

APPENDIX A

PUBLIC INPUT AND COUNTY RESPONSE

**INDEX OF COMMENT LETTERS
COUNTYWIDE SITING ELEMENT**

<u>No.</u>	<u>Comment From</u>	<u>Date of Letter</u>
1	CITY OF SAN DIEGO Kenneth Prue and Lisa Wood	September 24, 2003
2	CITY OF ESCONDIDO Kathy Winn	September 24, 2003
3	CITY OF OCEANSIDE Ester Beatty	September 12, 2003
4	THE CITY ATTORNEY CITY OF SAN DIEGO Casey Gwinn	August 28, 2003
5	RICHARD ANTHONY & ASSOCIATES Richard Anthony	August 25, 2003
6	RICHARD ANTHONY & ASSOCIATES Richard Anthony	July 25, 2003
7	CITY OF SANTEE Melanie Kush	July 2, 2003
8	CITY OF SAN DIEGO Robert Epler	June 18, 2003
9	GREGORY CANYON LTD. Richard W. Chase	June 16, 2003
10	CITY OF SANTEE Melanie Kush	June 3, 2003
11	COUNTY OF SAN DIEGO Public Hearing	May 29, 2003
12	RIVERWATCH Joyce Ward	May 29, 2003
13	PRESERVE WILD SANTEE Van K. Collinsworth	May 28, 2003
14	CITY OF SAN DIEGO Lisa F. Wood	May 20, 2003
15	RANCHO VISTA DEL MAR Roque De La Fuente II	May 13, 2003

<u>No.</u>	<u>Comment From</u>	<u>Date of Letter</u>
16	PROCOPIO CORY HARGREAVES & SAVITCH Robert E. Rusinek	May 9, 2003
17	SAN DIEGO LANDFILL SYSTEMS Neil Mohr	April 7, 2003
18	THE CITY OF LA MESA Kathy Winn	April 4, 2003
19	BACKCOUNTRY AGAINST DUMPS Donna Tisdale	April 3, 2003
20	MULTIPLE SPECIES CONSERVATION PROGRAM Cindy byrrascano	February 2003
21	GREGORY CANYON LTD. Richard Chase	February 2003
22	COUNTY OF SAN DIEGO Dianne Jacob	February 20, 2003
23	DEL MAR FAIRGROUNDS Nancy Strauss	December 19, 2002

COMPLETE ADMINISTRATIVE RECORD COUNTYWIDE SITING ELEMENT

Record

<u>No.</u>	<u>Description</u>
212	June 10, 2003: Letter County of San Diego (Deak) to Rancho Vista Del Mar (De La Fuente)
	August 28, 2003: Letter Casey Gwinn (CITY SD) to Ellito Block (CIWMB) re Siting Element
211	Sycamore
210	August 26, 2003: Letter Tom Deak to Elliot Block (CIWMB) re San Diego Countywide Siting Element
	August 25, 2003: E-mail Rick Anthony (RA) to Orelia DeBraal (OD), Wayne Williams (WW), Donna
209	Turbyfill (DT)
	June 6, 2003: Letter John L. Snyder (JS) to Donna Tisdale (DT) Re: Final review of the draft integrated
208	waste management CWSE 2003
207	September 30, 2003: City of S.D comments
206	September 24, 2003: County response & comments from Kathy Winn (KW)
205	April 16, 2003: Comments & County Response
	September 29, 2003: E-mail DeBraal Orelia (OD) to Wayne Williams (WW) Re: Siting Element Sub
204	Committee Meeting
	September 8, 2003: MSCP Project Review under the S.D County Subarea Plan and Biological
203	Mitigation Ordinance DRAFT
	July 25, 2003: E-mail Rick Anthony (RA) to Orelia DeBraal (OD), Wayne Williams (WW), Donna
202	Turbyfill (DT) ...
201	April 26, 2003: Comments of CAC meeting
	September 12, 2003: E-mail Ester Beatty (EB) to Wayne Williams (WW) Re: TAC Meeting
200	Cancelation
	June 4, 2003: Letter City of Oceanside; Public Works Department and Water Utilities Department to
199	Mayor and City Councilmembers Re: Adoption of resolution opposing the County of S.D IWMP CWSE 2003 Amendment Regarding the proposed Gregory Canyon
	July 3, 2003: Letter Procopio Cory Hargreaves & Savitch Theodore J. Griswold (TG) to Wayne
198	Williams (WW)
	October 1, 2003: E-mail Nan Valerio (NV) to Donna Turbyfill (DT); Wayne Williams (WW) Re:
197	CIWMP plan, Siting Element/ Sycamore Language
	September 30, 2003: Letter Wayne Williams (WW) to Toma Deak Re: Request for assesment of two
196	paragraphs from CIWMP Siting Element Amendment
195	September 29, 2003: E-mail DeBraal Orelia (OD) to Wayne Williams (WW) Re: LW re: Siting Criteria
	September 24, 2003: Thomas Deak (TD) to Wayne Williams (WW) Re: Chapter 5 Siting Criteria with
194	revisions
193	September 23, 2003: Donna's faxed final comments on Countywide Siting Element 2003
	September 22, 2003: E-mail Wayne Willimas (WW) to Tom Deak (TD) and DonnaTurbyfill (DT) Re:
192	Siting Element Draft Dated 16 September, 2003
	September 16, 2003:Letter Wayne Willimas (WW) to Tom Deak (TD) Re: Procopio, Cory, Hargreaves
191	& Savitch letters Re: Siting Element
	September 9, 2003: E-mail Lisa Wood (LW) to Bud Chase (BC), Donna Turbyfill (DT), Orelia DeBraal
190	(OD), Wayne Williams (WW) Re: Citerion 5
189	September 4, 2003: TAC Meeting notes
188	August 29, 2003: Minutes with Grace, Lisa (San Diego Attorney and Santee Attorney) and Tom Deak

San Diego County Integrated Waste Management Plan

December 2003 DRAFT

Countywide Siting Element

Appendix A

- 187 August 29, 2003: Letter Wayne Williams (WW) to Elliot Block Re : Second Cache and Countywide Siting Element Amendment 2003
- 186 August 28, 2003: Faxed Map of MCAS Miramar
- 185 August 26, 2003: Letter Wayne Williams (WW) to Thomas Deak (TD) Re: Telephone conference with cities of San Diego and Santee/ E-mail Sector Strategies to Bud Chase Re: CIWMB Action on Conformance
- 184 August 20, 2003: E-mail Wayne Williams (WW) to Thomas Deak (TD) Re: Elliot Block Call and Sycamore expansion
- 183 July 14, 2003: E-mail Ric Anthony (RA) to Wayne Williams (WW) Re: Lates news on Siting Element
- 182 July 8, 2003: Siting Element TAC/CAC Subcommittee Agenda- Chapter 8 & Chapter 3
- 181 June 27, 2003: E-mail Elliot Block (EB) to Thomas Deak (TD), Orelia DeBraul (OD), Zane Poulson (ZP) Re: Siting Element/ Gregory Canyon
- 180 June 10, 2003: Kathy Winn (KW) to Orelia DeBraul (OD), Wayne Williams (WW) Re: Table 9; Comments
- 179 June 10, 2003: Tom Deak's (TD) Comments to Wayne Williams (WW)
- 178 June 10, 2003: E-mail Donna Turbyfill (DT) to Wayne Williams (WW) Re: Comments on Siting Element
- 177 June 10, 2003: E-mail Donna Turbyfill (DT) to Wayne Williams (WW) Re: Comments on Siting Element
- 176 June 6, 2003: E-mail Nan Valerio (NV) to Wayne Williams (WW) Re: Environmental Justice Requirements for Siting element
- 175 June 6, 2003: Michael Meacham to Orelia DeBraul Re: Siting Element Chapt. 9
- 174 June 6, 2003: E-mail Lisa Wood (LW) to Donna Turbyfill (DT), Orelia DeBraul (OD), Wayne Willams (WW) Re: Siting Element Chapt.9
- 173 June 6, 2003: Letter Wayne Williams to Eugene Tseng (ET) and Dennis Keyes Re: Confidence Intervals
- 172 June 5, 2003: Letter Nan Valerio (NV) to Wayne Williams Re: IWMPPlan
- 171 June 4, 2003: E-mail Lisa Wood (LW) to Wayne Williams Re: Environmental Justice Requirements for Siting
- 170 May 13, 2003: E-mail Donna Turbyfill (DT) to John Snyder (JS) Re: Solid Waste Exports
- 169 May 13, 2003: E-mail Thomas Deak (TD) to Wayne Williama, Orelia DeBraul Re: Otay Mesa Inclusin in Siting Element
- 168 May 8, 2003: North County Times Article Re: Gregory Canyon Lawsuit
- 167 May 8, 2003: Union Tribune Article Re: Landfill plan
- 166 March 26, 2003:Re: Comments from the Citizens Advisory Committee (CAC)
- 165 March 4, 2003: E-mail John Snyder (JS) to James O'Day (JO) cc: Donna Turbyfill, Wayne Williams Re: Campo Landfill
- 164 February 13, 2003: E-mail Donna Turbyfill (DT) to Wayne Williams (WW) Re: Things needed Re: Campo
- 163 February 11, 2003: Fax Donna Tisdale (DT) to Wayne Williams (WW) Re: Campo Permitting Status
- 162 February 2003: Campo Discussion Point
- 161 January 30, 2003: E-mail O'Day, James (OJ) to Wayne Williams (WW) Re: Siting Element Attorney Client Confidential Communication
- 160 March 2, 1998: Letter Daniel Avera to Ken Calvert (KC) Re: Removal of tentatively reserved areas from IWMP Siting Element
- 159 July 8, 03: TAC/CAC Subcommittee Meeting SE Notes

- 158 July 7, 03: Letter Wayne Williams (WW) to Thomas Deak (TD) & Co., RE: Procopio Cory Hargreaves & Smith (PCHS) letter on June Siting Element (SE) "Final Draft"
- 157 July 7, 03: Letter City of Santee to WW, RE: Additional Comments on June SE Draft
- 156 July 1, 03: Letter Rancho Vista Del Mar to WW, RE: East Otay Mesa Exclusion
- 155 June 30, 03: OD Chapter 3 SE Comments
- 154 June 23, 03: LW Chapter 4 SE Comments
- 153 June 23, 03: CAC Meeting Notice and Agenda
- June 23, 03: E-mail Michael Meacham (MM) to Orelia DeBraal (OD), RE: Environmental Justice
- 152 Actions for SE
- 151 June 19, 03: TAC Meeting Notice and Agenda
- 150 June 19, 03: OD Chapter 4 SE Comments
- 149 June 19, 03: E-mail OD to Donna Turbyfill, RE: City of San Diego Response to latest SE draft
- June 19, 03: E-mail Donna Turbyfill to City of San Diego, RE: City of San Diego Response to latest SE
- 148 draft
- 147 June 18, 03: Letter City of San Diego to MM, RE: SE Draft
- 146 June 16, 03: Letter Gregory Canyon Limited to WW, RE: June 10 SE Draft
- 145 June 4, 03: E-mail LW to WW, RE: Environmental Justice Req. for SE
- 144 June 6, 03: E-mail MM to OD, RE: SE Chapter 9 Comments (TAC/CAC Subcommittee)
- 143 June 3, 03: Letter City of Santee to WW, RE: Sycamore Landfill Expansion
- 142 June 2, 03: Letter Gary Triphan to WW, RE: Rancho Vista Del Mar & Otay
- 141 May 29, 03: Public Hearing Sign-in Sheet on SE
- 140 May 29, 03: Public Hearing Oral Comments on SE
- 139 May 29, 03: Letter River Watch & Joyce Ward to WW, RE: SE & Gregory Canyon & Campo
- 138 May 29, 03: Letter County Counsel (CC) to Roque De La Fuente (RDLF), RE: East Otay
- 137 May 29, 03: E-mail Elliot Block to WW, RE: Environmental Justice Requirement
- 136 May 28, 03: CAC Meeting Notice and Agenda
- 135 May 28, 03: OD CAC Meeting Notes
- 134 May 28, 03: Letter Preserve Wild Santee to WW, RE: SE Amendment
- 133 May 23, 03: E-mail OD to WW, RE: SE Public Request Info
- 132 May 21, 03: WW Notes on East Otay Meeting/DPLU
- 131 May 20, 03: Letter City of SD Lisa Wood (LW) to WW, RE: SE Changes
- 130 May 20, 03: TAC/SANDAG/CIWMB Meeting Notes
- 129 May 19, 03: North County Times Proof of Publication, RE: Public Hearing
- 128 May 16, 03: ECC Proof of Publication, RE: Public Hearing
- 127 May 16, 03: Alpine Sun Proof of Publication, RE: Public Hearing
- 126 May 16, 03: Letter WW to Tom Deak (TD), RE: East Otay Mesa Tentative Site
- 125 May 16, 03: Letter WW to DPLU, RE: East Otay Mesa Tentative Site
- 124 May 16, 03: Letter WW to Donna Turbyfill, RE: Otay Materials From RDLF
- 123 May 15, 03: WW Notes on TAC Meeting with Michael Meacham (MM)
- 122 May 14, 03: WW Notes on Recycling Meeting with John Snyder (JS)
- 121 May 14, 03: Fax LW to WW, RE: Landfill Use Projection Charts
- 120 May 14, 03: Fax Rancho Vista Del Mar to WW, RE: East Otay
- 119 May 14, 03: E-mail Donna Turbyfill to TD, RE: Letter from PCHS
- 118 May 13, 03: Draft, RE: Out-of-County Landfill Space Estimate

- 117 May 13, 03: E-mail Donna Turbyfill to WW, RE: Imperial County Landfill
- 116 May 13, 03: Fax WW to Donna Turbyfill, RE: PCHS Comments on SE
- 115 May 13, 03: Letter PCHS to WW, RE: SE Amendment
- 114 May 7, 03: Notes: WW on LW Meeting Agenda
- 113 May 7, 03: E-mail Donna Turbyfill to WW RE: SE Changes
- 112 May 7, 03: Draft Transcript of Tape, RE: CIWMP and Public Hearing
- 111 May 6, 03: E-mail MM to WW, RE: TAC/SANDAG Meeting
- 110 May 5, 03: WW CAC Meeting Notes
- 109 May 5, 03: E-mail PS to WW, RE: SE Amendment
- 108 May 2, 03: OD TAC/CAC Meeting Notes
- 107 May 2, 03: E-mail MM to OD, RE: Disposal Corrections
- 106 May 2, 03: WW SE Comment Notes
- 105 May 1, 03: OD TAC Meeting Notes
- 104 May 1, 03: WW TAC Meeting Notes
- 103 May 1, 03: E-mail OD to WW, RE: SE
- 102 May 1, 03: TAC Meeting Summary
- 101 Early May, 03: E-mail WW to Donna Turbyfill, RE: SE Draft Status
- 100 April 29, 03: Affidavit of Publication San Diego UT, RE: Public Hearing
- 99 April 29, 03: Notice of Public Hearing Published in UT
- 98 April 29, 03: Letter WW to TD, RE: USD/Tisdale/Campo
- 97 April 29, 03: Letter USD to Donna Tisdale (DT), RE: Campo Landfill Inclusion in SE
- 96 April 28, 03: Confirmation of Scheduling, RE: SE Public Hearing
- 95 April 28, 03: Letter WW to RDLF, RE: SE
- 94 April 25, 03: Letter WW to Walter Rusinek, RE: Public Request of SE
- 93 April 23, 03: Letter Donna Turbyfill to CAC, RE: Cancellation of April 30 Meeting
- 92 April 23, 03: Application for PDP/SDP for Sycamore Landfill Master Plan
- 91 April 23, 03: E-mail LW to WW, RE: Sycamore Criteria
- 90 April 18, 03: Fax, RE: DT* Letter to JS
- 89 April 16 & 17, 03: Letter WW to DT, RE: EB Letter on SE
- 88 April 16, 03: Letter WW to DT & TD, RE: Request for SE Information
- 87 April 16, 03: SE Review
- 86 April 16, 03: Comments of April 16 SE Review
- 85 April 16, 03: Fax, RE: Request for SE Information
- 84 April 16, 03: Letter PCHS to WW, RE: Public Records Request
- 83 April 16, 03: OD LW Meeting Notes
- 82 April 15, 03: Letter JS to DT, RE: Comments on SE
- 81 April 15, 03: Letter WW to Allied, RE: Miramar Permitted Capacity
- 80 April 15, 03: Notice of Proposed Rulemaking, RE: Natural Resources
- 79 April 15, 03: Letter WW to Allied, RE: Miramar Disposal History
- 78 April 15, 03: NC Times Article: Gregory Canyon Landfill Still Faces Hurdles
- 77 April 14, 03: E-mail Zane Poulson (ZP) to WW, RE: AB 939, IWMA Language
- 76 April 9, 03: City of La Mesa Comments of SE Draft
- 75 April 7, 03: Letter SD Landfill Systems to JS, RE: Sycamore Inclusion in SE
- 74 April 6, 03: NC Times Clipping, RE: Pala-area Landfill

- 73 April 3, 03: Letter CIWMB (Block) to WW; RE: SE Amendment Requirements
- 72 April 3, 03: Letter DT to JS, RE: Final Review Draft SE
- 71 April 3, 03: WW TAC/SANDAG Notes
- 70 April 2, 03: Comments of LW SE Review
- 69 April 03: Diversion Chart
- 68 March 28, 03: Letter SD H2O Authority to DT, RE: March 12 Letter
- 67 March 26, 03: CAC Meeting Notes
- 66 March 26, 03 E-mail Ed Flom to WW, RE: Recommendations for CIWMP
- 65 March 26, 03: Letter JS to CC, RE: Inclusion of Campo Landfill in SE
- 64 March 26, 03: CAC Agenda
- 63 March 18, 03: Letter City of SD (Robert Epler) to WW, RE: Miramar, Sycamore, & TS Study
- 62 March 18, 03: Request Letter City of SD (Robert Epler) to WW, RE: Miramar, Sycamore, & TS Study
- 61 March 18, 03: Criteria for Establishing Solid Waste Disposal Facilities
- 60 March 17, 03: E-mail TD to OD, RE: Campo EIS
- 59 March 17, 03: E-mail OD to WW, RE: SE - East Otay Mesa Landfill
- 58 March 11, 03: Letter City of Oside to OD, RE: Position on Gregory Canyon
- 57 March 11, 03: E-mail WW to Donna Turbyfill, RE: SE
- 56 March 10, 03: Letter Crestline Recycling to WW, RE: Nevada Landfill Proposal
- 55 March, 03: SE Chapter 9 TAC Comments
- 54 Late February 03: Letter Gregory Cnyn. Lmtd. to WW, RE: Gregory Canyon Inclusion in SE
- 53 February 27, 03: LW Draft Chapter 5 Siting Criteria
- 52 February 27, 03: Letter Eugene Tseng to WW, RE: Generation
- 51 February 27, 03: LW Draft SE
- 50 February 22, 03: Letter Backcountry Against Dumps to OD, RE: Campo Final EIS
- 49 February 20, 03: TAC/DT Comments on Campo
- 48 February 20, 03: Letter Dianne Jacob to MM, RE: Removal of Campo from SE
- 47 February 16, 03: SD UT Clipping, RE: Landfill Issue
- 46 February 12, 03: City of El Cajon Chapter 5 Siting Criteria Comments
- 45 February 11, 03: Letter City of SD to OD, RE: Miramar Expansion
- 44 February 11, 03: E-mail OD to Robert Forsythe (RF), RE: Otay Site
- 43 February 10, 03: Letter Crestline Disposal to County, RE: Crestline Landfill
- 42 February 8, 03: UT Article: Gregory Landfill Report Approved
- 41 February 7, 03: UT Article: Firm Seeks Ok To Expand Landfill
- 40 January 29, 03: Melissa Porter (LEA) Comments on CIWMP Draft
- 39 January 29, 03: E-mail WW to OD, RE: LW January Comments
- 38 January 28, 03: Letter City of SD (LW) to OD, RE: Comments on Jan SE Draft
- 37 January 24, 03: E-mail OD to WW, RE: LW E-mails
- 36 January 23, 03: OD TAC Meeting Notes
- 35 January 23, 03: SE Changes
- 34 January 21, 03: E-mail Kerry McNeill (KM) to OD, RE: Update for Gregory
- 33 January 21, 03: E-mail OD to RF, RE: Gregory Canyon
- 32 January 17, 03: Letter Campo Resource Recovery to OD, RE: SE
- 31 January 17, 03: SE Changes
- 30 January 17, 03: OD Facilitator Meeting Notes

- 29 January 16, 03: E-mail KM to OD, RE: Gregory Canyon
- 28 January 14, 03: E-mail La Mesa to OD, RE: Solid Waste Agreements
- 27 January 14, 03: E-mail Encinitas to TAC, RE: Solid Waste Agreements
- 26 December 24, 02: Notes on Meeting w/Neil Mohr (NM)
- 25 December 19, 02: Letter from Del Mar Fair to WW, RE: Composting in SE
- 24 December 12, 02: TAC Meeting Summary
- 23 December 11, 02: E-mail OD to Kathy Winn, RE: Facilitated Workshop & SE
- 22 December 4, 02: E-mail CC to OD, RE: SE Updates
- 21 December 3, 02: E-mail OD to WW, RE: Working w/LEA
- 20 November 15, 02: Sycamore Landfill Master Plan (Application for Permit-2 documents)
- 19 October 30, 02: E-mail Pam Raptis to OD, RE: CIWMP Update
- 18 October 10, 02: SANDAG May 10 TAC Notes
- 17 October 10, 02: SE Items for TAC Discussion
- 16 October 7, 02: Letter WW to Brian Connolly, RE: Campo Information
- 15 October 3, 02: TAC Meeting Summary
- 14 September 25, 02: CAC Meeting Summary
- 13 September 25, 02: SE Update
- 12 September 10, 02: Memo City of Oceanside (Ester Beatty) to WW, RE: Revision to Summary Plan
- 11 September 10, 02: Letter Jon Rollin to NM, RE: Sycamore Information
- 10 September 5, 02: TAC Meeting Summary
- 9 August 28, 02: CAC Meeting Summary
- 8 August 23, 02: Letter WW to Donna Turbyfill, RE: CCR Guidelines
- 7 August 23/22, 02: Board Meeting Attachment, AB 3001
- 6 August 22, 02: CPRC Section 41700-41704
- 5 June 6, 02: TAC Meeting Summary
- 4 January 6, 98: SD Board Ordinance No. 8866
- 3 June 9, 97: Letter County to Jurisdictions, RE: SE Clarification
- 2 December 10, 92: Agreement Between Campo EPA and CA State
- 1 November 92: Campo Environmental Impact Statement

No. 1

City of San Diego comments on September 24, 2003 Countywide Siting Element Draft.
Response received September 30, 2003.

CITY OF SAN DIEGO COMMENTS

**COUNTY OF SAN DIEGO
RESPONSE**

Section 5 (page 37), these are not all the agencies that regulate resources; this is not the language I provided, as requested. Line 1062 needs to say "Some of these agencies include . . ."	Accepted.
Line 1064, change MSCP to Habitat Conservation Plan (HCP).	"Habitat Conservation Plan" will be included in the text. The City did not give the definition originally; only the acronym. The County of San Diego and at least the City of Chula Vista have <u>MSCP's</u> ; therefore "MSCP" must also be included. The City of Escondido requested both terms to be included. Acronyms will not be used where reference is given only once in the text.
Line 1067 mixes ESA standards with CEQA standards. Change that paragraph to "Proposed landfills must be sited in areas with the least impacts on threatened or endangered species. Several laws regulate impacts to threatened or endangered species, including CEQA, the Endangered Species Act, and the Resource Conservation and Recovery Act. The agencies responsible for implementing these laws must be consulted, and impacts must be avoided, minimized, or mitigated according to the standards of each agency."	The Siting Element is compiling and referring to various "standards". Therefore, "mixing" is permissible within the context of the Siting Element. After approval of County counsel, the version acceptable to the County is "Proposed landfills should not be located where there is the known occurrence of threatened or endangered species, if the development would result in impacts that cannot be mitigated to a level of insignificance. Several laws regulate impacts to threatened or endangered species, including CEQA, The Endangered Species Act, and The Resource Conservation and Recovery Act."
Page 33 line 945, what I have in my notes that we agreed to is "verify that a consideration of consistency with siting criteria has been conducted"	The County changed the sentence to "New proposals must include a full project description along with a request to amend the Element (County of San Diego, June, 1997)." The reference is now listed in the Reference Section.

Line 1079, I have no content objection to "Visibility consideration" but a phrase such as "Considerations regarding the view to the site include . . ." might be smoother.	The sentence has been changed to "Consideration of visibility must be given to the existing environment..."
There are still several format inconsistencies, for example, line 1028 should not be indented and formatted with a –	Changed as suggested.
Seismic stability heading on line 1053 does not match 989	Leave as is. The format is correct and acceptable.
Line 1105 would benefit from the title Adjacent Land Use.	Changed as suggested.
Line 994 would benefit from deletion of "Access Routes" - it needs to be moved to Technical Site Suitability, and the proper headings need to be put in that section.	Changed as suggested.
I lost Air Quality. It was listed in 994, but didn't show up with a following discussion. That's a biggy.	Change "air pollution control" to "air quality."
The Miramar ownership inconsistency still shows up, see for example line 326.	Changed. The sentence on line 326 now reads "...City of San Diego operated."
Regarding the phrase "tentatively reserved," we had discussed using "potential" to describe possible expansions at Miramar and Syc throughout the doc. We had not discussed the new addition of them on page 44.	The directives of the CIWMB attorney and County Counsel were followed regarding the use of "tentatively reserved" status for Sycamore expansion, as a function of the regulations. The inclusion of the term "tentatively reserved" is mandatory. Mention of the expansion status at the site was left in Chapter Four on existing landfills per the City of San Diego request. Since the reference sentence in Chapter Seven is a clarification rather than something required by law, the reference to Chapter Four has been deleted.

No. 2

Changes to County-Distributed Siting Element Final Draft Dated 9/24/03
 Kathy Winn, City of Escondido

Line #	Kathy Winn's Comments	County Response
228	"Nor does it advocate their use as a disposal option" is part of the sentence that precedes it. It is not a stand-alone sentence. A comma should connect this clause to the previous sentence.	L 228 Grammatically, contextually and technically the use of two sentences is correct. This was agreed upon earlier. Recommendation is to leave as is.
235	There is a vertical line at the end of this sentence that shouldn't be there.	L 235. The vertical line on the right hand side of the paper is a printer anomaly of the edit mode and will be erased automatically at final printing.
331	"to achieve 50% diversion" This is a new addition since our last meeting. I don't object to it but would like it to be expanded to say, "showing how they plan to achieve the required diversion rate which is 50% as of the writing of this 2003 Siting Plan amendment."	L 331. Sentence rewritten. Now reads (SRRE)", that details how they plan to achieve the required fifty percent diversion rate."
339	This is where we had agreed to add the wording after the word requirement, saying "as of the writing of this document, which is 50%". I'm ok with leaving it out here if we say it in Line 331 as I just mentioned.	l. 339. No, since the 50% diversion is mentioned in the previous sentence.
464	Add the word "reaching" after the word "involves."	l. 464. No. The scenario involves "a 50% diversion rate in 2005" as stated.
465	This is the first place, among many times in this document, where the Sycamore & Miramar expansions are now referred to as "tentatively reserved", while all our previous discussions had the Sycamore & Miramar expansions being categorized as "proposed." I understand that there may be very good reasons for recategorizing the expansions, but I do think we (the subcommittee) are all at least due a full explanation as to why this major change has been made and given a chance to comment on the change. I will identify my question as to the new language only here and not each time it occurs in the latest revised document.	l. 465. Explanation for tentatively reserved" phrasing for Sycamore Canyon expansion is because the phrase is mandatory as directed by CIWMB attorney and concurrence of County Counsel. Also see explanation in responses to City of San Diego (LW). Reference to Miramar expansion are now "potential Miramar expansion' pre agreement between City of san Diego and County of San Diego attorneys.

Changes to County-Distributed Siting Element Final Draft Dated 9/24/03
 Kathy Winn, City of Escondido
 Page 2

465	Add the word "and" between "(2006)" and "a".	l. 465. OK add "and"
467	This is a new suggestion. I propose we change the last sentence to, "Other methods for achieving 15 years of disposal capacity are discussed in Chapter Eight "Strategies for Additional Capacity." Just for clarity and consistence with the terms method/strategy.	L. 467. Change to "for achieving 15 years of disposal capacity are discussed in Chapter Eight."
485	The word "would" was to be replaced with "could be explored to".	l. 485. Leave as is. "would" is the correct use. Expand sentence to "and may be explored by individual jurisdictions."
508	"that are changed" should be "and are changed"	L 508. Changed.
511	"would" should be "could" unless a caveat is given such as "Using current disposal projections, if the permitted limits on the rates..."	L 511 Sentence changed to reflect potential changes. Change to "Using current disposal projections, the..."
529	Be consistent with the initials "tpd". The first "tpd" should be in parentheses and the others shouldn't.	L 529. OK. Eliminate () on second (tpd).
945	The word "verification" causes concern here. First, if we are to ask for verification, we need to say what that verification would consist of. Second, what does "consistent" mean here? It is the general understanding at TAC that the siting element criteria lists items which must be considered and addressed but that there is no approval or verification process through the siting element.	L 945. Phrase deleted.
949	We had agreed to simply say "laws" and take out "state" and "federal" rather than add "local".	l. 949 Change to "laws", underline to be hit instead of delete.
968	The words we agreed to are "evaluated under these criteria", not "subject to this evaluation process" – we don't even describe a process here – we are just giving criteria.	L 968. ?? Only agreed upons were used, or those directed by DPW supervisor or counsel. Criterion = " a standard rule or test by which something can be judged." Standards, rules and tests all constitute processes.
972	Why was the wording changed here? The wording was "...general analysis of suitability for proposed landfill sites".	L 972. Change sentence to "...a general analysis of the suitability for proposed landfill uses."

No. 2

Changes to County-Distributed Siting Element Final Draft Dated 9/24/03
 Kathy Winn, City of Escondido
 Page 3

	This document is mostly written as a generic document, addressing any proposals that may come up. It seems as though you've changed this paragraph to make it specific to what is today's situation re: proposals.	
974	Ditto for using the word "will" instead of "would".	L 974. "will" is preferable and correct. Leave as is. DT's suggestion. County staff and Counsel agree.
986	You've added "Quality Potentials". Are you meaning the potential for change of water quality?	L 986. CAC suggestion. Text on next page explains. Leave as is.
989	We had agreed to change the title "Seismic Faulting" to "Active Faults". Also, take out "Landslides, Slumping, and Liquefaction" (which were supposed to be combined) unless you're going to pull them out as a separate category in the definitions two pages later.	L 989. Change to "Active Faults" One short paragraph is suitable. There is no requirement that each word in the Table be defined in the text. Leave as is.
993	Hospitals was supposed to be added to "Proximity to Airports, Railroads, and Schools". Still, under the description two pages later, there is no discussion under "Land Use" regarding airports or railroads – those are addressed under the "Health and Safety" area. Titles on page SE35 need to correspond with where you put the descriptions in SE36-39.	Agree. Hospitals were added to line 1115, but not to 993. There is a discussion of all items under Criterion No. 8, Line 1103. Add passenger railways and airports. See Line 1116.
994	You've taken out "Vector Control" as a title, and left out "Groundwater Protection through Runoff & Leachate Prevention" which was supposed to be added as a title. The follow-up descriptions don't match the titles at all in this section except for "Proximity to Aqueducts".	Vector Control is mentioned on next page above Line 995. Agree. "Groundwater Protection" should be added as it is described on line 1128.
995	Again, titles here are not consistent with the description area later.	Ibid
1021	All the language here is new. First, capitalize the "t" in "the" at the beginning of the sentence and take out the two commas. I'd like the word "paramount" removed as we've done in other areas with words such as "utmost" – they really are not appropriate. Just say "...must be considered as factors in	L 1021. Change the "t" to "T" Change sentence without "paramount"

Changes to County-Distributed Siting Element Final Draft Dated 9/24/03
 Kathy Winn, City of Escondido
 Page 4

	maintaining the integrity..."	
1027	The title "Beneficial Surface Water" was to be added on top of this first bullet.	L 1027 Add "Beneficial Surface Water" as top to first bullet. ~ 1027
1031	In the title, capitalize "runoff" and "sources".	L 1031. Capitalize Runoff and Sources.
1035	Since you added a category in the title section for "Water Bodies", are you going to add a section here with some description of that? If not, remove it as a title on line 987.	L 1035. Eliminate "Water Bodies" from 1987
1043	The word should stay, "specifies", not specify as it refers to the words "title" and "Section".	L 1043. No. The proper noun and subject of the sentence is plural. "They specify"
1052	Add title "Active Faults"	I. 1052 Change
1064	Change MSCP to HCP.	I. 1064HCP added.
1075, 1081	We mention mitigation here. Shouldn't we add "or overriding considerations" as we have in other areas?	I. 1075, 1081. No. The context is fine with mitigations only. The "overriding considerations" statement, necessary where placed, nevertheless received criticism from the Pala Indian group and is best not used here.
1097	Visibility is a category here. The intent was not to say "visibility consideration". Add a colon after the word "Visibility", and capitalize "consideration"	I. 1097. Changes per suggestions.
1104	Add title "Adjacent Land Use"	I. 1104. Changed per suggestions.
1107	"The following land uses are considered undesirable at proposed landfill sites". This is new language. Before, these were listed as incompatible uses which must be identified.	This was agreed to per subcommittee meeting. On line 1116 add passenger railroads, airports.
1125	The categories listed on SE35 are mostly not addressed in this section, or are barely mentioned in the first paragraph. Make consistent with titles on SE35 and add descriptions or change titles where necessary.	Proximity to aqueducts is mentioned. "Air pollution control" changed to read "air quality." Ibid Line 989.
1135	Same in this category as in line 1125, just inconsistency with titles on SE35.	Changed
1229	The word "briefly" is subjective. It's either described or it's not.	Changed
1232	"of the tentatively reserved East Otay Mesa site" – I would add the info "in the 1997 Siting Element".	Clarifies. Use, "as described in the 1997 Siting Element." On line 1233, and then on line 1235 add "
1235	Who has determined that the site is not	Several meetings w/DPLU and analysis

No. 2

Changes to County-Distributed Siting Element Final Draft Dated 9/24/03
 Kathy Winn, City of Escondido
 Page 5

	consistent with the County General Plan? We should say how this was decided or at least by whom.	by County planning staff determined this. Not needed in text. The MUP expired, etc.
1250	I don't even know where to start with this section. It was extensively rewritten. I ask that EVERYTHING new that was added, without the discussion of the subcommittee, be removed and only the changes made in the committee be added. From what I can see, here's what those changes would consist of:	The subcommittee agreed upon this text, which was read aloud at the meeting as a compromise. CAC wanted stronger language and we negotiated to this position. Agreed to make the text more readable. Changes made.
1255	The section of Purpose and Requirements should read as follows: Because our current strategy for meeting our 15-year disposal needs relies on new landfills and/or expansions, and the approval of these proposals is uncertain, we are identifying additional strategies here in Chapter Eight that could be explored to help meet San Diego County's disposal needs in the possible absence of these approvals. CCR Sections 18755© and 18756.5 contain the specific requirements for this chapter.	Ibid. County's recommended intro: "Chapter Eight 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 expansions of existing landfills in Chapter Three is uncertain at this time."
1305	I'm guessing that these projections on increased diversion, starting in 2005, would require meeting the new number by January 2005? I think we need to say this, given that it's only 15 months away, to put this effort in proper perspective. So, Line 1304-05 would say, "reaching 55 percent diversion by January 2005".	It is at various months, depending on when each jurisdiction fulfilled its 1066 or Good Faith Effort.
1306	Change "starting in 2005" to "if reached by January 2005"	Ibid.
1307	After "capacity", add "during this planning period." Change "At 75 percent diversion" to "If a diversion rate of 75% were reached by January 2005, the region..."	We just referred to Fig 8.1 in the previous sentence, located on the same page. Addition would be redundant.
1308	The word "would" should be "could" to be consistent with the other projections in the same paragraph.	The subcommittee agreed upon all text. The text accurately reflects the subcommittee's wishes. The meaning would be less than as used in the previous text.

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 Page 6

1338	New wording has been added "The SRRE is the plan for higher diversion rates for the local jurisdictions". This is not true. The SRRE is a document all cities created and update annually to outline their diversion efforts; it is not a "plan for higher diversion rates". It IS the plan to outline how you plan to achieve the required diversion rates, or a higher diversion rate if you have chosen to do so.	The subcommittee agreed upon all text. Recommended change is to eliminate the sentence.
1344	Category two is supposed to be "Exportation of Waste Out-of-County".	Call attention to line 1280. The subcommittee agreed upon all text. It was recommended to have "New Facilities..." second as a natural progression.
1375	At the end of this line, you've left out the percentage of waste that may need to be exported. It's just blank.	Insert correct percentage of 7.2%.
1375	Saying we might need to still export even if Gregory and Sycamore get approved, is this with the current daily limits? If the dailies are changed, would that still be the case? Also, take out the 6.1 million tons reference in Line 1376 – it's confusing – I first read it as we would need to export 6.1 million tons.	Change sentence to read, "If...(the two landfills) are approved, with the proposed increases in daily permitted disposal tonnages, the region may need to export 7.2 percent of its waste in 2017."
1390	We had agreed to take out all references to Crestline at the last meeting.	No. It was needed and that it should be moved to where it is now. We agreed to the move, not the erasure.
1393	You took out the word "historically" – this makes it sound like we are currently using the Arizona landfills. Add "that have been used"	No. Leave "historically" out. Edit recommended by the City of S.D. for accuracy. One company in the County is currently advertising for haulers to use Arizona landfills.
1388 & 1401	At the last meeting, the words "from San Diego" were crossed out in reference to EDCO's agreement with Orange County.	Agreed.
1407	Option 3 is supposed to be "Increasing the Daily and Annual Permitted Disposal Tonnages at In-County Landfills"	Changed to "Increased. "
1344, 1350	New Facilities and Technologies (which should be Option 4). I propose to amend	L. 1349 rewritten. "In order to accomplish this, adequate land would

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 Kathy Winn, City of Escondido
 Page 7

	your new line 1349 to say “In order to accomplish this, adequate land would need to be zoned for development of composting. ...” Add the word “recycling” after the word “demolition” in line 1350.	need to be zoned for the development of composting, recycling and construction and demolition industries.” 1350-Add Recycling.
1355, 1356	We agreed to the word “minimizing” here. It should read “This could be accomplished by minimizing certain types of compostable materials from entering the landfills, such as yard trimmings, paper, and food.”	1355- Leave as is. The subcommittee agreed upon text as a compromise to CAC stronger language.
1417	The word “vital” has been added. My comments are the same here as with line 1021 regarding “utmost” and “paramount”. Also, the statement that transfer stations service as collection and separation points for solid waste and recyclables – I don’t dispute that they service as collection points, but my transfer station does not currently serve as a separation point. It COULD, and hopefully will do so, but right now nothing or extremely little is separated there.	This language was recommended by the City of San Diego representative and agreed upon at previous subcommittee meeting. Leave as is.

15 Sept 03

Response to Comment Letter No. 3
City of Oceanside, Ester Beatty

Williams, Wayne T.

From: Ester Beatty [EBeatty@ci.oceanside.ca.us]
Sent: Friday, September 12, 2003 3:00 PM
To: Williams, Wayne T.
Subject: FW: TAC MEETING CANCELATION

Wayne, Good afternoon. I have included the message regarding the Siting Element and a request for any comments. I got a message back from Michael Meacham, which I appreciated and he suggested that I contact you and a lady named Donna K. and I don't know her last name.

* My concern is to make sure that under the Section Landfill Expansions and Proposed New landfill that some statement is included that: "As the process moves forward there is current opposition to the Gregory Canyon Landfill proposed site which has been initiated by concerned municipalities, water agencies, environmental groups and other citizen organizations". Now not having great knowledge in the area of public documents, is this acceptable? If not, then at least I have tried to have this included. I will not be at the meeting on the 2nd of Oct, because I have Jury Duty on that day, Eileen Deptula my recycling person will be attending in my place. I appreciate your assistance in this question/request.
Thank you, Ester Beatty

3-1

3-1 Inclusion of proposed...landfill sites in this Siting Element does not advocate or in any way guarantee approval or recommendation to by any agency or jurisdiction, nor does it advocate their use as a disposal option (SE 1). Added: "The opening of Gregory Canyon Landfill remains uncertain because of opposition to the facility by concerned municipalities, agencies, and private parties.

-----Original Message-----

From: Ester Beatty
Sent: Thursday, September 11, 2003 4:10 PM
To: 'Michael Meacham'
Subject: RE: TAC MEETING CANCELATION NOTICE

Thanks, I appreciate your input. I won't be at the 10-2 meeting, I have jury duty that day. I just want to make sure the section under Proposed New landfill quantifies some where in the document, if possible that there is current opposition and pending legal challenges to the siting of the Gregory Canyon landfill, and I don't see that mentioned. WE don't have to state which city, tribe or agencies are in opposition but at least state it. What do you think? Ester Beatty

-----Original Message-----

From: Michael Meacham [mailto:mmeacham@ci.chula-vista.ca.us]
Sent: Thursday, September 11, 2003 11:38 AM
To: 'Cordeau, Jennifer'; Wayne Williams; Ann McClain; Annette Gonzalez; Bill Wilson; Calvin Talley; Carol McLaughlin; Dana McPherson; Danny King; Derek Turbide; Ed Ruiz; Ester Beatty; George Pedersen; J Taylor; Jeff Servatius; John Theroux; Kathy Winn; Lin Wurbs; Lisa Constande; Lisa Wood; Matthew Sunderland; Melanie Kush; Michael James; Michael Meacham; Orella DeBraul; Peter Struck
Cc: Valerio, Nan
Subject: RE: TAC MEETING CANCELATION NOTICE

Dear TAC Members. Please watch you email lists for these documents. While I think the sub-committee has worked really hard on your behalf to develop a workable Siting Element there are some significant changes. It will be really important for you review it and be prepared to comment or ask for clarification about the Siting Element 10/2 meeting. This will be the first time that any of us have a chance to review a summary plan draft, however the County seems confident that the work we did on the Siting Element has set the stage for them to provide a strong first draft. Thank you.

Michael T. Meacham, Director
Conservation & Environmental Services
City of Chula Vista, City Manager's Office
276 4th Avenue, Chula Vista CA, 91910
(619) 691-5031, 409-5884 Fax

9/15/2003



CITY OF OCEANSIDE

file

DEPUTY MAYOR
COLLEEN C. O'HARRA

COUNCILMEMBERS
BETTY HARDING
TERRY W. JOHNSON
CAROL R. McCAULEY

Response to Comment Letter No. 3 (continued)

City of Oceanside, Dick Lyon

July 8, 1999

Gary Erbeck
Director, County Office of Environmental Health
1255 Imperial Avenue, Third Floor
San Diego, CA 92101

Subject: Gregory Canyon Landfill

Dear Mr. Erbeck:

On December 5, 1998 the Oceanside City Council unanimously approved Resolution No. R-90-298 strongly opposing the proposed siting of a solid waste landfill at the Gregory Canyon site. The resolution urged the County of San Diego to reject this site and future sites that would jeopardize the San Luis Rey Watershed, and instead to seek alternate sites or means for disposal of the waste generated in North San Diego County.

3-2

The City of Oceanside has continued to monitor the proposals for a landfill at Gregory Canyon and has submitted a letter dated March 26, 1999 commenting on the Draft Environmental Impact Report for the project.

On July 7, 1999 the Oceanside City Council once again considered the Gregory Canyon Landfill and directed that I send this letter to you stressing the City's continuing strong opposition to this project. The City believes that the Draft Environmental Impact Report on the project was inadequate, in that it did not sufficiently identify and assess potential impact to Oceanside's water supply. The City of Oceanside is a major water rights holder within the San Luis Rey River basin, and we maintain rights to divert surface flows from the San Luis Rey River. The Mission Groundwater Basin is primarily recharged from infiltration of San Luis Rey River flows. The City currently derives 2 million gallons per day of its potable water supplied through the use of the groundwater from the Mission Basin through the Mission Basin Desalting Facility. A planned expansion of that facility would increase production to 6.2 million gallons per day. The City of Oceanside is extremely concerned that the project has the potential to affect the availability and quality of ground and surface waters reaching the Mission Basin. The

3-2 CAO resolution R-90-298 was adopted in 1990 in opposition to the proposal by the County of San Diego to propose the Gregory Canyon location

No. 3

City is also concerned that the Gregory Canyon Landfill project has the potential to adversely affect Oceanside's ability to meet existing and proposed drinking water standards because of contamination from landfill leachate, improperly controlled surface runoff, and landfill seismic failure. The project may also affect the City's ability to exercise its water rights.

Based on all of these concerns, the City of Oceanside requests that you deny the permit for the Gregory Canyon Landfill. Any questions you may have can be directed to Assistant City Manager Dana Whitson, at (760) 966-4418, or Acting Water Utilities Director Barry Martin, at (760) 966-4850.

Cordially,



Dick Lyon
Mayor

Cc: Thomas J. Wilson, City Manager
Duane E. Bennett, City Attorney
Barry Martin, Acting Water Utilities Director
Mike Blessing, Planning Director
Jerry Hittleman, Senior Planner

STAFF REPORT



ITEM NO. 31
CITY OF OCEANSIDE

DATE: June 4, 2003
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department and Water Utilities Department

SUBJECT: ADOPTION OF A RESOLUTION OPPOSING THE COUNTY OF SAN DIEGO'S INTEGRATED WASTE MANAGEMENT PLAN COUNTYWIDE SITING ELEMENT 2003 AMENDMENT REGARDING THE PROPOSED GREGORY CANYON LANDFILL

SYNOPSIS

Staff recommends that the City Council adopt a resolution in opposition to the Integrated Waste Management Plan Countywide Siting Element 2003 Amendment regarding the proposed Gregory Canyon Landfill and forward the resolution to SANDAG and the County Supervisors to be included in the final document as a formal comment.

BACKGROUND

The California Integrated Waste Management Act of 1989 (IWMA) established an integrated system of solid waste management in the state. The IWMA mandated diversion rates of 25 percent by 1995 and 50 percent by 2000 for each jurisdiction. Under the IWMA, the County is responsible for preparing a Countywide Siting Element and Summary Plan. In 1990, SANDAG was designated the region's Integrated Waste Management Local Task Force. In that capacity, SANDAG is responsible for advising and assisting cities in complying with the IWMA.

The siting element presents a strategy to assist local governments and private industry in planning for integrated waste management and siting of solid waste disposal facilities.

The siting element provides a description of the facilities and strategies that will provide adequate solid waste disposal capacity for 15 years for all jurisdictions within the county. The element is a part of the countywide Integrated Waste Management Plan, which is undergoing a five-year review and amendment.

As a result of the original siting element which proposes landfills in the Gregory Canyon and Aspen Road locations, the City of Oceanside adopted Resolution R90-298 on December 5, 1990, in opposition to the proposal by the County of San Diego.

Subsequently, the City of Oceanside has presented to the Department of Environmental Health local enforcement agency comments on the draft environmental impact report for the proposed Gregory Canyon Landfill on January 28, 2000. As the preliminary draft is

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moving through the revision process, the City of Oceanside strongly affirms their opposition to the inclusion of the proposed Gregory Canyon Landfill.

ANALYSIS

The purpose of the countywide siting element provides a description of the facilities and strategies, which will serve for 15-year disposal for all county jurisdictions. The siting element provides guidelines for safe, efficient, environmentally sound and cost effective management at existing and proposed solid waste and diversion facilities that meet state and federal environmental standards. The siting element serves as a policy manual rather than a specific development program and meets the statutory requirements of Public Resource Codes Section 41700-41721.5, California Code of Regulations, Title 14.

The City of Oceanside believes the Draft Environmental Impact Report on the project was inadequate; it did not sufficiently identify and assess potential impacts to Oceanside's water supply.

The City of Oceanside is a major water rights holder within the San Luis Rey River Basin and the City additionally maintains rights to divert surface flows from the San Luis Rey River. The Mission Ground Water Basin is primarily recharged from the infiltration of the San Luis Rey River.

The City of Oceanside is extremely concerned that the project has the potential to affect the availability and quality of ground and surface water ultimately reaching the Mission Basin. The City also has concerns regarding the effect the proposed Gregory Canyon Landfill will have on the City's ability to meet existing and proposed drinking water standards because of contamination from landfill leachate, improperly controlled surface run off and landfill seismic failure. This project may also impact the City's ability to exercise its water rights.

FISCAL IMPACT

Fiscal impact to the City would be a future increase in the cost of disposal related to transferring solid waste to a distant landfill.

The potential fiscal effects of the Gregory Canyon Landfill are unknown at this time, but will be significant if contamination occurs. Rate increases will be required to handle the cost of additional water treatment in the event of contamination. Furthermore, contamination related to waters derived from the San Luis Rey Water Basin would be catastrophic, not only to the City of Oceanside, but to the entire regional water supply. To date, the Water Utilities Department has expended in excess of \$20 million on construction of wells, the Mission Basin Groundwater Purification facility and other

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3

apportences. Future expansion of the water facilities is estimated to be \$44 million. The City therefore has a significant stake in protecting the water supply.

COMMISSION OR COMMITTEE REPORT

The Integrated Waste Commission discussed the recommendation to adopt a resolution opposing the County of San Diego's Integrated Waste Management Plan Countywide Siting Element 2003 amendment regarding the proposed Gregory Canyon Landfill at its meeting on May 27, 2003. The Utilities Commission met on May 22, 2003, to discuss the same. Both Commissions are in strong opposition to the proposed Gregory Canyon Landfill

CITY ATTORNEY'S ANALYSIS

The City Attorney has assisted in the preparation of a new resolution expressing the City Council's opposition to the proposed County of San Diego's Integrated Waste Management Plan Countywide Siting Element 2003 Amendment, and specifically to the Gregory Canyon Landfill.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution in opposition to the Integrated Waste Management Plan Countywide Siting Element 2003 Amendment regarding the proposed Gregory Canyon Landfill and forward the resolution to SANDAG and the County Supervisors to be included in the final document as a formal comment.

PREPARED BY:

Ester Beatty
Ester Beatty
Senior Management Analyst

SUBMITTED BY:

Steven R. Jepsen
Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director

Barry E. Martin, Water Utilities Director

- Attachments: 2003 Countywide Siting Plan
- County of San Diego Transmittal Letter 2/21/03
- City of Oceanside Environmental Impact Report Comments 1/28/00
- Letter from Mayor Dick Lyon 9/8/00
- Resolution R90-298
- Letter from the City Council July 8, 1999

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE EXPRESSING OPPOSITION TO THE PROPOSED COUNTY OF SAN DIEGO INTEGRATED WASTE MANAGEMENT PLAN COUNTYWIDE SITING ELEMENT 2003 AMENDMENT

WHEREAS, the City of Oceanside as a public water purveyor responsible for a water quality management plan provides representation to agencies in connection with State and Federal water quality standards and related planning and policy matters, and participates in deliberations of and cooperates with regional land use planning agencies, the Coastal Commission and county planning agencies; and

WHEREAS, the Board of Supervisors of San Diego County is considering the 2003 Amendment to the Integrated Waste Management Plan, Countywide Siting Element which includes the siting of future sanitary landfill operations in certain sites within the San Luis Rey Watershed, known as the Gregory Canyon Site; and

WHEREAS, the landfill sites under consideration are located on or closely adjacent to underground water basins which contain substantial quantities of renewable, natural, potable water, and which also are potential sites for underground storage of imported water, such sites being perilously deficient in San Diego County; and

WHEREAS, recognized authorities in the fields of geology and landfill contaminants have stated unequivocally that any device currently available to contain contaminants in landfill operations must surely fail, and that such failure will lead to destruction of underlying groundwater basins as sources of native, potable water and as storage basins for imported water; and

WHEREAS, the County of San Diego Integrated Waste Management Plan, Countywide Siting Element 2003 Amendment includes the Gregory Canyon Landfill as a "proposed" site; and

WHEREAS, the County of San Diego Integrated Waste Management Plan, Countywide Siting Element 2003 Amendment includes siting criteria to protect groundwater resources.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

LESLIE E. DEVAINEY
ANITA M. NOONE
LESLIE J. GIRARD
SUSAN M. HEATH
GAEL B. STRACK
ASSISTANT CITY ATTORNEYS
GRACE C. LOWENBERG
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

Casey Gwinn
CITY ATTORNEY

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1100
SAN DIEGO, CALIFORNIA 92101-4100
TELEPHONE (619) 533-5500
FAX (619) 533-5856

August 28, 2003

Via Facsimile (916) 319-7138

Elliot Block
California Integrated Waste
Management Board Legal Office
P.O. Box 4025
Sacramento, CA 95812-4025

Re: Preparation of Revised San Diego County Siting Element

Dear Mr. Block:

This letter is in anticipation of our conference call this Friday regarding the preparation of the revised San Diego County Siting Element. The purpose of the letter is to set forth the City of San Diego's [City] understanding of certain provisions governing the format of the siting element in light of differences of opinion which have arisen between the City and the County of San Diego [County]. These differences have to do with the classification of expansions to the Sycamore Canyon Landfill [Sycamore] and the Miramar Landfill [Miramar]. We understand the County has also provided you a letter setting forth their interpretation of the provisions at issue.

The facts are simple and not in dispute. The revised siting element will include proposed expansions of two existing facilities: (1) Sycamore; and (2) Miramar. Both proposed expansions are **adjacent** to their respective, existing facilities. The Sycamore expansion includes both a vertical and horizontal component. The Miramar expansion includes a vertical component only. The City believes these two expansion options should be described in the existing facilities section only and not in the proposed or tentatively reserved sections. The County disagrees. Our reasoning is set forth below.

Elliot Block

-2-

August 28, 2003

First, we have approached the siting element as a **planning** document, not as a land use document. As such, local jurisdictions have flexibility in the preparation of the siting element. Moreover, I believe we all agree that the siting element is not intended to substitute for, nor abrogate, the local jurisdiction's land use decision-making authority. Rather, the purpose is to ensure adequate planning for future solid waste disposal needs. As with all plans, some portions may come to fruition while others may not. This is one reason why flexibility in preparing the planning documents is essential. We believe this approach is consistent with the primarily permissive, rather than mandatory, nature of the regulations at issue. We also believe you endorsed this approach at a meeting which included County Counsel.

We have interpreted the applicable regulations in the context just described. We begin our analysis with 14 CCR section 18756.1(a) which states in pertinent part: "The Siting Element shall include . . . a description of each proposed expansion of an existing solid waste disposal facility . . . The description shall include . . . expansion options of the existing . . . facility . . ." We interpret this section to mean that expansion options of existing facilities should be described in the siting element and may be described in the section on existing facilities.

Next, we turn to 14 CCR section 18756.3. As we read it, the language in this section explains which areas should be described in the proposed or tentatively reserved sections of the siting element. It identifies two categories of areas: (1) those areas for which the local jurisdiction has made a finding of consistency with its general plan (subsection 18756.3(a)); and (2) those areas which are not in or not adjacent to an area authorized for land use as a solid waste facility (subsection 18756.3(b)). Neither of these categories applies to the expansion of Sycamore or Miramar. In the case of Sycamore, the expansion requires a Community Plan amendment. So subsection (a) does not apply. And, subsection (b) does not apply because the proposed expansion of Sycamore is adjacent to the existing Sycamore facility.¹ As for Miramar, it is located on a federal military installation. To our knowledge, no determination has been made with regard to whether the expansion option is or is not consistent with the City's General Plan. So subsection (a) does not apply at this time. Like Sycamore, the expansion area is adjacent to the existing Miramar facility. So, it does not fall within subsection (b). Because neither subsection (a) nor (b) addresses the Sycamore and Miramar expansion options, neither option is required to be placed in the proposed or tentatively reserved sections. That leaves the existing section as the most appropriate place to describe these two expansion options. This classification is consistent with section 18756.1(a), which requires a description of expansion options to existing facilities. Moreover, placing these options only in the existing section avoids the redundancy and confusion inherent in the County's proposal to list them in multiple sections.

¹ Consistent with the first sentence of subsection (b), we interpret the second sentence of subsection (b), regarding proposed areas that are inconsistent with the general plan, to refer only to those areas that are not in or not adjacent to an area authorized for land use as a solid waste facility.

Elliot Block

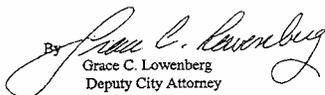
-3-

August 28, 2003

Thank you for your time in reviewing this letter. We look forward to discussing these matters further during the conference call this Friday. In the interim, please call me at (619) 533-6459 if you have any questions.

Sincerely yours,

CASEY GWINN, City Attorney

By 
Grace C. Lowenberg
Deputy City Attorney

GCL:jc

cc Thomas Deák, Senior Deputy County Counsel (Via fax (619) 531-6005)
Robert Epler, Sr. Assistant Director Environmental Services Department
Elmer Heap, Assistant Director Environmental Services Department

*Placed in Admin Record.
in Agenda for 4 Sept Discussion*

Valerio, Nan

From: RicAnthony@aol.com
Sent: Monday, August 25, 2003 3:43 PM
To: Orella.DeBaal@sdcounty.ca.gov; Bud.Chase@awin.com; exdir@ilacsd.org; Cordeau, Jennifer; kwinn@ci.escondido.ca.us; Ifwood@sandiego.gov; mmeacham@ci.chula-vista.ca.us; Valerio, Nan; nstrauss@sdfair.com; J.Taylor@sdcounty.ca.gov; Donna.Turbyfill@sdcounty.ca.gov; Wayne.Williams@sdcounty.ca.gov
Subject: CAC/Chapter 8

What I think we need for chapter 8 is a statement that the goal of our recommended strategy is:

"To concentrate on diversion and to do programs that bring the countywide diversion rate up to what it must be to meet the plan goal of no new landfills." (If this is not a goal, it should be.)

The recommended preferred strategy should include; 1. Perform a feasibility study to determine the best programs and costs to meet the plan goal of no new landfill, 2. Designate land throughout the County that would be permissible for building composting facilities, 3. Establish a uniform (Countywide) application of the generator based source separation recycling ordinance, 4. After 1-3 have been initiated ban designated organic from landfill.

There will be a moratorium on new landfills in the county until these steps have been implemented.

I suggest this or language like this be inserted in Chapter 8. I would like the CAC to endorse this or an amended version at our meeting Wednesday.

Rick
RichardAnthonyAssociates.com
RicAnthony@aol.com
San Diego CA 92109

08/26/2003

5-1

5-1 CAC/TAC with County in numerous meetings came to a reasonable consensus as to the emphasis on diversion. Issue is not completely settled, but reasonable for the Siting Element requirements.

All of Mr. Anthony's comments & suggestions were fully considered and most are reflected in the Siting Element. (see Administrative Record 202 for example)

Response to Comment Letter No. 6
Richard Anthony & Associates, Richard Anthony

Williams, Wayne T.

From: RicAnthony@aol.com
Sent: Friday, July 25, 2003 3:36 PM
To: DeBaal, Orelia; Bud.Chase@awin.com; exdir@ilacsd.org; jco@sandag.org; kwinn@ci.escondido.ca.us; lfwood@sandiego.gov; mmeacham@ci.chula-vista.ca.us; nva@sandag.org; nstrauss@sdfair.com; Taylor, J; Turbyfill, Donna M; Williams, Wayne T.
Subject: Meeting Reminder Monday

Got businesses in San Luis Obispo, went early to make Wednesdays meeting, completely forgot about this.

Send me Chapter eight and I will give you my fixes.

The CAC, as far as I can tell, want our strategy to be the highest priority. We need to include; 1. Finding land that can be permitted for composting facilities, 2. A ban of certain organics from landfill that could start at 20% and increase over time. 3; County wide generator based separation requirements. 4. NO new Landfills.

These four need to be listed in the Siting Element as our top priorities to meet our capacity requirements.
Rick

ricanthy@aol.com
San Diego CA 92109
WWW.RICHARDANTHONYASSOCIATES.COM

6-1

6-1 Feasibility study is recommended, including a cost/benefit analysis, diversion & marketing programs, mention that 75% diversion would eliminate the need for new landfill space during the planning period, noting that adequate land would need to be zoned, and to control generator based source separator of minimizing compostable materials from the landfills. The issue of no new landfills was, to describe that diversion of various materials is essential for decreasing the regions' depending on landfilling.

Received 7/7/03



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

July 2, 2003

Wayne T. Williams, PhD
Recycling Coordinator
County of San Diego
Department of Public Works
Recycling Program MS 0383
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123-1295

RE: Integrated Waste Management Plan Countywide Siting Element for San Diego County – Amendment 2003

Dear Mr. Williams:

On June 19, 2003, the Integrated Waste Management Technical Advisory Committee ("TAC") received a report from the County of San Diego on a revised Draft Countywide Siting Element dated June 2003 ("Draft Siting Element"). Revisions were based on comments received during the public review period on the Preliminary Draft Element, including the City of Santee's ("City") letter dated June 3, 2003. It is the City's understanding that the TAC's review of the Draft Siting Element is on-going at this point, and the City submits these additional comments in connection with the TAC's on-going review of the Draft Siting Element.

The City has the following comments on the Draft Siting Element:

1. Characterization of Proposed Expansion of Sycamore Canyon Landfill

Chapter 4 of the Draft Siting Element, entitled "Existing Disposal Facilities," was modified to add the following statement:

"Expansions are currently planned for the existing Sycamore and Miramar landfills. Because the expansions do not have general plan conformance at this time, they are considered Tentatively Reserved Disposal Sites and are discussed in Chapter 7."

7-1

7-1 Sycamore Expansions now classified as tentatively reserved as disc. Miramar expansion is classified as a "potential" expansion per the request of the City of S.D.

No. 7

Williams
IWMP Draft Siting Element – June 2003
July 2, 2003
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Response to Comment Letter No. 7 (continued)
City of Santee, Melanie Kush

In addition, Chapter 7, entitled "Tentatively Reserved Expanded Existing Solid Waste Disposal Facilities," mentions the Sycamore Canyon Master Plan and identifies 162,000 cubic yards of added capacity.

As previously stated, the City suggests that the Draft Siting Element should not be premised upon the expansion of the Sycamore Canyon Landfill. Such an expansion is not consistent with the City of San Diego's existing General Plan for the area, is inconsistent with the land uses in the City of San Diego adjacent to Sycamore Canyon Landfill and would have significant unmitigable environmental effects on residents of the City of Santee. For these reasons, the City encourages the County to refrain from relying upon the expansion of Sycamore Canyon Landfill to satisfy capacity and to fully study alternatives to accommodating future needs through strategies such as out-of-county transport and diversion.

While the City encourages the County to refrain from relying upon the expansion of the Sycamore Canyon Landfill, the City concurs with the modification of the Draft Siting Element that characterizes the proposed expansion of Sycamore Canyon as a "Tentatively Reserved Disposal Site." The proposed expansion cannot legally be characterized as an existing or a reserved site because the proposed expansion is inconsistent with the City of San Diego's General Plan, for the two reasons expressed below.

As set forth in Public Resources Code section 41702, an area is consistent with a general plan only if it satisfies three specific requirements, two of which the proposed expansion of Sycamore Canyon does not satisfy. First, the area reserved for the expansion is not "located in, or coextensive with, a land use area designated or authorized for solid waste facilities in the applicable city or county general plan." (Pub. Resources Code section 41702 (b).) Second, the land uses authorized in the City's General Plan "adjacent to or near the area reserved for the . . . expansion" are not "compatible with the establishment or expansion of the solid waste facility." (Pub. Resources Code section 41702(c).) Therefore, the proposed expansion is inconsistent with the City of San Diego's General Plan.

Because the proposed expansion of Sycamore Canyon Landfill is inconsistent with the City of San Diego's General Plan, it cannot be treated as an existing site or a reserved site, although it may be treated as a tentatively reserved site. (Pub. Resources Code section 41710(a); 14 Cal.Code.Reg. section 18756.3 (stating that "[p]roposed areas that are inconsistent with applicable city and county general plans shall be tentatively reserved pursuant to the requirements of Public Resources Code sections 41710 through 41712.").

7-2

7-2 Inclusion of Sycamore Landfill Expansion is not an endorsement Chapter 8 now has expanded the discussion of diversion, out-of-co. transport & other techniques as a means to meet the 15-year capacity. The co. agrees with the City of Santee that Sycamore Canyon. Exp. Must be tentatively reserved.

No. 7

**Response to Comment Letter No. 7 (continued)
City of Santee, Melanie Kush**

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For this reason, the City concurs with the modification of the Draft Siting Element that treats the proposed expansion as a Tentatively Reserved Site and the City objects to any subsequent modification of the Draft Siting Element that would treat the expansion as either an existing or a reserved site.

2. Strategies for Additional Capacity

In Chapter 8 of the Draft Siting Element, entitled " Strategies for Additional Capacity," it is stated that "regression analysis predicted a most probable exhaustion of the landfill space in the County in 2018" with an added cautionary note that "exhaustion of annual permitted in-county disposal could occur 2006 or 2011, depending on annual permitted tonnages." As such, the Draft Siting Element proposes a "multi-faceted" strategy to meet the disposal needs through 2018, to include the following:

- ◆ Landfill expansion (Sycamore Canyon Master Plan)
- ◆ New landfill openings (Gregory Canyon)
- ◆ Out-of-county transport
- ◆ Increased diversion (recycling and waste reduction)

For the reasons expressed above and in the City's prior comment letter, the City objects to the use of the proposed expansion of the Sycamore Canyon Landfill as a "fall-back" solution to the demonstration of capacity through 2018. The Draft Siting Element provides that "[o]ne strategy for reaching 15-year capacity is to increase the daily permitted tonnage at Sycamore Landfill from the present 3,300 tons per day to 5,000 tons per day in 2005 and then to 12,000 tons per day in 2010-2011." Increasing the daily and annual disposal limits for the Sycamore Landfill ignores the existing adverse environmental effects experienced in the City of Santee. The most obvious of these are slope scarring, traffic and odor. Reliance on the expansion of the Sycamore Landfill is a relatively short-term solution that is fraught with environmental limitations and risks, and the City objects to the Draft Siting Element's discussion of and reliance upon this approach.

To address future capacity issues, the City strongly encourages the County to focus on the out-of-county transport option and the diversion option. Such a focus is consistent with Section 18756.5 of the Regulations, which provides that the Siting Element should include a "description of the diversion or export programs which will be implemented to safely handle and divert or dispose of excess solid waste."

7-3

7-3 The tentatively reserved expansion is a result of Miramar landfill clause and regulations between the City of S.D and allied costs Inc., who wished to have the expansion. The EIR process should be able to mitigate several of the foreseen adverse environmental effects. Including in the SE is not an endorsement. Chapter 8 has an expanded discussion of export and diversion and considers export with out Sycamore Canyon expansion. With out approval of Sycamore Canyon expansion and Gregory Canyon by 2017, and with out other strategies, the region may need to export up to 55% of it's waste.

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Currently, with respect to export, the Draft Element only states that “[i]f exporting waste is a more economically and environmentally beneficial choice than new landfill siting, then the decision to increase exports and its implementation should be made regionally.” The City contends that exporting waste is a more economically and environmentally beneficial choice and believes that exporting waste should be more fully studied in the Draft Element. For example, the Draft Element should include an analysis and corresponding diagrams which contemplate increased export *without the expansion of the Sycamore Canyon Landfill.*

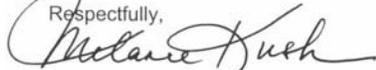
Likewise, the Draft Element does not fully address diversion options. The Draft Siting Element indicates that only Sycamore Landfill accepts construction/demolition (C&D) materials. C&D is one of the largest consumers of landfill capacity. The City is concerned about Sycamore’s operations that include acceptance of this waste material exclusive of the other landfills. In addition, the City believes that the Draft Siting Element should more fully study whether diversion options could successfully reduce the amount of C&D flowing to sites such as Sycamore Landfill.

3. Criteria for Expansions

The Siting Element must include criteria to be used in the siting process for expansions of existing solid waste disposal facilities. (14 Cal.Code.Reg. section 18756.) The City encourages the County to include all of the City’s concerns, a previously expressed, in any siting criteria for the proposed expansion of the Sycamore Canyon Landfill. The Final Siting Element must not, as suggested by the City of San Diego in its comment letter dated June 18, 2003, be drafted such that the City of San Diego can simply describe the proposed expansion as being “consistent” with the Siting Element. The City objects to any criteria which would allow such a finding.

I may be reached at (619) 258-4100, extension 167 with any comments regarding these matters.

Respectfully,



Melanie Kush, AICP
City Planner

c. Keith Till, City Manager
Doug Williford, Director of Development Services
Shawn Hagerty, City Attorney
John Anderson, Meredith & Associates
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Response to Comment Letter No. 7 (continued)
City of Santee, Melanie Kush

7-4

7-4 The S.E expanded it’s discussion on diversion, indicating that each 10% increase in diversion could give the co. between 4-6 additional years of landfill capacity up to 75% diversion who the region would not need any new or expand facilities during the 15-year capacity requirement.

7-5

7-5 Chapter 5 sets forth criteria for the evaluation of new or expanded solid waste disposal facilities.

7-6

7-6 The S.E explains that allied waste & Sycamore Landfill have applied for a planned development permit. Site development permit & a Community plan amendment to expand the Sycamore Canyon Landfill. Increased daily tonnage must be approved by the LEA and local land use authority. The expansion is classified as “tentatively reserved.”

*Card
Use
email*

June 18, 2003

Michael Meacham, Chair
Integrated Waste Management
Technical Advisory Committee

RE: Siting Element of the Countywide Integrated Waste Management Plan

Dear Mr. Meacham:

This letter is to advise you that the City of San Diego has major concerns with the final draft of the Siting Element as submitted to the Technical Advisor Committee (TAC) for review and comment. If I am not able to attend the meeting on June 19, 2003, I will direct the City's representative to support a motion to accept the draft for review and comment at TAC and for a revised version to be presented to the TAC at a future date for a recommendation to forward the document to SANDAG. I will also direct the City's representative to oppose any motion that accepts the final draft as submitted or recommends that it be forwarded to SANDAG in its present form and format.

As you are aware, the City of San Diego has expressed concern over the way the document was being developed and Lisa Wood spent a great deal of time discussing these concerns with County staff and providing them with alternative language which would have resolved the City's concerns and would be acceptable to CIWMB staff. The City's record of having documents and plans approved by the CIWMB is a strong indicator that our approach is valid. Additionally, we believe many of our concerns apply to all cities and not exclusively to the City of San Diego. Enclosure 1 is a detailed description of the City's concerns with the current final draft and which we believe would be detrimental to all cities in the County if the Siting Element were adopted in its current form.

As you know, the Siting Element must be approved by the County Board of Supervisors and a majority of the cities with a majority of the population of the incorporated areas of the County. Under this formula, the City of San Diego's vote is required for it to be approved. If the concerns we have raised are not resolved, I will have no choice but to recommend to the City Council that the City of San Diego not approve the Siting Element.

Sincerely,

ROBERT A. EPLER
Assistant Director

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City of San Diego Comments Regarding
Final Draft County Siting Element

The following are the City of San Diego's detailed comments and concerns regarding the Final Draft County Siting Element submitted for the June 19, 2003 TAC meeting:

1. Typo. Line 227. Thorough.
2. Plural agreement. Line 278, 279 - "facilities" should be plural.
3. Capacity. Chapter 3 addresses "capacity" but the same term is used to describe two very different aspects of "capacity" creating confusion and resulting in a lack of clarity in the Chapter. The first use of "capacity" relates to the daily and annual tonnage limits imposed on disposal facilities through the permit process. The second usage of "capacity" relates to the designed cubic yards volume in the landfill and the total number of tons that can be accommodated in that volume. While both involve "physical" constraints, the daily tonnage limits can be more easily changed while the changing the volumetric capacity is a more involved task or may not be possible if the landfill has been expanded to its ultimate design limits. The text is very confusing on these points. A definition of terms is needed, and clear distinctions must be made between daily tonnage throughput limits and the total cubic yards or tons of waste that can be accommodated by existing or proposed facilities.
4. Statistics. Chapter 3 uses a number of statistical terms, but the language used in the Siting Element (SE) should be layman's language, for use of planners and the general public. Confidence limits are not required, should not be used and should be removed from the document. For the purpose of this plan, the use of confidence limits confuses rather than clarifies the future waste disposal needs and capacity of the County wide disposal system.
5. Language. There are many places where the language appears to be philosophical and implying value judgments that are not appropriate to the document. Discussions of "rational" landfill management in an "orderly manner" would be absurd if someone were to propose the opposite. It is unclear what "utmost siting discrimination" means.
6. Waste types. In Chapter 4, each landfill is described as having a different permitted waste type, but there is no consistency with actual permits and a great deal of inaccurate information. For example Miramar takes considerable quantities of non-friable asbestos, yet this is not mentioned. Sludge is described for Sycamore, which is not taking it, but not for Otay, which is currently accepting significant quantities. This chapter needs to be carefully reviewed with the City and County LEA and the acceptable wastes for each landfill validated.
7. Local land use authority; minimizing state intrusion. A more disturbing problem with Chapter 4 occurs in lines 563 through 565. This is a strained interpretation of the

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regulations, and results in a disservice to the region in terms of fully and accurately describing the potential disposal capacity. The County's interpretation forces the elimination of expansion options at Sycamore and Miramar, and even existing capacity at Miramar if taken to the extreme, and possibly the elimination of other viable tentative sites such as the East Otay Mesa site. By definition, existing sites must be in conformance with the General Plan for the jurisdiction or an action taken by the governing body to be the equivalent of including the site in the General Plan.

Sycamore

The document should describe the Sycamore Canyon Landfill once and only once, within the "Existing Facilities" section. A description of the proposed expansion should be provided. Failure to do so could result in having to drop the proposed expansion at the next revision date of the SE. Under the County's interpretation this would occur if the City has not completed the permitting process within 5 years - a very real possibility considering the time frame required to complete all permitting requirements and potential legal challenges.

Elliott Block, counsel for the CIWMB, indicated in a meeting, at which County staff, Mike McEacham, and Kathy Winn were present, that the City's approach is acceptable, and even preferable. However, because there is considerable latitude in how these documents are written, the State would probably not reject one written as the draft presents, with Sycamore described (confusingly) as both an "existing" and a "tentatively proposed" facility. However, this approach could result in a disturbingly inaccurate portrayal of the capacity in the region.

The California Code of Regulations specifies that:

"The Siting Element shall include a description of each proposed new solid waste disposal facility and a *description of each proposed expansion* of an existing solid waste disposal facility for each county and regional agency included in the Siting Element which complies with the criteria identified in Section 18756 of this article. The description shall include the type of facility, location, size, volumetric capacity of the facility expressed in cubic yards and in tons, life expectancy (years), *expansion options* of the existing or proposed facility, and post-closure uses. Each Siting Element shall include one or more maps indicating the location of each proposed solid waste disposal facility and adjacent and contiguous parcels. The map(s) shall be drawn to scale and include the scale on the map sheet. The type of map(s) may be a 7.5 or 15 minute USGS quadrangle." [Please note, this is not very detailed, and does not mean that a very specific foot print needs to be identified.]

"Reserved areas for proposed new or the expansion of existing solid waste disposal facilities shall be identified in the Siting Element. Verification shall be made that the expanded or proposed facilities are located in areas where the land use is designated or authorized for solid waste disposal facilities and that the areas

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are consistent with the applicable city and county general plans. Verification of general plan consistency shall include a resolution, notarized statement, or affidavit from each applicable city and the county. Proposed areas that are consistent with the current city and county general plans shall be reserved pursuant to the requirements of Public Resources Code sections 41702 and 41720." [Please note this section only wants "verification" of local land use procedures, it is the State deferring to and supporting local authorities. It is not proposing new regulation for local land use.]

The inclusion of the Sycamore Landfill in a Community Plan in the City of San Diego makes the facility consistent with the General Plan. The level of detail for how things are described in Community Plans varies, but for the Sycamore Landfill a detailed description, including footprint area, is provided. It was the City's choice to include this level of detail. The proposed expansion of Sycamore will require a Community Plan amendment to modify the footprint, although other expansions, for example a vertical expansion, would not require an amendment. Apparently, because the proposed expansion will require a Community Plan amendment, the County is assuming the Sycamore expansion should be included as "tentative," not an existing or proposed site. The City of San Diego does not accept that assumption and will not support a document that indicates the Sycamore Canyon and/or Miramar Landfill expansions are tentatively reserved sites. The section bolded below refutes this interpretation. Section 18756.3 continues to address tentative sites:

"Proposed areas that are not situated in, coextensive with, or adjacent to an area authorized for land use as a solid waste disposal facility, within an applicable city and county general plan, may be 'tentatively reserved' for future or expanded solid waste disposal facilities. Proposed areas that are inconsistent with applicable city and county general plans shall be tentatively reserved pursuant to the requirements of Public Resources Code sections 41710 through 41712. Proposed areas included in the Siting Element may be identified as 'tentatively reserved' in the initial filing of a Countywide and Regionwide Integrated Waste Management Plan, as determined by Public Resources Code section 41791. However, by the first five-year revision of the Countywide and Regionwide Integrated Waste Management Plan all areas identified to assure the minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article must meet the requirements of Public Resources Code section 41702."

The way the County is interpreting the regulations results in a document that is redundant and confusing. Furthermore, as previously stated, if the City fails to approve the application within five years, the proposal would have to drop out of the SE altogether, even if it is pending at the City Council, because it would not be considered consistent with the General Plan. This would render the SE incapable of reflecting the true nature of potential disposal capacity in the region. This does a disservice to all jurisdictions, not just the City of San Diego, by eliminating viable disposal options from the document.

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No. 8

By contrast, the approach we propose is much simpler. When the City Council hears the proposal to amend the Community Plan, the Planning Report would describe the expansion as "consistent" with the SE because the SE will have a description of the proposed expansion. The City Council might then decide to approve the expansion. If that occurs, with the next five year update, the SE description of the facility would be updated, but no special amendment would be necessary.

Miramar

The County has applied its reasoning about inclusion in the General Plan to Miramar, and therefore says our proposed vertical expansion should be described as a "tentative" facility. There are a number of flaws with this reasoning. The first is that the vertical expansion of Miramar would involve no change in footprint what-so-ever. For Sycamore, if there was no change of footprint, a Community Plan amendment would not be required, and hence the expansion would be consistent with the General Plan.

However, this is not the reason a General Plan amendment will not be needed in the case of Miramar. The existing facility has never needed an action to make it consistent with the General Plan because it is on federal land and the site is under federal ownership. Although we operate under a Conditional Use Permit, there is no applicable Community Plan for the site. The site is subject to separate federal land use processes.

By the County's reasoning, Miramar is not consistent with the City's General Plan and cannot be included in the SE. Under this reasoning the region loses the ability to rely on this essential public facility to document 15 years of disposal capacity.

Based on input from Elliott Block, the sections of the PRC that the County is so narrowly interpreting are meant merely to defer decisions to the appropriate land use authority, not to dictate new methods of land use review. The SE is a description of regional needs, and as a planning tool it should function as an enabling document, not a limiting one. The SE should accurately reflect existing facilities and true possible capacity enhancement opportunities, not delete them because of a technicality that is a misinterpretation of state requirements in the first place.

8. Enabling, not limiting. Chapter 5, line 931. Land use permits are quite different from operating permits. And in line 1016, level of significance is a CEQA phrase, and CEQA leaves the door open for Findings of Overriding Consideration.

9. Gregory Canyon. Chapter 6, line 1138. Gregory Canyon was never evaluated under the criteria in the SE. The entire phrase referring to the assessment should be deleted. There was no initial "assessment," therefore there can be no "reassessment." This language, too, should be deleted. And how is it that Gregory is deemed to have "limited" expansion options? This seems highly arbitrary, especially in light of the fact that the document encourages maximizing the use of facilities once they are sited.

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No. 8

Response to Comment Letter No. 8
City of San Diego, Robert Epler

28 October, 2003

County Response to Letters Received re. Siting element Amendment

Comments from the City of San Diego	County of San Diego Response
A. Letter of June 18, 2003 to Michael Meacham from Robert Epler.	Preface: The City of San Diego has been represented at each SANDAG/TAC Subcommittee meeting and was present at all TAC meetings since the issue of the siting Element was brought forth. All comments and suggestions of the City were fully and duly considered specifically relating to purpose, context, and regulatory requirements. The City submitted written suggestions on (at least) 5 occasions previous to this letter.
Items 1&2 Typo error.	Items 1-2: For this response, all suggestions regarding grammar and format were considered and incorporated where applicable.
Item 3 - Capacity	Item 3: City and TAC suggestions on capacity were incorporated. Appendix 2 refers to Volume data.
Item 4. - Statistics	Item 4: Confidence limits and regression statistics are located in appendix C.
Item 5. - Language	Item 5: Language agreed upon by Subcommittee (CAC/TAC).
Item 6 - Waste types	Item 6: Document sent to regional LEA and City LEA for their reviews. Accepted as is.
Item 7. - Local land use authority; minimizing state intrusion	Item 7: Interpretation of regulations is based on agreement of County counsel, CIWMB legal staff, and City of Santee. Concerns of the City of San Diego duly noted.
Item 8 Sycamore (Canyon Landfill Expansion)	Item 8: Regulations require Sycamore expansion to be classified as "tentatively reserved." The approach used in the Siting Element is accurate within the confines of the data set, and subsequent statistical analyses and confidence intervals calculated. The classification of the Sycamore expansion follows the advice of the CIWMB legal staff and County counsel, and is in agreement with the interpretations of the City of Santee. The Siting Element accurately portrays the landfill capacity in the region, and includes all viable disposal options as permitted and mandated by the regulations. Jurisdictions and landfill proponents would always have the option to place addendums or amendments in the Siting Element.
Item 9. Miramar (landfill expansion)	Item 9: The City of San Diego provided insufficient information to the county to determine what the plans were for expansion at the Miramar landfill. Consequently the Siting Element text states, "Currently the City of San Diego is considering its options regarding vertical expansion of the Miramar landfill (p SE 16). Miramar landfill has the potential for vertical expansion to extend its capacity to accept waste for an additional three to ten years, depending on final elevation... should the decision to pursue this "potential" expansion, a Solid Waste Facility Permit application would be filed with the LEA." The City of San Diego requested that Miramar not receive a classification under regulation language in the Siting Element and the county complied. The county followed the advice of CIWMB counsel and county counsel on the Miramar (sic) "potential" expansion.
Item 10. Use of "Level of Significance."	Item 10: The phrase "level of significance" is not limited to

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Item 11. Gregory Canyon Landfill	environmental analyses, and is used in many technical fields. Item 11: Gregory Canyon landfill received the scrutiny of the required Environmental Impacts Report, which is inclusive of the criteria in the 1997 Siting Element and the present amendment and reviewed by County LEA. Expansion options at Gregory would be limited with reference to the 1997 Countywide Siting Element and input from County LEA.
Letter of 28 August, 2003	Preface: The County, CIWMB, and the City of San Diego (and at times with representatives of SANDAG/TAC, including the City of Santee) met to discuss the issues of how the tentatively reserved Sycamore landfill expansion was to be included in the Siting Element. The Miramar "potential" expansion was also discussed, but to a lesser degree, as detailed expansion plans were not available.
Issue1: The City (of San Diego) believes... (that the Sycamore and Miramar expansion options)... should be described in the existing facilities only and not in the "proposed" or "tentatively reserved" Chapters of the Siting Element	The legal staffs of the county and CIWMB proposed that the Sycamore Landfill expansion could be included in the existing landfill chapter, but be classified as "tentatively reserved" (p SE 19-20), with no mention of the classification in Chapter 7 (Tentatively Reserved Solid Waste Disposal Facilities). The Miramar expansion is to be classified, vis avis request by the City of San Diego as a "potential" expansion (p SE 17).

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GREGORY CANYON LTD.
991-C-404 Lomas Santa Fe Drive
Solana Beach, California 92075
858-792-7661

JUN 25 2003

JUN 26 2003
my

Response to Comment Letter No. 9
Gregory Canyon Ltd., Richard W. Chase

June 16, 2003

Dr. Wayne T. Williams
Recycling Coordinator/Project Manager
Department of Public Works
Recycling Section
County of San Diego
5469 Kearney Villa Road, Suite 305
San Diego, CA 92110

Re: June 10, 2003 Draft Countywide Siting Element

Dear Mr. Williams:

This letter is written on behalf of Gregory Canyon Ltd., LLC the owner of the proposed Gregory Canyon Landfill, to provide comments to the June 10, 2003 Final Draft of the Countywide Siting Element.

As an overall matter, we find the June 10 Final Draft to be accurate, complete and well-supported, and believe it provides a useful road map for the County to ensure future adequate disposal capacity. We agree that an integrated strategy that pursues a range of available disposal options is both prudent and essential if the County is to meet its requirements.

Our comments are primarily for clarification only, and are set forth below.

1. Page SE 2 - Sources. This paragraph contains a reference to the "Draft" EIR for the Gregory Canyon Landfill. As was noted later in the draft, the EIR has been certified and the use of the word "Draft" is no longer required.
2. Page SE 10 – Model 2. The second paragraph contains the statement "The County's additional capacity needs cannot be met with Gregory Canyon alone." We agree with that statement, but also note that the County's capacity needs cannot be met with the Sycamore Canyon Landfill expansion alone, and suggest this clarification.
3. Page SE 12 – Table 3.3. There appears to be a computational error in two columns in this table – the Proposed Additional In-County Annual Capacity column and the In-County Reserve column. The reason for this is that additional capacity of 5000 TPD, or 1.6 million tons per year, is attributed to the Sycamore Canyon Landfill in 2005.

9-1

9-1 Noted and changed. See Siting Element 40.

9-2

9-2 Clarified. Text expanded in Chapter 8 regarding strategies for additional capacity

No. 9

Dr. Wayne T. Williams
June 16, 2003
Page 2

JUN 26 2003
my

Response to Comment Letter No. 9 (continued)
Gregory Canyon Ltd., Richard W. Chase

However, the only **additional** annual permitted capacity in 2005 is the increment between the currently permitted 3300 TPD and the proposed 5000 TPD. Page SE 10 indicates the additional annual permitted capacity based only on the increment would be 535,000 tons per year. The figures in the Additional In-County Annual Capacity column should be reduced by 1.1 million tons per year, and this carries over to the In-County Reserve Column. Finally, this suggested re-computation of Table 3.3 would make it consistent with Figures 3.1 and 8.1.

9-3

9-3 Figures and data rechecked, correction made in tables in subsequent drafts.

4. Page SE 10 – Model 2; Page SE 11 – Figure 3.1; Page SE 12 – Table 3.3; Page SE 46 – Figure 8.1; Page SE 49 – Figure 8.2. The text, figures and tables in the Final Draft assume stable annual disposal capacity at the Gregory Canyon Landfill of 600,000 tons per year. The EIR, in describing the project, indicates that it is planned to operate at 3200 TPD as an average, or an annual permitted capacity of 1 million tons per year. Because the capacity contribution of the Sycamore Canyon Landfill is based on permitted annual capacity, we suggest that to be consistent the contribution of Gregory Canyon also be based on its annual permitted capacity of 1 million tons per year.

9-4

9-4 County staff used LEA's figure for the 600,000 tons per year.

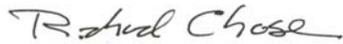
5. Page SE 45 – Purpose & Requirements; Pages SE 46-47 – Strategies to Reach Additional Capacity. The introductory portion of Section 8 discusses three disposal-based options for meeting capacity requirements – additional daily permitted capacity, a new landfill, and out-of-county export. However, the detailed discussion does not address the contribution of a new landfill, which would be Gregory Canyon. We believe that for clarification purposes there should be some discussion of the Gregory Canyon Landfill in Section 8.

9-5

9-5 Committee considered discussion of Gregory Canyon in previous chapters to be adequate relative to Chapter 8.

Thank you for the opportunity to comment of the draft. I appreciate the amount of work and effort that has gone into this. Please do not hesitate to contact me if you have any questions, or require additional information about the Gregory Canyon Landfill.

Sincerely,



Richard W. Chase

*Received
5 June 2003
WMP*



CITY OF SANTEE AR143

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Mintz
Hal Ryan

CITY MANAGER
Keith Till

June 3, 2003

Wayne T. Williams, PhD
Recycling Coordinator
County of San Diego
Department of Public Works
Recycling Program MS 0383
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123-1295

RE: Integrated Waste Management Plan Countywide Siting Element for San Diego County – Amendment 2003.

Dear Mr. Williams:

Thank you for the opportunity to attend the County's public meeting on the proposed amendment to the Siting Element that was held on Thursday, May 29, 2003. The Siting Element must demonstrate that 15 years of countywide or regional permitted solid waste disposal capacity are or will be available through existing or planned facilities, or other strategies. The Draft Siting Element projects disposal capacity needs for the period 2002 to 2017.

Of concern to the City of Santee is the presumption throughout the Draft Siting Element that the Sycamore landfill will be expanded. The landfill's currently allowed daily tonnage is 3,300 tons, and the document refers to an increase in 2005 to 5,000 tons per day and 12,000 tons by 2011 (Page SE-10). This information is based upon communication with Allied Waste and not upon permitted activity. You should know that Sycamore Landfill Inc. and Allied Waste of North America have applied to the City of San Diego for a Planned Development Permit, Site Development Permit and a Community Plan Amendment to expand the landfill and to allow ancillary development on ten parcels of land that are currently outside of the current landfill boundary. The Siting Element should not rely upon the Allied Waste information to demonstrate adequate disposal capacity. The Draft Siting Element should emphasize that this information does not represent a legally permitted expansion.

Siting Element Amendment
Wayne Williams
June 3, 2003
Page 2 of 2

A Notice of Preparation (NOP) of a Draft Environmental Impact Report required for the Sycamore Landfill Inc./Allied Waste of North American application referenced herein was distributed by the City of San Diego, and a scoping meeting was held in April of this year. The City of Santee submitted a response letter to the City of San Diego expressing concerns with the expansion proposal. These concerns are relevant to the Draft Siting Element which relies on the Sycamore Landfill expansion to demonstrate adequate disposal capacity through 2017. As such, the City's response to the NOP is enclosed for your consideration and should be made part of the public record regarding the Siting Element.

In meeting disposal capacity needs through 2017, the Draft Siting Element appears to exclude a study of alternatives that do not rely on the Sycamore Landfill expansion. Additional analysis on alternatives that include the exportation of waste through transfer stations, or an increase in the 50% diversion rate should be included. Specifically, an analysis of the effects if Sycamore Landfill is maintained at its current disposal level through the 15-year period, and the remaining percentage exported, should be included.

You indicated that information on truck trips associated with current and proposed future operations at the Sycamore Landfill was available. This, and any other information on the Sycamore Landfill is hereby requested.

I may be contacted at (619) 258-4100, extension 167 with any questions regarding this matter, or via electronic mail at mkush@ci.santee.ca.us.

Respectfully,

Melanie Kush, AICP
City Planner

Enclosure: Letter to City of San Diego, dated May 9, 2003

- c. Keith Till, City Manager
Douglas Williford, Director of Development Services
Shawn Hagerty, City Attorney



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

May 9, 2003

City of San Diego
Planning and Development Review Department
Attn: Vicky Gallagher
1222 First Avenue, MS302
San Diego, CA 92101-4153

RE: Response to the Public Notice of Preparation of the Draft EIR for the Sycamore Landfill Master Plan: Application to the City of San Diego for a Planned Development Permit, Site Development Permit and Community Plan Amendment (Project Number 5617)

Dear Ms. Gallagher:

This letter will serve as City of Santee's response to the Notice of Preparation (NOP) dated April 9, 2003 for the above referenced project. On April 22, 2003, a scoping meeting was conducted by the City of San Diego on a proposal by Sycamore Landfill Inc. and Allied Waste of North America, Inc. to expand the landfill and ancillary development to ten parcels of land that are outside of the current landfill boundary. At the meeting it was represented that the current four staging areas would be combined into a single area, thereby increasing landfill capacity, and that this would trigger the relocation of the SDG&E transmission line to the westerly edge of the landfill. The proposal also includes relocation of the recycling center. These improvements will extend the useful life of the facility.

The NOP and attached Scope of Work, identified potential significant environmental effects in the following areas: Land Use, Aesthetics, Neighborhood Character, Landform Alteration/Visual Quality, Biological Resources, Historical Resources, Paleontological Resources, Hydrology/Water Quality, Geology/Soils, Traffic/Parking, Noise, Air Quality, Public Safety/Hazardous Materials/Brush Management, Utilities and Public Facilities and Services. As described later in this letter, the City of Santee believes that this project may also significantly affect recreational resources.

Planning & Development Review Department
Atten: Vicky Gallagher
May 9, 2003

Given the landfill's proximity to the City, the proposed project is of the utmost concern to the City of Santee and its residents. The proposed project has the potential to cause significant and potentially unmitigable, environmental impacts. Ongoing operations at the existing landfill currently affect the environment and local residents in several ways, and the City would like to ensure that landfill expansion does not further degrade its environmental quality. Accordingly, the City requests that the DEIR be expanded to address the direct, indirect and cumulatively significant environmental issues, reasonable alternatives and mitigation measures relative to the following issues of concern, while reserving the right to raise additional concerns as more information regarding the project is made public:

- 1. Visual Impacts:** Operations are visible from residential developments on Bushy Hill Road and from Mission Gorge Road from West Hills Parkway to the west City limits. Mission Gorge Road is identified in our General Plan as a local Scenic Road and Design Sensitive Corridor, which includes goals for protecting hillsides and viewsheds visible from Mission Gorge Road. An increase in manufactured slope heights devoid of vegetation will impose further disturbance in the natural ridgelines presently vegetated slopes and unique rock outcroppings, and could become noticeable from additional vantage points within the City of Santee.

Even when built out, the natural character of the canyons, outcroppings, and ridgelines will be permanently and irreversibly diminished. A viewshed analysis should consider not only the current project proposal but also resultant viewshed changes after the landfill closes from the aforementioned vantage points and all other strategic key locations throughout Santee, as well as those on State Route 52.

Specific to the proposed relocation of the SDG&E transmission lines, the 1995 Settlement Agreement between the City of San Diego and County of San Diego requires the EIR address the transmission line relocation issue, including a visual analysis of the proposed new alignment. If the DEIR for the landfill expansion is intended to be used as the environmental document for the Certificate of Public Convenience and Necessity to allow the relocation, a complete analysis of all visual impacts related to the relocation of the transmission line must be included in the document. Additionally, the City of Santee has been informed of an SDG&E application to the California Public Utilities Commission for a Certificate of Public Convenience and Necessity to allow an upgrade to their Miguel to Mission transmission line that currently crosses the landfill. How will the Sycamore Landfill proposal, that includes the relocation of the towers, be coordinated with this project?

Planning & Development Review Department
Atten: Vicky Gallagher
May 9, 2003

Specific to the proposed relocation of the recycling center, its relocation was the subject of a 1993 Settlement Agreement between CalTrans, the County of San Diego and the City of San Diego. A new location should be adequately screened from State Route 52 and residential areas within Santee.

There is no mention of the potential for creation of a new source of light and glare associated with this facility. A complete analysis must include potential impacts to the nighttime viewing environment. The City's initial review of the project description leads to a conclusion that light and glare may be a significant impact.

- 2. Traffic:** The 1990 EIR for the Sycamore Landfill stated that CalTrans would be providing a direct access to the landfill from State Route 52. This access was not provided and access to the facility continues to be via Mast Boulevard and West Hills Parkway. Landfill operations currently affect traffic flow at the Mast/SR52 ramps, and cause delays at Mast/West Hills Parkway by tripping the left hand turn signals into the landfill in the am peak hour. Given the lack of direct access to the landfill from State Route 52, the traffic analysis for the expansion project should consider the effect the project would have on the Mast Blvd / West Hills Parkway intersection, as well as all other streets and intersections which will be affected by the project, assuming that no direct access will be provided.

The DEIR must analyze the impact of increased traffic, including heavy vehicle dump trucks on surrounding streets and roads, including the increase in costs that may be incurred by the City of Santee in maintaining these streets and roads. Specific mitigation measures, including measures that address city's incurred costs, must be addressed. The DEIR must analyze alternative access routes to the landfill which would lessen impacts to Santee streets and West Hills Parkway, including the originally anticipated direct access via State Route 52. The DEIR must also include a study of the impacts of the future widening of the landfill's access road. The mitigation provisions of this section should detail the specific roadway infrastructure improvements at and near the site that will be necessary to accommodate the increased traffic flow without worsening current traffic conditions.

Planning & Development Review Department
Atten: Vicky Gallagher
May 9, 2003

- 3. Noise:** The DEIR must specifically evaluate the effect of nuisance noise levels due to increased truck traffic, both on-site and off-site on local streets and neighborhoods. The landfill is adjacent to sensitive receptors: residential neighborhoods, public parks (Mast Park, Santee Lakes) and schools (West Hills High School on Mast Boulevard and Sycamore Elementary School on Settle Road) which must be considered in the development of effective noise mitigation.
- 4. Air Quality/Odors:** The DEIR must fully analyze the full impacts of odors resulting from the landfill. The City receives citizen complaints about odors emanating from the landfill and these are referred both to the Air Pollution Control District, and to the City of San Diego for resolution. Odors associated with green waste are pungent, and have caused a significant rise in complaints in recent years. Air or weather conditions spread noticeable objectionable odors beyond the landfill. It is expected that landfill expansion will increase odor impacts to the surrounding community that includes the aforementioned sensitive receptors. The DEIR must analyze all odor impacts of the proposed operations, to include the impacts of current and future odor-masking techniques and any health side effects associated with these techniques.

Greater air emissions resulting from increased truck traffic could threaten the health of our citizens and should be evaluated in detail in the EIR. Exhaust emissions from diesel trucks are of particular concern, because they have been identified as toxic air contaminants by the California Air Resources Board. The DEIR air quality section should include quantitative emissions modeling and a health risk assessment to confirm that the emissions from existing and incremental truck traffic do not present a health risk to local residents, including sensitive receptors.

With regard to the relocation of the recycling center, adequate measures should be implemented to ensure that the center, regardless of its location, is not a source of nuisance odors, particularly where sensitive land uses exist, including the schools, public parks and homes.

- 5. Recreation/Open Space:** Councilmember Madaffer's staff and Mission Trails Park have been coordinating efforts in utilizing an existing ridgeline trail along the western boundary of the landfill to create a regional linkage between Mission Trails and Sycamore Canyon Open Space Preserve, Goodan Ranch and a future "North Mission Trails" on the old General Dynamics site to the north.

Planning & Development Review Department
Atten: Vicky Gallagher
May 9, 2003

Based on the footprint of the landfill expansion area, this portion of the trail appears to traverse the center of the landfill. The viability of this community trail project may be compromised by the location of the expansion area and the extended operation of the landfill for decades. How would the current project take this into consideration?

The EIR should also include an analysis of the potential benefits to Mission Trails Regional Park without the Sycamore landfill expansion project, which would otherwise be closed sooner and the land subsequently restored to natural habitat that could be included in the regional park. If the landfill is expanded, what are the impacts this will have to Mission Trails Regional Park?

6. **Hydrology/Water Quality:** The DEIR must include information on how water quality is protected, both in storm water run-off and in groundwater. The DEIR should have a detailed discussion of how the landfill expansion will be designed and constructed in accordance with Federal and State regulations designed to protect groundwater resources (e.g., liner design standards, leachate collection systems, groundwater monitoring, procedures for excluding hazardous materials, etc.). Environmental data collected for the existing landfill should be evaluated to ensure that current operations have not adversely impacted groundwater to date. Confirmation that groundwater and surface water resources are adequately protected will require the completion of a detailed hydro-geologic study of the landfill site. The measures necessary to prevent downstream siltation, water quality impacts, and impacts to sensitive species in the San Diego River watershed, including Mission Trails Regional Park, should be addressed in construction grading plans and provisions to be incorporated in the landfill's Storm Water Pollution Prevention Plan.

7. **Hazardous Materials and Public Health and Safety:** The DEIR should include a full analysis of any health-related effects associated with landfills in general and those related to the subject proposal. No mention is made in the Scope of Work of potential methane hazards and the need to monitor methane concentrations in new facility buildings and at the expanded property boundaries.

Also, in light of the recent low-rainfall conditions in the area, it is important that fire hazards associated with operation of the landfill be fully assessed and that adequate mitigation measures be implemented, including the construction of additional fire breaks and emergency access roads to accommodate the expanded landfill area.

Planning & Development Review Department
Atten: Vicky Gallagher
May 9, 2003

The City has been made aware of complaints from its residents about the landfill. The DEIR must analyze impacts on the health of Santee residents. A specific study of the health impacts must be included in the DEIR and the study must address sensitive receptors that include the West Hills High School and Sycamore Elementary School.

8. **Biology:** The project area contains sensitive habitat. The DEIR should address the full direct and indirect impacts on biological resources and habitats, including wetland habitats, associated with the proposed expansion of the landfill, as well as direct and indirect impacts on the surrounding proposed sub area plan preserve in the City of San Diego. Concurrently, the DEIR should address the benefits to the City of San Diego's Subarea plan preserve if the landfill was not expanded. It is clear that the expansion will result in irreversible loss of wildlife habitat, including habitat for several sensitive species known to be present. The EIR should provide specific details regarding how this loss will be offset and adequately compensated.

9. **Historical Resources:** No reference is made regarding the potential to encounter/disturb human remains. This issue may not be considered significant, but it should be addressed independently from other archeological finds.

10. **Purpose and Need for Project/Project Alternatives:** The DEIR should include information on the state of the landfill industry in the region, and identify alternatives for landfill operations other than the proposed expansion of the Sycamore landfill. In particular, the status and viability of regional landfill projects that can accept municipal waste via rail should be presented and evaluated as a defined project alternative. Additionally, alternative locations for the siting of a new landfill in the San Diego region should be identified and evaluated.

11. **Land Use Compatibility:** Issues of land use compatibility must not be limited to existing developed areas, but must take into account the direct and indirect impacts of the landfill expansion on the future development of Fanita Ranch and the East Elliot area.

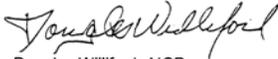
12. **Socio-economic impacts:** The DEIR must analyze the potential for property value decline in areas affected by landfill operations.

Planning & Development Review Department
Attn: Vicky Gallagher
May 9, 2003

Please note that the environmental impact "areas" described in the Scope of Work prepared for the DEIR were inconsistent with the areas listed in the NOP (e.g., Aesthetics/Neighborhood Character vs. Landform Alteration/Visual Quality). While this may be a simple issue of semantics, it makes the determination of the completeness and adequacy of the proposed DEIR difficult. Consistent nomenclature would make areas of analysis clearer.

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and to attend the scoping meeting. It is understood that the Draft EIR may raise additional pertinent issues of interest to the City. For this reason, our responses to the NOP should not be construed as limited to only those concerns and comments contained in this letter. We look forward to participating in the process.

Respectfully,



Douglas Williford, AICP
Director of Development Services

c. Keith Till, City Manager
Melanie Kush, City Planner

S:\MKush\Sycamore landfill issues final letter May 2003.doc.doc.doc

Response to Comment Letter No. 10 City of Santee, Melanie Kush

All comments reviewed. See Response to Comment Letter No. 11 County of San Diego Public Hearing Oral Statements.

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COUNTY OF SAN DIEGO
PUBLIC HEARING ORAL STATEMENTS

DEPARTMENT OF PUBLIC WORKS
COUNTY RECYCLING PROGRAM

ORAL STATEMENTS
Thursday, May 29, 2003
201 East Douglas Avenue
El Cajon, California

Reported by: JANICE CASTATER, CSR No. 11879

REPORTER'S CERTIFICATE

I, JANICE CASTATER, Certified Shorthand Reporter
for the State of California, do hereby certify:

That the foregoing proceedings were taken before me
at the time and place herein set forth; that the testimony
and proceedings were reported stenographically by me and were
transcribed through computerized transcription under my
direction; that the foregoing is a true record of the
testimony and proceedings taken at that time.

In witness thereof I have subscribed my name this
10th day of June, 2003.



JANICE CASTATER
Certified Shorthand Reporter No. 11879
for the State of California

<p style="text-align: right;">Page 2</p> <p>1 EL CAJON, CALIFORNIA, THURSDAY, MAY 29, 2003 2 -oOo-</p> <p>3 4 MELANIE KUSH: Let the record show that 5 Melanie Kush, City Planner with the City of Santee, is 6 here today. The City of Santee will be providing 7 written comments no later than Monday of next week on 8 this matter.</p> <p>9 Our primary concern is that the draft siting 10 element presumes that Sycamore Canyon, the Sycamore 11 landfill will be expanded. And those statements are of 12 concern to us. We will provide further comments in our 13 letter. Thank you.</p> <p>14 JOYCE WARD: My name is Joyce Ward. I am the 15 treasurer of a group called RiverWatch. And I am here 16 to comment on the Integrated Waste Management Plan, the 17 countywide siting element.</p> <p>18 I find that there are some serious concerns 19 and problems with this in that the siting criteria, the 20 ten siting criteria of pass/fail, are not being in 21 effect applied to the Gregory Canyon site by using what 22 I consider to be a loophole of overriding social and 23 economic conditions, when in effect the County of 24 San Diego does not have an ordinance that allows for 25 findings of overriding social and economic benefit for</p>	<p style="text-align: right;">Page 4</p> <p>1 county is being well-served and will continue to be 2 served once the Sycamore expansion is taken into 3 consideration. By the same token, if Campo is to be 4 listed as an out-of-county facility, which I find 5 ridiculous, that means that Miramar would also have to 6 be listed as out of county, as would Camp Pendleton and 7 the other landfill on federal property.</p> <p>8 Recently, the developer for the Gregory Canyon 9 landfill solicited investment for a \$10 million 10 subscription to enable them to remove the property they 11 own for the Gregory Canyon landfill from foreclosure and 12 to clear mechanic's liens on the property.</p> <p>13 In that prospectus, they indicated that the 14 intended tipping fees after what they called 15 post-Miramar and post-Orange County would be \$50 a ton 16 and that the city of Oceanside among others would be 17 required to pay that. Current tipping fees are in the 18 low 20s, and this is an exorbitant planned extortion 19 from the residents of this county.</p> <p>20 The Gregory Canyon landfill fails a minimum of 21 seven of the ten siting criteria that are listed in this 22 document. The criteria of allowing for overriding 23 considerations is definitely a loophole included in here 24 for the Gregory Canyon. It is very bad policy because 25 the pass/fail criteria was developed for specific</p>
<p style="text-align: right;">Page 3</p> <p>1 private projects such as the Gregory Canyon landfill. 2 The ordinance calls for those overriding considerations 3 to be applied to public projects.</p> <p>4 I take serious exception with the fact that 5 the Campo landfill is listed as out of county. I think 6 that that was in response to a letter from 7 Supervisor Jacob asking that it be eliminated because 8 she doesn't like the project. That project should be 9 listed as tentative rather than proposed because it has 10 met everything that is required with the exception of an 11 operating permit.</p> <p>12 The operating permit will be issued by the 13 Campo Band of Mission Indians as they have gone through 14 the process to become their own EPA on the reservation. 15 That reservation is entirely surrounded by the County of 16 San Diego. And trash being deposited there will be the 17 vast majority, if not all, that will be from the County 18 of San Diego.</p> <p>19 The charts listed and shown in this siting 20 element are geared, when you take that into effect, to 21 make it appear as if the county has much less capacity 22 than in actuality it really does.</p> <p>23 Since the Allied Waste purchased the landfill 24 system from the county, they have instituted a variety 25 of transfer stations that are working very well. The</p>	<p style="text-align: right;">Page 5</p> <p>1 reason.</p> <p>2 The state insisted on it to make sure that 3 landfills were not placed in areas that were inherently 4 bad places for a landfill. And these were minimum 5 requirements. It is clear from the draft report that 6 there will be sufficient capacity in the county with the 7 Sycamore expansion and the potential expansion of the 8 Miramar landfills.</p> <p>9 As far as Gregory Canyon goes, again, there 10 are examples of the seven criteria that they would fail 11 on ground water and aquifers. And as well it is right 12 next to the two San Diego County Water Authority's 13 pipelines, Aqueducts 1 and 2, that bring 90 percent of 14 the water into this county for the entire county.</p> <p>15 While it meets the minimum standard, federal 16 standard, five miles from an active earthquake fault, it 17 exceeds that only by one mile. The surface water, it 18 fails because of runoff. It is in a floodplain. There 19 are 38 federally endangered, federally protected, 20 state-endangered, state-threatened species in the 21 footprint of the landfill. The biological resources 22 will be devastated.</p> <p>23 The mountain itself is held sacred by a wide 24 variety of Luiseño Indians. The mountain is considered 25 sacred. It is considered a sacred spot for the growing</p>

2 (Pages 2 to 5)

**Response to Comment Letter No. 11
California Deposition Reports, County of San Diego**

Page 2	Line 20	In this case, the EIS criteria must suffice. The EIS is certified but a but a required prepaid cost/benefit analysis remains to be completed
Page 3	Line 5	Campo is not operating and is out of the county, and therefore was not included in the document
Page 3	Line 19	There is enough physical capacity, but insufficient permitted daily disposal capacity. The PDDC has many constraints such as traffic, noise, dust, etc.
Page 4	Line 5	Miramar is operating
Page 4	Line 17	Private companies can charge what the market will bear, and is not regulated by the county
Page 5	Line 9	Refer to EIS

<p style="text-align: right;">Page 6</p> <p>1 collection of medicinal herbs. The EIR as it stands 2 right now admits that the aesthetics are unmitigable. 3 The land use, the adjacent land use, is unsuitable. 4 However, it does pass. It is not in the proximity of an 5 airport. That is good news. The capacity is 6 questionable. 7 All of these things, it fails to be able to 8 site one there, and for it to be listed. As proposed, I 9 feel it is definitely a problem inasmuch as the county 10 and the developer have brought suit against our 11 organization for commenting on this process. That is 12 it. 13 CHRIS LESTER: My name is Chris Lester, and I 14 am here on behalf of Rancho Vista Del Mar, which is a 15 landowner in East Otay Mesa. 16 I find it ironic that I am here listening to 17 other comments and other interested parties talking 18 about how much they don't want a landfill to be located 19 in a particular location; whereas I am here on behalf of 20 a landowner who has had their potential site taken away 21 from them. It has not been included in this newest 22 siting element. 23 We received a letter recently within the month 24 of May -- I am not sure of the exact date. I believe it 25 was the beginning of May -- from Dr. Williams stating</p>	<p style="text-align: right;">Page 8</p> <p>1 potential sites. At the end of it all, at the top of 2 the mountain, so to speak, was the East Otay Mesa site 3 which is isolated in the eastern part of San Diego 4 County, is in an area where there isn't any residences 5 or anything else along those lines, and it was 6 determined to be one of the top sites. 7 Then all of a sudden, we have an abrupt 8 decision that was, you know, given to us through no 9 process, through no form of formal hearing or anything 10 along those lines that this was just going to be 11 abruptly removed from the plan. 12 Number three is the siting element, is a 13 prospective document. All that the siting element does 14 is says, "These are sites that will be considered in the 15 future for purposes of a landfill." 16 Just having a site located in here, as 17 actually was referred to earlier by Dr. Williams, does 18 not guarantee that that site will be selected as a 19 landfill. As a matter of fact, all it does is preserve 20 it for that consideration. It will say that it will be 21 there, and these sites are what will be considered for 22 purposes of landfills in the future. 23 We are looking at a 10-year, 20-year time 24 frame. Sometimes even greater; maybe even less. It 25 really depends on existing technologies, on disposal</p>
<p style="text-align: right;">Page 7</p> <p>1 that they were going to be removing the East Otay Mesa 2 site from the newest siting element. 3 We feel this is in error, and we would like to 4 request that the potential site in East Otay Mesa be 5 listed for the following reasons: Number one, the site 6 is still consistent with the existing plan that is in 7 place in East Otay Mesa. The governing plan is the 8 East Otay Mesa Specific Plan from 1994. 9 Within that specific plan, it is referred to 10 in several locations, specifically on page 10, page 19; 11 and most importantly on Figure 1.5 which is the 12 Development Activity Act for East Otay Mesa. In 13 addition, the EIR, which was used to prepare the 14 specific plan, refers to it in several different 15 locations and discusses the impacts that the potential 16 landfill site in San Diego County would have. 17 Number two, there has never been any sort of 18 finding this site is not suitable for a landfill. As a 19 matter of fact, the site study done in 1990 by 20 Dames & Moore, which all of the subsequent siting 21 elements have used as its primary source, have 22 identified our East Otay Mesa site as one of if not the 23 top site for purposes for the using of the landfill. 24 Many, many dollars; many, many hours; many, 25 many years of work went into evaluating the impacts of</p>	<p style="text-align: right;">Page 9</p> <p>1 rates, and so forth. 2 Number four, the provisions that seem to be 3 enacted here to remove the East Otay site are designed 4 for landowner protection, to prevent a situation where a 5 landowner's property is frozen or given this designation 6 of being a landfill. In this case, we have had a number 7 of property owners or existing or interested parties 8 that have come forward saying they don't want a 9 landfill, they don't want this, they don't want this 10 anywhere near their property. 11 In this case, you have a landowner coming 12 forward and asking that their property be included just 13 for the purposes of consideration. The decision on 14 whether or not it is suitable or not for a landfill is 15 going to be done through the permitting process, through 16 an EIR, which will be specifically done for the purposes 17 of having a landfill on this site. 18 All we are asking for is restoration of what 19 was the number-two or even number-one site on the old 20 plans. In the '96 element, it was included as a top 21 site. In the Dames & Moore study, it was one of the top 22 sites. 23 You have residences throughout these hearings 24 coming forward and saying they don't want this near 25 their property. This will cause blight. This will</p>

**Response to Comment Letter No. 11
California Deposition Reports, County of San Diego**

Page 7

Line 22

This was answered in communications of Tom Deak, County Counsel. The site does not have a major use permit, which lapsed. State regulations require removal if a site is not in conformance with the General Plan. The landowner can apply for a MUP and petition for an addend to the Siting Element

<p style="text-align: right;">Page 10</p> <p>1 cause all kinds of problems. There is an article in the 2 Union-Tribune on May 11th talking about how many 3 complaints there are at Sycamore landfill by nearby 4 residences. 5 In East Otay Mesa, there are no residents. It 6 is a commercial, industrial area. The land in that area 7 is specifically suited. It was meant to be a landfill. 8 The surrounding area will not have residences, will 9 never have residences. There are no residents to be 10 affected by this designation. You have one of the few 11 areas in San Diego that still has vacant land. Nobody 12 at this point in time is being affected other than the 13 landowner who is coming forward and specifically 14 requesting that the East Otay Mesa site be included in 15 the 2003 amendment to the siting element. 16 Thank you very much. 17 STEPHEN GOLDFARB: I am Steve Goldfarb. My 18 address is 3153 Belle Isle Drive, San Diego 92105. I am 19 a property owner in the East Elliott planning area, 20 E-L-L-I-O-T-T. I am also the president of the Board of 21 Directors of the East Elliott Property Owners 22 Association. 23 We are concerned that the landfill is 24 encroaching on property which was designated for 25 residential development when it was first sold to the</p>	<p style="text-align: right;">Page 12</p> <p>1 environmentally sensitive areas in the state. It is in 2 the Multiple Species Conservation Plan. City officials 3 would like to keep East Elliott for open space 4 parkland. That is what it is designated to be in the 5 Multiple Species Conservation Plan. However, I suggest 6 that the landfill is out of keeping with preserving 7 East Elliott for a park or for open space. 8 I don't believe that the noxious odors are 9 good for animal habitats. And I think for people who 10 wish to use that area for recreational purposes, such as 11 hikers or campers, that the idea of confronting noxious 12 odors in East Elliott is completely out of keeping with 13 the idea that that is a place to enjoy nature, open 14 space, and the park. 15 I am also concerned because East Elliott is 16 predominantly privately owned property. The MSCP allows 17 25 percent of the owner's land to be used for 18 development. The owners in there have been 19 disadvantaged by having been prohibited development up 20 until the present time, and I believe the existence of 21 the landfill and the noxious odors in the area are a 22 further encroachment of the rights of the private 23 property owners to develop their property as provided 24 for under the Multiple Species Conservation Program. 25 The landfill is presently expanding. It has</p>
<p style="text-align: right;">Page 11</p> <p>1 public when Camp Elliott was declared surplus land in 2 the 1960s. At that time, the region had a more rural 3 character. Now it is some 40 years later, and we 4 believe the area has built up largely in Santee and in 5 areas to the south and where significant amounts of 6 population are surrounding the landfills. 7 I have read reports of local residents 8 complaining of the odors and experiencing respiratory 9 distress as close as Santee, which borders on the 10 eastern portion of East Elliott, and at West Hills High 11 School, which is right at Mast Boulevard across the 12 street from East Elliott. But I was much more impressed 13 with the reports of odors when I heard a number of 14 residents report at a recent scoping hearing conducted 15 by the City of San Diego that they were experiencing 16 asthma and had to use inhalers. 17 At least one or more parties had moved away 18 from the region because of the noxious odors. And some 19 people would not come out of their homes because of the 20 odor. They were reporting feelings of nausea. This is 21 a clear impact on one's quality of life, and it is a 22 nuisance that the landfill is causing. And the landfill 23 has been unsuccessful in reducing the odors or 24 eliminating the odors in that region. 25 East Elliott is designated as one of the most</p>	<p style="text-align: right;">Page 13</p> <p>1 an amendment before the City of San Diego to increase 2 its size by 114 acres which is a 23 percent increase 3 over the existing landfill area. The landfill proposes 4 to increase its daily capacity from 330 tons a day to 5 500 tons a day by the year 2005. That is likely to 6 cause an increase in the noxious odors, and it will be a 7 significant increase in the truck traffic that comes in 8 and through East Elliott. 9 The landfill would like to expand further, 10 perhaps five or seven years out, to 12,000 tons a day. 11 And that of course also indicates an increase in odors 12 and in truck traffic. I believe that the landfill, 13 which may have been a good idea back in the '60s when 14 conceived, is now out of congruence, as I mentioned 15 earlier, with the fact that population has grown up 16 around the landfill. It encroaches on the rights of the 17 owners who own property in the area. 18 I would like to see the county put more 19 emphasis on transporting waste out of the county or to 20 begin to look for other landfill sites in the region 21 which are not so close to population centers. I believe 22 that the cost of transportation is likely to be offset 23 by lower tipping fees for landfills that are out of the 24 area. 25 And that is the end of my statement.</p>

**Response to Comment Letter No. 11
California Deposition Reports, County of San Diego**

- Page 11 Line 7 Any expansion at the Sycamore Landfill has to have environmental analysis to offer alternatives, and to mitigate impacts
- Page 12 Line 2 IBID. These factors would also be dealt with in an EIA or EIS
- Page 13 Line 18 The latest draft emphasizes out-of-county transport and draws up criteria for siting landfills

<p style="text-align: right;">Page 14</p> <p>1 TIM TALLARIDA: My name is Tim, T-I-M, 2 Tallarida, T-A-L-L-A-R-I-D-A. I make this statement as 3 a concerned citizen of the County of San Diego. I am 4 here today to keep the Rancho Vista Del Mar property as 5 a potential landfill site within the Integrated Waste 6 Management Plan process. 7 The County of San Diego is attempting to 8 remove the Rancho Vista Del Mar site as one of the 9 potential site elements. The policy behind the removal 10 of the Rancho Vista Del Mar site is to provide 11 protection for the landowner. 12 A landfill designation is considered a scarlet 13 letter for any property. It is my understanding that in 14 the event of a five year, no action by any government 15 agency will allow the landholder to reclaim its land if 16 the county takes no action. As it concerns the 17 Rancho Vista Del Mar property, the landowner is asking 18 to have its land included in the Integrated Waste 19 Management Plan process. 20 I would like to make a statement about the 21 prospective nature of planning, specifically as it 22 relates to the Integrated Waste Management process. All 23 that inclusion of any site will allow is to keep the 24 property available for future consideration. Decisions 25 for suitability and impacts are done during the</p>	
<p style="text-align: right;">Page 15</p> <p>1 permitting process. The site element inclusion does not 2 give any site the right to be built. 3 The last site element identified the 4 Rancho Vista Del Mar site as one of the top candidates. 5 No study has determined this site as being unsuitable 6 for landfill purposes. 7 I would like to make a statement about general 8 environmental impacts of landfills. They are unsightly. 9 They smell bad. They are noisy, and they increase 10 traffic activity around property. In general, landfills 11 decrease residential property values. 12 The Rancho Vista Del Mar site is in East Otay 13 where there are no residential zones. There will never 14 be any residential zones in East Otay. East Otay is 15 open space in perpetuity. There is plenty of access to 16 this location. The location is close to growing areas 17 within the County of San Diego. 18 That is it. 19 //// 20 21 22 23 24 25</p>	

Page 14

**Response to Comment Letter No. 11
California Deposition Reports, County of San Diego**

Line 4

State regulations require a removal of tentatively proposed landfill sites at the time of a 5-yr Amendment (if needed), if the site is not in compliance with the General Plan. Because the MUP for East Otay Mesa expired, the site must be removed. The Siting Element text explains that if a MUP were applied for at the East Otay Mesa site, the SE could be Amended



Response to Comment Letter No. 12
RiverWatch, Joyce Ward

May 29, 2003

Wayne T. Williams, Ph.D.
Recycling Coordinator/Project Manager
County of San Diego
Department of Public Works
5469 Kearny Villa Road, Suite 305
San Diego, CA 92110

Re: Draft CIWMP Siting Element

Dear Dr. Williams:

We have serious concerns with the above referenced report. In particular we are concerned that the proposed Gregory Canyon Landfill should be removed because it does not pass the currently adopted "pass/fail" criteria. In fact it fails at least seven of the 10 criteria as they are enumerated in the report.

For example, it would threaten groundwater resources that are the sole source of drinking water for several thousand residents and a 53,000 acre foot aquifer, is located in a floodplain, contains 38 rare, endangered or threatened biological species, will severely impact cultural/historical resources, has significant aesthetic impacts, is within 200 feet of the two major aqueducts supplying the entire county with 90% of its water supply and only exceeds by one mile the federal law that requires a landfill be a minimum of five miles from an active earthquake fault.

The proposed language in the siting element to allow the siting of landfills even if they cannot pass the "pass/fail" criteria if impacts are mitigated or a finding of "overriding considerations" appears to be a special loophole intended to allow for the proposed Gregory Canyon Landfill. This is very poor policy. The "pass/fail" criteria were developed for a reason and that was to insure that landfills were not placed in areas that were inherently unsuitable for a landfill. This is precisely the problem found at Gregory Canyon.

It is our belief that having such an exception violates state law, which requires that siting elements establish certain minimum criteria to guide the location of landfills. Allowing for "overriding" considerations or purported mitigation basically allows a landfill to be sited anywhere, and the state law requiring the establishment of minimum criteria is rendered meaningless.

We also find it very odd that the proposed Campo Landfill is not included, and is in fact listed as an "out of county" facility. We note that this was done after a letter (copy attached) from County Supervisor Diane Jacob asking that it be removed. Clearly the

12-1

12-1 In this case, the EIR criteria must suffice. The EIR is certified but a required cost/benefit analysis remains to be completed.

12-2

12-2 Campo is not generating and is out of County, and therefore was not included in the document.

35788 Rice Canyon Road, Fallbrook, CA 92028-9662
(760) 731-0155 (760) 742-3414 FAX (760) 731-0896

Wayne T. Williams, Ph.D.
May 29, 2003
Page 2

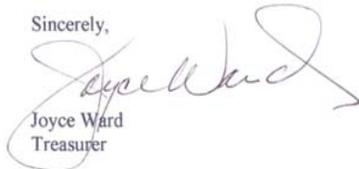
Response to Comment Letter No. 12 (continued)
RiverWatch, Joyce Ward

currently proposed Campo landfill is to be located on the Campo Indian Reservation which is entirely located within the County of San Diego and is potentially available sooner than any other currently proposed facility. It is quite obvious that all or the vast majority of trash accepted there will be from San Diego County. As such it is hardly "out of county."

Additionally, there is no need for the Gregory Canyon project as it is clear from the report that there will be sufficient capacity in the county with the Sycamore Landfill expansion, the Campo landfill and the potential expansion of the Miramar landfill. The County of San Diego is and will continue to be well served for the foreseeable future with the current network of transfer stations and landfills which has negated the need for Gregory Canyon which so miserably fails, not one but the majority of the "pass/fail" criteria.

Thank you for your consideration of our comments. We look forward to reviewing the next draft of the siting element and are hopeful that the current deficiencies will be remedied.

Sincerely,



Joyce Ward
Treasurer

JW/jaw
Encl.

Preserve Wild Santee

9222 Lake Canyon Road
Santee, CA 92071
619-258-7929

May 28, 2003

Wayne T. Williams, PhD Recycling Coordinator
DEPARTMENT OF PUBLIC WORKS
Recycling Program MS 0383
5469 Kearny Villa Rd, Suite 305
SAN DIEGO, CALIFORNIA 92123-1295
FAX: (858) 874-4058

**RE: COUNTY OF SAN DIEGO
INTEGRATED WASTE MANAGEMENT PLAN COUNTYWIDE SITING ELEMENT
AMENDMENT 2003**

Dear Mr. Williams,

Please accept these comments.

The document relies too heavily on an un-permitted expansion of Sycamore Landfill to meet projected demand. Sycamore Landfill should not exceed its current daily tonnage limits of 3,300 tons/day maximum due to incompatibility with adjacent land uses and over 150 odor complaints documented by the APCD since January 2000. **Landfill operations have become a public nuisance to many neighborhoods in Santee.**

Other means of reducing the waste stream should be incorporated (require 75% diversion, reduce population build-out in 2020 GPs, permit a Miramar Landfill vertical expansion, etc.)

We agree with page SE 8, "The ultimate landfill capacity must be managed over time via limiting disposal in an orderly manner in the amount of trash permitted to be disposed on a daily basis. It is neither possible nor desirable to open up the landfills to an infinite and uncontrolled and unlimited daily disposal tonnage."

Please reinsert deleted language from V.3/22/03 Chapter 8 pgs. SE43-44:

"Reaching 75% capacity would assure that the county had sufficient landfill capacity until about 2019, even with the closure of Miramar. It is of importance to note that the cities of Los Angeles and San Francisco have passed ordinances requiring 70 and 75% diversion respectively, establishing precedents and protocols for solution toward the landfill dilemma facing San Diego county."

Under, "Consistency with City and County General Plans for New or Expanded Solid Waste Disposal Facilities," **please insert** language noting that expansion of Sycamore Landfill above 3,300 tons/day will be **incompatible** with Santee's General Plan.

Please reinsert deleted language from pg. V 2/01 pg. SE 25: APPROVAL BY LOCAL AGENCIES

"Criteria used by the County and the City of San Diego in choosing new or **expansion** landfill sites are listed and defined."

**Response to Comment Letter No. 13
Preserve Wild Santee, Van K. Collinsworth**

- 13-1 Inclusion of expansion of Sycamore Landfill is an attempt to find 15 years of capacity. Inclusion of tentatively reserved landfill sites in this Siting Element does not advocate or in any way guarantee approval of sits by any agency or jurisdiction (SE 1, draft of 10/13/03).
- 13-2 Chapter 8 describes an integrated multifaceted approach, including diversion, etc.
- 13-3 No response needed.
- 13-4 Language reinstated, plus chart.
- 13-5 Statement in Siting Element 20 is that local enforcement agency and local land use authority must approve increased daily tonnage" "Issues and concerns of the region and the adjoining jurisdictions will be considered and addressed during the permitting processes."
- 13-6 Chapter 5 now starts with the sentence regarding "criteria for the evaluation of new or expanded solid waste disposal facilities."

No. 13

**Response to Comment Letter No. 13 (continued)
Preserve Wild Santee, Van K. Collinsworth**

Sycamore Landfill boundaries are expanding to 493 acres and should be evaluated using "First Phase Evaluation Criteria."

Please reinsert deleted language from V 3/22 pg. SE 25: APPROVAL BY LOCAL AGENCIES

"FIRST PHASE EVALUATION CRITERIA

Criterion No.1 - Proximity to Airports

Federal Regulations pursuant to the Resource Conservation and Recovery Act (40 CFR 258) specify that no landfill shall be located within specified distances from commercial airport runways. Sites not meeting this minimum buffer requirement are eliminated from further consideration unless the potential impacts can be mitigated.

Criterion No. 2 - Floodplain

Pursuant to Title 23 Section 2533 of the California Code of Regulations and 40 CFR 257.3-1, Class III landfills cannot be sited within a 100-year floodplain. Known 100-year floodplains are identified and excluded as potential landfill sites unless the potential impacts can be mitigated.

Criterion No. 3 - Active Faults

Active faults can threaten the integrity of environmental controls at a landfill. Potential sites that would be located on known active faults are eliminated from consideration unless the potential impacts can be mitigated.

Criterion No. 4 - Incompatible Land Use

This criterion is to identify land uses that would substantially increase costs or otherwise not be available to the County for landfill development. Heavily developed industrial/commercial or residential zones would substantially increase the cost of landfill development. The following are defined as incompatible land uses:

- Paved state or federal highways, or County Circulation Element Roads.
- Improved municipal, county or state parks
- Residential uses on or in proximity to the site
- Heavily developed commercial or industrial areas
- National Parks, or recreation areas having intensive use
- Schools
- Cemeteries

Criterion No. 5 - Threatened or Endangered Species

The landfill will not be located where there is the known occurrence of rare, threatened or endangered species which would result in impacts that cannot be mitigated to a level of insignificance. Sites with habitats critical to plant and animal species that have been listed by the U.S. Department of Fish and Wildlife as threatened or endangered or by the State of California as rare or endangered are excluded from consideration as potential sites for landfills unless the potential impacts can be mitigated. The Resource Conservation and Recovery Act (RCRA) specifies that no facility or practice shall cause or contribute to the taking of any listed endangered or threatened species of plants, fish or wildlife, or result in the destruction or adverse modification of habitat critical to those species.

13-7

13-7 SANDAG TAC & CAC compromised to have one phrase of criteria, and all criteria you mentioned are retained in the final draft. However, there are no pass/fail provisions to per the insistence of several jurisdictions.

No. 13

**Response to Comment Letter No. 13 (continued)
Preserve Wild Santee, Van K. Collinsworth**

Criterion No. 6 - Historic and Archaeological Preservation

This criterion recognizes the need to preserve National and State Register historical and prehistoric sites as well as sites known to be eligible for those registers. Potential sites within a distance of 1000 feet of a National or State Register site or a site known, via record searches, to be eligible for those registers, may not be permitted because of potential direct or indirect impacts unless the potential impacts can be mitigated.

Criterion No. 7 - Aquifers

A landfill will not be sited over an alluvial aquifer unless the potential impacts can be mitigated. Neither will a landfill be sited over a fractured rock aquifer which is the sole source of potable water. The purpose of this criterion is to protect groundwater resources in the State.

Criterion No. 8 - Distance from major aqueduct

Proposed solid waste landfills will not be located within 200 feet of an existing or planned Metropolitan Water District or San Diego County Water Authority aqueduct unless the potential impacts can be mitigated.

The above criteria were pass/fail criteria in the 1996 Siting Element, and serve as guidelines for individual jurisdictions should they choose to propose future landfills.”

Thank you for the opportunity to comment.

Van K. Collinsworth
Executive Director



THE CITY OF SAN DIEGO

May 20, 2003

Wayne Williams
Recycling Coordinator
Department of Public Works
County of San Diego
5555 Overland Avenue
San Diego, California 92123

Subject: County Siting Element

Dear Dr. Williams:

You asked if the existing Sycamore Landfill is consistent with the City's General Plan. My understanding is that, as currently permitted, the facility is consistent. My question to our Development Services Department on this yielded the following response, "Yes, the Elliott Community Plan designates the site as landfill, and the applicant has requested an amendment to the Community Plan (which is part of the City's General Plan) to add additional acreage. Other discretionary actions required for the proposed project included a Planned Development Permit and a Site Development Permit." Thus the equivalent of a General Plan Amendment is being proposed to accommodate the proposed expansion, along with other actions. We do not know the outcome of those applications at this time, and cannot second guess the City Council's decision on this issue.

Thank you for considering the language I faxed to you on May 14, making the statistical language read more like plain English. Please call me to discuss any of my proposed changes that do not accurately depict the data, and together perhaps we can develop suitably readable phrases.

With regard to the over-emphasis on waste diversion, a topic that should be primarily emphasized in the Source Reduction and Recycling Element (SRRE), not in the Siting Element, I believe a focus on Chapter 9 is in order. The tasks should be narrowed to exclude those not related to capacity and disposal facility siting. Diversion can and should be mentioned once and only once, as one task, to implement and improve on SRREs, but specific programs should not be detailed. Furthermore, the section should be shortened by deleting tasks that do nothing more than repeat mandates, such as document preparation and closed landfill maintenance. Chapter 9 should focus on tasks related to capacity and siting, and should not wander into repeating sections of the Public Resources Code pertaining to other aspects of solid waste management.

14-1

Response to Comment Letter No. 14
City of San Diego, Lisa F. Wood

14-1 All comments & suggestions considered & incorporated whole possible. Meeting with the City Of S.D concluded with only one disagreement regarding placement of Sycamore Landfill expansion & West Miramar expansion

Resource Management Division • Environmental Services Department

9601 Ridgeway Court, Suite 210 • San Diego, CA 92123-1636
Tel (858) 573-1200 Fax (858) 492-5021

No. 14

The Environmental Services Department appreciates the opportunity to comment on this document, to ensure that it can be supported by staff when it is brought before our City Council. I look forward to meeting with you later today, May 20, to discuss these modifications in person.

Sincerely,

A handwritten signature in cursive script that reads "Lisa F. Wood".

Lisa F. Wood
Senior Environmentalist

Response to Comment Letter No. 14 (continued)
City of San Diego, Lisa F. Wood



May 13, 2003

Dr. Wayne T. Williams
Recycling Coordinator
5469 Kearney Villa Road, Suite 305
San Diego, CA 92123

RE: Parcel Number 648-090-04

Dear Dr. Williams:

I received your letter dated April 28th, stating that East Otay Mesa was being removed from the revised Countywide Siting Element. I believe that this action is not warranted and the East Otay Site is still one of the leading, if not the best, site for a new landfill.

The site in question consists of a number of parcels located in the Southeast Corner of East Otay Mesa. The governing Specific Plan for this area is the East Otay Mesa Plan that was enacted in 1994. This document specifically lists the landfill as an integral part of East Otay Mesa and is mentioned throughout the Plan.

In 2002, the County enacted the East Otay Mesa Business Park, Subarea 1. This Specific Plan Amendment superceded the 1994 Specific Plan for a portion of East Otay Mesa. Subarea 1 is located to the West of Alta Road and the area North of Otay Mesa Road. The proposed East Otay Mesa landfill site is located in the area known as Subarea 2. To date, there has been no Amendment to the 1994 Specific Plan for Subarea 2. Therefore, the governing plan for this area is the 1994 Plan, which clearly specifies the landfill as an acceptable and necessary use for the County of San Diego.

In light of these facts, I would like to request that the East Otay Mesa landfill site is included in the Countywide Siting Element. For your convenience, I have enclosed copies of the relevant pages from the 1994 plan that mention the landfill as well as maps that define the landfill site and the different Subareas in East Otay Mesa. If I can provide any further assistance with this matter, please contact me as soon as possible. Thank you in advance for all of your assistance with this matter.

Yours truly,

Roque De La Fuente II
President

cc: Tom Deak
Chairman Greg Cox

Enclosures

p: (858) 623-0400 f: (858)623-9009

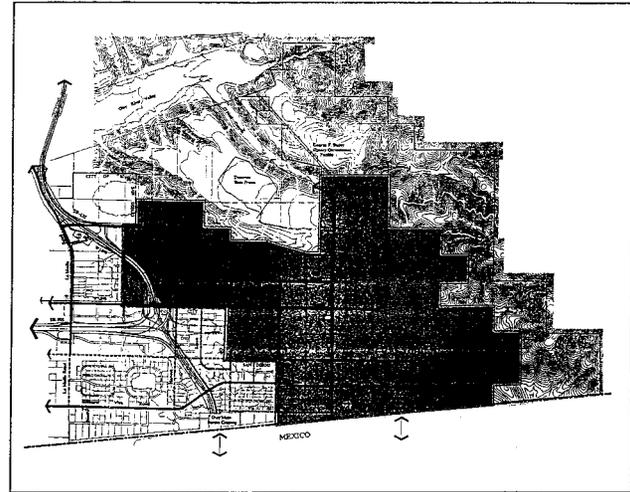
Santa Monica
1661 Lincoln Blvd, Suite 100
Santa Monica, CA 90401
(310) 392-2099

San Diego
5440 Morehouse Dr, Suite 4100
San Diego, CA 92121
(619) 661-1000

03 MAY 16 AM 8:25
PAK received May 14 - w2
AR# 120

contact: Chris Loser
858-362-8602

East Otay Mesa Specific Plan



County of San Diego

July 1994



CERTIFICATE OF ADOPTION

I hereby certify that this plan consisting of this text, exhibits, and appendices is Specific Plan SP 93-004 and that it was approved by the San Diego County Planning Commission.

Date: August 2, 1996 Bryan Woods
Bryan Woods, Chairman

Attest: 
Gary L. Pryor, Secretary

CERTIFICATE OF ADOPTION

I hereby certify that this plan consisting of this text, exhibits, and appendices, is Specific Plan SP 93-004 and that it was approved by the San Diego County Board of Supervisors on the 27th day of July, 1994.

Pam Slater
Pam Slater, Chairwoman

Attest: Thomas J. Pastuszka
Thomas J. Pastuszka, Clerk of the Board

in East Otay Mesa. The Sheriff's Department has indicated a desire to locate a new sheriff's substation in East Otay Mesa prior to any significant level of development. Adequate space exists to accommodate the sheriff's substation on the fire station site at Alta and Otay Mesa Roads. Financing for law enforcement facilities and service are based on Countywide policies.

Child Care: Modern industrial and business parks are providing child care services as an amenity to attract and retain tenants. Data provided by the County Child Care Coordinator indicates that there may be a demand for child care services for up to 150 children in East Otay Mesa at full buildout, depending on the child care needs of the future daytime population in the area. In order to accommodate this demand, child care facilities are allowed to be located in the planned regional and district commercial areas. Locating a child care facility in the proximity of public transit services is highly encouraged.

Solid Waste: Solid waste will be collected by private operators under permit from the County. All businesses in East Otay Mesa would be required to abide by all applicable County ordinances requiring recycling of certain materials. The County is conducting environmental review of three candidate sites, one of which is in East Otay Mesa, for a future solid waste disposal facility to serve the South County area. In the event that none of the sites proves feasible, there may not be adequate capacity to support future development in the South County area.

Hazardous Materials: The County Department of Health Services regulates and inspects the storage and handling of hazardous materials. The Hazardous Incident Response Team (HIRT) will provide highly trained teams of hazardous materi-

als experts to serve future development in East Otay Mesa.

Facility Phasing, Financing, and Implementation

The Specific Plan proposes that public facilities in East Otay Mesa be phased non-geographically and financed through the equitable participation of all benefiting property owners.

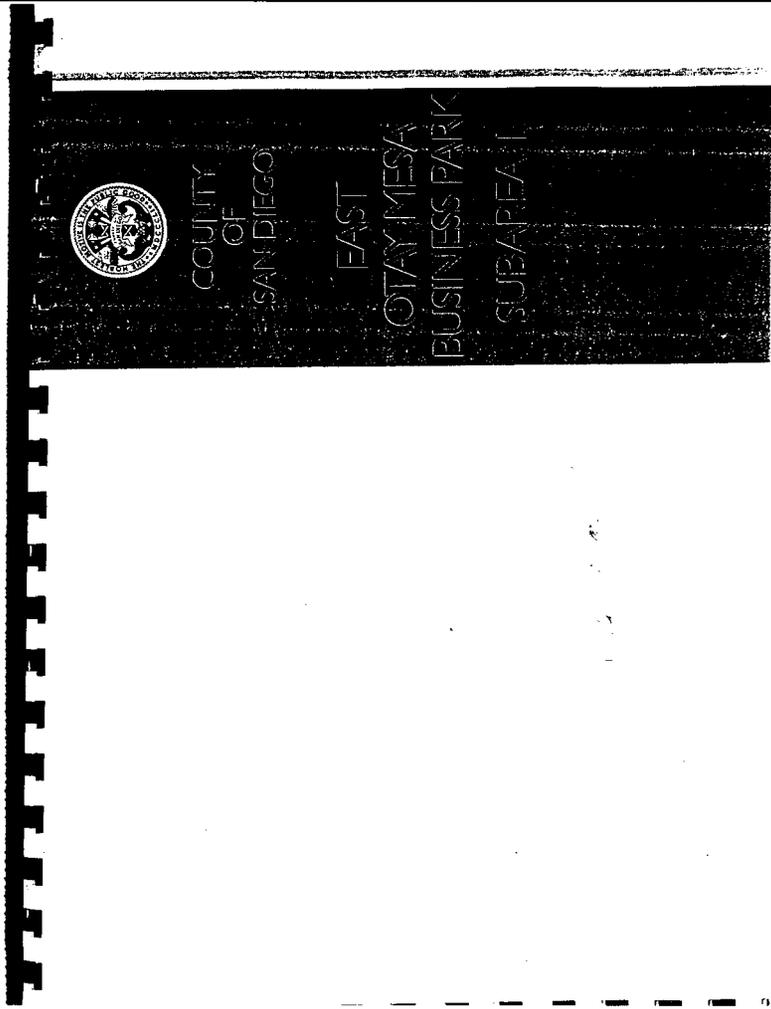
Phasing: Based on extensive analysis, it is determined that the first phase of public facilities in East Otay Mesa support approximately 500 gross acres of future development. A key factor in this determination is the 1.0 million gallons per day (mgd) threshold of wastewater treatment capacity available from Metro which the County acquired via the National City agreement.

The capital improvements that are recommended by the Plan to be included as part of phase one, to be financed by the property owners, include:

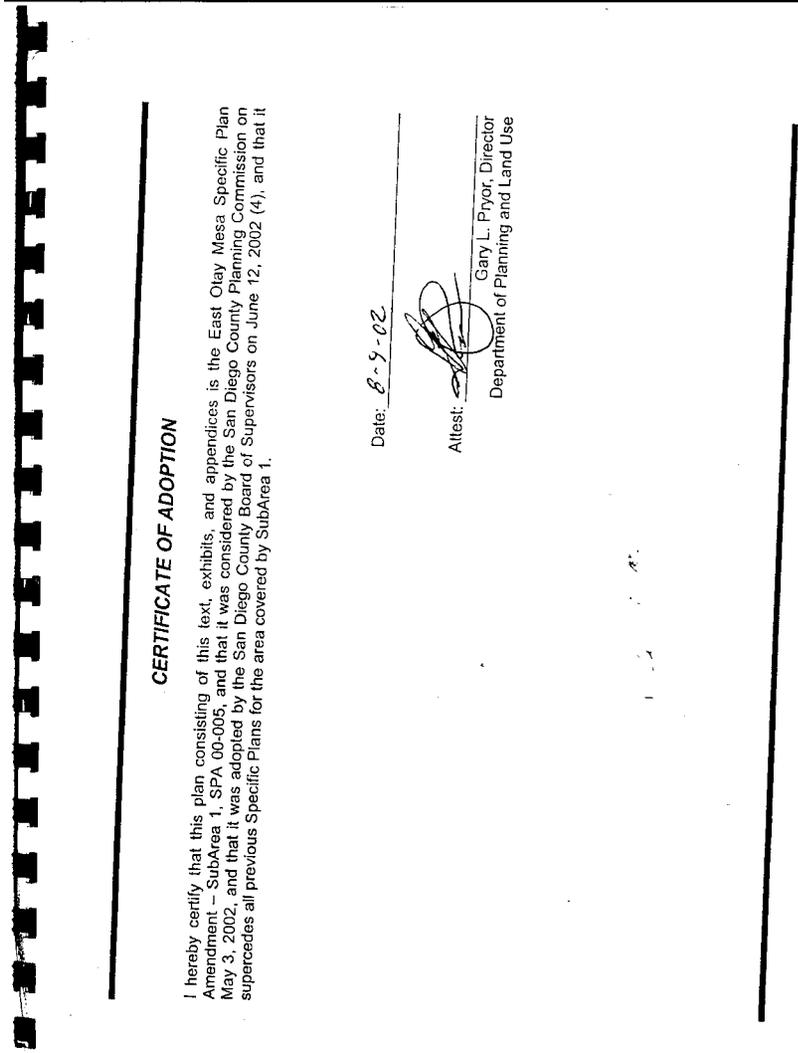
- Fair share contribution to off-site road improvements, as part of a regional financing strategy
- Acquisition of Metro wastewater treatment capacity
- On-site road and infrastructure improvements to serve the affected properties
- Establishment of funding mechanisms for fire services and facilities

Financing: The preferred strategy for financing backbone or area-wide capital facilities is to: (1) for phase one improvements, use land secured public debt instruments; e.g., Assessment Act proceedings; and (2) for subsequent phases of improvements; utilize a combination of impact fees, reimbursement agreements, additional land secured public debt financing instruments, and/or

Note: Hospitality Club by Mr. de la Fuente in original.



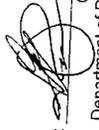
SE A-46



CERTIFICATE OF ADOPTION

I hereby certify that this plan consisting of this text, exhibits, and appendices is the East Otay Mesa Specific Plan Amendment – SubArea 1, SPA 00-005, and that it was considered by the San Diego County Planning Commission on May 3, 2002, and that it was adopted by the San Diego County Board of Supervisors on June 12, 2002 (4), and that it supercedes all previous Specific Plans for the area covered by SubArea 1.

Date: *8-9-02*

Attest: 
 Gary L. Piyor, Director
 Department of Planning and Land Use

1.0 Introduction

The East Otay Mesa Specific Plan is a regulatory document that establishes standards for development, environmental conservation, and public facilities to implement the objectives of the County of San Diego General Plan and Otay Mesa Subregional Plan.

To facilitate development and respond to evolving real estate market trends, the County Board of Supervisors initiated a Specific Plan Amendment (SPA 00-005) process on June 21, 2000 (14). The objectives of this Specific Plan Amendment are to:

- Facilitate development of East Otay Mesa as a major employment area for southern San Diego County;
- Encourage and protect an area of critical size for regional technology manufacturing uses in a campus-like setting;
- Provide adequate land use area for warehousing and other light industrial uses; will not interfere with development and operation of more sensitive industrial park developments;
- Provide commercial uses in the Specific Plan to serve employees and visitors;
- Identify and address environmental resources; and
- Plan for public facilities concurrent with need.

By means of this Amendment, the Specific Plan is divided into two SubAreas as shown in Figure 1.1-1. Due to the time required to evaluate environmental constraints and the uncertainty of the alignment of State Route 11 and the proposed third Port-of-Entry property located in SubArea 2 remains governed by the East Otay Mesa Specific Plan, including Site Planning and Design Guidelines, approved in July 1994. This Specific Plan Amendment will govern property located within SubArea 1. Unless otherwise defined herein, all terms are as defined in the County of San Diego Zoning Ordinance.

Received
2 June '03
AR# 142



May 29, 2003

Dr. Wayne T. Williams
County Of San Diego Solid Waste Management
5469 Kearny Villa Road Suite 305
San Diego, CA 92123

Dear Dr. Williams,

Thank you for the opportunity to discuss the issue of potential landfill sites within the County of San Diego. At our office we have performed some rather extensive research as to the history of the County's selection process. The result of our research, which we request be made part of the public record input file, is as follows.

On August 24, 1990, a report was prepared by the firm of Dames & Moore entitled the "Southwest San Diego County Solid Waste Facility Siting Study." The purpose of this detailed analysis was to locate and assess potential sites for landfills within San Diego County. The East Otay Mesa location, referred therein as "Site D-1," received a rating of "Most Suitability," and was one of six potential sanitary landfill locales recommended for environmental impact report analysis.

On February 23, 1996, in compliance with the Integrated Waste Management Act of 1989, the County of San Diego Department of Public Works issued its Integrated Waste Management Plan Countywide Siting Element." This was formally adopted by the County Board of Supervisors on September 17, 1996.

The 1996 Siting Element identified 10 potential sites for solid waste disposal, one of which was located in East Otay Mesa. This was consistent with the East Otay Mesa Specific Plan, as adopted by the County Board of Supervisors on July 27, 1994, which, among other things, features a Development Activity Map on page 20 showing the boundaries of this landfill site. Chapter 2.5.9 documents this matter in greater detail under

Solid Waste Management
May 29, 2003
Page 2

the heading of Solid Waste. The environmental impact report for East Otay Mesa prepared in October of 1993, also has identified this area for a potential landfill.

The 1996 Siting Element identified East Otay Mesa as a "tentative reserved area" for a new solid waste facility. Pursuant to Section 41711 of the California Public Resources Code, this designation, once so made, may only be removed only if one of two events has occurred. The first requires the County to make a finding that the proposed area is not consistent with the Specific Plan. The other requires the County to make a formal finding that the area shall not be used for the location of a solid waste transformation of disposal facility. Neither has occurred. Section 41712 requires the County to remove any such area at the time of the *next* revision of the Siting Element.

The Department of Public Works is currently amending its Siting Element. This letter shall serve as notice that the land owner of the tentative reserved area of East Otay Mesa, Rancho Vista Del Mar, Inc., objects to any attempt by the County of San Diego to remove its property from the Siting Element without a formal hearing at which time it can present testimony in this regard. It is the intent of Rancho Vista Del Mar that its property in East Otay Mesa shall retain the "tentative reserved area" label, so that it may continue to be considered as a potential solid waste disposal facility.

We are prepared, if necessary, to substantiate our position with necessary documentation. Thank you in advance for your assistance in this matter.

Very truly yours,

Gary Triphan

Gary Triphan
Rancho Vista Del Mar

**5440 Morehouse Drive Suite 4000
San Diego, CA 92121
(858) 623-0400**



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June 25, 2003

Dr. Wayne T. Williams
County Of San Diego Solid Waste Management
5469 Kearny Villa Road Suite 305
San Diego, CA 92123

Reference: Countywide Siting Element/East Otay Mesa Landfill

Dear Dr. Williams,

We have reviewed Thomas Deak's letter from the Office of County Counsel as it relates to the exclusion of the East Otay Mesa property from consideration in the first amendment to the Siting Element in San Diego County. We are disappointed. The laws were designed to protect landowners from having their property encumbered by its inclusion in the Siting Element for more than five years. But in our situation we desire to have our property be recognized as a potential site for a landfill.

That being said it is still our firm belief that the East Otay Mesa is an ideal location for a future landfill because it meets most, if not all, of the criteria established in the 1996 Integrated Waste Management Plan Countywide Siting Element. Upon completion of State Route 905 it will offer close freeway access, a potential 50-year capacity, while its isolated location avoids the possibility of negative aesthetic impacts. It is fully compatible with adjacent land use and the terrain provides an abundance of cover and liner material critical for a landfill operation.

Even if this site is dropped from the 2003 amendment to the Siting Element, our company's long term objective is to develop the East Otay Mesa site as a landfill. What steps can you recommend we initiate to have it included in future considerations? Are there any proactive efforts that we can undertake to accomplish that goal, or is the Department of Public Works most recent decision final in this regard?

Thank you in advance for your assistance in this matter.

Very truly yours,

Gary Triphan
Rancho Vista Del Mar

Cc: Thomas Deak

**5440 Morehouse Drive Suite 4000
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(858) 623-0400**

Response to Comment Letter No. 15
Rancho Vista Del Mar, Gary Triphan and Roque De La Fuente II



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June 10, 2003

Roque De La Fuente
President
Rancho Vista Del Mar
5440 Morehouse Dr., Suite 4100
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Re: Countywide Siting Element/East Otay Mesa Landfill

Dear Mr. De La Fuente:

This letter is in response to your letter to Wayne Williams, County of San Diego Recycling Coordinator, dated May 13, 2003, concerning Parcel Number 648-090-04. Specifically, this letter addresses your request that the proposed East Otay Mesa landfill be included in the County of San Diego's Countywide Siting Element ("Siting Element"). As discussed more fully below, this letter concludes that, pursuant to state law, the East Otay Mesa landfill must be excluded from the latest update of the Siting Element.

DISCUSSION OF APPLICABLE LAW

The determination of whether and how to address a proposed landfill site in a countywide siting element is governed by the California Integrated Waste Management Act of 1989 ("the Act") (Pub. Res. Code §§ 40000, *et seq.*) and its implementing regulations. Section 41701 of the Act requires that, if the County determines that capacity in its existing solid waste facilities will be exhausted within 15 years, the Siting Element must identify an area or areas for the location of new facilities that are consistent with the applicable general plan. Section 41702 states, in part:

"An area is consistent with the city or county general plan if all of the following requirements are met: . . .

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(b) The area reserved for a new solid waste facility or the expansion of an existing solid waste facility is located in, or coextensive with, a land use area designated or authorized for solid waste facilities in the applicable city or county general plan."

If a proposed new solid waste facility is *not* consistent with the applicable general plan, it may still be included in a siting element; however, it must be identified as a "tentatively reserved" site. Section 41710(a) states:

"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."¹

Section 41711 provides:

"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[.]"²

Section 41720 provides:

"The countywide siting element submitted to the board shall include a resolution from each affected city or the county stating that any areas identified for the location of a new or expanded solid waste transformation or disposal facility pursuant to Section 41701 is consistent with the applicable general plan."

Along the same lines, the regulations provide:

"Reserved areas for proposed new or the expansion of existing solid waste disposal facilities shall be identified in the Siting Element. Verification shall be made that the expanded or proposed facilities are located in areas

¹ See also, Cal. Code Regs. tit. 14, § 18756.3(b).

² See also, Cal. Code Regs. tit. 14, § 18756.3(c).

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where the land use is designated or authorized for solid waste disposal facilities and that the areas are consistent with the applicable city and county general plans. Verification of general plan consistency shall include a resolution, notarized statement, or affidavit from each applicable city and county." Cal. Code Regs. tit. 14, § 18756.3.

APPLICATION OF THE ACT TO THE EAST OTAY MESA LANDFILL

As discussed above, the Act applies both substantive and procedural requirements to proposed landfills being considered for inclusion in a countywide siting element. Substantively, a site proposed for a new landfill must be "consistent with" the applicable general plan, and a site is consistent with a general plan if it is within or next to an area "designated or authorized for solid waste facilities in the applicable city or county general plan." See, Pub. Res. Code §§ 41701, 41702.

Procedurally, when a siting element discusses the site for a proposed new landfill (*i.e.*, because existing facilities will not provide the requisite 15 years' worth of capacity), the siting element must include a resolution from the city or county verifying the site is consistent with the general plan. See, Pub. Res. Code § 41720. See also, Cal. Code Regs. tit. 14, § 18756.3. A proposed landfill site may be "tentatively reserved" in a siting element *without* a finding of general plan consistency; however, if the county has not made the required consistency finding by the time of the next five-year siting element update, the tentatively reserved site must be removed from the siting element. See, Pub. Res. Code §§ 41710, 41711.³ The East Otay Mesa landfill does not appear to meet the Act's substantive or procedural requirements for inclusion in the latest update of the Countywide Siting Element.

Substantive Requirements

The landfill does not meet the Act's substantive general plan consistency requirements because it is not located within, or coextensive with, a land use area designated or authorized for solid waste facilities in the County General Plan. Pursuant to the County General Plan, Regional Land Use Element, landfills receive the "Solid Waste Facility Designator" within the "(22) Public/Semi-Public Lands" designation. The Regional Land Use Element states:

³ The East Otay Mesa landfill was included in the 1996 Siting Element as a "tentatively reserved" site.

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"The Solid Waste Facility Designator (SWF) may be applied on a case-by-case basis to areas of the (22) Public/Semi-Public Designation that contain existing solid waste facilities or sites proposed for that use. It is the intent of this designator that proposed and existing waste facility sites be protected from encroachment by development or incompatible uses." San Diego County General Plan, Regional Land Use Element, p. II-27.

The proposed East Otay Mesa landfill site is not within an area designated with either the "Solid Waste Facility" or the "Public/Semi-Public Lands" designation.

Likewise, we have found nothing in the East Otay Mesa Specific Plan, Subarea 2, dated July 1994, indicating that the proposed East Otay Mesa landfill site is designated or authorized for solid waste facilities. Your letter states the East Otay Mesa Specific Plan "specifically lists the landfill as an integral part of East Otay Mesa and is mentioned throughout the Plan," and you enclosed with your letter Specific Plan excerpts in support of that statement. We have reviewed the enclosed excerpts, however, and respectfully disagree that they support a finding of general plan consistency.

The Specific Plan references to the landfill consist of a "Development Activity Map" and two textual statements that: "The County is conducting environmental review of three candidate sites, one of which is in East Otay Mesa, for a future solid waste disposal facility to serve the South County area." The Development Activity Map references one area on the map as an "Alternative Landfill Site." We do not believe those references rise to the level of a finding of general plan consistency. The two textual references simply indicate the County is performing environmental review of three possible landfill sites. The referenced environmental review, upon completion, might provide the basis for a general plan consistency finding; however, the simple fact that such review is underway does not amount to a consistency finding. With regard to the Development Activity Map, that map only lists the landfill site as a "Proposed Development" site; it is not a "permitted land use" map and does not "authorize" the development of a landfill at that site.

In fact, the Specific Plan Land Use Plan does not include a landfill site at all. See, Specific Plan, Figure 2-7, Land Use Plan. Based on a comparison of the Land Use Plan with Figure 1-5, Development Activity Map, it appears the proposed East Otay Mesa landfill site is actually subject to three different land use designations: (i) Mixed Industrial; (ii) Rural Residential; and (iii) S90, Holding Area Use Regulations (outside the Specific Plan boundary).

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Of the three designations, Mixed Industrial and S90 are arguably the most appropriate for placement of a landfill. The Specific Plan indicates that certain uses are permitted with the Mixed Industrial designation, while other uses are only permitted "subject to a Major Use Permit." See, Specific Plan, pp. 102-103. One use that requires a Major Use Permit is "Major Impact Services and Utilities (1350)." *Id.* As noted in the Specific Plan, the number in parentheses following the use refers to a section of the San Diego County Zoning Ordinance. Section 1350 of the Zoning Ordinance states:

"The Major Impact Services and Utilities use type refers to public services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, *sanitary landfills*, public and private airports, public park/playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes or detention and correction institutions." See, Zoning Code, San Diego County, § 1350. (*Emphasis added.*)

Consequently, even within the Mixed Industrial designation, a landfill would only be permitted pursuant to a Major Use Permit. A Major Use Permit (MUP P85-015W) was approved for the American International Raceway. That permit expired on October 12, 1994, due to failure to commence construction or establish use and reliance on the Major Use Permit. A landfill was considered on a site partially overlapping the MUP P85-015W area; however, to date, the County has not received an application for the required MUP. For the foregoing reasons, there is no indication the proposed East Otay Mesa landfill site is designated or authorized for a solid waste facility in the County General Plan.

Procedural Requirements

The proposed landfill also does not meet the Act's procedural requirements. We are aware of no County resolution or other verification that the proposed East Otay Mesa landfill is consistent with the County General Plan. The County Board issued no such resolution in connection with the 1996 Siting Element, nor has it issued any subsequent resolution to that effect. That there was no resolution in connection with the 1996 Siting Element is consistent with the fact that the East Otay Mesa landfill was included in that document as a "tentatively reserved" site (*i.e.*, had the resolution existed, the landfill would have been included as a "proposed" site). As such, the absence of any subsequent

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resolution requires exclusion of the landfill from the latest version of the Siting Element. See, Pub. Res. Code §§ 41710, 41711.

For the foregoing reasons, we believe state law requires that the East Otay Mesa landfill be excluded from the Countywide Siting Element. If you believe we have overlooked some relevant document or point of law, we would be happy to consider any additional materials. Please do not hesitate to contact me if you have any further questions regarding this matter.

Very truly yours,

JOHN J. SANSONE, County Counsel

By 
Thomas Deák, Senior Deputy

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May 9, 2003

Dr. Wayne T. Williams
Recycling Coordinator/Project Manager
Department of Public Works
Recycling Section
County of San Diego
5469 Kearny Villa Road, Suite 305
San Diego, CA 92110

Re: Draft Countywide Siting Element Amendment, March 2003

Dear Dr. Williams:

On behalf of our clients, the Pala Band of Mission Indians, we have reviewed the most recent draft of the Integrated Waste Management Plan Countywide Siting Element, dated April, 2003, (the "Siting Element" or the "April Draft"). We have significant concerns with portions of the current draft, and questions regarding the changes made from the January 23, 2003, draft document (the "January Draft"). We respectfully submit the following comments.

I. Analysis of Disposal Capacity

The discussion of disposal capacity is the centerpiece of the Siting Element analysis, and we appreciate the changes that have been made in the April Draft to correct internal inconsistencies in the March draft. Even so, we believe that internal inconsistencies still remain and that critical information has not been adequately considered.

The April Draft clearly indicates that, even without the addition of any new landfill capacity and without considering increased recycling or out-of-county disposal, the county has sufficient aggregate landfill capacity until 2017. (Table 3.2, April Draft at SE 9). With the proposed expansion of the Sycamore facility alone, Table 3-2 clearly indicates that available capacity will exist until long after 2020. This aggregate analysis appears to satisfy the State Integrated Waste Management Board ("IWMB") rules, 14 C.C.R. § 18755.3, and is the analysis found in the existing 1996 Siting Element.



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The grist for sensational news stories ("Crisis Looms at Dumps," *San Diego Union Tribune*, February 16, 2003) is found in the analysis of "Annual Permitted Landfill Capacity" in Table 3.3, where the data indicates that the estimated disposal amount could exceed the existing annual permitted disposal capacity in the county by 2006. As Table 3.3 shows, however, the proposed expansion of the Sycamore landfill in 2005 (an additional 1.6 million tons per year ("mtpy") capacity) would provide the county with a total of 5.5 mtpy, which would be adequate until 2016. The proposed second expansion of the Sycamore facility in 2011 would provide an additional 2.2 mtpy capacity, thereby increasing the overall annual capacity to 7.7 mtpy. That capacity would be sufficient until long after 2020. Even assuming the closure of the West Miramar facility in 2011 (and the resulting loss of 1.4 mtpy capacity), the remaining 6.3 mtpy capacity would be adequate until after 2020.

Moreover, as the April Draft states, the City of San Diego may seek to expand operations at the West Miramar facility to extend the life of the facility by three to 10 years. (April Draft at SE 44). If approved, an additional 1.4 mtpy would be available until at least 2014 or 2021, further increasing the available capacity in the county. Clearly, this shows that the expansion of existing landfills will provide the county with sufficient capacity until well after 2020, and thus that there is no need to develop additional capacity by constructing landfills at new sites.

Even though the data presented in Tables 3.2 and 3.3 are clear as to the available aggregate and annual capacity, the discussion titled the "Confidence of the Prediction" attempts to raise questions concerning the validity of those data. Specifically, this section concludes that "using the upper confidence interval" there is uncertainty regarding the availability of adequate capacity for 15 years, even with the full expansion of Sycamore and the construction of Gregory Canyon. (April Draft at SE 13). This conclusion directly contradicts the data in Tables 3.2 and 3.3.

While predicting future disposal rates based on past disposal activities is difficult, the April Draft includes no explanation regarding why use of the "most conservative" confidence level provides a more-realistic basis for estimating future disposal rates, or whether the use of this conservative confidence level is required by state law. In fact, using the most-conservative confidence level based on a regression analysis of past disposal practices arguably generates a misleading estimate of future disposal rates by failing to consider that disposal rates in the county could be reduced through the use of transfer stations and rail haul, and due to economic slowdowns, increased recycling, and the effects of the proposed General Plan 2020 and habitat concerns on growth in undeveloped areas of the county. Because these factors most likely were not considered in the regression analysis, the most-conservative calculations for estimating future disposal rates should not be used. We recommend that the discussion of "confidence" should be deleted or clarified significantly and placed in a footnote or an appendix.

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II. The Campo Landfill

As discussed above, the proposed expansions of two existing landfills, Sycamore and West Miramar, will provide sufficient capacity until well after 2020. In addition, because the proposed Campo facility should be authorized soon to accept wastes, in county capacity will be further increased.

Unfortunately, the April Draft simply ignores the Campo facility. While the January Draft designated the Campo Landfill as an “existing” landfill in the county (January Draft at Table 4-1), the April Draft does not list the Campo facility as existing, proposed or tentative, but categorizes the Campo facility as an “out of county” facility. (April Draft at Table 8.2). The reason for this change appears to have been a letter from Supervisor Jacobs urging that the Campo facility be removed from the Siting Element because, as she claimed, it is “highly doubtful” that the Campo facility will ever receive the necessary permits to operate.

While Campo is not an “existing” facility as stated in the January Draft, it should be designated as a “proposed” facility because it has obtained a Permit to Construct and an air quality permit, and the location of the landfill does not violate the county’s General Plan (being outside county jurisdiction). While the April Draft states that the Campo Landfill is “processing its federal permits”(April Draft at SE 48), the January Draft indicates that the Final Environmental Impact Statement and the Record of Decision have been completed for the facility and that an “Authority to Construct” permit for the facility was issued on April 5, 1994. (January Draft at SE 16). For no apparent reason, this information has been deleted from the April Draft. That information should be returned to the Siting Element, and it should be stated that the landfill has received its air quality permit as well. The Siting Element should make clear which, if any, permits are still being “processed.”

The Campo facility also should be designated as an “in the county” facility because the Campo Reservation on which the landfill will be located geographically is within the boundaries of San Diego County, even if the reservation is not subject to county jurisdiction. The Las Pulgas, San Onofre and West Miramar landfills are designated as existing, in-county landfills, even though they all are located on federal property, and thus also are not within the county’s jurisdiction. (March Draft Table 4.1). Designating the proposed Campo landfill as an “out-of-county” facility is misleading and results in an erroneous underestimation of future landfill capacity in the county. Indeed, it is highly unusual for the county to ignore the Campo facility in this manner given that the proposed facility would be located within the outer boundaries of the county and would provide capacity for wastes generated within the county.

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III. The Potential West Miramar Expansion

The April Draft discusses the potential expansion of the West Miramar landfill, but concludes that the expansion “is considered as a tentative site.” (April Draft at SE 44). But, given that the Miramar landfill is located on federal property, the expansion does not require an amendment of the General Plan. Consequently, because the facility is currently operating, and is consistent with the County General Plan, the proposed expansion should be listed as a “proposed” facility.

IV. Application of the Pass/Fail Criteria to Site Selection

A. The Gregory Canyon Landfill

We also strongly oppose the proposal to revise the status of the Gregory Canyon Landfill from a “tentative” site to a “proposed” site and to list Gregory Canyon as a “Proposed New Landfill.” (April Draft at SE 38). The argument is made that, because the Gregory Canyon site was incorporated into the County’s General Plan as a possible landfill site in 1994 pursuant to the Proposition C initiative, it is “required to be listed as a proposed site.” (April Draft at SE 38). We disagree.

Under the IWMB rules, “[r]eserved areas for proposed new or the expansion of existing solid waste disposal facilities shall be identified in the Siting Element.” 14 C.C.R. § 18756.3(a). Where these “proposed areas” are consistent with the county’s General Plan, they must be reserved in the Siting Element in accordance with the statutory procedures. *Id.* Because at least part of the proposed Gregory Canyon Landfill site appears to be consistent with the County’s General Plan based on Proposition C, we acknowledge that the area may be eligible to be designated as a “reserved area” in the Siting Element.

But, the Gregory Canyon Landfill **cannot** be listed as a proposed landfill in the Siting Element. Quite the contrary. The IWMB rules mandate that the Siting Element “shall include a description of each proposed new solid waste disposal facility . . . *which complies with the criteria* identified in Section 18756 of this article.” 14 C.C.R. § 18756.1(a) (emphasis added). Section 18756 requires that specific criteria, including environmental, socioeconomic, and legal considerations, and any additional criteria adopted by the agencies approving the Siting Element, be used to guide the selection of sites for new solid waste disposal facilities. Section 18756(d) of the IWMB rules specifically states that “[n]o solid waste disposal facility in the Siting Element shall be established that does not satisfy the minimum criteria that are adopted in the Siting Element pursuant to Section 18756(a) of this article.” Given this state regulatory directive, the Siting Element cannot list a facility as a “proposed” facility if that facility fails to satisfy the siting criteria because such an action is explicitly prohibited by Section 18756(d).

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The existing 1996 Siting Element contains eight "pass/fail" criteria and 20 evaluation criteria used in siting landfills. In relevant part, these pass/fail criteria prohibit locating a landfill (1) in areas that would cause or contribute to the "taking" of any listed threatened or endangered species; (2) within 1000 feet of any historic or archaeological site eligible for the National or State historic register; or (3) within 200 feet of an existing or proposed aqueduct. As indicated in the 1996 Siting Element and the January Draft, any site which does not pass these eight criteria "will be dropped from further consideration." (January Draft at SE 28). We believe that the Gregory Canyon site fails at least these pass/fail criteria and thus must be disqualified from consideration.

Specifically, the site of the proposed Gregory Canyon landfill contains three endangered species, the least Bell's vireo, the southwestern willow flycatcher, and the arroyo southwestern toad, and one threatened species, the California gnatcatcher. Without detailing the potential impacts to each of these species, construction and operation of the facility inevitably will cause or contribute to the "taking" of arroyo toads. Whether a taking ultimately is permitted or not, the siting criteria prohibit locating a landfill where a taking will occur.

Similarly, the proposed landfill site is next to Gregory Mountain and Medicine Rock, two sites of particular religious importance to the Luiseño peoples. Because these sites are eligible for the National Historic Register and are within 1,000 feet of the landfill, the Gregory Canyon landfill site again fails this pass/fail criteria. The Gregory Canyon site also is within 200 feet of two existing San Diego County Water Authority pipelines and of the proposed Pipeline 6 of the Metropolitan Water District. Thus, it fails yet another pass/fail criteria.

Consequently, while the Siting Element contains state-law required, site-selection criteria, the county has chosen to ignore those criteria in designating the Gregory Canyon landfill as a "proposed landfill" in the Siting Element. The fact that Proposition C revised the County's General Plan and its zoning ordinances to allow a specific facility to potentially be constructed at the Gregory Canyon site does not provide a basis for the county to ignore state laws governing the siting of landfills. Proposition C did not address the issue of whether the proposed Gregory Canyon landfill is consistent with the IWMP site-selection criteria. Proposition C did not mention the IWMP site-selection criteria, and as a county-wide initiative, Proposition C did not amend state law.

B. Proposed Revision of the Pass/Fail Criteria

We also oppose the proposed revisions to the pass/fail site-selection criteria. Specifically, we do not believe that the proposed "exception to the rule" language should be adopted. That language states that "[i]f future candidate sites don't pass the criteria, a jurisdiction may choose to

drop a site from further consideration, unless potential environmental impacts can be mitigated and/or overriding considerations prevail." (April Draft at SE 31). This proposed language is the exclusion that swallows the rule because it provides no standards for determining what constitutes appropriate mitigation or what "overriding considerations" could prevail. Moreover, using a CEQA term of art ("overriding considerations") in the Siting Element is improper. Allowing the construction of a landfill which fails one or all of the criteria because "overriding considerations prevail" eviscerates the criteria, and is an arbitrary change to the Siting Element. If the current draft of the Siting Element is adopted without enforceable siting criteria, and there is no confirmation that all proposed sites have met the siting criteria, we believe that the Siting Element will be invalid and vulnerable to challenge.

V. Conclusion

We strongly encourage the county to revise the Siting Element (1) to delete or to clarify the discussion relating to the confidence of the disposal rate estimates; (2) to designate the Campo landfill as a proposed, "in the county" landfill; (3) to properly acknowledge the potential expansion of the Miramar landfill; (4) to retain the pass/fail criteria as found in the existing Siting Element and (5) to apply the existing pass/fail criteria to the proposed Gregory Canyon landfill as required by state law. We appreciate your consideration of these comments and the efforts of those working to revise the Siting Element.

Sincerely,

Walter E. Rusinek

WER/mkk

- cc: Robert H. Smith, Chairman, Pala Band of Mission Indians
County Board of Supervisors
- Michael Meacham, Chairman Integrated Waste
Management Technical Advisory Committee
- Nan Valerio, San Diego Association of Governments
- John H. Robertus, Executive Officer, Regional Water
Quality Control Board, Region 9 San Diego
- Mark C. Mead, Senior Deputy, Office of County Counsel
- Theodore J. Griswold, Esq.

Received 7 July '03 (uwo)



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July 3, 2003

Dr. Wayne T. Williams
Recycling Coordinator/Project Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road, Suite 305
San Diego, CA 92110

Re: "Final Draft" (June 2003) of the Countywide
Solid Landfill Siting Element

Dear Dr. Williams:

On behalf of our clients, the Pala Band of Mission Indians ("Pala Band"), we submitted comments on the April, 2003, draft San Diego Countywide Integrated Waste Management Plan Siting Element ("April Draft") in a letter dated May 9, 2003 (the "Pala Comments"). We now have reviewed the "Final" draft Siting Element dated June 10, 2003 ("Final Draft"). Based on our review, it appears that all of the comments provided in the Pala Comments were ignored. Consequently, this letter incorporates all of the Pala Comments as part of these comments on the Final Draft. Some of the Pala Comments are discussed further below.

I. Campo Facility

In the Pala Comments, we challenged the April Draft's description of the proposed Campo landfill as an "out of county" facility. As the April Draft acknowledged, the Campo facility has obtained the required permits to construct the facility, and as we noted, the Campo facility does not violate the County's General Plan, and is located geographically within the outer boundaries of San Diego County. Based on those facts alone, there was no rationale for designating the facility as an out-of-county facility in the April Draft.

Ostensibly, the reason the Campo facility was designated as an out-of-county facility was that, because the facility will be located on an Indian Reservation, the county has no jurisdiction. As we noted, however, the April Draft (and now the Final Draft) designated the Las Pulgas, San Onofre and West Miramar landfills as existing, "in-county" landfills, even though all of those facilities are located on Federal property and thus also are not subject to county jurisdiction.



Dr. Wayne T. Williams
July 3, 2003
Page 2

Consequently, there is no rational basis for distinguishing the Campo facility from these other facilities located on Federal property.

The Final Draft avoids this internal inconsistency by simply deleting all mention of the Campo facility. While the Final Draft completely ignores a proposed facility located on a Native American reservation that has obtained all the necessary permits to construct and has completed all required environmental reviews, it designates the Gregory Canyon facility as a "proposed" facility even though the facility (1) has not obtained (and in some cases has not even submitted applications for) any of the required permits to construct or to operate the facility; (2) has not even begun what we believe is a required Environmental Impact Statement under the federal National Environmental Policy Act ("NEPA"); and (3) fails the pass/fail criteria established under state law and found in the existing Siting Element.

In effect, the Siting Element sanctions the Gregory Canyon landfill, which would significantly impact a Native American tribe, the Pala Band, and ignores the Campo facility, which will be constructed on a Native American reservation. We find this disparate treatment of these two proposed landfills to be very troubling.

II. Expansion of the West Miramar Facility

Another inconsistency in the Siting Element is the decision to designate the potential expansion of the West Miramar facility as a "Tentatively Reserved Disposal Site." The Final Draft states that this designation is necessary because the expansion does not have "General Plan conformance at this time." (Final Draft at SE-14). Again, the drafters of the Siting Element appear to be overlooking the fact that the expanded facility will be located on Federal property, and thus we do not believe that conformance with the County's General Plan is required.

III. The Siting Criteria

Finally, we reiterate our strong opposition to the idea, repeated in the Final Draft, that "[b]ecause Gregory Canyon was incorporated into the County of San Diego's General Plan through voter initiative, and assessed under criteria used at the time of the original proposal and initiation, it is considered that the site met all requirements applicable at the time it was assessed, [and thus that] the site was not reassessed for purpose of inclusion in the Siting Element of 1997." (Final Draft at SE 38.) The ideas that the Gregory Canyon facility was perpetually "grandfathered" into every Siting Element, or that Proposition C somehow exempted the facility from compliance with the siting criteria, are both erroneous.

As we stated in the Pala Comments, the rules of the Integrated Waste Management Board mandate that "[n]o solid waste disposal facility in the Siting Element shall be established that does not satisfy the minimum criteria that are adopted in the Siting Element pursuant to Section

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July 3, 2003
Page 3



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July 3, 2003
Page 4



18756(a) of this article.” 14 C.C.R. § 18756(d). This provision does not contain a “grandfather” clause that supports the position that the Gregory Canyon site need not comply with the pass/fail siting criteria. As we showed in the Pala Comments, Gregory Canyon does not meet those siting criteria, and thus cannot be listed in the Siting Element. Proposition C did not address nor change this state law requirement.

We also reject the argument stated in the Final Draft that “[r]eassessment [of Gregory Canyon] at this time beyond CEQA and final permitting would not be necessary unless a substantial change in the project took place.” (Final Draft at SE 38). First, it is not clear from this statement from which “project” this “substantial change” must take place. If the Final Draft is referring to the “project” described in Proposition C (which the Final Draft claims makes compliance with the pass/fail criteria unnecessary), the project described in Proposition C is substantially different from the project described in the Final Environmental Impact Report (“FEIR”), and reassessment is necessary even under the artificial standard established in the Siting Element.

Specifically, the project described in the FEIR contains a landfill footprint that is more than 30% larger than the landfill footprint described in Proposition C. In addition, the project described in the FEIR contains a 64.5-acre borrow/ stockpile area that was not even mentioned in Proposition C. These are substantial changes in the project which require “reassessment” prior to being included in the Siting Element.

IV. Conclusion

We are disappointed by the decision of the drafters of the Siting Element to summarily reject the Pala Comments, and now to ignore the Campo facility entirely. We fear that the Siting Element is being drafted in an effort to support the need for construction of the Gregory Canyon landfill, a need which the Pala Band strongly disputes exists. Unfortunately, the position taken

by the drafters of the Siting Element indicates that the Pala Band must assess other options for addressing the clear inadequacies of the Siting Element.

Sincerely,

THEODORE J. GRISWOLD

TJG/WER:mkk

cc: Robert H. Smith, Chairman, Pala Band of Mission Indians
And Attached List

**Response to Comment Letter No. 16
Procopio, Cory, Hargreaves, & Savitch, Theodore J. Griswold**

18 September, 2003

**ANALYSIS OF PROCOPIO, CORY, HARGREAVES AND SAVITCH
CORRESPONDENCE OF 9 May and 3 JULY, 2003 REGARDING:**

DRAFT COUNTYWIDE SITING ELEMENT AMENDMENT

1. The May 9 letter from PCH&S was received on May 13. I called Mr. Rusinek shortly thereafter to acknowledge receipt and faxed the letter to my supervisor on May 13.
2. The letter dated 3 July, 2003 was received on 7 July, 2003. At that time the draft Siting Element was in a state of flux and we didn't know where the draft was headed with regard to several of the points brought up in the PCH&S letters.
3. As of the 16th of September, what will hopefully be the final draft for consideration by the SANDAG Local Task Force, with the one exception of the CIWMB attorney's assessment for placement of the sycamore Canyon landfill expansion, the SE draft should be stable enough to afford answers in writing to PCH&S.
4. I have analyzed the two letters. Each point of concern brought up by them will be described in the left column and a proposed County response is present in the right column.

Point of Concern	County Response
1. Even without the addition of any new landfill capacity...the county has sufficient landfill capacity until 2017	1. The County has sufficient physical space, but not sufficient permitted daily disposal capacity, and that is partially why Gregory is included in the Siting Element.
2. Table 3.2 April Draft @ SE 9 "With proposed expansion of Sycamore...alone, Table 3.2 clearly indicates that available capacity will exist until long after 2020	2. Ibid.
3. Table 3.3 show proposed expansion of sycamore landfill in 2005 would provide...the county...with 5.5 million tons per year, which would be adequate until 2016.	3. Table 3.4 and Figure 3.1 indicate that without both expansion of Sycamore and opening of Gregory, in about 2006, the county will have inadequate landfill space by ~ 2016, unless Sycamore is expanded again in daily permitted disposal to ~ 12,000 tpd, plus Gregory.
4. first para. P 2. Even assuming the closure of West Miramar in 2011, (and the	4. If Miramar closes in 2010-2011, without Sycamore expansion of daily permitted

resulting loss of 104 mtpy capacity), the remaining 6.3 mtpy capacity would be adequate until after 2020.	disposal to 5,000tpd in 2004 and then to 12,000 tpd in 2010-1011 plus Gregory, after ~ 2010, there would be inadequate space, if diversion remained at 50% and other strategies remained static.
5. Para 2. p 2. Miramar expansion extends the life of the facility by 3-109 years. If approved, an additional 1.4 mtpy would be available until at least 2014 or 2021.	5. The city of San Diego has not provided the County or SANDAG LTF with this data; only that illustrated in the SD draft.
6. para 3. p2. The "confidence intervals" contradict the data in Tables 3.2 and 3.3	6. The data in Tables 3.2 and 3.3 represent mean values of the linear regression, and are not contradicted by the confidence intervals.
7. Para 4. p 2. Regarding the confidence levels and assumptions of the model, and the difficulties in predicting the future, and the discussion of the confidence should be deleted or clarified significantly and placed in a footnote or an appendix.	7. The confidence intervals are a tool for predicting the range of variation about mean values of linear regression analysis to better understand the phenomenon being studied and explained. The caveats of the regression analysis are stated in the text. Currently only the mean values are used in the text, and a full explanation is present as appendix C.
8. II. The Campo Landfill. The Campo landfill discussion should be reinserted into the Siting Element, described fully and included in the "proposed" section of the document	8. Use Tom Deak's reasoning for this answer.
9. III. The potential West Miramar expansions. Miramar, being on federal land, doesn't require an amendment to the General Plan, and the expansion should be listed as a proposed facility.	9. No data were provided by the city of San Diego regarding the Miramar landfill other than the tentative closure date. Therefore, the regulations would not permit said inclusion in the "Proposed" section.
10. IV. Application of the Pass/Fail criteria to Site Selection. Para 2, page 4. PCH&S oppose Gregory Canyon as a proposed Site	10. The developer formally requested that Gregory Canyon be included as proposed: It meets the criteria for proposed listing. Inclusion of proposed sites in the Siting Element does not advocate or in any way guarantee approval of sites by any agency or jurisdiction. Nor does it advocate their use as a disposal option. PSE 1, 1242-247. There is a natural progression from tentative to proposed in the CWMB process.
11. Gregory Canyon cannot be listed as proposed because it doesn't comply with 14CCR 18756.1(a) criteria.	11. The EIR was certified by the county LEA. Proposition C approved Gregory Canyon and the project received a certified EIR, and thus each environmental and

	social criterion was addressed.
12. The Gregory Canyon site fails several pass/fail criteria and thus must be disqualified from consideration.	12. Ibid. Plus, the pass/fail aspects for the criteria no longer exist in the Siting Element, and this aspect is substituted by the statement on PSE 32 1 913-918 regarding jurisdictions choice to drop sites from consideration and using mitigations.
13. Gregory Canyon site contain 3 endangered species and 1 threatened species. The siting criteria prohibit locating a landfill where a taking will occur.	13. The current draft states on p SE 37 1 1080-1004, "...proposed landfills should not be located where there is the known occurrence of threatened and endangered species, if the development would result in impacts that cannot be mitigated to a level of insignificance.
14. para 3 page 5. The Gregory landfill fails the criteria for cultural sites, proximity to SD county Water Authority pipelines and a proposed pipeline	14 Ibid
15. para 4, p 5. The County is "ignoring state laws governing the siting of landfills."	15. The County is closely adhering to all regulations.
16. B. Proposed Revision of the Pass/Fail Criteria. PCH&S oppose the proposed revisions to the pass/fail site selection criteria	16. The TAC, led by the City of San Diego, but opposed by the County, insisted on removing the pass/fail aspects of the criteria, and emphasized mitigations and/or overriding considerations. The current SE also emphasizes the required environmental analyses, which are carried out in the case of landfill sitings. The emphasis on the environmental CEQA and NEPA requirements etal rulings protects the environment.
17. Conclusion (1) Delete or clarify confidence estimates (2) Designate Campo landfill as "in the county" landfill. (3) (3) Acknowledge the potential expansion of the Miramar landfill. (4) (4) Retain the pass/fail criteria (5) (5) Apply existing pass/fail	17. (1) Appendix C. (2) It is not in the county. (3) No data was provided by the City of San Diego regarding the expansion. (4) Majority of TAC decided it didn't want local jurisdictions to have "fail or pass" any given site. (5) This evaluation had to be done earlier and was done in the EIR.
LETTER OF 3 JULY, 2003	
1. Campo facility. There was no rationale for designating the Campo facility as out of county in the april Draft	1. The county only considered existing and fully permitted landfills in county for landfill capacity analyses. Campo lacked

	an operating permit.
2. las Pulgas, San Onofre and West Miramar landfills were designated as existing in the county.	2. The 3 landfills exist and are operating as fully permitted facilities. However, las Pulgas and San Onofre were not considered in landfill capacity analyses, as they do not accept wastes from the civilian sector.
3. Gregory Canyon is designated as a proposed facility even through the facility (1) has not obtained (and in some cases not submitted applications for) any of the required permits to construct or to operate; (2) has not...begun a required NEPA EIS; and (3) fails the pass/fail criteria established under state law and found in the existing Siting Element	3. (1) Gregory Canyon was included in the Siting Element as a proposed site because the Voter Initiative of November 8, 1995 incorporated the site into the County of San Diego's General Plan. (2) The Gregory Canyon project completed an EIS which was certified by the county, except for a (cost-benefit) study. (3) the initiative and EIR appear to satisfy the criteria through mitigations.
4. The siting Element sanctions the Gregory Canyon landfill. The	4. The Siting Element is not an advocacy document, and doesn't recommend any landfill site, as mentioned in paragraph 3 page 1, where "...Inclusion in this document of proposed and tentative landfills, ...The siting Element does not advocate of in any way guarantee approval..."
5. The Siting element ignores the Campo Facility	5. The siting Element only considered in-county landfills or proposed landfills in its landfill capacity analysis and only operating and permitted out-of-county landfills as transportation destinations.
6. II. Expansion of the West Miramar Facility. Because W. Miramar does not have General Plan Conformance, and being on federal land they do not believe that conformance is required.	6. ?? West Miramar is not discussed in the final document beyond saying that the City of San Diego is considering its options regarding vertical expansion.
7. III. The Siting Criteria. The ideas that the Gregory Canyon facility was perpetually "grandfathered" into every Siting Element, or that Proposition C somehow exempted the facility from compliance with the siting criteria, are both erroneous.	7. The Gregory Canyon proposed landfill was brought forward to the Siting Element Amendment of 2003 from the 1997 Siting Element where it was a "tentatively reserved disposal site." In the Amendment, the Gregory Canyon is classified as a "proposed site" in Chapter 6. This was due to the voter initiative, and review and certification of the EIR. If the Gregory Canyon landfill did not conform to the



SAN DIEGO LANDFILL SYSTEMS

8364 Clairemont Mesa Blvd • San Diego, CA 92111 • (619) 449-4053 • fax (619) 449-1050

April 7, 2003

COPY

COMPLETED
4/15/03 JMS

4/11/03
DPW 8411
DUE: 4/29/03

✓ D. TURBYFILL
(VIA L. ENGEL)
✓ W. WILLIAMS

Mr. John L. Snyder
Director
Department of Public Works
County of San Diego
5555 Overland Avenue, Building 2, Room 156
San Diego, CA 92123-1295

Dear John:

Per the request of your staff, San Diego Landfill Systems is writing to request that the master plan development at the Sycamore Landfill located in the City of San Diego be included in the Integrated Waste Management Plan Countywide Siting Element. The Sycamore Landfill fulfills and meets the siting criteria established for new, current and future landfill siting within the County of San Diego.

As we have previously written and discussed with your staff, upon approval of all environmental documents and solid waste permits, the Sycamore Landfill will provide approximately 160 million cubic yards of disposal capacity. This disposal capacity translates into enough landfill volume to meet the region's solid waste needs for thirty plus years.

The master plan for Sycamore will continue to protect the environment and ensure safety for our customers and employees. Safety and environmental protection will remain our top priorities and the master plan will maintain the integrity of the site to ensure that those are not compromised.

Finally, we would hope that during the County's review of its waste management plan it evaluates all new and future landfill development utilizing the same regulations and criteria that we must adhere to at Sycamore.

- C/ FOR ME
- DPW Referral to
Solana

[Handwritten initials]

RECEIVED
COUNTY OF SAN DIEGO
APR 10 2003
DEPT. OF PUBLIC WORKS
ADMINISTRATIVE OFFICE

Sycamore Landfill, Inc. • Otay Landfill, Inc. • Ramona Landfill, Inc. • Borrego Landfill, Inc.

- AN ALLIED WASTE COMPANY • Equal Opportunity Employer M/F/D/V -

John L. Snyder
Integrated Waste Management Siting Element
Page Two

Please let me know if there is anything further that we can do to assist you and the County with the update of the integrated solid waste management plan. We look forward to working with you and the County to meet the solid waste collection, disposal and recycling needs in the future.

Sincerely,

Neil Mohr
General Manager

cc: Wayne Williams, County of San Diego

No. 17

Response to Comment Letter No. 17
San Diego Landfill Systems, Neil Mohr



County of San Diego

JOHN L. SNYDER
DIRECTOR

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123-1295

(619) 694-2233
FAX: (619) 288-0461

COUNTY ENGINEER
COUNTY ROAD COMMISSIONER
COUNTY SURVEYOR
COUNTY AIRPORTS
FLOOD CONTROL
WASTEWATER MANAGEMENT

April 29, 2003

Neil Mohr
General Manager, San Diego Landfill Systems
8364 Clairemont Mesa Blvd.
San Diego, CA 92111

Dear Mr. Mohr:

Thank you for your letter of April 7, 2003, regarding criteria for future landfills and inclusion of the Sycamore Landfill master plan development into the Integrated Waste Management Plan Countywide Siting Element.

We have included Sycamore Landfill master plan development as a proposed site in the Siting Element Draft, which will be brought to the SANDAG Board for consideration in approximately July 2003. After SANDAG makes a recommendation to approve the document, all County of San Diego jurisdictions will be asked to approve it, and the County will then submit the approved document to the California Integrated Waste Management Board (Waste Board) in approximately January 2004. The Waste Board will then have 120 days to approve the County's Siting Element.

You stated in your letter that you hope that during the County's review of its plan, it evaluates all new and future landfill development utilizing the same regulations and criteria that you must adhere to at Sycamore. Our recycling staff is continuing to work closely with staff from the Waste Board to ensure proper placement of landfills within the document in accordance with California Code. To be "proposed" in the Siting Element, a landfill must be in accordance with the General Plan of its jurisdiction. Currently, Sycamore Landfill and Gregory Canyon Landfill are in the proposed section

Mr. Mohr
Page 2
April 29, 2003

of the document. Expansion of Miramar Landfill is included only as a tentatively proposed site because the City has not yet formally considered it, but it is a possibility.

The County appreciates your cooperation and interest in the amendments to the Integrated Waste Management Plan. If you have any questions or need additional information, please contact Wayne Williams, Recycling Coordinator, at (858) 874-4108.

Sincerely,


JOHN L. SNYDER, Director
Department of Public Works

JLS:DKT:md

**COMMENTS ON COUNTYWIDE SITING ELEMENT DRAFT
FROM THE CITY OF LA MESA**
April 4, 2003

SE-2, Line 223 – write out TAC and CAC, since it's the first time they are mentioned.

SE-3, Line 257 (and others) – Add "reuse" to the AB 939 hierarchy wherever it is mentioned. It appears several times in Chapter 2 as well as on SE-48; probably other places too. (A "Find & Replace" is probably in order).

SE-42, Lines 1189-96 – I read into this paragraph that out-of-county export is something to be considered only as a last resort. I think that in some instances out-of-county export makes a great deal of sense, especially for a city like Oceanside that is very close to Orange County. Also, long-term contracts that haulers have with out-of-county landfills can make good economic sense. Given that the last sentence of this paragraph indicates that most cities are currently exporting out-of-county, I'd like to see a more positive spin put on this option in the document.

SE-43, Table 8.1 – (These are the changes I mentioned at the meeting):

- Capitalize EDCO
- Change "La Mesa" to "EDCO Station – La Mesa"
- Change heading of 2nd column to "Daily Permitted Throughput (Tons)"

SE-44, Line 1239 – I think this sentence is awkward. How about: "Another out-of-county landfill is at Crestline, Nevada, which has a 4,000 tons per day permit and is serviced by the Union Pacific Railroad. Crestline is seeking . . . etc."

SE-44, Line 1258, footnote 4 – ". . . import waste from San Diego until 2015 . . ."

SE-44, Line 1261 – How does the 6.2 million tons mentioned here, relate to the 6.4 million tons in Line 1201 on SE-42? I wasn't sure if this was a mistake. Also, how do those numbers relate to the 6.3 million tons mentioned on SE-9, Line 389?

SE-44, Line 1262 – Should be: "Because of the variability . . ."

SE-45, Line 1265-66 – Is there a better way to phrase: "Campo landfill or its equivalent"? I think it would sit better with the anti-Campo folks if we could come up with wording that indicates this alternative but that doesn't name Campo specifically. I'm afraid I don't have any suggestions for alternate language.

SE-45, Line 1272 – "division" should be "diversion."

SE-45, Lines 1274-75 – I don't believe there is a requirement to reach required diversion rates "as soon as possible." Also, this is rather a vague statement, and I'd like

Pg/ Line	Comments	County Response
SE 2/Line 223	Carol McLaughlin's Review	Accepted
SE 3/Line 257	City of La Mesa	Accepted
SE 42/Line 1189-96		Accepted
SE 43/Table 8.1		Accepted
SE 44/Line 1239		Accepted
SE 44/Line 1258		Accepted- All figures changed to 6.3
SE 44/Line 1261		Accepted
SE 45/Line 1262		Rejected- Leave as is
SE 45/Line 1265-66		Accepted
SE 45/Line 1272		Accepted- Will change wording
SE 45/Line 1274-1275		

No. 18

to see it removed. Also, I am against any wording that indicates we will seek to increase diversion beyond 50 percent. How about wording such as: "...a strategy to add and improve programs in order to maximize diversion rates" (or something like that) to soften this a bit?

SE-46, Line 1279 "capacity" should be "diversion." But, again, I can't support wording that indicates we will set diversion rates higher than the required 50 percent, when many of us have not even been able to achieve that mark. Perhaps some different verbiage here as well.

SE-48, Task 2.1.1 – I don't understand what that Task means.

SE
46/Line

1279

SE 48/

Task 2.1.1

Rejected-Leave as is to ensure that no wording indicates higher than 50% diversion

Added a word to clarify



" Don't Trash Our Water "

John L. Snyder, Director
Department of Public Works
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123

April 3, 2003

**RE: FINAL REVIEW DRAFT INTEGRATED WASTE MANAGEMENT
COUNTYWIDE SITING ELEMENT 2003; PRESENTED AT TAC MEETING 4-3-03**

Dear Director Snyder,

This document shows much improvement, although our non-profit grassroots group still has major concerns regarding any inclusion of the Campo Landfill. We do appreciate the fact that Campo was moved from the existing site list to the proposed site list in the previous draft. Now we find Campo is still included as a proposed out-of-county landfill. Numerous references are made to using transfer facilities to ship waste out-of-county. Thus, our concern that this document still gives Campo false credibility that can be paraded before potential lenders and users of this fatally flawed site.

We are extremely uncomfortable that Campo is still relied upon in this draft when it is clearly stated that it is not needed, "Combining existing and the proposed Sycamore and Gregory Canyon Landfill capacity will provide the ultimate capacity necessary to meet the 15-year planning period" (@361-363 SE 9).

It is our position that Campo should not even be mentioned in this document as it does not comply with siting and control criteria for local facilities. Moving Campo to the out-of-county list while still relying on its capacity (@1209-1210 SE 45 & Fig. 8.1 & 8.2), when it is clearly not needed by this County, sends the wrong message. Please remove all references to the Campo Landfill and focus instead on new avenues of waste diversion, recycling, expansion of local facilities and the potential use of *existing* fully permitted out-of-county facilities.

At a minimum, if we can't convince you to eliminate Campo altogether, we strongly request that you include a statement that Campo does not comply with this plan's siting and control criteria, it is sited over the federally designated Campo/Cottonwood Creek Sole Source Aquifer with no access to imported water (see San Diego County Water Authority letter 3-28-03); it adjoins private off-reservation property on 3 sides; further state review is required for the yet-to-be-released Permit to Operate (PTO); it has unresolved litigation against it and is assured of more if the PTO is approved (see County of San Diego vs SWRCB; CIWMB; Mid-American; Campo Band of Mission Indians... & Backcountry Against Dumps vs SWRCB; CIWBM; Mid-America; Campo Band of Mission Indians...); and there is no identified waste stream.

DONNA TISDALE, PRESIDENT
P.O. BOX 1275 • BOULEVARD, CA 91905 • (619) 766-4170 • FAX: (619) 766-4922

In the interest of waste diversion, please note the attached articles regarding the grinding of debris at construction sites (Waste News, 3-31-03) which can reduce the amount of waste landfilled by 85%. Grinders are designed to handle drywall, wood, brick and block. Ground debris can be used to supplement soil on-site or picked up for use in composting. Reportedly, typical new home construction debris can be reduced from 4 tons to a few hundred pounds. This practice can be used by builders to reduce disposal costs and to enhance their environmental standing with potential buyers. It is reported that grinder associated costs can be recovered in less than a year. A local mandate and or outreach program to the local building associations could bring substantial results in waste diversion. We also recommend full diversion of all organic waste from being landfilled or used as landfill cover.

We look forward to your favorable action on our requests.

Sincerely,

Donna Tisdale
Donna Tisdale,
President

CC: County Counsel
Interested Parties

**Response to Comment Letter No.19
BackCountry Against Dumps, Donna Tisdale**



County of San Diego

JOHN L. SNYDER
DIRECTOR

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123-1295

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COUNTY ENGINEER
COUNTY ROAD COMMISSIONER
COUNTY SURVEYOR
COUNTY AIRPORTS
FLOOD CONTROL
WASTEWATER MANAGEMENT

June 25, 2003

Donna Tisdale, President
Backcountry Against Dumps
P.O. Box 1275
Boulevard, CA 91905

Dear Ms. Tisdale:

**FINAL REVIEW OF THE DRAFT INTEGRATED WASTE MANAGEMENT
COUNTYWIDE SITING ELEMENT 2003**

This letter is a response to your letter of April 3, 2003, where you requested Campo Landfill be eliminated from the 2003 Siting Element. In your letter you cited several reasons why you feel Campo does not meet criteria for inclusion in the document. You also discussed diversion, which can reduce the amount of waste landfilled as another alternative for meeting the State's requirement to have 15 years of capacity.

On March 5, 2003, Department of Public Works (DPW) staff requested an opinion from Counsel at the California Integrated Waste Management Board (Waste Board) with regard to how to define and treat Campo Landfill. Elliot Block, Staff Counsel for the Waste Board, responded that because Campo is located on "Indian Country," it is treated as "out of state." This designation is found in the California Code of Regulations, Section 18801 (a) (5). Subsequently, we re-reviewed the countywide strategies for ensuring capacity. The strategy includes proposed landfill facilities, export, and diversion efforts, in that order.

Based on this review, we determined capacity could be met with existing exports via transfer stations, as well as through diversion efforts. As long as the Siting Element demonstrates adequate capacity without the Campo Landfill, there is no requirement that it be included. Only landfills for export that are currently existing and permitted are included in the current draft. Two non-permitted landfills were deleted from the Siting Element: Mesquite, which is located in Imperial Valley, is owned by the Los Angeles

Ms. Tisdale
Page 2
June 25, 2003

Sanitation District and does not have a permit to operate, and Campo Landfill, which is located in Indian Country, and does not currently have a permit to operate.

Regarding your discussion of diversion, we agree that reuse and recycling of construction and other heavy materials would help increase diversion rates, and could decrease disposal costs for builders. On December 11, 2001 (42), the County Board of Supervisors directed the Chief Administrative Officer to return to the Board with a plan to increase the solid waste diversion rate to meet or exceed the State's 50 percent requirement. On May 15, 2002 (6), the Board approved several initiatives to meet State diversion requirements, with emphasis on Construction and Demolition (C and D) reuse and recycling efforts. Since then, County staff has compiled a new C and D guideline, to be printed within the next month, and the Technical Advisory Committee of the Local Task Force has initiated work on a C and D program that could be adopted by jurisdictions countywide. DPW staff will provide you with the C and D countywide guidelines when they are printed.

At the moment, however, most jurisdictions do not have a C and D program and it may be at least one year before they do. It would therefore be premature to place a task associated with C and D programs in the Siting Element. Rather, the C and D efforts will be included in annual updates of jurisdictional recycling plans to the Waste Board. Our plan is to include discussion of this important method of diversion in the Executive Summary of the draft summary plan that will be presented to the SANDAG Board, hopefully concurrently with the Siting Element, in September 2003.

I appreciate and thank you for your interest in the Countywide Integrated Waste Management Plan. If you have any questions or need additional information, please contact Donna Turbyfill, DPW Deputy Director of Management Services, at (858) 505-6470.

Sincerely,

JOHN L. SNYDER, Director
Department of Public Works

JLS:le

cc: Donna Turbyfill, Deputy Director (O332)
Wayne Williams, Recycling Coordinator (O344)

Multiple Species Conservation Program (MSCP)

Project Review under the San Diego County Subarea Plan
and the Biological Mitigation Ordinance

DRAFT

- f. Mature riparian woodland may not be destroyed or reduced in size due to sand, gravel and mineral extraction; and
- g. All Critical Populations of Sensitive Plant Species Within the MSCP Subarea, (Attachment C); Rare, Narrow Endemic Animal Species Within the MSCP Subarea, (Attachment D); Narrow Endemic Plant Species Within the MSCP subarea, (Attachment E); and San Diego County Sensitive Plant Species, as defined herein will be avoided as required by, and consistent with, the terms of the Subarea Plan.

Use of the extraction area after reclamation shall be subject to all requirements of this Ordinance.

- 11. Agriculturally related clearing within the MSCP Subarea, provided that such grading and clearing meets all the following requirements:
 - a. The land is not located within the Preapproved Mitigation Area shown on the Wildlife Agencies' Preapproved Mitigation Map, Attachment F.
 - b. The applicant has farmed the land during three of the last five years and intends to retain the land in agriculture for the next five years or the applicant intends to establish an agricultural operation on the particular parcel of land within one year and to retain the land in agriculture for at least ten years.
 - c. The land is not located within a floodplain.

An applicant for an agricultural clearing project meeting these requirements shall provide evidence in writing of the facts that support a - c above. In addition, the number of acres and location of the land for which the exemption is sought shall be provided. As part of the application the applicant shall sign an agreement to maintain the land in agriculture for the applicable holding period set forth in 10.b.

- 12. Parcels ten acres and under in size zoned for single family residential uses shall be allowed to conduct clearing without complying with the provisions of this ordinance in the following circumstances. To qualify for this exemption, a finding must be made that the clearing will not interfere with the assembly of the Multiple Species Conservation Plan Preserve according to the terms of the MSCP Plan and the Subarea Plan. The

20-1

20-1 Submitted via personal communication, California Native Plant Society, San Diego Chapter. Cindy Byrrascano.
"Multiple Species Conservation Plan for the county includes rare, sensitive, threatened & endangered species in it's environmental analysis for projects."

*No date.
~ end of Feb ~
(?)*

GREGORY CANYON, LTD.
991-c-404 Lomas Santa Fe Drive
Solana Beach, California 92075
Voice: 858-792-7661 Fax: 858-481-7307
e-mail: richard@chase.name

**Response to Comment Letter No. 21
Gregory Canyon, Ltd, Richard Chase**

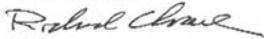
Wayne T. Williams
Recycling Coordinator
County of San Diego
Recycling Program
Department of Public Works
5469 Kearny Villa Road Suite 305
San Diego, CA 92123

Dear Mr. Williams:

This is to request that the Gregory Canyon Landfill Project be included in the Countywide Integrated Waste Management Plan Siting Element Amendment.

If you have any questions with respect to this please let me know.

Sincerely yours,



Richard Chase
Project Manager
Gregory Canyon, Ltd.

21-1

21-1 Gregory Canyon Landfill will be included as a proposed landfill.



DIANNE JACOB
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

February 20, 2003

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Fernbrook
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Granite Hills
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Yoga

Mike Meacham, Chairman
Integrated Waste Management
Technical Advisory Committee
401 B Street, Suite 800
San Diego, CA 92101

Dear Mr. Meacham:

I'm writing to request that you remove the proposed Campo landfill from the draft Integrated Waste Management Plan Countywide Siting Element update.

It's my understanding that the facility proposed for the Campo reservation does not have a fully functional Permit to Construct or a Permit to Operate. These are the permits necessary to serve as the equivalent of the required Solid Waste Facility Permit. This site does not currently have the necessary permits and it's highly doubtful that it will ever receive them.

Anyone familiar with previous attempts to open a landfill in Campo should know the fatal flaws with siting a landfill at this location. This area is totally groundwater dependent, located above a sole source aquifer. There is no alternate water source for residents of this area. The State Water Resources Control Board requires the identification of an alternate water supply of the same quality and quantity prior to operation of a solid waste facility at this location. Since there is no alternate water supply, this facility should never be allowed to operate.

As a result, it was a mistake to list the proposed Campo landfill and it should be immediately removed.

Thank you in advance for your prompt attention to this matter.

Sincerely,

DIANNE JACOB
Supervisor, Second District

DJ:mk

cc: Nan Valeric, San Diego Association of Governments
Derek Turbide, Chair, Integrated Waste Management Citizens Advisory
Committee

1600 PACIFIC HIGHWAY, ROOM 335 • SAN DIEGO, CALIFORNIA 92101-2470
(619) 531-5322 • FAX: (619) 896-7263 • TOLL FREE: 800-852-7322
250 E. MAIN STREET, SUITE 169 • EL CAJON, CALIFORNIA 92020-3941
www.diannejacob.com

**Response to Comment Letter No. 22
County of San Diego, Dianne Jacob**

12/09/03 TUE 09:10 FAX 619 409 5884

CITY MANAGERS OFFICE

002



**CITY OF
CHULA VISTA**
OFFICE OF THE CITY MANAGER

February 24, 2003

Supervisor Dianne Jacob, Second District
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Dear Supervisor Jacob:

On behalf of the Solid Waste Technical Advisory Committee (TAC) I would like to thank you for your letter of February 20, 2003 and let you know that the letter was read into the record on that date. It may be helpful for you to know that TAC's recommendation to include or not include the Campo landfill in the Siting Element will be based on a factual finding of its permit status. Additionally, TAC is not assuming that the reported status is accurate. You will be glad to know that County staff is diligently verifying the validity of the permit status with the Department of the Interior and other appropriate agencies.

While the permit status of the proposed facility may compel the TAC to include the facility in the document at some level that should not be read as TAC's endorsement of the facility. At this point the County staff has presented TAC with options for meeting the state required 15-year disposal capacity. The proposed Campo facility is part of one option to reach that mandate. TAC has not made any commitment to a particular option, and has asked County staff to include the region's transfer station capacity, as a compliment to existing landfills in meeting the region's solid waste disposal needs.

Your comments are well timed and important for TAC members to hear. The TAC also heard from Donna Tisdale and a representative of the Sierra regarding similar concerns about the proposed facility. TAC's ultimate recommendation to SANDAG on the region's ability to demonstrate adequate disposal capacity to the state will be best made if we have all the facts. Thank you for your important contribution to our understanding of the conditions at Campo. Please feel free to contact me at (619) 691-5031 if you have any questions.

Sincerely,

Michael T. Meacham
Chairperson, Technical Advisory Committee
Local Solid Waste Task Force

276 FOURTH AVENUE • CHULA VISTA • CALIFORNIA 91910 • (619) 691-5031 • (619) 409-5884

Post Consumer Recycled Paper



December 19, 2002

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

Wayne T. Williams, Recycling Coordinator
County of San Diego, Dept. of Public Works
5555 Overland Ave.
San Diego, CA 92123-1295

Dear Mr. Williams;

It has come to my attention that the County is in the process of reviewing and possibly revising its Countywide Integrated Waste Management Plan. This is a good opportunity for the County to address growing concerns about our ability to divert good materials from the landfill now and in the future.

As you are aware, our County is growing in leaps and bounds. This has created a housing shortage and many Cities are trying to fill this need as quickly as possible. Along with growing communities comes lots of trash and recyclables. My concern is that the life of our landfills will be shortened to a point that we will be paying to ship our materials elsewhere and at a very high cost! One of the most valuable ways to extend the life of our landfills is to divert the majority of biodegradable materials from them and send the material to be composted.

In 2001, the Del Mar Fairgrounds recycled or sent to compost 23,619 tons of materials and sent to the landfill 1,884 tons of trash representing a 92.6% diversion rate from the landfill. Over 22,930 tons of the above material was sent to compost. It also saved us \$940,130 in landfill fees. This is just a small segment of the biodegradable material in our County. As you can see, the ability to compost verses landfill this material just makes sense - not to mention how valuable compost is to our sandy and clay soils in California. The landfill should only be a last resort for any product or material.

The Fairgrounds sees the need for composting sites in every community in the County. Some Cities are already built up to the point that they no longer have the opportunity to have a composting site in their area. So before there is nowhere left to site areas for composting, please address some in your new Siting Element for this important and valuable resource.

Sincerely,

Nancy Strauss, Resource Conservation Coordinator
22nd District Agricultural Association
848-792-4298

2260 Jimmy Durante Boulevard • Del Mar, California 92014-2216
TELEPHONE: 858/755-1161 • FAX: 858/755-7820
<http://www.delmarfair.com/dmfinfo>

**Response to Comment Letter No. 23
Del Mar Fairgrounds, Nancy Strauss**

23-1

23-1 The County has implemented a diversion strategy in the Siting Element. Organic material will be included in that strategy. Most of the organic material diversion will go to composting.

APPENDIX B

CUBIC YARDS CONVERSION FOR SOLID WASTE

Appendix B

Appendix B contains disposal tons and landfill data for San Diego county in cubic yards as discussed in Chapter 3. Cubic yard calculations are based on 1 Ton=1.64 CY's (average of existing landfill compaction rates).

Table 3.1
San Diego County Rate of Disposal
(Millions of Cubic Yards)

Year	Total Generation (2000-2001 Actual)	Estimated Diversion %	Total Disposal (1995-2001 Actual)	Exports (1995-2001 Actual)	Imports	In-County Landfill Rate of Disposal (Disposal - Exported + Imported)
1995			4.6	0.6	0.003	4.0
1996			4.5	0.5	0.003	4.0
1997			4.7	0.6	0.004	4.1
1998			5.2	0.9	0.009	4.3
1999			5.4	0.8	0.008	4.6
2000	10.8	48%	5.6	0.4	0.013	5.3
2001	11.3	46%	6.1	0.3	0.031	5.9
2002	11.8	48%	6.1	0.5	0.015	5.7
2003	12.4	48%	6.4	0.5	0.016	5.9
2004	12.9	48%	6.6	0.5	0.016	6.2
2005	13.4	50%	6.7	0.5	0.017	6.2
2006	14.0	50%	7.0	0.5	0.017	6.5
2007	14.5	50%	7.3	0.5	0.018	6.7
2008	15.0	50%	7.5	0.6	0.018	7.0
2009	15.6	50%	7.8	0.6	0.019	7.2
2010	16.1	50%	8.1	0.6	0.019	7.5
2011	16.6	50%	8.3	0.6	0.020	7.7
2012	17.2	50%	8.6	0.6	0.020	8.0
2013	17.7	50%	8.9	0.6	0.021	8.2
2014	18.3	50%	9.1	0.7	0.021	8.5
2015	18.8	50%	9.4	0.7	0.022	8.7
2016	19.3	50%	9.7	0.7	0.023	9.0
2017	19.9	50%	9.9	0.7	0.023	9.2
2018	20.4	50%	10.2	0.7	0.024	9.5
2019	20.9	50%	10.5	0.8	0.025	9.7
2020	21.5	50%	10.7	0.8	0.025	10.0

**Table 3.3
San Diego County Physical Landfill Capacity Projection
(Millions of Cubic Yards)**

Year	In-County Landfill Rate of Disposal	Existing Physical Capacity	In-County Excess	Sycamore Canyon Expansion		Proposed Gregory Canyon		In-County Excess (Existing + Sycamore + Gregory)
				Proposed Expansion Capacity	In-County Excess (Existing + Sycamore)	Proposed Additional Capacity	In-County Excess (Existing + Gregory)	
1995	4.0							
1996	4.0							
1997	4.1							
1998	4.3							
1999	4.6							
2000	5.3							
2001	5.9							
2002	5.7	103.1	97.4					97.4
2003	5.9	97.4	91.5					91.5
2004	6.2	91.5	85.3					85.3
2005	6.2	85.3	79.1	162.0	241.1			241.1
2006	6.5	79.1	72.6		234.6	49.5	122.1	284.1
2007	6.7	72.6	65.9		227.9		115.4	277.4
2008	7.0	65.9	58.9		220.9		108.4	270.4
2009	7.2	58.9	51.7		213.7		101.2	263.2
2010	7.5	51.7	44.2		206.2		93.7	255.7
2011	7.7	44.2	36.5		198.5		86.0	248.0
2012	8.0	36.5	28.5		190.5		78.0	240.0
2013	8.2	28.5	20.3		182.3		69.8	231.8
2014	8.5	20.3	11.8		173.8		61.3	223.3
2015	8.7	11.8	3.0		165.0		52.5	214.5
2016	9.0	3.0	-6.0		156.0		43.5	205.5
2017	9.2	-6.0	-15.2		146.8		34.3	196.3
2018	9.5	-15.2	-24.7		137.3		24.8	186.8
2019	9.7	-24.7	-34.4		127.6		15.1	177.1
2020	10.0	-34.4	-44.4		117.6		5.1	167.1

**Table 3.4
San Diego County Landfill Rate of Acceptance
(Millions of Cubic Yards)**

Year	In-County Landfill Rate of Disposal	Existing Annual Permitted Rate of Acceptance	In-County Excess	Sycamore Canyon Expansion		Proposed Gregory Canyon		In-County Excess (Existing + Sycamore + Gregory)
				Proposed Additional Increase in Rate of Acceptance	In-County Excess (Existing + Sycamore)	Proposed Rate of Acceptance	In-County Excess (Existing + Gregory)	
1995	4.0							
1996	4.0							
1997	4.1							
1998	4.3							
1999	4.6							
2000	5.3	6.9						
2001	5.9	6.9	1.0					
2002	5.7	6.9	1.2					
2003	5.9	6.9	1.0					
2004	6.2	6.9	0.7					
2005	6.2	6.9	0.7	0.9	1.6			1.6
2006	6.5	6.8	0.3	0.9	1.2	1.0	1.3	2.2
2007	6.7	6.8	0.1	0.9	0.9	1.0	1.1	1.9
2008	7.0	6.8	-0.2	0.9	0.7	1.0	0.8	1.7
2009	7.2	6.8	-0.4	0.9	0.4	1.0	0.6	1.4
2010	7.5	6.8	-0.7	0.9	0.2	1.0	0.3	1.2
2011	7.7	4.5	-3.2	4.5	1.3	1.0	-2.3	2.2
2012	8.0	4.5	-3.5	4.5	1.0	1.0	-2.5	2.0
2013	8.2	4.5	-3.7	4.5	0.7	1.0	-2.8	1.7
2014	8.5	4.5	-4.0	4.5	0.5	1.0	-3.0	1.5
2015	8.7	4.5	-4.2	4.5	0.2	1.0	-3.3	1.2
2016	9.0	4.5	-4.5	4.5		1.0	-3.5	1.0
2017	9.2	4.5	-4.7	4.5	-0.2	1.0	-3.8	0.7
2018	9.5	4.5	-5.0	4.5	-0.5	1.0	-4.0	0.5
2019	9.7	4.5	-5.2	4.5	-0.7	1.0	-4.3	0.2
2020	10.0	4.5	-5.5	4.5	-1.0	1.0	-4.5	

APPENDIX C

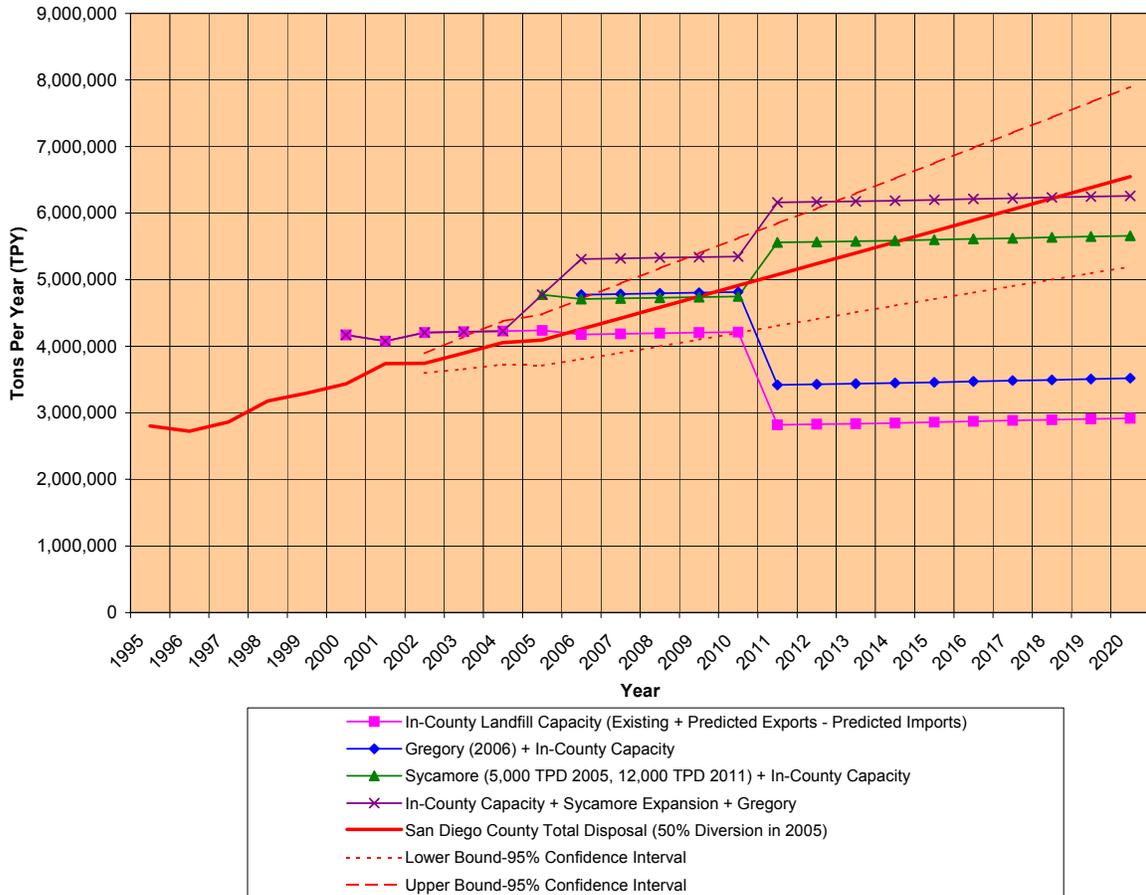
LINEAR REGRESSION ANALYSIS OF WASTE DISPOSAL REQUIREMENTS FOR SAN DIEGO COUNTY 2002 TO 2017

Confidence of the Prediction

Because of the range of the regression confidence limits on predicting disposal and generation rates (Fig 3.1), there cannot be just one point in time for predicted extinction of permitted annual disposal capacity. The nature of statistics mandates that reliance only on any given point along a regression line would be unscientific, and would not take into consideration the real variation in disposal rates as observed in the past. Regression analysis results in a range of predictive values; not just one mean value.

Considering the upper confidence limit, the planned expansion of Sycamore at a stepped increase in daily permitted disposal of first 5,000 tons per day (2005), and then 12,000 tons per day (2011) would give a predictable capacity expectancy of between 2011 and the mean of 2017. If Gregory Canyon were to open, without the Sycamore expansion, the county would have enough permitted capacity until ~2009-2010 (mean value only). According to the model, even if both facilities were approved, the county’s capacity, at estimated disposal rates, could be extended only to 2016-2017.

Using the upper confidence interval, the uncertainty of the 15-year capacity of the county landfills within this model results in potential inadequate capacity even with a 50% diversion rate. Other sources of capacity are needed to more fully assure the 15-year planning period.



MEASURING DISPOSAL FOR THE COUNTY OF SAN DIEGO TO 2020 VERY BRIEF SUMMARY OF FORECASTS

The principal use of forecasting in this project is to estimate future disposal needs at facilities in San Diego County. Besides fluctuations in exported and imported waste, there is a normal growth in disposed waste for a county due to increases in population and business activity. Additionally, disposal can be affected by increases in jurisdiction recycling and other diversion activities. No direct relationship has yet been determined between increases in a county's diversion rate as measured by the CIWMB's Adjustment Methodology and any decrease in disposal as measured by the DRS.

Consequently, this project addresses forecasts in growth of waste caused by natural increases in population and business activity. It assumes that the percent of total waste that is imported into or exported from San Diego County will remain stable over the forecast period. In San Diego County, the amount of imported waste is very small, averaging less than half a percent a year. Exported waste is a larger portion of total jurisdiction waste. The amount of San Diego County's exported waste has been steadily decreasing since 1998. In 2001, it was about 4% of total jurisdiction waste. However, sum of jurisdiction waste is not affected by the amount of exporting, and is considered the more stable series to forecast growth. This project forecasts growth in waste by both DRS total jurisdiction data, and DRS total facility data.

Disposed tons are measured by the Disposal Reporting System (DRS), which is administered by the California Integrated Waste Management Board (CIWMB). The DRS information is available on a quarterly basis, and is obtained from individual vehicles entering disposal facilities. Some facilities obtain the information from every vehicle entering the facility during a calendar quarter, while others obtain the information for a portion of the calendar quarter, and extrapolate the information to represent the entire quarter. Annual disposal tons are just the sum of the four calendar quarters in that year. Information obtained for each vehicle includes the disposal facility used, the jurisdiction(s) where the vehicle's waste came from, and the weight of the vehicle's waste.

On a countywide basis, this information can be summarized in two ways: (1) by a total for all disposal facilities in the county, and (2) by a total for all jurisdictions in the county. These totals are different for two reasons. First, some jurisdictions in San Diego County export a part of their waste to other California counties or out of state. This portion is not included in the disposal facility total for San Diego County. Second, waste from other counties is imported to San Diego County and disposed in the County's facilities. This portion is not included in the jurisdiction total for San Diego County. This information for San Diego County, from 1995 to 2001, is presented in the **BasicData** tab of the Excel file **PredictionIntervalTo2020.xls**.

The main purpose of the project was to forecast disposal facility needs to 2020. To do this, indexes of growth were developed from the Kalman Filter forecasts for sum of jurisdiction data. These indexes were then applied to the various components of San Diego County waste. The tab **SummaryData** shows the results of applying these indexes to:

1. San Diego County total DRS sum of facilities data (also graphed in the tab **DRSFacilityGraph**)
2. San Diego County non-exported waste that is generated in the County and disposed in the County (also graphed in the tab **Non-ExportedGraph**)

3. San Diego County exported waste that is generated in the County and sent elsewhere (also graphed in the tab *ExportedGraph*)
4. San Diego County imported waste that is generated outside the County and disposed in the County (also graphed in the tab *ImportedGraph*)