly declare their intent that both measures shall be put into effect except to

the extent that specific provisions of such measures are in direct conflict. In the event of such a direct conflict, the measure which obtained more votes will control as to the conflicting provisions only. The voters expressly declare this to be their intent, notwithstanding any language to the contrary in any other ballot measure.

### **Public Resources Code § 41760. Procedure**

The countywide integrated waste management plan and any amendments thereto, with the exception of any source reduction and recycling element, household hazardous waste element, or nondisposal facility element, prepared by a city or county, shall be approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated areas of the county, except in those counties which have only two cities, in which case the plan is subject to the approval of the city which contains a majority of the population of the incorporated areas of the county. Each city shall act upon the plan and any proposed amendment within 90 days after receipt of the amendment. If a city fails to act upon the plan or the proposed amendment within 90 days after receiving the plan or the amendment, the city shall be deemed to have approved the plan or the amendment as submitted.

#### **14 CCR § 18783 Local Adoption of the Final Draft Siting Element and Summary Plan, and the Countywide and Regional Agency Integrated Waste Management Plans.**

(a) Local adoption of the CIWMP will occur when the final draft Siting Element and Summary Plan are adopted by the county and the cities within the county as described in Public Resources Code section 41721 and 41760. A final draft Siting Element and Summary Plan submitted for local adoption shall be accompanied by environmental documentation verifying compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code sections 21000 et seq.

(1) Each incorporated city in the county, and the county, shall conduct a public hearing for the purpose of adopting the final draft Siting Element and Summary Plan. After considering all public comments, the county and each city within the county shall, by resolution, either approve or disapprove the final draft Siting Element and Summary Plan. Failure by a city to take action on the Siting Element or Summary Plan shall be deemed an approval of the Siting Plan or Summary Plan by that city.

(2) If the final draft Siting Element and Summary Plan are not approved by the county and the cities within the county, pursuant to PRC sections 41721 and 41760, then the county shall revise the deficient areas within 90 days of the close of the local jurisdiction review period specified in PRC section 41721 and recirculate them for local approval, pursuant to sections 18780 through 18785 of this article. These revised documents shall be approved as described in Public Resources Code sections 41721 and 41760.

(b) Local adoption of the RAIWMP for a regional agency preparing documents pursuant to section 18776(b)(3)(A) and (5) of this article will occur when the final draft Siting Element and Summary Plan from each county that makes up the regional agency have been adopted by the county and cities within the county. These revised documents shall be approved as described in Public Resources Code sections 41721 and 41760. A final draft Siting Element and Summary Plan shall be accompanied by environmental documentation verifying compliance with CEQA, pursuant to Public Resources Code sections 21000 et seq.

(1) Each incorporated city in the county, and each county, shall conduct a public hearing for the purpose of adopting the final draft Siting Element and Summary Plan. After considering all public comments, each county and each city within the county shall, by resolution, either approve or disapprove the final draft Siting Element and Summary Plan.

(2) If the final draft Siting Element and Summary Plan are not approved by each county and the cities within each county as described in Public Resources Code sections 41721 and 41760, then the county responsible for preparing the final draft Siting Element and Summary Plan shall revise the deficient areas within 90 days of the close of the local jurisdiction review period specified in PRC section 41721 and recirculate them for local approval, pursuant to sections 18780 through 18785 of this article.

(c) Local adoption of the RAIWMP for a regional agency preparing documents pursuant to section 18776(b)(3)(B) of this article will occur when the final draft Siting Element and Summary Plan have been approved by the regional agency and by a majority of the member agencies within the regional agency except in those regional agencies which have only two member agencies, in which case the Siting Element and Summary Plan are subject to approval of the member agency which contains a majority of the population of the member agencies of the county. Each member agency shall act upon the Siting Element and the Summary Plan within 90 days after receipt of the documents. If a member agency fails to act upon the Siting Element and Summary Plan within 90 days after receipt of the element and plan, the member agency shall be deemed to have approved the Siting Element and Summary Plan as submitted. A final draft Siting Element and Summary Plan submitted for local adoption shall be accompanied by environmental documentation verifying compliance with CEQA, pursuant to Public Resources Code sections 21000 et seq.

(1) Each member agency, and the regional agency, shall conduct a public hearing for the purpose of adopting the final draft Siting Element and Summary Plan. After considering all public comments, the regional agency and each member agency within the regional agency shall, by resolution, either approve or disapprove the final draft Siting Element and Summary Plan.

(2) If the final draft Siting Element and Summary Plan are not approved as provided in subsection (c) of this section, then the regional agency responsible for preparing the final draft Siting Element and Summary Plan shall revise the deficient areas within 90 days of the close of the local jurisdiction review period specified in PRC section 41721 and recirculate them for local approval, pursuant to sections 18780 through 18785 of this article. These revised documents shall be approved as described in subsection (c) above.

(d) Local approval of the RAIWMP for a regional agency formed pursuant to section 18776(b)(4) of this article will occur when the final draft Siting Element and Summary Plan for each county where the regional agency exists have been adopted by the cities and each county. The final draft Siting Element and Summary Plan shall be approved as described in Public Resources Code sections 41721 and 41760. A final draft Siting Element and Summary Plan submitted for local adoption shall be accompanied by environmental documentation verifying compliance with CEQA, pursuant to Public Resources Code sections 21000 et seq.

(1) Each incorporated city in each county, and each county, shall conduct a public hearing for the purpose of adopting the final draft Siting Element and Summary Plan. After considering all public comments, each county and city within each county shall, by resolution, either approve or disapprove the final draft Siting Element and Summary Plan.

(2) If the final draft Siting Element and Summary Plan are not approved by each county and cities within each county, then each county shall revise the deficient areas within 90 days of the close of the local jurisdiction review period specified in PRC section 41721 of this article and recirculate them for local approval, pursuant to sections 18780 through 18785 of this article. These documents shall be approved as described in Public Resources Code section

41721 and 41760. These revised documents shall be approved as described in this subsection (d) above.

(e) If a jurisdiction or member agency disapproves the Siting Element or the Summary Plan, the jurisdiction or member agency shall give written notification to the LTF, the County Board of Supervisors and the Board of the deficient areas in the Siting Element or the Summary Plan within 30 days of disapproval.

Note: Authority cited: Section 40502, Public Resources Code. Reference: Sections 40950, 40971, 41000, 41720, 41721, 41751 and 41760, Public Resources Code.

#### HISTORY

1. New section filed 3-19-90 as an emergency; operative 3-19-90 (Register 90, No. 14). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-17-90.
2. New section refiled 7-6-90 as an emergency; operative 7-17-90 (Register 90, No. 37). A Certificate of Compliance must be transmitted to OAL by 11-14-90 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of Certificate of Compliance due date in HISTORY 2 (Register 91, No. 13).
4. Request for readoption of 7-6-90 emergency regulations approved by OAL 11-6-90 but never filed with Secretary of State. Section repealed by operation of Government Code section 11346.1(e) (Register 91, No. 13).
5. New section refiled 2-15-91 as an emergency; operative 2-15-91 (Register 91, No. 13). A Certificate of Compliance must be transmitted to OAL by 6-17-91 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-15-91 order, including amendment of subsections (a), (b) and (c), transmitted to OAL 4-29-91 and filed 5-29-91 (Register 91, No. 37).
7. Change without regulatory effect amending subsection (c) and reference cites filed 7-11-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 37).
8. Amendment of section heading and subsection (a), new subsections (a)(1)-(2), repealer of subsections (b)-(b)(1) and new subsections (b)-(b)(2), repealer and new subsection (c), redesignation and amendment of subsection (c)(1) to subsection (e), new subsections (c)(1)-(d)(2) and amendment of Note filed 7-22-94; operative 8-22-94 (Register 94, No. 29).

14 CCR § 18783, ← 14 CA ADC § 18783 →