

# Gregory Canyon Landfill

The County of San Diego, Department of Environmental Health (DEH), Solid Waste Local Enforcement Agency (LEA) is the lead agency under the California Environmental Quality Act (CEQA) for the proposed Gregory Canyon Landfill. The proposed 1,770 acre Gregory Canyon landfill site is currently owned by Gregory Canyon Ltd., the project applicant. The landfill site is located in northern San Diego County on State Route (SR 76), approximately three miles east of Interstate 15 (I-15) and two miles southwest of the community of Pala. The site is adjacent to the San Luis Rey River and lies along the western slope of Gregory Mountain

## CEQA Related Action

The Director of the LEA is the decision maker for the lead agency. On February 6, 2003, Mr. Erbeck, as the Director of the LEA, certified that a final Environmental Impact Report (EIR) prepared for this project had been completed in compliance with the CEQA. That certification and certain related actions were challenged in a Superior Court action entitled *Riverwatch et al. v. County of San Diego Department of Environmental Health et al.*, case number GIN038227. On January 20, 2006, the Honorable Michael Anello issued a Preemptory Writ of Mandate directing the County of San Diego to set aside the February 6, 2003 certification and certain related actions.

The Court further directed the County to correct three identified deficiencies in the 2003 Final EIR, related to traffic, water supply, and biological mitigation. In response, additional analysis of these issues was performed, additional mitigation was identified, and a Revised Partial Draft EIR was prepared and made available for public comment. LEA staff evaluated and responded to all comments received, and a Revised Final EIR was prepared. The Revised Final EIR consists of the 2003 Draft Environmental Report (DEIR); the March 2007 Revised Partial Environmental Impact Report (RPEIR); Comments and Recommendations on the July 2006 Revised Partial Draft Environmental Impact Report (RPDEIR) circulated for comment in July and August of 2006; and LEA responses to significant environmental points raised in those comments and recommendations.

On April 30, 2007 a Staff Report and the completed RPEIR, was submitted to Gary Erbeck, the Director of LEA, for his review. As required by CEQA the LEA responses to comments were mailed (April 30, 2007) to the Public Agencies who had provided comments on the 2006 RPDEIR. On May 31, 2007, the Director made his Decision on the Revised Final EIR for the Gregory Canyon Landfill that the Revised Partial Draft EIR for the Gregory Canyon Landfill with associated comments and responses to comments had met the direction of the court.

On February 11, 2008, the San Diego Superior Court issued a decision in *Riverwatch v. County of San Diego Department of Environmental Health*. This decision upheld the additional environmental analysis included in the Revised Final Environmental Impact Report for the proposed Gregory Canyon Landfill related to traffic and biological mitigation. The environmental analysis for the water supply (related to the use of reclaimed water) was found to be incomplete. The decision will require additional environmental analysis for the use of reclaimed water.

In response to the Court's order, the LEA staff did additional analysis. Baseline recycled water supply and use conditions were determined, and scenarios that added the Gregory Canyon Landfill to that baseline were defined and quantified. The impacts from recycled water deliveries to the landfill site on other Olivenhain Municipal Water District (OMWD) recycled water customers were then determined as required by the Court's order. The results of this analysis can be found in the Addendum to the Certified Final Environmental Impact Report (Recycled Water Addendum).

## CEQA Related Action (cont.)

The Recycled Water Addendum concludes that there is adequate recycled water to meet the demands of OMWD's existing customers or existing uses of recycled water after including deliveries to the landfill site, and that the OMWD is able to provide 193 acre feet per year (AFY) of recycled water to the landfill site without causing a significant impact to its existing customers or existing uses of recycled water. Based on this information presented in the Recycled Water Addendum, no significant environmental impacts that were not identified in the 2003 FEIR or the Revised FEIR would result, and no previously identified significant impacts would be substantially more severe in light of this analysis.

On August 8, 2008, Gary Erbeck, as the Director of the San Diego County Local Enforcement Agency issued a Decision which adopted the Recycled Water Addendum.

On November 20, 2008, the Superior Court dissolved the Preemptory Writ. Based on its review of the environmental documentation provided and the arguments of the litigants, the Court concluded that the County of San Diego Local Enforcement Agency had met its obligations under CEQA.

*Riverwatch et al. v. Olivenhain Municipal Water District et al.:*

On January 9, 2009, the 4th District Court of Appeals in *Riverwatch et al. v. Olivenhain Municipal Water District et al.* (Case No. D052237) issued an order affecting a proposed water supply for landfill construction and operation. The County and the LEA are not parties to this lawsuit. The appeals court directed the trial court to issue a writ, ordering the Olivenhain Municipal Water District (OMWD) to set aside its approval and execution of a water supply agreement for the landfill and to reconsider that approval after consideration of a legally adequate EIR for the Landfill project.

On May 13, 2009 the Olivenhain Municipal Water District board voted to not supply recycled water to Gregory Canyon. The operator therefore had to identify another source or sources of water, and the County had to complete additional CEQA analysis concerning those sources.

Proposed changes to the project were described in a recent submission to the County of San Diego's Local Enforcement Agency (LEA). Those changes included measures to reduce water use at the landfill site, greater use of on-site water sources that was proposed in the RFEIR, project design features to ensure that on-site water is used in a manner consistent with applicable California water law, and new arrangements for trucking recycled tertiary-treated effluent to the landfill site as necessary. Additional environmental review was conducted to identify the potential environmental effects of those project changes.

This analysis addressed the potential impacts of extracting on-site water as well as potential impacts from the transport of recycled water from the SGVWC facility in South El Monte to the landfill site. Potential impacts from the construction and operation of additional wells and the use of a soil sealant were also evaluated. The results of this analysis can be found in the 2009 Water Supply Addendum. The Addendum and all the Appendixes can be reviewed at Complete 2009 Water Supply Addendum.

The 2009 Water Supply Addendum concludes that the use of on-site water would not result in significant hydrogeological impacts and that the construction and operation of additional wells would not result in significant air quality impacts, health risk impacts, noise impacts, or significant impacts to water resources or biological resources. Furthermore, the use of a soil sealant would not result in significant impacts to water quality or biological resources. Finally, the transport of recycled water from South El Monte to the landfill site would not result in any new or substantially different traffic, air quality, health risk or noise impacts not discussed in the 2003 Draft EIR or RFEIR.

The 2009 Water Supply Addendum concludes that with the combination of riparian underflow, percolating groundwater, trucked recycled water and on-site storage, the landfill has demonstrated a likelihood of adequate water supplies being available for construction and operation. On January 7, 2010, Gary Erbeck, as the Director of the San Diego County Local Enforcement Agency issued a Decision which adopted the 2009 Water Supply Addendum.

The analysis of impacts to biological resources in the 2003 Draft EIR and RFEIR included a discussion of waters on the landfill site subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE) as well as other state agencies, the San Diego Regional Water Quality Control Board (SDRWQCB) and the California Department of Fish and Game (CDFG). Those documents stated acreage figures for jurisdictional waters, based on agency determination where those had been made and on assessment conducted for CEQA purposes. The LEA's understanding of the water that other agencies were likely to consider jurisdictional has evolved in minor ways over time, as a result of new regulations, policies and agency practices. However, these changes were not quantitatively significant, and were not based on official agency positions. On January 13, 2010, the ACOE issued a revised jurisdictional determination, stating for the first time that it considered much of the drainage in the main stem of Gregory Canyon to be waters of the United States.

The 2010 Addendum was prepared to respond to these events by providing the most up-to-date information available on the scope of federal and state jurisdiction over waters on the landfill site, and to analyze any impacts arising from the updated information. The 2010 Addendum was prepared with consideration of the 2003 Draft EIR, the RFEIR, 2008 Addendum and the 2009 Water Supply Addendum. The additional analysis performed as part of the 2010 Addendum showed that no significant impacts would result, which means a supplemental or subsequent EIR cannot be required. CEQA does not require that addendums to certified EIRs be circulated for public comment. On May 7, 2010, Jack Miller, as the Director of the San Diego County Local Enforcement Agency issued a Decision which adopted the 2010 Addendum.

Trial court rulings discharging the writs issued in CEQA litigation were appealed. In both cases the trial court's actions were affirmed by the Court of Appeals, with the final such ruling issued on March 30, 2010. Petitions for review by the Supreme Court of California were filed, but denied.

## Permit Related Actions

On July 27, 2007, a solid waste application package for a modified permit was received by the LEA.

On August 27, 2007 the LEA determined the Gregory Canyon Landfill solid waste facility permit application package to be complete and correct.

On September 26, 2007, in accordance with the Public Resources Code 44008, the applicant waived the LEA statutory timeline. This waiver of statutory timeline granted the LEA an additional 30 days in its determination of whether the permit is to be processed as modified or as a revision.

On October 15, 2007, the LEA determined that the permit application package would be processed as a permit modification.

Since this time the applicant provided additional waivers of the statutory timeline on the following dates: October 25, 2007; December 21, 2007; January 17, 2008; March 20, 2008; April 28, 2008; June 9, 2008; August 8, 2008; October 30, 2008; January 12, 2009; February 19, 2009; May 18, 2009; September 1, 2009; November 23, 2009; and, February 1, 2010.

On January 26, 2009 a lawsuit was filed against the County of San Diego and Gregory Canyon Ltd. (Case No. 37-2009-00050584-CU-MC-NC). The plaintiffs (Riverwatch and the Pala Band of Mission Indians) asserted that the Solid Waste Facility Permit for the landfill had been rescinded and therefore could not be modified. The case was heard in a bench trial on May 27, 2010. On June 14, 2010 the Superior Court issued a decision. The court stated that the County could not treat the permit as valid and existing, and could not modify or revise Solid Waste Facility permit No. 37-AA-0032 without first reconsidering the issuance of the Permit. The court further stated that it would issue a final judgment and injunction in the case. In response to this decision, the applicant has withdrawn its application for a modification of Solid Waste Facility permit No. 37-AA-0032. The LEA will not treat this permit as valid for purposes of any approvals the LEA could issue under the permit, or any enforcement action that would be based on the permit. On July 6, 2010 the final judgment was issued.

On June 25, 2010 a solid waste permit application package for a new permit was received by the LEA. The LEA was required by regulation to review the application package for completeness within 30 days of receipt. The LEA determined that the application package was complete on July 23, 2010.

On August 5, 2010, the LEA rescinded its completeness determination on the permit application package including the Preliminary Closure and Postclosure Maintenance Plans. Also on August 5, 2010 a request was submitted by Gregory Canyon Limited to accept the June 25, 2010 application package as incomplete in accordance with 27 CCR 21580. The LEA accepted the package as incomplete. The applicant had until February 1, 2011, to conform the application to the requirements in Title 27, California Code of Regulation §21570. Revisions were submitted by the applicant.

On February 1, 2011 the LEA determined that the application package was complete and correct. The next step will be to hold a public informational meeting for the proposed Solid Waste Facility Permit (SWFP). This is scheduled for February 23, 2011 at 6:30 pm in the Community Room at the Fallbrook Public Library. Additional notification on the meeting will be provided to the public. The LEA must take action on this application no later than April 1, 2011, unless the regulatory timeline is waived by the applicant. Should the LEA submit a proposed SWFP with the application package to CalRecycle, CalRecycle has 60 days to review and decide whether to concur or object to the proposed SWFP.

Notice Type	Description of Amendment	Date Accepted	Statutory Timeline Waived	Contacts
<b>Gregory Canyon Landfill (37-AA-0032)</b>				
<u>Notice of Informational Meeting</u>	Application for a New Solid Waste Facility Permit	2/1/11	N/A	<u>Jim Henderson</u>

## Where can I see the Revised Final Environmental Impact Report (RFEIR)?

The 2003 DEIR, without appendices, and the complete RFEIR including the *Recycled Water Addendum* can be reviewed and downloaded from the Internet. Together, they compose the Revised Final EIR. The RFEIR is also available for review at the Department of Environmental Health office located at 5500 Overland Drive, Suite 110, San Diego, CA 92123.

## Further information

For further information, please contact the LEA at DEH Comments ([DEHComments@sdcounty.ca.gov](mailto:DEHComments@sdcounty.ca.gov)) by e-mail, telephone at (858) 694-2888, or by mail at 5500 Overland Drive, Suite 110, San Diego, CA 92123. To enroll in our GovDelivery e-mail service, please [click here](#).

## Other Links

- [The Department of Resources Recycling and Recovery \(CalRecycle\) formerly the California Integrated Waste Management Board \(CIWMB\)](#)
- [California Water Resources Control Board](#)
- [Regional Water Quality Control Board - San Diego Region](#)
- [California Environmental Protection Agency \(Cal/EPA\)](#)
- [California Environmental Resources Evaluation System \(CERES\)](#)
- [California Environmental Quality Act \(CEQA\)](#)
- [Official California Legislative Information \(LegInfo\)](#)
- [US Environmental Protection Agency](#)



# NOTICE OF INFORMATIONAL MEETING



**COUNTY OF SAN DIEGO  
SOLID WASTE LOCAL ENFORCEMENT AGENCY (LEA)**

**Date of Notice: February 14, 2011**

**NOTICE OF FULL SOLID WASTE FACILITY PERMIT  
FOR GREGORY CANYON LANDFILL**

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DATE OF MEETING:	Wednesday, February 23, 2011
TIME OF MEETING:	6:30 PM
LOCATION OF MEETING:	San Diego County Public Library Community Room 124 S. Mission Rd Fallbrook, CA 92028
PROJECT TYPE / NUMBER:	Gregory Canyon Landfill / SWIS #37-AA-0032
APPLICANT:	Gregory Canyon Ltd.
COUNTY LEA CONTACT:	Jim Henderson
PHONE NUMBER:	858-694-3607

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Please be advised that the County of San Diego Department of Environmental Health, Solid Waste Local Enforcement Agency (LEA) will be holding an informational public meeting in compliance with Public Resource Code §44004(h) regarding a new proposed Solid Waste Facility Permit for the proposed Gregory Canyon Landfill, SWIS #37-AA-0032. The LEA is certified by the California Department of Resources, Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, to enforce state laws and regulations at solid waste facilities.

The proposed 1,770 acre Gregory Canyon Landfill site is currently owned by Gregory Canyon Ltd., the project applicant. The landfill site is located in northern San Diego County on State Route (SR 76), approximately three miles east of Interstate 15 (I-15) and two miles southwest of the community of Pala (9708 Pala Road, Pala California). Gregory Canyon Landfill is a proposed solid waste landfill with a capacity of 1,000,000 tons per year. The site is proposed to include an active disposal area of 183 acres, a facility footprint of 308 acres, with the rest of the land dedicated for mitigation and open space. On June 25, 2010 the LEA accepted for review a full Solid Waste Facility Permit (SWFP) application package from Gregory Canyon Ltd. for Gregory Canyon Landfill. The SWFP application package was accepted as incomplete on August 5, 2010 and has since been updated by the applicant to conform to the California Code of Regulations Title 27 §21570. On February 1, 2011 the LEA found the SWFP application package complete and correct.

SWFP #37-AA-0032 would:

- Locate a new class III / municipal solid waste sanitary landfill in North San Diego County;
- Set the days and hours of operation as Monday - Friday, 7:00 am to 6:00 pm; Saturday, 8:00 am to 5:00 pm;
- Allow the receipt of municipal solid waste with the following limits:
  - an average daily tonnage of 3,200 tons per day;
  - a peak daily tonnage of 5,000 tons per day; and,
  - a maximum of 1,000,000 tons per year;
- Set the peak traffic volume per day at 675 vehicles; and,
- Establish the following design parameters:
  - Total Permitted Area – 308 acres;
  - Disposal Permitted Area – 183 acres;
  - Design Capacity – 59,500,000 cubic yards;
  - Maximum Elevation – 1,100 feet above mean sea level;
  - Maximum Depth - 523 feet above mean sea level; and,
  - Estimated closure date – 2040.

The LEA's preliminary determination is to approve the new proposed Solid Waste Facility Permit.

This Public Meeting is for any interested parties to learn more about the new proposed SWFP and to provide comments to the LEA regarding the proposed action. The decision to approve or deny a new SWFP will be made by the LEA within 120 days of the date the application was deemed complete as required by State statute, and will be submitted to the California Department of Resources Recycling and Recovery (CalRecycle) for concurrence.

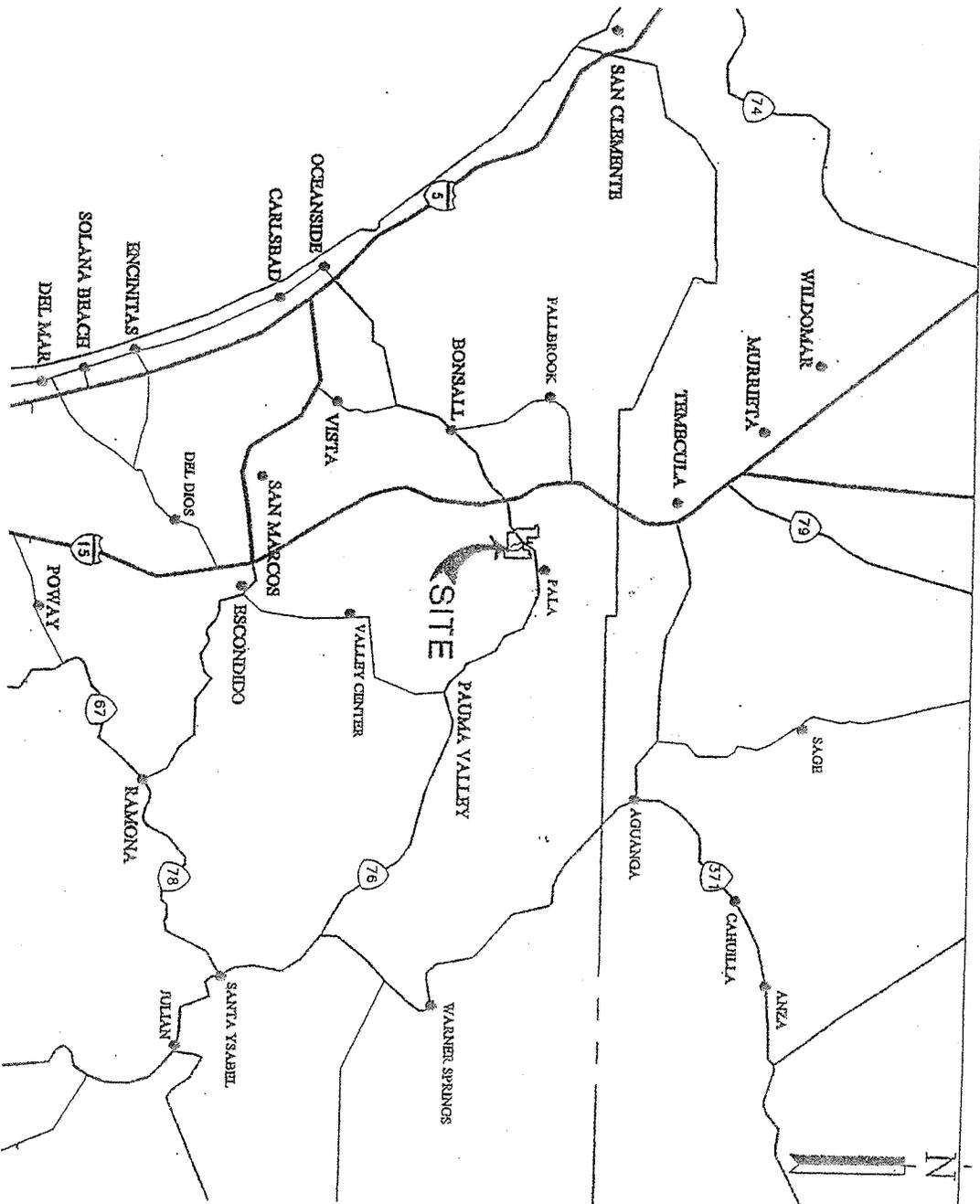
Where a copy of the permit application can be reviewed

A copy of the proposed SWFP and application package for Gregory Canyon Landfill is available for review in the LEA office located at 5500 Overland Ave, Ste 110, San Diego, CA 92123. For an appointment to review the package please contact the LEA at (858) 694-2888.

Options for submitting comments appeals and other contact information

For further information on submitting comments or requesting appeals, please contact the LEA at DEH Comments ([DEHComments@sdcountry.ca.gov](mailto:DEHComments@sdcountry.ca.gov)) by e-mail, telephone at (858) 694-2888, or by mail at 5500 Overland Drive, Suite 110, San Diego, CA 92123.

# General Vicinity



# Gregory Canyon Proposed Landfill

