

**Response to Comment Letter X**

Investigative Science and Engineering  
September 3, 2016

- X-1** This introductory comment is noted.
- X-2** The commenter references the previous letter he submitted on the Draft EIR and reiterates his previous comments. Please refer to responses to comments J-1 through J-6. Because these comments do not raise specific issues pertaining to the adequacy of the Draft Revised EIR, no further response is necessary.
- X-3** Please refer to response to comment J-3. There were no changes to the analysis, data or conclusions of the ISE reports. The County considers the EIR's air quality and noise findings to be valid, and has confirmed that they are consistent with the various technical analyses prepared for the project. The technical reports provided by ISE and included as appendices by the County were reviewed and approved by the County as the CEQA Lead Agency for the project, including the County's technical experts related to noise and air quality. The County acknowledges that while the analysis, findings, and conclusions of the ISE reports referenced in this comment were not altered or changed in any manner, the process of converting the Word files provided by ISE to the County into a PDF format resulted in a formatting error. This formatting error has been corrected as part of the Final EIR, as the Word documents provided by ISE and referenced in this comment, are provided in the Final EIR. The technical aspects of the ISE reports were not altered. Please also refer to responses to comments J-1 through J-6.

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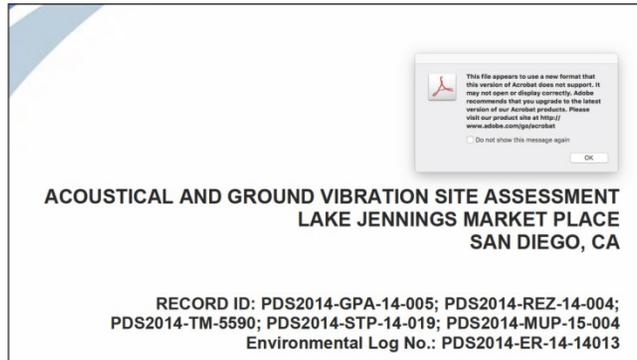


Fig. 1: Partial Screenshot of Modified Acoustical Technical Report from DPLU Website

Given the fact that your office was provided with complete final PDF files from ISE, the continued insistence of your office to alter our work products after they were submitted, plagiarize our copyrighted logo, and attempt to pass unsigned work products off as independent assessments is quite disturbing, and frankly dishonest.

**Modifications to ISE's Work Products After Submittal**

As previously stated, ISE provided the County of San Diego DPLU with final signed PDF documents of our technical work products for the aforementioned project, in addition to unsigned Microsoft Word files. County staff assured ISE that the Word files would only be used for extracting information for the DEIR, and would not be altered in any way (let alone being altered, and then published).

Contrary to County assurances, your office not only modified the MS Word files, and in the process added content in some areas while destroying it in others, your office also appears to have intentionally attempted to modify the reports so as to make them appear as though they originated from ISE, even to the point of poorly replicating the document security features.

Please note the following two screenshots (Figures 2 and 3). Although ISE's last iteration of our technical reports were both dated 5/12/15, and generated into PDF format on the same date, these are not the versions shown on the County's website. ISE's PDF reports were generated on a Mac OS X machine version 10.6.8, using PDF format version 1.4. Contrast these against the reports shown on the County's website (Figures 4 and 5).

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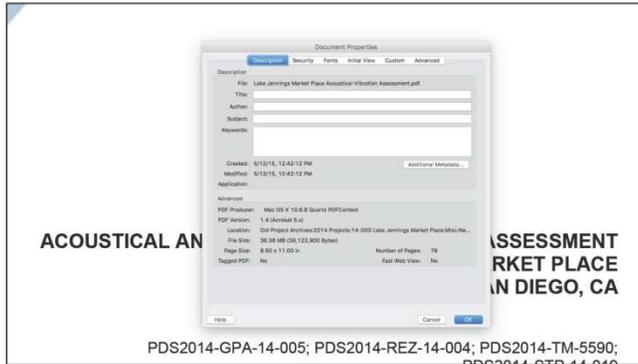


Fig. 2: Partial Screenshot of Original Acoustical Technical Report Properties Pane

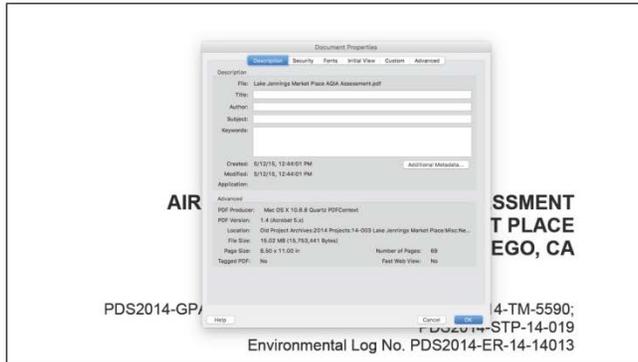


Fig. 3: Partial Screenshot of Original Air Quality Technical Report Properties Pane

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The PDF's shown on the County's website were generated on 11/2/15, with the additional modification of the acoustical report on 11/11/15 to copy some additional security features. The following discrepancies are noted:

1. The PDF's were generated using PDF format versions 1.5 and 1.7. Version 1.7 is a newer version than ISE uses, hence the error shown in Figure 1.
2. Both PDF's have different page counts than the original documents provided by ISE.
3. Both PDF's were authored by someone named TPARSONS from renamed versions of the MS Word files sent to the County (the original files have no such references).
4. Finally, both PDF's were generated on a Microsoft Windows machine. For the record, ISE exclusively uses Apple products.

In short, the PDF's provided on the County's website, which are masquerading as ISE reports, did not originate from ISE. ISE does not warranty this work, and considers it to be plagiarized content in violation of the Digital Millennium Copyright Act (DMCA), USC Title 17, as amended.<sup>1</sup>

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Fig. 4: Partial Screenshot of Modified Acoustical Technical Report Properties Pane

<sup>1</sup> Per sections 17 U.S.C. §§ 512, 1201–1205, 1301–1332; 28 U.S.C. § 4001, and as amended 17 U.S.C. §§ 101, 104, 104A, 108, 112, 114, 117, 701.

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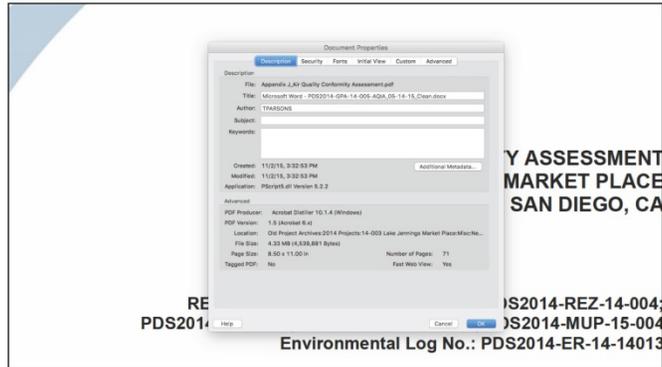


Fig. 5. Partial Screenshot of Modified Air Quality Technical Report Properties Pane

**Specific Areas of Concern**

ISE takes pride in our work products, which is why reading what is published on the County's website irritates us so much. Given the magnitude of the unnecessary alterations, one has to wonder if the intent was to transform a professional report into an amateurish one.

A standard document comparison using Adobe Acrobat reveals so many changes between the PDF documents posted (and the original) that it almost appears that entire segments of the report were cut and re-pasted. The end result makes it appear that ISE's work products are a sloppy, poorly formatted mess, which is completely opposite from reality.

ISE notes the following significant alterations and/or mysteries in the reports (with the caveat that others might exist). They are provided in no particular order.

1. In both County published acoustical and air quality reports, the Record ID was appended after we submitted the reports to also include a Major Use Permit (PDS2014-MUP-15-004). For the record, ISE never examined a Major Use Permit application (or its environmental constraints) for this project, and were in fact told by County staff, and the applicants planning consultant, not to do so.

In fact, ISE states on Page 48 of the acoustical report that, "The final design of the mitigation plan would be conditioned as part of a separate Major Use Permit (MUP) action for this construction pad." Thus, the MUP was separate from what was analyzed by ISE. The report does not include any MUP analyses or findings.

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2. On Page 22 (acoustical report), the equation of motion for ground vibration was altered to include an ampersand making the work look sloppy and unprofessional. This is a good trick considering the equation is a vector graphic image.
3. Unnumbered page (air quality report) following the title page. This page does not exist in the ISE generated report. The footer is wrong, and is from a different 2008 ISE report using our old logo at the time. This was apparently cut-and-pasted from a previous ISE report that the County has for some unknown reason.
4. Multiple pages (both reports), the footer is missing from most of the pages. This effectively strips-off the copyright notices on these reports, which is a direct violation of copyright management protocol as defined by 17 U.S. Code § 1202(b).
5. Unnumbered page (should be Page 13, but the page header was removed for some reason), the text discussing County Code Section 36.410 has been altered from its original citation changing the meaning.
6. On Page 20 (air quality report), the highlighted annotations showing the various variables associated with toxic risk has been removed. The same problem is indicated on Pages 33 and 34 where the computation of PM10 is discussed, as well as on Page 39 for VOC's, and on Page 50 where natural gas emissions are discussed.
7. On Page 42 (air quality report), the header of Table 9 has been altered. The meaning of the number "1" in the table is a mystery to us.
8. On Page 24 (acoustical report), the equation describing the equivalent acoustical emissions from the car wash equipment was altered to remove a multiplication symbol, and insert a lowercase 'g'. Again, this makes the work look sloppy and unprofessional, and was not part of the original document.
9. On Pages 25 and 26 (acoustical report), the graphics were down-sampled making them hard to read. This is not how they were presented in the ISE generated PDF. The same problem is indicated on Pages 33 and 34.
10. On Pages 35 through 37 (acoustical report), the graphics were rasterized and severely down-sampled making them unreadable and unusable. This is not how they were presented in the ISE generated PDF, as these images were saved to the PDF in vector format for this reason.
11. Page 61 (air quality report), the page formatting has been changed, and only part of the EMFAC emissions table is shown. Values pertinent to the analysis have been omitted from the report.
12. Superfluous white space was intentionally added to most pages of both reports.
13. Numerous examples of paragraphs being run together, or properly formatted sentences being made into run-ons, and tab settings being removed to alter the look of the report and/or make it harder to read.
14. The reports index and table of contents/figures/tables was regenerated in an attempt to conceal the report alterations.

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15. The reports are unsigned, making them worthless.

Should you have any questions, please do not hesitate to contact me at the number listed above.

Sincerely,



Rick Tavares, Ph.D.  
President  
Investigative Science & Engineering, Inc.

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