

26 October, 2004

Countywide Integrated Waste Management Plan

Siting Element Amendment

Negative Declaration for Environmental Impacts

Comments from the City of Santee and the State Clearinghouse with Responses from the County of San Diego

PROJECT NAME: Siting Element Update of 2004 WA# UJ0004
SCH#2004041115

PUBLIC REVIEW PERIOD: April 22, 2004 to May 24, 2004

During the public review period for this project, two letters of public comment were received. The letters are attached, and the responses to comments are provided below.

A. LETTER FROM GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE DATED May 26, 2004.

State Clearinghouse Comment 1: The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on May 24, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

County of San Diego Response 1: The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers.

B. LETTER FROM DOUGLAS WILLIFORD, CITY OF SANTEE, DATED MAY 24, 2004.

All comments in this appendix from the City of Santee are actual quotes from the city's original letter of 24 May, or are accurate iterations fit into the context of answerable separate comments.

City of Santee Comment 1. The City (of Santee) is concerned that the Siting Element relies too definitively upon the proposed expansion of the Sycamore Canyon landfill.

County of San Diego Response 1. In calculating the landfill capacity for the California Integrated Waste Management Board -required period, the Siting Element includes landfill capacities from all landfills in the County except two military sites on Camp Pendleton. The landfills available to the public are: Miramar, Otay, Sycamore Canyon, Ramona, and Borrego. At the current rate of disposal, given daily permitted disposal rates, the permitted annual throughput of in-county landfills would be inadequate by the year 2007 (mean value). Because Allied Waste, Inc, had already proposed that expansion be implemented at Sycamore Canyon, and initiated the environmental analysis process working with the City of San Diego, the tentative capacity was included as one possible option for meeting the 15-year capacity.

Chapter Eight of the Siting Element identifies additional strategies for disposing of solid waste that could be explored to help meet the region's 15-year disposal needs. These strategies were developed because the approval of proposals for new and expansion of existing landfills is uncertain at this time. CCR Sections 18755(c) and 18756.5 contain the specific requirements for this chapter. These include increases in the annual rates of throughput at existing landfills as submitted by landfill operators, additions of new landfills, and other solutions, including better technologies at existing landfills, out-of-county transportation, diversion, source reduction, and transformation. Separate models were developed for each of these strategies.

City of Santee Comment 2. It is essential that the Siting Element treat (Sycamore Canyon tentative expansion) as a "tentatively reserved site" and not consider the capacity of the expansion at all in its projections.

County of San Diego Response 2. The Sycamore expansion is treated as a "tentative expansion." The tentative expansion is one option considered in projections as an objective integral part of the model of a mixed strategy to meet the 15-year capacity.

The statutory rules for preparation of a countywide siting element are set forth in Public Resources Code sections 41700 through 41721.5. Those statutes are supplemented by regulations set forth in California Code of Regulations, title 14, sections 18755 through 18756.7. Pursuant to those statutes and regulations, siting elements may discuss the following three classes of landfill sites when calculating landfill capacity: (i) existing; (ii) proposed; and (iii) tentatively reserved. Generally speaking, "existing" landfill sites are those landfills existing at the time the siting element is prepared, "proposed" landfill sites are those that are consistent with the applicable general plan but are not yet existing and "tentatively reserved" landfill sites are those proposed sites that are not yet existing nor consistent with the applicable general plan.

City of Santee Comment 3. The Siting Element should evaluate the existing capacity and all alternatives, including but not limited to recycling and exportation. This point should be clarified in the CEQA document project description.

County of San Diego Response 3. As stated in County Response 1, the Siting Element considered diversion and out-of-county transportation in detail, and also considered improved technology, including transformation in the mix of a strategic program to maintain the 15-year capacity. This information is included in the first paragraph under 8A of the *CEQA Initial Study-Environmental Checklist Form*.

In Chapter Eight, the Siting Element notes that the region recognizes that diversion of organics, paper, and construction and demolition materials is essential for decreasing the region's dependence on landfilling. The Siting Element recommends that a more thorough feasibility study be conducted to determine the best long-term strategy for the region. This strategy should include a combination of strategies including a cost/benefit analysis and recommendations on the diversion and market development programs necessary to preserve existing landfill capacity.

City of Santee Comment 4. If the Siting Element relies on an expansion project for which environmental impacts have not yet been evaluated, then the CEQA document for the Siting Element should analyze the environmental impacts of including the expanded site in the Siting Element, including but not limited to visual impacts, air quality, biological resources, hazards and hazardous materials, land use and planning, noise, recreation and traffic.

County of San Diego Response 4. It is not the role or obligation of the Siting Element to analyze environmental impacts of proposed or tentative projects. An Environmental Impacts Report is being prepared for the Sycamore Landfill in fulfillment of the City of San Diego land use and CEQA requirements, which will determine potential impacts of expansion. Review and adoption of the Siting Element does not limit any jurisdiction or interested party's right to conduct a more in-depth review of each proposal through the individual project's EIR.

City of Santee Comment 5. The basis for the achievement of the Siting Element goals seems to be improperly based on the Sycamore Landfill expansion and such consideration is inappropriate because the site is "tentatively reserved" as well as inconsistent with existing land use plans.... the CEQA document should analyze this point in the Land Use and Planning Section of the Initial Study.

County of San Diego Response 5. The Siting Element Amendment is a planning document, written in requirement of State law, and has no possibility of environmental impacts. The Siting Element does not confer approvals to any land use project. The Siting Element proposes a strategy, but the elements of the strategy are subject to individual review, and inclusion in the document does not assume approval. The inclusion of the tentatively reserved Sycamore expansion is a valid part of the basis for determining whether or not the jurisdictions within the county of San Diego have adequate landfill capacity, with or without the project. Since it was demonstrated that there is not adequate landfill capacity on the basis of current permitted annual tonnages at existing landfills, it is valid to incorporate the existing formal application for tentative expansion of the Sycamore Canyon Landfill (See County Response 2).

City of Santee Comment 6. The Sycamore landfill expansion is not consistent with the Community Plan of the City of San Diego for the East Elliot Area and therefore, the City of San Diego General Plan. The CEQA document and the Siting Element should consider this point.

County of San Diego Response 6. The Environmental Impacts Report for the Sycamore Canyon Master Plan is progressing on schedule, and upon completion of the environmental review process, the City of San Diego will make the decision as to compliance with the San Diego General Plan.

A proposed new landfill, or the proposed expansion of an existing landfill, may be included in a siting element even if it is *not* consistent with the applicable general plan. In such case, however, the new or expanded facility must be considered a "tentatively reserved" site. Pub. Res. Code § 41710(a) provides:

"A county may tentatively reserve an area or areas for the location of a new solid waste transformation or disposal facility *or the expansion of an existing transformation or disposal facility* even though that reservation of the area or areas is not consistent with the applicable city or county general plan. A reserved area in a countywide siting element is tentative until it is made consistent with the applicable city or county general plan."
(*Emphasis added.*)

Cal. Code Regs., tit. 14, § 18756.3(b) states that a proposed area that is not consistent with the applicable general plan "may be 'tentatively reserved' for future or expanded solid waste disposal facilities."

One important point regarding "tentatively reserved" sites is that, if such sites are not made consistent with the applicable general plan by the next five-year revision of the siting element, they *must* be removed from the siting element. See, e.g., Pub. Res. Code §§ 41711-41712. Section 41711 states:

"An area tentatively reserved for the establishment *or expansion* of a solid waste transformation or disposal facility *shall be removed* from the countywide siting element if a city or county fails or has failed to make the finding that the area is consistent with the general plan or has made a finding that the area should not be used for the location of a solid waste transformation or disposal facility." (*Emphasis added.*)

City of Santee Comment 7. The proposed (Sycamore Canyon) expansion is not consistent with the City of San Diego's General Plan (because):

- Pursuant to PRC 41702 (b), the area reserved for the expansion must be located in, or coextensive with, a land use area designated or authorized for solid waste facilities in the applicable General Plan.

- The establishment or expansion of a (solid waste facility) must be compatible with adjacent land uses authorized under the existing General Plan (sic PRC 41702 c).
- The expansion is not within the area designated for solid waste management in the City's General Plan and the areas adjacent to the proposed expansion are not compatible with the proposed expansion.

(Therefore)... the CEQA document and the Siting Element should consider this point.

County of San Diego Response 7. See County Response 5. This information will be examined in the Sycamore Canyon Master EIR and submitted by the developer to the City of San Diego, which is the local planning and land use agency for the project. The answers to these comments must be provided by the developer during the EIR CEQA process for the tentative expansion, and do not belong in the Siting Element.

City of Santee Comment 8. Alternatives.

- It is important that the Siting Element and CEQA document not rely upon the Sycamore Landfill expansion to meet future capacity demands.
- Both documents should evaluate alternatives such as recycling, exportation and other waste options in the event the expansion project fails. The City (of Santee) believes these documents are deficient in their identification and analysis of alternatives to the expansion.
- The City (of Santee) believes alternatives including but not limited to, the following alternatives should be more thoroughly considered and addressed.
 1. Out of county transport of waste
 2. Recycling
 3. Waste reduction, and
 4. Reuse of construction debris.

County of San Diego Response 8. Since a formal proposal exists to expand the Sycamore landfill, it is valid to include the tentative expansion as one possible scenario in the model for predicting landfill capacity in the future.

Because the Siting Element is a planning document, the fundamental role of the document is to determine if the jurisdictions within the county of San Diego have sufficient landfill capacity for the next 15-year period and to describe what capacity or strategies will provide said capacity. In Chapter Eight, the Siting Element notes that the region recognizes that diversion of organics, paper, and construction and demolition materials is essential for decreasing the region's dependence on landfilling. The Siting Element recommends that a more thorough feasibility study be conducted to determine

the best long-term strategy for the region. This strategy should include a combination of approaches, including a cost/benefit analysis and recommendations on the diversion and market development programs necessary to preserve existing landfill capacity.