

## Sibbet, David

---

**From:** Michael Ibach <michael@hm-lawyers.com>  
**Sent:** Wednesday, October 23, 2019 3:18 PM  
**To:** Sibbet, David  
**Cc:** 'Ben-Thomas Hamilton'; michelle@hm-lawyers.com  
**Subject:** North County Environmental Resources Project  
**Attachments:** Tekstra Project Letter.pdf

Mr. Sibbet,

Please see the attached letter in opposition of the North County Environmental Resources Project, a hard copy to follow. I appreciate your time and consideration. Please let me know if you have any questions or comments on the matter.

Best Regards,

**Michael Ibach, Esq.**  
**HAMILTON & ASSOCIATES, APC**  
3110 Camino del Rio South, Suite 203  
San Diego, California 92108  
Tel: (619) 299-4877  
Fax: (619) 299-4787  
Direct: (619) 299-9012

This message, together with any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or Hamilton & Associates, APC., at (619) 299-4877 immediately by telephone or by return e-mail and delete this message, along with any attachments, from your computer. Thank you.

**CAUTION:** This email originated from outside of the County network. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, forward the email to [spam.protection@sdcounty.ca.gov](mailto:spam.protection@sdcounty.ca.gov).

SERVING SOUTHERN  
CALIFORNIA

San Diego County  
Orange County  
Riverside/San Bernardino  
Los Angeles

**HAMILTON & ASSOCIATES, APC**  
ATTORNEYS AT LAW

3110 CAMINO DEL RIO SOUTH, SUITE 203  
SAN DIEGO, CALIFORNIA 92108  
Telephone: (619) 299-4877  
Facsimile: (619) 299-4787

OF COUNSEL:

DONALD E. McINNIS

Sender's E-mail:  
michael@hm-lawyers.com

October 23, 2019

**Via U.S. Mail & Email:** David.Sibbet@sdcounty.ca.gov

David Sibbet, Planning Manager  
COUNTY OF SAN DIEGO - PLANNING AND DEVELOPMENT SERVICES  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

**Re: North County Environmental Resources Project**

Dear Mr. Sibbet:

Please be advised this office represents Susan Tekstra, a long time resident of Escondido, California and an individual who is vehemently opposed to the North County Environmental Resources project's proposed recycling facility ("the Project"). Ms. Tekstra is a member of the Montreaux subdivision. Please allow this letter to serve as Ms. Tekstra's official opposition to the Project.

**Initial Proposal**

In or around July of 2013, a proposal for the same recycling plant at issue was being contemplated by the County. County officials agreed to thoroughly study how the industrial recycling plant would affect nearby traffic, air quality and wildlife. This process is called an Environmental Impact Report.

The report had been lobbied for by hundreds of residents, all of whom signed a petition opposing the Project. The residents contended that the Project would harm their property values, worsen traffic on the I-15, damage the rural scenery and simply pose health risks to the residents. Thankfully, at that time, the County appeared to take these concerns seriously in ordering the Environmental Impact Report. The report was to be submitted by May of 2015. After the County decided to require the report, it did not appear that a report was submitted by the developers hoping to build the Project.

///

### **Present Proposal**

Astonishingly, after roughly six years, the County has apparently reneged on its requirement that an Environmental Impact Report be performed. Residents received a letter from the County on September 12, 2019 which cited Environmental Quality Act Section 15183 and indicated that the project had been determined to qualify for an exemption and no longer needed to have an Environmental Impact Report performed. This was despite the extensive public outcry regarding the Project years ago and its reliance on the County to protect them.

Residents were not told what happened to change the County's decision in regard to the Environmental Impact Report. They were not told who made this decision nor what was considered. Residents were notified of the change and were given an extraordinarily short notice of 12 days to attend a meeting regarding the change. The residents, and specifically Ms. Tekstra, feel as if the County has simply abandoned their well-being and decided that the concerns of residents are subordinate to the County's financial agenda. As all have known for years, the Project proposes issues involving health, noise, aesthetics and traffic. This does not even include potential additional environmental concerns that could come to light should a thorough study be done.

### **Health Impact**

Ms. Tekstra suffers from a condition called neurosarcoidosis, which results in the development of brain tumors. This requires frequent chemotherapy, leaving her immune system weakened and significantly compromised. As a result, airborne particles and toxins are extremely detrimental to Ms. Tekstra's lung health and overall well-being.

Unfortunately, the proposed Project has potentially severe negative health consequences due to decreased air quality and a lack of emissions monitoring. The crushing of concrete and the handling operations on the facility are particularly worrisome. These can lead to the emission of silica dust and other particulates, all of which severely impact not only Ms. Tekstra's health, but the community in general.

In regard to emissions, there is a concerning lack of appropriate monitoring and specificity. The project scope is vague regarding the rate at which processing equipment will operate, which has a significant bearing on the emissions coming from the plant.

///

---

The theme here, and the fact that we can all agree on, is that there are significant unknowns in regard to the Project. There is no reason why the previously recommended Environmental Impact Report should not be undertaken. In fact, the only explanation is that the County is skipping steps and saving money, allowing the developer to do the same, and placing these interests above the health and well-being of its residents. I cannot imagine this is a position the County would continue to take on behalf of its citizens and constituents.

### **Noise**

The hours of operation for the Project are 5:00 a.m. to 7:00 p.m., 6 days a week. These hours are outside the normal hours of businesses in the area and will only lead to the disruption of residents' normal routines. Resident will be forced to have their lives disrupted by the constant and unrelenting noise coming from trucks, concrete crushing, and other disruptive machinery. Of note, this disruption will not simply be taking place while residents are at work, but will be occurring on the weekends, in the mornings and at night. Resident will not be able to step outside and enjoy themselves without being disturbed by the noise being emitted from the Project. Further, it does not appear that the County considered the amphitheater like shape of the area, which may only serve in amplifying the noise levels.

### **Traffic & Aesthetics**

Heavily loaded incoming and outgoing trucks will be traveling, routinely, along the I-15, to and from the facility. The communities residing along these roads will be severely impacted by this increase in traffic, as the trucks are likely to cause a substantial increase in traffic. Further, the trucks themselves will only serve in more rapidly deteriorating the surrounding roads as heavy trucks and/or trailers cause wear and tear on roadways that is hundreds of times more significant than ordinary passenger vehicles.

In addition to the increase in traffic, the facility is set to be perched on a high level grade, in view of over 6,100 residents. Instead of looking out into their backyards and seeing a beautiful rural area, residents will be forced to see this unwanted facility. They will be forced to see and hear trucks, buildings and other elements of the facility. Simply put, this project robs the County's residents of the views and aesthetics that they paid for, currently enjoy and have an expectation of enjoying into the future.

///

///

---

**Conclusion**

While Ms. Tekstra is under no delusion that the area around her will forever go unchanged, she simply asks that the County at least conduct its due diligence and heed the concerns of its residents. There is simply no reason to not require an Environmental Impact Report when the interests of your residents could be so adversely affected.

Performing such a report would not only allow the County to obtain all the facts and information required in order to make an informed decision, but would serve in putting its residents at ease. This would restore residents' trust in the County and assuage any fears that the County is placing financial incentives or other concerns above that of its residents' well-being. The right thing to do here is clear.

Should you have any questions or concerns regarding the above, please do not hesitate to contact me. Thank you for your careful consideration of this matter.

Very truly yours,

HAMILTON & ASSOCIATES, APC



Michael W. Ibach

MWI

Enclosure

SERVING SOUTHERN  
CALIFORNIA

San Diego County  
Orange County  
Riverside/San Bernardino  
Los Angeles

**HAMILTON & ASSOCIATES, APC**  
ATTORNEYS AT LAW

3110 CAMINO DEL RIO SOUTH, SUITE 203  
SAN DIEGO, CALIFORNIA 92108  
Telephone: (619) 299-4877  
Facsimile: (619) 299-4787

OF COUNSEL:

DONALD E. McINNIS

Sender's E-mail:  
michael@hm-lawyers.com

October 23, 2019

**Via U.S. Mail & Email:** David.Sibbet@sdcounty.ca.gov

David Sibbet, Planning Manager  
COUNTY OF SAN DIEGO - PLANNING AND DEVELOPMENT SERVICES  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

**Re: North County Environmental Resources Project**

Dear Mr. Sibbet:

Please be advised this office represents Susan Tekstra, a long time resident of Escondido, California and an individual who is vehemently opposed to the North County Environmental Resources project's proposed recycling facility ("the Project"). Ms. Tekstra is a member of the Montreaux subdivision. Please allow this letter to serve as Ms. Tekstra's official opposition to the Project.

**Initial Proposal**

In or around July of 2013, a proposal for the same recycling plant at issue was being contemplated by the County. County officials agreed to thoroughly study how the industrial recycling plant would affect nearby traffic, air quality and wildlife. This process is called an Environmental Impact Report.

The report had been lobbied for by hundreds of residents, all of whom signed a petition opposing the Project. The residents contended that the Project would harm their property values, worsen traffic on the I-15, damage the rural scenery and simply pose health risks to the residents. Thankfully, at that time, the County appeared to take these concerns seriously in ordering the Environmental Impact Report. The report was to be submitted by May of 2015. After the County decided to require the report, it did not appear that a report was submitted by the developers hoping to build the Project.

///

### **Present Proposal**

Astonishingly, after roughly six years, the County has apparently reneged on its requirement that an Environmental Impact Report be performed. Residents received a letter from the County on September 12, 2019 which cited Environmental Quality Act Section 15183 and indicated that the project had been determined to qualify for an exemption and no longer needed to have an Environmental Impact Report performed. This was despite the extensive public outcry regarding the Project years ago and its reliance on the County to protect them.

Residents were not told what happened to change the County's decision in regard to the Environmental Impact Report. They were not told who made this decision nor what was considered. Residents were notified of the change and were given an extraordinarily short notice of 12 days to attend a meeting regarding the change. The residents, and specifically Ms. Tekstra, feel as if the County has simply abandoned their well-being and decided that the concerns of residents are subordinate to the County's financial agenda. As all have known for years, the Project proposes issues involving health, noise, aesthetics and traffic. This does not even include potential additional environmental concerns that could come to light should a thorough study be done.

### **Health Impact**

Ms. Tekstra suffers from a condition called neurosarcoidosis, which results in the development of brain tumors. This requires frequent chemotherapy, leaving her immune system weakened and significantly compromised. As a result, airborne particles and toxins are extremely detrimental to Ms. Tekstra's lung health and overall well-being.

Unfortunately, the proposed Project has potentially severe negative health consequences due to decreased air quality and a lack of emissions monitoring. The crushing of concrete and the handling operations on the facility are particularly worrisome. These can lead to the emission of silica dust and other particulates, all of which severely impact not only Ms. Tekstra's health, but the community in general.

In regard to emissions, there is a concerning lack of appropriate monitoring and specificity. The project scope is vague regarding the rate at which processing equipment will operate, which has a significant bearing on the emissions coming from the plant.

///

The theme here, and the fact that we can all agree on, is that there are significant unknowns in regard to the Project. There is no reason why the previously recommended Environmental Impact Report should not be undertaken. In fact, the only explanation is that the County is skipping steps and saving money, allowing the developer to do the same, and placing these interests above the health and well-being of its residents. I cannot imagine this is a position the County would continue to take on behalf of its citizens and constituents.

### **Noise**

The hours of operation for the Project are 5:00 a.m. to 7:00 p.m., 6 days a week. These hours are outside the normal hours of businesses in the area and will only lead to the disruption of residents' normal routines. Resident will be forced to have their lives disrupted by the constant and unrelenting noise coming from trucks, concrete crushing, and other disruptive machinery. Of note, this disruption will not simply be taking place while residents are at work, but will be occurring on the weekends, in the mornings and at night. Resident will not be able to step outside and enjoy themselves without being disturbed by the noise being emitted from the Project. Further, it does not appear that the County considered the amphitheater like shape of the area, which may only serve in amplifying the noise levels.

### **Traffic & Aesthetics**

Heavily loaded incoming and outgoing trucks will be traveling, routinely, along the I-15, to and from the facility. The communities residing along these roads will be severely impacted by this increase in traffic, as the trucks are likely to cause a substantial increase in traffic. Further, the trucks themselves will only serve in more rapidly deteriorating the surrounding roads as heavy trucks and/or trailers cause wear and tear on roadways that is hundreds of times more significant than ordinary passenger vehicles.

In addition to the increase in traffic, the facility is set to be perched on a high level grade, in view of over 6,100 residents. Instead of looking out into their backyards and seeing a beautiful rural area, residents will be forced to see this unwanted facility. They will be forced to see and hear trucks, buildings and other elements of the facility. Simply put, this project robs the County's residents of the views and aesthetics that they paid for, currently enjoy and have an expectation of enjoying into the future.

///

///



**Conclusion**

While Ms. Tekstra is under no delusion that the area around her will forever go unchanged, she simply asks that the County at least conduct its due diligence and heed the concerns of its residents. There is simply no reason to not require an Environmental Impact Report when the interests of your residents could be so adversely affected.

Performing such a report would not only allow the County to obtain all the facts and information required in order to make an informed decision, but would serve in putting its residents at ease. This would restore residents' trust in the County and assuage any fears that the County is placing financial incentives or other concerns above that of its residents' well-being. The right thing to do here is clear.

Should you have any questions or concerns regarding the above, please do not hesitate to contact me. Thank you for your careful consideration of this matter.

Very truly yours,

HAMILTON & ASSOCIATES, APC



Michael W. Ibach

MWI

Enclosure